Agenda

Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, April 28, 2026
6:15 PM

Welcome to the Prosper Town Council Meeting.

Citizens may watch the meeting live by using the following link: www.prospertx.gov/livemeetings

Addressing the Town Council:

Those wishing to address the Town Council must complete the Public Comment Request Form located on the Town's website or in the Council Chambers.

If you are attending in person, please submit this form to the Town Secretary or the person recording the minutes for the Board/Commission prior to the meeting. When called upon, please come to the podium, and state your name and address for the record.

If you are watching online, please submit this form to the Town Secretary prior to 4:00 p.m. on the day of the meeting in order for your comments to be read into the record. The Town assumes no responsibility for technical issues beyond our control.

In compliance with the Texas Open Meetings Act, the Town Council/Board/Commission may not deliberate or vote on any matter that does not appear on the agenda. The Council/Board/Commission, however, may provide statements of fact regarding the topic, request the topic be included as part of a future meeting, and/or refer the topic to Town staff for further assistance.

Citizens and other visitors attending Town Council meetings shall observe the same rules of propriety, decorum, and good conduct applicable to members of the Town Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the Town Council or while attending the meeting shall be removed from the room, if so directed by the Mayor or presiding officer, and the person shall be barred from further audience before the Town Council during that session. Disruption of a public meeting could constitute a violation of Section 42.05 of the Texas Penal Code.

Call to Order/ Roll Call.

Invocation, Pledge of Allegiance and Pledge to the Texas Flag.

Announcements of recent and upcoming events.

Presentations.

1. America 250. (DFB)
2. Proclamation recognizing May 7, 2026, as the National Day of Prayer. (MLS)
3. Proclamation recognizing Foster Friends. (MLS)
4. Presentation from the Salvation Army of North Texas regarding the 2025 Mayor's Red Kettle Challenge. (MLS)
5. Proclamation recognizing Walnut Grove High School Boys' Soccer Team. (MLS)
6. Proclamation recognizing April 19-25, 2026, as National Library Week. (GL)

7. Proclamation recognizing May 3-9, 2026, as Municipal Clerk's Week. (MLS)

CONSENT AGENDA:

Items placed on the Consent Agenda are considered routine in nature and non-controversial. The Consent Agenda can be acted upon in one motion. Items may be removed from the Consent Agenda by the request of Council Members or staff.

8. Consider and act upon the minutes from the April 7, 2026, Town Council Work Session meeting. (MLS)

9. Consider and act upon the minutes from the April 7, 2026, Town Council Regular meeting. (MLS)

10. Consider acceptance of the March monthly financial report for fiscal year 2026. (CL)

11. Consider and act upon authorizing the Town Manager to approve the purchase and installation of traffic network infrastructure related items for the Town's Traffic Signal Communications Program, from Consolidated Traffic Controls, Inc., utilizing the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program for $472,441. (HW)

12. Consider and act upon approving the purchase of traffic intersection cameras in the amount of $134,912 from SHI Government Solutions, Inc., and authorizing the Town Manager to execute documents for the same. (LJ)

13. Consider and act upon approving the purchase of one (1) Ford F-250 Crew Cab for the Parks Department from Rush Truck Centers utilizing the Buy Board Contract Number 724-23 in the amount of $69,577 and authorizing the Town Manager to execute the same. (CJ)

14. Consider and act upon authorizing the Town Manager to execute a Contract for Services awarding RFP No. 2026-11-A to BrightView Landscape Services, Inc. for the ROW and Water Tower Locations Mowing and Landscape Maintenance Services totaling $20,884.14 for year one with four optional renewals with a total amount not to exceed $104,421. (CJ)

15. Consider and act upon a Resolution authorizing the Town Manager, and/or his/her designee, to apply for the FY 2027 Motor Vehicle Crime Prevention Authority Auto Theft Task Force Grant. (KM)

16. Consider and act upon a Resolution authorizing the Town Manager, and/or his/her designee, to apply for the FY 2027 Motor Vehicle Crime Prevention Authority Catalytic Converter Theft Prevention Grant. (KM)

17. Consider and act upon a request for a Conceptual Development Plan for Tracts B, C, and D of Planned Development-38, on 38.5± acres, located on the north side of University Drive and 805± feet west of Lakewood Drive. (DEVAPP-25-0116) (DH)

18. Consider and act upon an Ordinance to rezone J. Morton Survey, Abstract No. 793, being all of Lot 5, Block A, Middle School #9 Addition, on 18.9± acres from Agricultural to a Planned Development for an Indoor Sports Facility and Medical Offices, located on the east side of Denton Way and 480± feet north of Fishtrap Road. (ZONE-25-0007) (DH)

19. Consider and act upon authorizing the Town Manager to execute a Development Agreement between Prosper Denton Commercial LP and the Town of Prosper relative to Denton Way Office Park. (DEVAGRE-26-0003) (DH)

20. Consider and act upon an Ordinance adopting the Unified Development Code. (DH)

21. Consider and act upon whether to direct staff to submit a written notice of appeals on behalf of the Town Council to the Development Services Department, pursuant to Chapter 4, Section 1.5(C)(7) and 1.6(B)(7) of the Town's Zoning Ordinance, regarding action taken by the Planning and Zoning Commission on Preliminary Site Plans and Site Plans. (DH)

CITIZEN COMMENTS

The public is invited to address the Council on any topic. However, the Council is unable to discuss or take action on any topic not listed on this agenda. Please complete a "Public Comment Request Form" and present it to the Town Secretary prior to the meeting. Please limit your comments to three minutes. If multiple individuals wish to speak on a topic, they may yield their three minutes to one individual appointed to speak on their behalf. All individuals yielding their time must be present at the meeting, and the appointed individual will be limited to a total of 15 minutes.

REGULAR AGENDA:

Pursuant to Section 551.007 of the Texas Government Code, individuals wishing to address the Council for items listed as public hearings will be recognized when the public hearing is opened. [If you wish to address the Council, please fill out a "Public Comment Request Form" and present it to the Town Secretary, preferably before the meeting begins.]

Items for Individual Consideration:

22. Conduct a Public Hearing and consider and act upon a request for a Specific Use Permit for a Full-Service/Extended-Stay Hotel on MSW Prosper 380 Addition, Block A, Lot 1, on 5.9± acres, located on the east side of Mahard Parkway and 480± feet south of Prairie Drive. (ZONE-25-0008) (DH)

23. Conduct a Public Hearing and consider and act upon a request for a Planned Development for an Indoor Golf Simulator Facility on a part of Block 2 of the Mitchell Addition, on 0.2± acre, located on the west side of Coleman Street and 120± feet north of Fifth Street. (ZONE-25-0009) (DH)

24. Receive an update regarding the Coit Road Construction project. (HW/AG/LH)

25. Discuss and consider Town Council Subcommittee reports. (DFB)

Possibly direct Town staff to schedule topic(s) for discussion at a future meeting.

EXECUTIVE SESSION:

Recess into Closed Session in compliance with Section 551.001 et seq. Texas Government Code, as authorized by the Texas Open Meetings Act, to deliberate regarding:

Section 551.087 – To discuss and consider economic development incentives and all matters incident and related thereto.

Section 551.072 – To discuss and consider the purchase, exchange, lease, or value of real property for municipal purposes and all matters incident and related thereto.

Section 551.074 – To discuss and consider personnel matters and all matters incident and related thereto.

Section 551.074 - To deliberate the appointments to the Town Council Subcommittees.

Section 551.074 - To discuss appointments to the Board of Adjustment/Construction Board of Appeals, Parks & Recreation Board, Library Board, Prosper Economic Development Corporation Board, Planning & Zoning Commission, Community Engagement Committee, Downtown Advisory Committee, Charter Review Committee, and all matters incident and related thereto.

Section 551.071 - Consultation with the Town Attorney regarding legal issues associated with Subchapter K of Chapter 552 of the Texas Government Code and provide direction to the Town Attorney, and all matters incident and related thereto.

Section 551.071 - Consultation with the Town Attorney regarding legal issues associated with Supreme Court case of Lindke v. Freed and applicable Texas state law, and all matters incident and related thereto.

Section 551.071 - Consultation with the Town Attorney regarding pending or anticipated litigation.

Section 551.071 - Consultation with the Town Attorney regarding legal issues associated with code enforcement activities and substandard structures, law enforcement activities, and all matters incident and related thereto.

Section 551.071 - Consultation with the Town Attorney regarding legal issues relative to Article 4.11 of the Town's Code of Ordinances, and all matters incident and related thereto

Section 551.071 - Consultation with the Town Attorney to discuss legal issues associated with any Work Session or Council Meeting agenda item.

Reconvene in Regular Session and take any action necessary as a result of the Closed Session.

Adjourn.

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted at Prosper Town Hall, located at 250 W. First Street, Prosper, Texas 75078, a place convenient and readily accessible to the general public at all times, and said Notice was posted by 5:00 p.m., on Wednesay, April 22, 2026, and remained so posted at least three (3) business days before said meeting was convened.

_____ _____

Michelle Lewis Sirianni, Town Secretary Date Notice Removed

Pursuant to Section 551.071 of the Texas Government Code, the Town Council reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed on this agenda.

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS: The Prosper Town Council meetings are wheelchair accessible. For special services or assistance, please contact the Town Secretary's Office at (972) 569-1073 at least 48 hours prior to the meeting time.

MINUTES

Prosper Town Council Work Session
Prosper Town Hall – Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, April 7, 2026

Town Council Call to Order/Roll Call.

Mayor Bristol called the meeting to order at 5:05 p.m.

Council Members Present:
Mayor David F. Bristol
Mayor Pro-Tem Amy Bartley
Deputy Mayor Pro-Tem Chris Kern
Councilmember Marcus E. Ray
Councilmember Craig Andres *arrived 5:24 p.m.*
Councilmember Jeff Hodges
Councilmember Cameron Reeves

Staff Members Present:
Mario Canizares, Town Manager
Terry Welch, Town Attorney
Michelle Lewis Sirianni, Town Secretary
Chuck Ewings, Assistant Town Manager
Robyn Battle, Executive Director
Hulon Webb, Engineering Director
David Hoover, Development Services Director
Carrie Jones, Public Works Director
Chris Landrum, Finance Director
Len McCaw, Techical Project Manager/Business Analyst
Stuart Blasingame, Fire Chief
Ken Myers, Interim Police Chief
Ryan Pasko, IT Specialist II

Items for Individual Consideration:

1. **Presentation from the North Central Texas Council of Governments (NCTCOG). (DFB)**

   Mayor Bristol introduced Todd Little, Executive Director of NCTCOG.

   Mr. Little provided a brief bio and described his current role at NCTCOG. He presented an overview of the functions, programs, and roles of NCTCOG, which included their membership, projected population counts, Work Force Solutions, the Regional Transportation Council (RTC), 2050 Mobility Plan, Regional Police Academy, NCT 9-1-1, TXShare, and the Training Development Institute.

   Mayor Bristol asked Mr. Little about how to identify projects for funding. Mr. Little explained how the RTC and TXDot using long-range planning, grants, and identifying risks areas when prioritizing projects and how municipalities can apply for cost sharing on projects.

2. **Discussion regarding the Traffic Signal Communications Program. (HW/LJ/CJ)**

DRAFT

Mr. Webb presented the item with an overview of the programs objective, the capabilities of the signal operations, signal maintenance, how it assists Fire and Police as well as construction areas, and weather events. He also outlined the phases of implementation and costs associated with each and noted that staff will be brining the item back to the Town Council for consideration at the next regular meeting.

The Town Council discussed which department would maintain, condor cameras versus signal controls, and future functionalities currently being tested with AI.

3. Discuss proposed logo designs for the Craig Street elevated storage tank rehabilitation. (HW)

Mr. Webb noted this was a continuation from the last work session. Color choices were narrowed down to two based on Council's previous discussion. Staff is looking for consensus on either Sepia Brown or Black.

After discussing the color choices, four of the members were in favor of the Sepia Brown and three were in favor of Black.

EXECUTIVE SESSION:

Recess into Closed Session in compliance with Section 551.001 et seq. Texas Government Code, as authorized by the Texas Open Meetings Act, to deliberate regarding:

Section 551.087 – To discuss and consider economic development incentives and all matters incident and related thereto.

Section 551.072 – To discuss and consider the purchase, exchange, lease, or value of real property for municipal purposes and all matters incident and related thereto.

Section 551.074 – To discuss and consider personnel matters and all matters incident and related thereto.

Section 551.076 – To discuss and consider the deployment, or specific occasions for implementation, of security personnel or devices.

Section 551.074 - To deliberate the appointments to the Town Council Subcommittees.

Section 551.074 - To discuss appointments to the Board of Adjustment/Construction Board of Appeals, Parks & Recreation Board, Library Board, Prosper Economic Development Corporation Board, Planning & Zoning Commission, Community Engagement Committee, Downtown Advisory Committee, Charter Review Committee, and all matters incident and related thereto.

Section 551.071 - Consultation with the Town Attorney regarding pending or anticipated litigation.

Section 551.071 – Consultation with the Town Attorney to discuss legal issues associated with any agenda item.

Reconvene into Work Session.

No Executive Session took place.

Adjourn.

The meeting was adjourned at 5:58 p.m.

DRAFT

These minutes were approved on the 28th day of April 2026.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

DRAFT

MINUTES

Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, April 7, 2026

Call to Order/ Roll Call.

The meeting was called to order at 6:16 p.m.

Council Members Present:
Mayor David F. Bristol
Mayor Pro-Tem Amy Bartley
Deputy Mayor Pro-Tem Chris Kern
Councilmember Marcus E. Ray
Councilmember Craig Andres
Councilmember Jeff Hodges
Councilmember Cameron Reeves

Staff Members Present:
Mario Canizares, Town Manager
Terry Welch, Town Attorney
Michelle Lewis Sirianni, Town Secretary
Chuck Ewings, Assistant Town Manager
Robyn Battle, Executive Director
Tony Luton, Human Resources Director
Hulon Webb, Director of Engineering
Chris Landrum, Finance Director
David Hoover, Development Services Director
Carrie Jones, Public Works Director
Len McCaw, Technical Project Manager/Business Analyst
Stuart Blasingame, Fire Chief
Ken Myers, Interim Police Chief
Tom Davis, Assistant Police Chief
Ryan Pasko, IT Specialist II

Invocation, Pledge of Allegiance and Pledge to the Texas Flag.
Joshua Reeve with the Cause Church led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

Announcements of recent and upcoming events.
Councilmember Reeves made the following announcements:

Join in on the fun as we compete with the Town of Little Elm in the Journey of 1,000 miles. Now until Sunday, April 19, the town that logs the most steps takes home the trophy. Simply sign up for the Mayor's Fitness Challenge and log your steps. For more information, visit prospertx.gov/mayorsfitnesschallenge.

DRAFT

Join us on Thursday, April 9 from 6:30 to 8:00 p.m. for a vibrant outdoor celebration of art and music at Boyer Park. Hosted in partnership with Prosper ISD, this outdoor gallery will feature art from all four high schools and music performed by the 380 Jazz Band.

The Town of Prosper has launched the Hometown Heros Program, a special initiative recognizing local veterans as part of the United States' 250th anniversary celebration. Residents are encouraged to help identify veterans in the community who should be recognized through this program! Nominate a veteran by visiting prospertx.gov/hometownheroes. Those selected will be honored at a Town Council meeting now through July.

Registration is now open for summer camps through our Parks and Recreation Department. Sign up to explore everything from art and hands-on adventures to interactive games and recreational sports. For details on all programs, visit prosspertx.gov/programs.

Presentations.

1. **America 250. (DFB)**

   Mayor Bristol read a historical background on the "Articles of Confederation." He noted this episode along with the previous episodes can be viewed on the Town's YouTube Channel.

2. **Hometown Heroes. (CR)**

   Mayor Bristol recognized Commander James Strong. He read a brief background and presented him with a certificate from the Town, Historical Society, and Prosper Rotary.

   Mayor Bristol recognized Chief Petty Officer Brian Colaianni. He read a brief background and presented him with a certificate from the Town, Historical Society, and Prosper Rotary.

3. **Proclamation recognizing April 12-18, 2026, as National Public Safety Telecommunicators Week. (MLS)**

   Mayor Bristol read and presented a Proclamation to members of the Prosper Dispatch and Telecommunications team.

CONSENT AGENDA:

Items placed on the Consent Agenda are considered routine in nature and non-controversial. The Consent Agenda can be acted upon in one motion. Items may be removed from the Consent Agenda by the request of Council Members or staff.

4. **Consider and act upon the minutes of the March 24, 2026, Town Council Work Session meeting. (MLS)**

5. **Consider and act upon the minutes of the March 24, 2026, Town Council Regular meeting. (MLS)**

6. **Consider and act upon authorizing the Town Manager to enter into a Professional Services Agreement with Burgess and Niple, Inc. for wastewater line smoke testing services totaling $86,500. (CJ)**

DRAFT

7. **Consider and act upon authorizing the Town Manager to enter into an agreement with Fuquay, Inc., to rehabilitate 15 wastewater manholes in the amount of $216,762. (CJ)**

8. **Consider and act upon Ordinance 2026-20 amending Section 12.09.003, "Speed Limits on Specific Streets," of Chapter 12 "Traffic and Vehicles," of the Town's Code of Ordinances by modifying the prima facie speed limit on FM 1385. (HW)**

9. **Consider and act upon authorizing the Town Manager to execute any documents related to the installation of park equipment by Play and Park Structures in the amount of $916,776. (CE)**

10. **Consider and act upon whether to direct staff to submit a written notice of appeals on behalf of the Town Council to the Development Services Department, pursuant to Chapter 4, Section 1.5(C)(7) and 1.6(B)(7) of the Town's Zoning Ordinance, regarding action taken by the Planning and Zoning Commission on Preliminary Site Plans and Site Plans. (DH)**

    Mayor Pro-Tem Bartley made a motion to approve consent agenda items 4 through 10. Councilmember Reeves seconded the item. Motion carried unanimously.

CITIZEN COMMENTS

No comments were made.

Items for Individual Consideration:

11. **Discuss and consider Town Council Subcommittee reports. (DFB)**

    Finance Subcommitte: Councilmember Ray noted they received an update from the Police Chief regarding a recommendation for Community Service Officers.

    Community Engagement Committee: Mayor Pro-Tem Bartley noted they discussed events related to America 250, and the upcoming event calendar including additions to Celebrate Prosper.

    Downtown Advisory Committee: Councilmember Reeves noted they received project updates regarding the parking expansions and monumentation, and looking at conducting a review of the Downtown Master Plan.

    Capital Improvement Projects Subcommittee: Mayor Pro-Tem Bartley noted they had the opportunity to tour the City of Frisco facility for the Signal Communications Program.

Possibly direct Town staff to schedule topic(s) for discussion at a future meeting.

No comments were made.

EXECUTIVE SESSION:

Recess into Closed Session in compliance with Section 551.001 et seq. Texas Government Code, as authorized by the Texas Open Meetings Act, to deliberate regarding:

Section 551.087 – To discuss and consider economic development incentives and all matters incident and related thereto.

DRAFT

Section 551.072 – To discuss and consider the purchase, exchange, lease, or value of real property for municipal purposes and all matters incident and related thereto.

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Section 551.071 - Consultation with the Town Attorney to discuss legal issues associated with any Work Session or Council Meeting agenda item.

The Town Council recessed into Executive Session at 6:40 p.m.

Reconvene in Regular Session and take any action necessary as a result of the Closed Session.

The Town Council reconvened into Regular Session at 9:21 p.m.

No action was taken.

Adjourn.

The meeting was adjourned at 9:22 p.m.

These minutes were approved on the 28th day of April 2026.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

DRAFT

TOWN OF PROSPER
A Place Where Everyone Matters

FINANCE

To: **Mayor and Town Council**

From: **Chris Landrum, Finance Director**

Through: **Mario Canizares, Town Manager**
Bob Scott, Deputy Town Manager

Re: **March Monthly Financial Report for Fiscal Year 2026**

Town Council Meeting – April 28, 2026

Strategic Visioning Priority: 4. Provide Excellent Municipal Services

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Agenda Item:
Consider acceptance of the March monthly financial report for fiscal year 2026.

Description of Agenda Item:
The Town Charter requires the submission of monthly financial reports to the Town Council. In summary, both revenues and expenditures are within the expected ranges, except where otherwise noted in the financial statements.

Budget Impact:
There is no budgetary impact affiliated with this item.

Legal Obligations and Review:
Terrence Welch of Brown & Hofmeister, L.L.P., has approved the attached documents as to form and legality.

Attached Documents:
1. Monthly Financial Report – March 31, 2026
2. Second Quarter Financial Summary FY26

Town Staff Recommendation:
Town staff recommends Town Council vote to accept submission of the monthly financial report for the period of March for fiscal year 2026 in compliance with Town Charter requirements.

Proposed Motion:
I move to accept the March Monthly Financial Report for Fiscal Year 2026 in compliance with charter requirements.

TOWN OF PROSPER
A Place Where Everyone Matters



MONTHLY FINANCIAL REPORT
as of March 31, 2026
Cash/Budgetary Basis

Prepared by
Finance Department

April 21, 2026

TOWN OF PROSPER, TEXAS

MONTHLY FINANCIAL REPORT
March 2026

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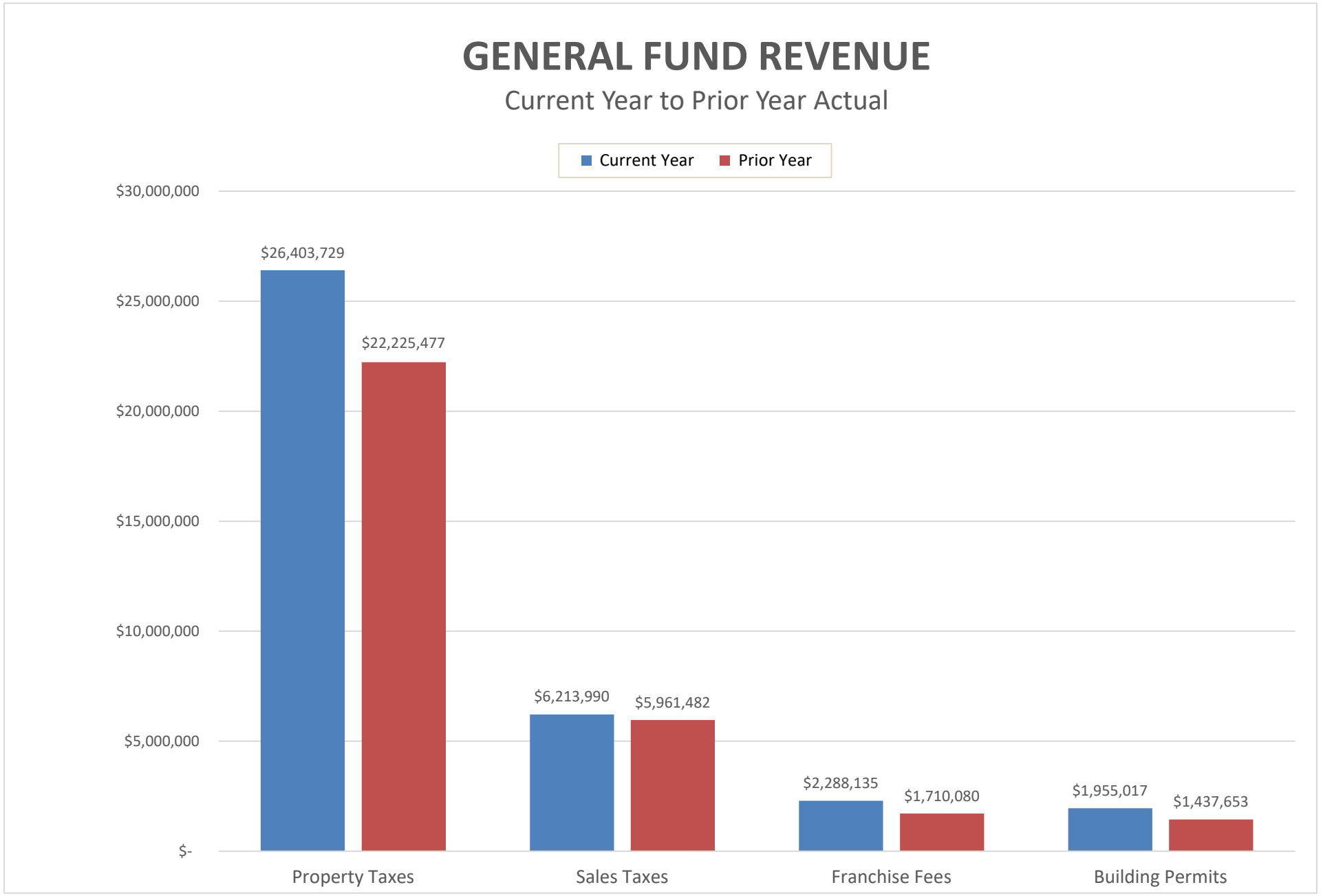
TOWN OF PROSPER, TEXAS
MONTHLY FINANCIAL REPORT
March 31, 2026
Expected Year to Date Percent 50.0%

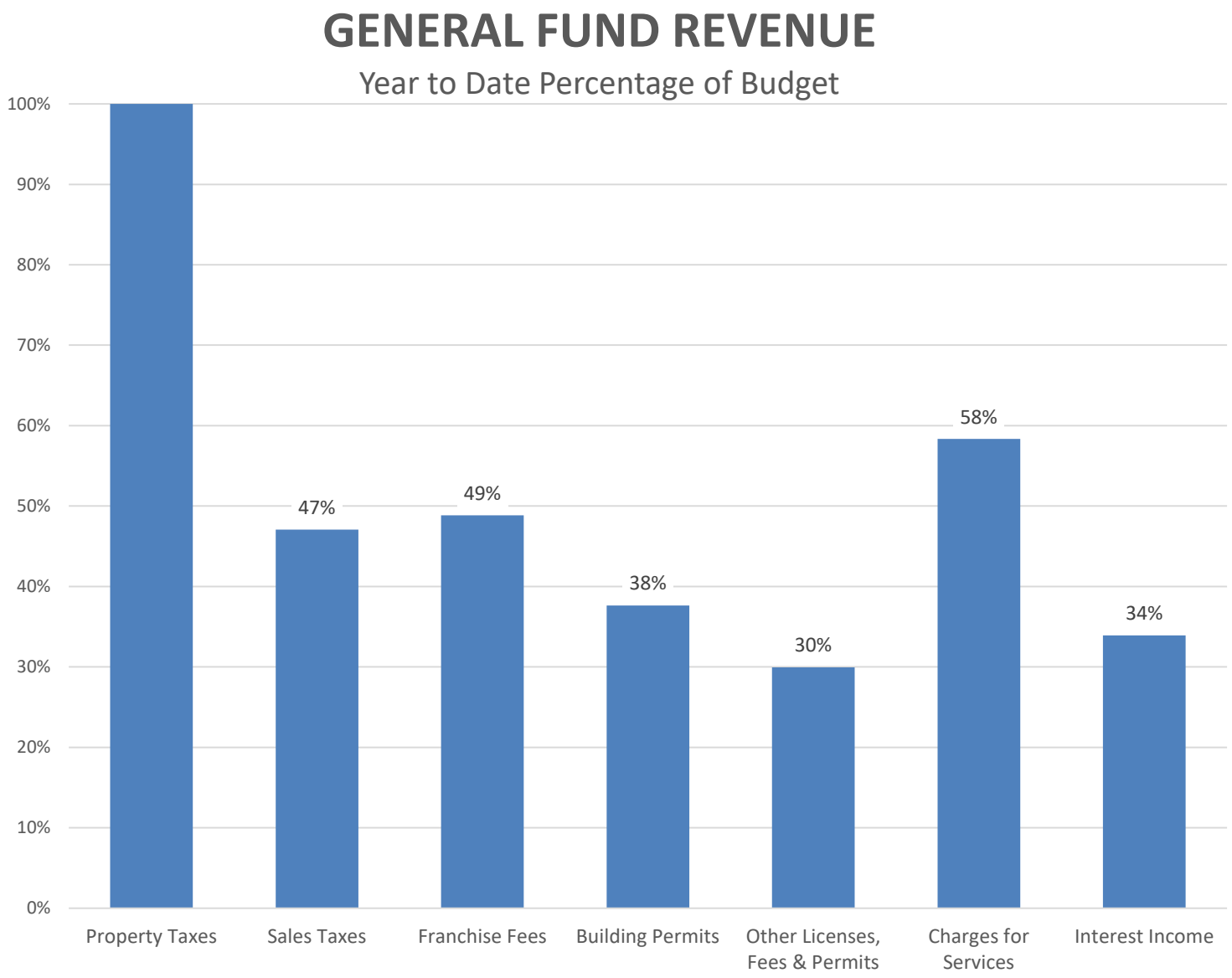
GENERAL FUND

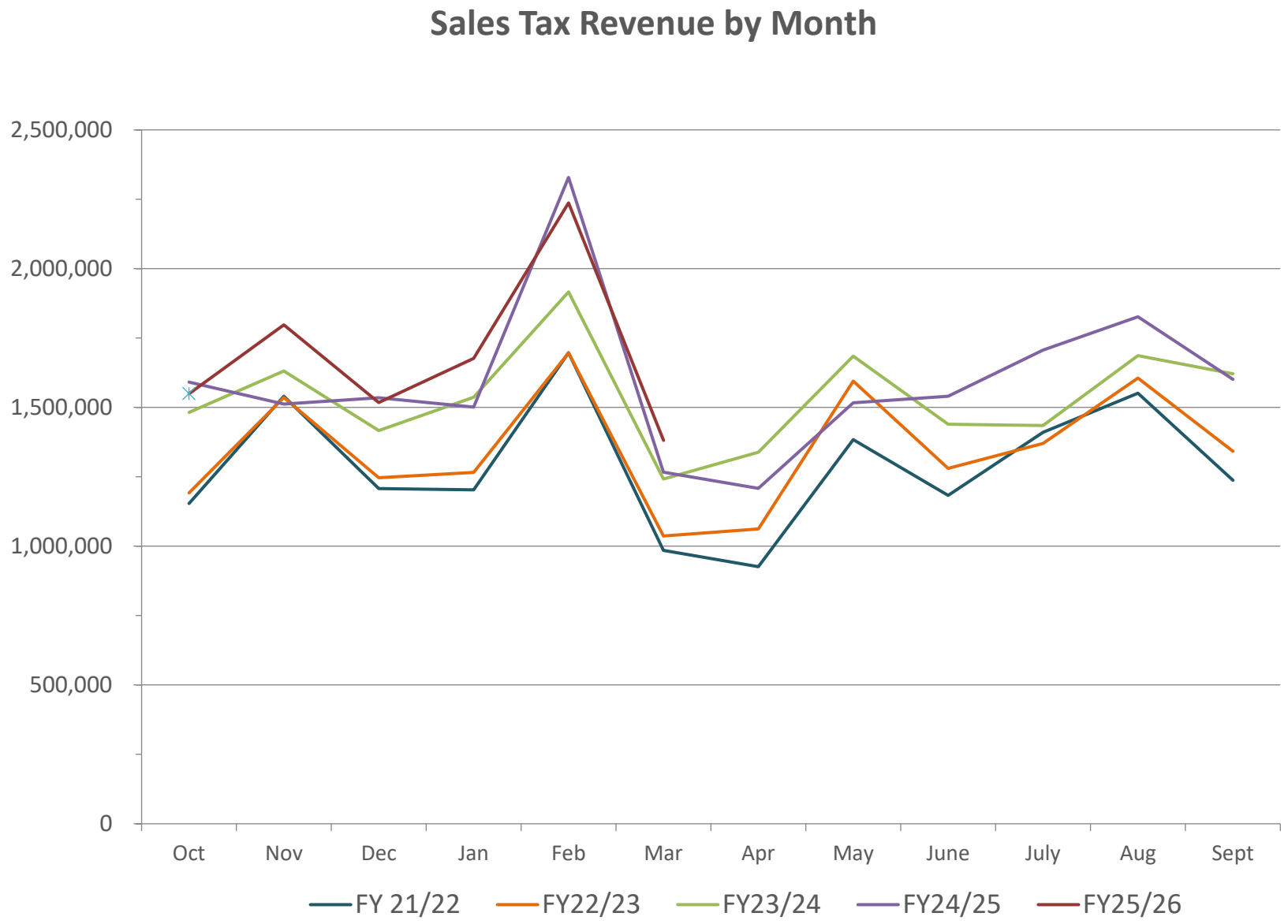
	Original Budget	Budget Adjustment	Amended Budget	Current Year YTD Actuals	Current Year Encumbrances	Current Remaining Budget Balance	YTD Percent	Note	Prior Year YTD Actuals	Change from Prior Year
REVENUES										
Property Taxes	$ 26,277,088	$ -	$ 26,277,088	$ 26,403,729	$ -	$ (126,641)	100%	1	$ 22,225,477	19%
Sales Taxes	13,199,055	-	13,199,055	6,213,990	-	6,985,065	47%	5	5,961,482	4%
Franchise Fees	4,685,174	-	4,685,174	2,288,135	-	2,397,039	49%	2	1,710,080	34%
Building Permits	5,193,641	-	5,193,641	1,955,017	-	3,238,624	38%		1,437,653	36%
Other Licenses, Fees & Permits	2,640,606	-	2,640,606	791,174	-	1,849,432	30%		1,002,305	-21%
Charges for Services	1,577,152	-	1,577,152	920,091	-	657,061	58%		904,837	2%
Fines & Warrants	581,144	-	581,144	249,955	-	331,189	43%		264,578	-6%
Intergovernmental Revenue (Grants)	1,796,663	-	1,796,663	174,305	-	1,622,358	10%		15,350	1036%
Interest Income	750,000	-	750,000	254,436	-	495,564	34%		341,436	-25%
Miscellaneous	332,071	-	332,071	293,094	-	38,977	88%		111,297	163%
Park Fees	818,041	-	818,041	281,868	-	536,173	34%		283,584	-1%
Transfers In	10,389,929	-	10,389,929	5,852,177	-	4,537,752	56%	4	739,348	692%
Total Revenues	$ 68,240,564	$ -	$ 68,240,564	$ 45,677,969	$ -	$ 22,562,595	67%		$ 34,997,426	31%
EXPENDITURES										
Administration	$ 12,177,072	$ -	$ 12,177,072	$ 5,125,503	$ 631,328	$ 6,420,241	47%	6	$ 5,413,393	-5%
Police	17,724,406	-	17,724,406	7,062,282	400,155	10,261,969	42%	3	6,130,266	15%
Fire/EMS	15,945,810	-	15,945,810	7,355,521	380,930	8,209,359	49%	3	5,509,140	34%
Public Works	5,512,375	-	5,512,375	2,010,894	818,686	2,682,794	51%	6, 7	1,826,918	10%
Community Services	9,346,688	-	9,346,688	3,614,788	1,048,915	4,682,985	50%	6	3,494,153	3%
Development Services	4,083,700	-	4,083,700	1,790,758	185,413	2,107,528	48%		1,785,392	0%
Engineering	2,708,971	-	2,708,971	1,162,635	1,224	1,545,112	43%		1,092,005	6%
Transfers Out	710,000	-	710,000	-	-	710,000	0%		-	0%
Total Expenses	$ 68,209,022	$ -	$ 68,209,022	$ 28,122,381	$ 3,466,653	$ 36,619,989	46%		$ 25,251,267	11%
REVENUE OVER (UNDER) EXPENDITURES	$ 31,542	$ -	$ 31,542	$ 17,555,588					$ 9,746,159	
Beginning Fund Balance October 1			10,828,123	10,828,123					13,226,939	
Ending Fund Balance*			$ 10,859,665	$ 28,383,711					$ 22,973,098	

Notes

1 Property taxes are billed in October and a majority of collections occur December through February. TIRZ Transfers anticpated in April, percentage may decrease.
2 Franchise fees and other various license and fees are paid quarterly or annually.
3 Higher amounts vs prior years due to Special Purpose District salaries being moved to General Fund. Offset by Transfers In.
4 Increase in Transfers In vs prior year related to transfers from Capital Project and Special Purpose District funds for salaries.
5 Quarterly filer paid early in FY25 resulting in a higher than normal October collection amount.
6 Contracts encumbered at the beginning of the year cause YTD percent to be higher than expected in early months.
7 Higher amount vs prior year due to adding market adjustments and two additional staff.
* Fund Balance Contingency per Charter and Reserve for FY26 = $11,821,706 (21%).


GENERAL FUND REVENUE
Current Year to Prior Year Actual
Current Year
Prior Year
$30,000,000
$25,000,000
$20,000,000
$15,000,000
$10,000,000
$5,000,000
$-
$26,403,729
$22,225,477
$6,213,990
$5,961,482
$2,288,135
$1,710,080
$1,955,017
$1,437,653
Property Taxes
Sales Taxes
Franchise Fees
Building Permits


GENERAL FUND REVENUE
Year to Date Percentage of Budget
100%
90%
80%
70%
60%
50%
40%
30%
20%
10%
0%
47%
49%
38%
30%
58%
34%
Property Taxes
Sales Taxes
Franchise Fees
Building Permits
Other Licenses, Fees & Permits
Charges for Services
Interest Income


Sales Tax Revenue by Month
2,500,000
2,000,000
1,500,000
1,000,000
500,000
0
Oct
Nov
Dec
Jan
Feb
Mar
Apr
May
June
July
Aug
Sept
FY 21/22
FY22/23
FY23/24
FY24/25
FY25/26

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Expected Year to Date Percent 50.0%

DEBT SERVICE FUND

	Original Budget	Budget Adjustment	Amended Budget	Current Year YTD Actual	Current Year Encumbrances	Current Remaining Budget Balance	YTD Percent	Note	Prior Year YTD Actual	Change from Prior Year
REVENUES										
Property Taxes-Delinquent	$ 75,000	$ -	$ 75,000	$ (38,407)	$ -	$ 113,407	-51%	4	$ (44,389)	-13%
Property Taxes-Current	20,684,204	-	20,684,204	20,954,990	-	(270,786)	101%	1	17,691,964	18%
Taxes-Penalties	40,000	-	40,000	34,438	-	5,562	86%		27,874	24%
Interest Income	145,000	-	145,000	91,855	-	53,145	63%		126,288	-27%
Transfer In	-	-	-	-	-	-	0%		-	0%
Total Revenues	$ 20,944,204	$ -	$ 20,944,204	$ 21,042,876	$ -	$ (98,672)	100%		$ 17,801,737	18%
EXPENDITURES										
Professional Services	$ -	$ -	$ -	$ 2,500	$ -	$ (2,500)	0%		$ -	0%
Bond Administrative Fees	20,000	-	20,000	750	-	19,250	4%		465	61%
2014 GO Bond Payment	-	-	-	550,000	-	(550,000)	0%	3	-	0%
2015 GO Bond Payment	1,444,300	-	1,444,300	1,444,300	-	-	100%		1,436,700	1%
2015 CO Bond Payment	-	-	-	-	-	-	0%		495,000	-100%
2016 GO Debt Payment	250,000	-	250,000	250,000	-	-	100%		-	0%
2016 CO Debt Payment	470,000	-	470,000	470,000	-	-	100%		105,000	348%
2017 CO Debt Payment	490,000	-	490,000	490,000	-	-	100%		480,000	2%
2018 GO Debt Payment	170,000	-	170,000	170,000	-	-	100%		160,000	6%
2018 CO Debt Payment	560,000	-	560,000	560,000	-	-	100%	2	520,000	8%
2019 CO Debt Payment	564,212	-	564,212	564,212	-	-	100%		549,266	3%
2019 GO Debt Payment	175,000	-	175,000	175,000	-	-	100%		170,000	3%
2020 CO Debt Payment	445,000	-	445,000	445,000	-	-	100%		430,000	3%
2021 CO Debt Payment	270,000	-	270,000	270,000	-	-	100%		265,000	2%
2021 GO Debt Payment	1,205,000	-	1,205,000	1,205,000	-	-	100%		1,355,000	-11%
2022 GO Debt Payment	1,070,000	-	1,070,000	1,070,000	-	-	100%		1,020,000	5%
2023 GO Debt Payment	1,340,000	-	1,340,000	1,340,000	-	-	100%		-	0%
2024 GO Debt Payment	1,035,000	-	1,035,000	1,035,000	-	-	100%		2,100,000	-51%
2025 GO Debt Payment	3,150,000	-	3,150,000	3,150,000	-	-	100%		-	0%
Bond Interest Expense	8,506,816	-	8,506,816	4,346,633	-	4,160,183	51%		4,078,331	7%
Total Expenditures	$ 21,165,328	$ -	$ 21,165,328	$ 17,538,394	$ -	$ 3,626,933	83%		$ 13,164,761	33%
REVENUE OVER (UNDER) EXPENDITURES	$ (221,124)	$ -	$ (221,124)	$ 3,504,481					$ 4,636,976	
Beginning Fund Balance October 1			1,335,683	1,335,683					1,245,232	
Ending Fund Balance Current Month			$ 1,114,559	$ 4,840,164					$ 5,882,208	

Notes

1 Property taxes are billed in October and the majority of collections occur December through February. Capital Dedicated transfers do not effect Debt Service Fund.
2 Annual debt service payments are made in February and August.
3 Redemption of the remaining $550,000 completed in November 2025.
4 Recalculation refunds greater than delinquent payments.

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EAST THOROUGHFARE IMPACT FEES FUND

	Project Budget	Current Year Original Budget	Current Year Budget Adjustment	Current Year Amended Budget	Current Year Actual	Current Year Encumbrances	Current Remaining Budget Balance	Prior Years Expenditure	Project Budget Balance
REVENUES									
East Thoroughfare Impact Fees		$ 1,200,000	$ -	$ 1,200,000	$ 823,749				
East Thoroughfare Other Revenue		-	-	-	-				
Interest Income		100,000	-	100,000	43,039				
Total Revenues		$ 1,300,000	$ -	$ 1,300,000	$ 866,787				
EXPENDITURES									
Developer Reimbursements	$ 250,000	$ 250,000	$ -	$ 250,000	$ -	$ -	$ 250,000	$ -	$ 250,000
Developer Refund (from PY)	$ -	$ -	$ -	$ -	$ 251,734				
Total Developer Reimbursements	$ 250,000	$ 250,000	$ -	$ 250,000	$ 251,734	$ -	$ 250,000	$ -	$ 250,000
Transfer to Capital Project Fund	$ 2,400,000	$ 2,400,000	$ -	$ 2,400,000	$ 2,400,000		$ -		$ -
Total Transfers Out	$ 2,400,000	$ 2,400,000	$ -	$ 2,400,000	$ 2,400,000	$ -	$ -	$ -	$ -
Total Expenditures	$ 2,650,000	$ 2,650,000	$ -	$ 2,650,000	$ 2,651,734	$ -	$ 250,000	$ -	$ 250,000
REVENUE OVER (UNDER) EXPENDITURES				$ (1,350,000)	$ (1,784,947)				
Beginning Fund Balance October 1				2,212,875	2,212,875				
Ending Fund Balance Current Month				$ 862,875	$ 427,928				

Notes

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WEST THOROUGHFARE IMPACT FEES FUND

	Project Budget	Current Year Original Budget	Current Year Budget Adjustment	Current Year Amended Budget	Current Year Actual	Current Year Encumbrances	Current Remaining Budget Balance	Prior Years Expenditure	Project Budget Balance
REVENUES									
West Thoroughfare Impact Fees		$ 4,500,000	$ -	$ 4,500,000	$ 1,583,642				
West Thoroughfare Other Revenue		-	-	-	-				
Interest Income		200,000	-	200,000	119,693				
Total Revenues		$ 4,700,000	$ -	$ 4,700,000	$ 1,703,335				
EXPENDITURES									
Developer Reimbursements									
Pk Place, Prosper Hills, Prosper Meadow	$ 4,014,469	$ 900,000	$ -	$ 900,000	$ 223,961	$ -	$ 676,039	$ 125,492	$ 3,665,016
Parks @ Legacy	6,729,293	-	-	-	407,173	-	(407,173)	6,322,119	-
Star Trail Developer Reimb	6,872,624	-	-	-	-	-	-	6,872,624	-
Legacy Garden Developer Reimb	3,407,300	-	-	-	-	-	-	511,737	2,895,563
DNT Frontier Retail	2,154,348	600,000	-	600,000	270,635	-	329,365	1,343,841	539,872
Total Developer Reimbursements	$ 23,178,034	$ 1,500,000	$ -	$ 1,500,000	$ 901,770	$ -	$ 598,230	$ 15,175,814	$ 7,100,450
Transfer to Capital Project Fund	$ 3,000,000	$ 3,000,000	$ -	$ 3,000,000	$ 3,000,000		$ -	$ -	$ -
Total Transfers Out	$ 3,000,000	$ 3,000,000	$ -	$ 3,000,000	$ 3,000,000	$ -	$ -	$ -	$ -
Total Expenditures	$ 26,828,034	$ 4,500,000	$ -	$ 4,500,000	$ 3,901,770	$ -	$ 598,230	$ 15,175,814	$ 7,750,450
REVENUE OVER (UNDER) EXPENDITURES				$ 200,000	$ (2,198,435)				
Beginning Fund Balance October 1				6,079,635	6,079,635				
Ending Fund Balance Current Month				$ 6,279,635	$ 3,881,200				

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WATER IMPACT FEES FUND

	Project Budget	Current Year Original Budget	Current Year Budget Adjustment	Current Year Amended Budget	Current Year Actual	Current Year Encumbrances	Current Remaining Budget Balance	Prior Years Expenditure	Project Budget Balance
REVENUES									
Impact Fees Water		$ 3,250,000	$ -	$ 3,250,000	$ 1,046,615				
Interest Income		200,000	-	200,000	145,696				
Total Revenues		$ 3,450,000	$ -	$ 3,450,000	$ 1,192,311				
EXPENDITURES									
Developer Reimbursements									
DNT Frontier Retail	$ 343,542	$ 200,000	$ -	$ 200,000	$ -	$ -	$ 200,000	$ 54,252	$ 289,290
Star Trail	3,200,733	500,000	-	500,000	-	-	500,000	3,200,733	-
Victory at Frontier	209,392	68,031	-	68,031	3,821	-	64,210	168,869	36,702
Pk Place, Prosper Hills, Prosper Meadow	1,406,859	1,022,502	-	1,022,502	197,158	-	825,344	-	1,209,701
Total Developer Reimbursements	$ 5,160,526	$ 1,790,533	$ -	$ 1,790,533	$ 200,979	$ -	$ 1,589,554	$ 3,423,854	$ 1,535,693
Transfer to Capital Project Fund	$ -	$ 4,300,000	$ -	$ 4,300,000	$ 4,300,000	$ -	$ -	$ -	
Total Transfers Out	$ -	$ 4,300,000	$ -	$ 4,300,000	$ 4,300,000	$ -	$ -	$ -	$ -
Total Expenditures	$ 5,160,526	$ 6,090,533	$ -	$ 6,090,533	$ 4,500,979	$ -	$ 1,589,554	$ 3,423,854	$ 1,535,693
REVENUE OVER (UNDER) EXPENDITURES				$ (2,640,533)	$ (3,308,668)				
Beginning Fund Balance October 1				7,728,595	7,728,595				
Ending Fund Balance Current Month				$ 5,088,062	$ 4,419,927				

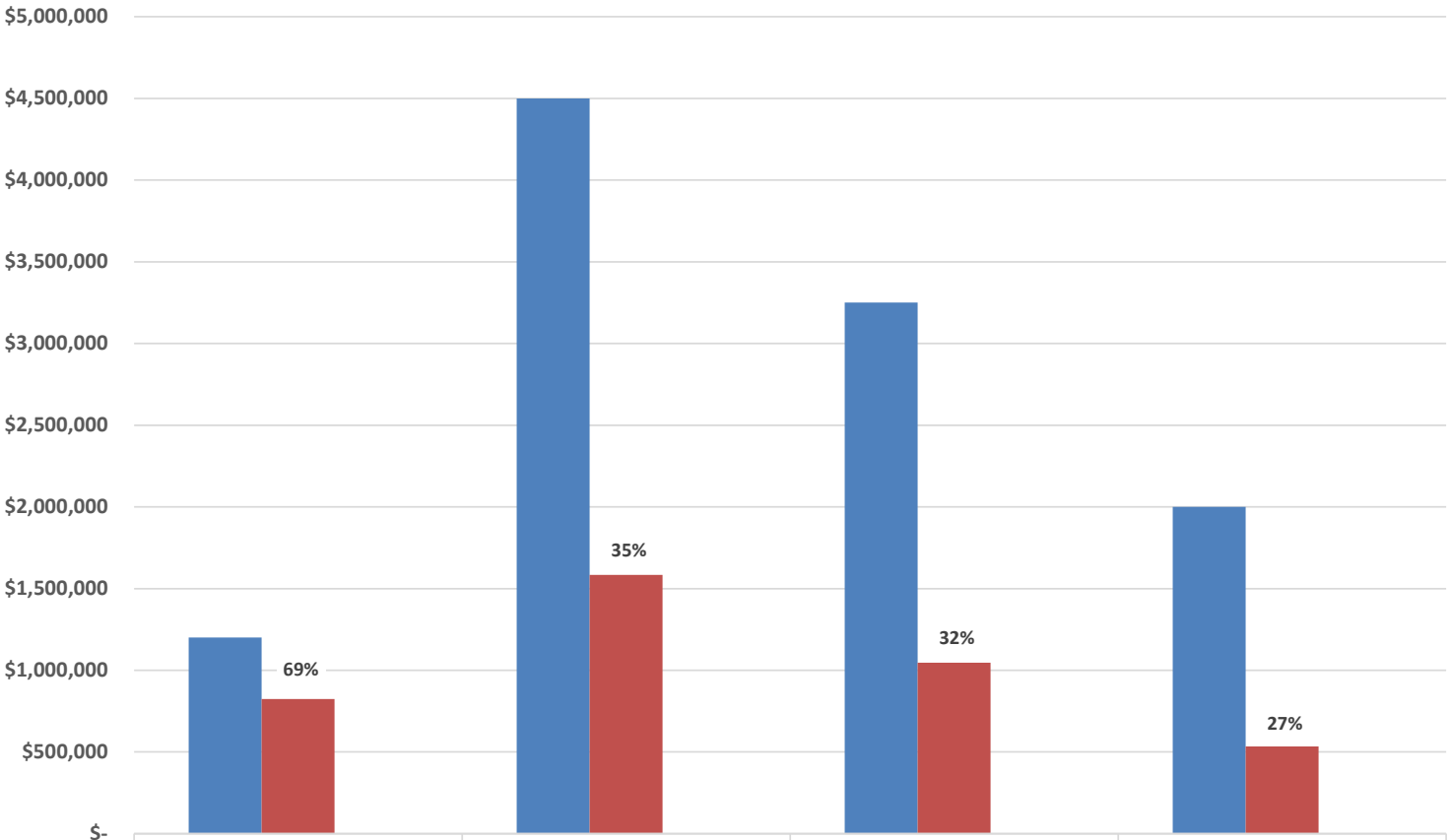
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WASTEWATER IMPACT FEES FUND

	Project Budget	Current Year Original Budget	Current Year Budget Adjustment	Current Year Amended Budget	Current Year Actual	Current Year Encumbrances	Current Remaining Budget Balance	Prior Years Expenditure	Project Budget Balance
REVENUES									
Impact Fees Wastewater		$ 2,000,000	$ -	$ 2,000,000	$ 534,573				
Interest Income		100,000	-	100,000	46,439				
Upper Trinity Equity Fee		300,000	-	300,000	68,500				
Total Revenues		$ 2,400,000	$ -	$ 2,400,000	$ 649,512				
EXPENDITURES									
Developer Reimbursements									
LaCima Developer Reimb	$ 707,235	$ 308,726	$ -	$ 308,726	$ -	$ -	$ 308,726	$ 414,818	$ 292,417
All Storage Developer Reimb	454,900	150,000	-	150,000	-	-	150,000	54,180	400,720
Pk Place, Prosper Hills, Prosper Meadow	186,169	100,000	-	100,000	-	-	100,000	-	186,169
Total Developer Reimbursements	$ 1,348,304	$ 558,726	$ -	$ 558,726	$ -	$ -	$ 558,726	$ 468,998	$ 879,306
Transfer to Capital Project Fund	$ 2,568,378	$ 2,568,378	$ -	$ 2,568,378	$ 2,568,378	$ -	$ -	$ -	$ -
Total Transfers Out	$ 2,568,378	$ 2,568,378	$ -	$ 2,568,378	$ 2,568,378	$ -	$ -	$ -	$ -
Total Expenditures	$ 3,916,682	$ 3,127,104	$ -	$ 3,127,104	$ 2,568,378	$ -	$ 558,726	$ 468,998	$ 879,306
REVENUE OVER (UNDER) EXPENDITURES				$ (727,104)	$ (1,918,866)				
Beginning Fund Balance October 1				2,463,452	2,463,452				
Ending Fund Balance Current Month				$ 1,736,348	$ 544,586				

IMPACT FEE REVENUE

YTD Actual to Annual Budget



	EAST THOROUGHFARE	WEST THOROUGHFARE	WATER	WASTEWATER
ANNUAL BUDGET	$1,200,000	4,500,000	$3,250,000	$2,000,000
YTD ACTUAL	$823,749	$1,583,642	$1,046,615	$534,573
% OF BUDGET	69%	35%	32%	27%

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TIRZ #1 - BLUE STAR

	Original Budget	Budget Adjustment	Amended Budget	Current Year YTD Actual	Current Remaining Budget Balance	YTD Percent	Note	Prior Year YTD Actual	Change from Prior Year
REVENUES									
Impact Fee Revenue:									
Water Impact Fees	$ 50,000	$ -	$ 50,000	$ 141,375	$ (91,375)	283%		$ 126,927	11%
Wastewater Impact Fees	700,000	-	700,000	245,514	454,486	35%		227,690	8%
East Thoroughfare Impact Fees	50,000	-	50,000	128,492	(78,492)	257%		41,751	208%
Property Taxes - Town (Current)	1,376,961	-	1,376,961	-	1,376,961	0%	1	1,256,338	-100%
Property Taxes - Town (Rollback)	-	-	-	-	-	0%	1	165,155	-100%
Property Taxes - County (Current)	295,022	-	295,022	-	295,022	0%	1	-	0%
Sales Taxes - Town	1,386,765	-	1,386,765	661,861	724,904	48%		631,297	5%
Sales Taxes - EDC	1,161,416	-	1,161,416	554,308	607,108	48%		528,711	5%
Interest Income	50,000	-	50,000	42,461	7,539	85%		67,163	-37%
Transfer In	-	-	-	-	-	0%		-	0%
Total Revenue	$ 5,070,164	$ -	$ 5,070,164	$ 1,774,011	$ 3,296,153	35%		$ 3,045,032	-42%
EXPENDITURES									
Professional Services	$ 3,000	$ -	$ 3,000	$ -	$ 3,000	0%		$ -	0%
Developer Reimbursement	6,480,373	-	6,480,373	-	6,480,373	0%		-	0%
Transfers Out	-	-	-	-	-	0%		-	0%
Total Expenses	$ 6,483,373	$ -	$ 6,483,373	$ -	$ 6,483,373	0%		$ -	0%
REVENUE OVER (UNDER) EXPENDITURES			$ (1,413,209)	$ 1,774,011				$ 3,045,032	
Beginning Fund Balance October 1			2,004,259	2,004,259				2,542,101	
Ending Fund Balance Current Month			$ 591,050	$ 3,778,270				$ 5,587,133	

Notes

1 Property tax documentation typically received in March to make transfer.

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Expected Year to Date Percent 50.0%

TIRZ #2

	Original Budget	Budget Adjustment	Amended Budget	Current Year YTD Actual	Current Remaining Budget Balance	YTD Percent	Note	Prior Year YTD Actual	Change from Prior Year
REVENUES									
Property Taxes - Town (Current)	$ 151,173	$ -	$ 151,173	$ -	$ 151,173	0%	1	$ 114,647	-100%
Property Taxes - Town (Rollback)	-	-	-	-	-	0%	1	-	0%
Property Taxes - County (Current)	9,285	-	9,285	-	9,285	0%	1	-	0%
Sales Taxes - Town	2,200	-	2,200	691	1,509	31%		750	-8%
Sales Taxes - EDC	2,200	-	2,200	691	1,509	31%		750	-8%
Interest Income	1,500	-	1,500	752	748	50%		920	-18%
Total Revenue	$ 166,358	$ -	$ 166,358	$ 2,133	$ 164,225	1%		$ 117,067	-98%
EXPENDITURES									
Professional Services	$ -	$ -	$ -	$ -	$ -	0%		$ -	0%
Developer Reimbursement	184,122	-	184,122	-	184,122	0%		-	0%
Transfers Out	-	-	-	-	-	0%		-	0%
Total Expenditures	$ 184,122	$ -	$ 184,122	$ -	$ 184,122	0%		$ -	0%
REVENUE OVER (UNDER) EXPENDITURES			$ (17,764)	$ 2,133				$ 117,067	
Beginning Fund Balance October 1			41,205	41,205				25,751	
Ending Fund Balance Current Month			$ 23,441	$ 43,338				$ 142,818	

Notes

1 Property tax documentation typically received in March to make transfer.

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CRIME CONTROL AND PREVENTION SPECIAL PURPOSE DISTRICT

	Original Budget	Budget Adjustment	Amended Budget	Current Year YTD Actual	Current Year Encumbrances	Current Remaining Budget Balance	YTD Percent	Note	Prior Year YTD Actual	Change from Prior Year
REVENUES										
Sales Tax - Town	$ 3,426,536	$ -	$ 3,426,536	$ 1,670,168	$ -	$ 1,756,368	49%		$ 1,572,782	6%
Interest Income	1,200	-	1,200	586	-	614	49%		3,264	-82%
Other	-	-	-	-	-	-	0%		-	0%
Total Revenue	$ 3,427,736	$ -	$ 3,427,736	$ 1,670,753	$ -	$ 1,756,983	49%		$ 1,576,047	6%
EXPENDITURES										
Personnel	$ -	$ -	$ -	$ -	$ -	$ -	0%		$ 1,127,970	-100%
Other	1,200	-	1,200	-	-	1,200	0%		715	-100%
Transfer Out	3,426,536	-	3,426,536	1,670,168	-	1,756,368	49%	1	-	0%
Total Expenditures	$ 3,427,736	$ -	$ 3,427,736	$ 1,670,168	$ -	$ 1,757,568	49%		$ 1,128,685	-200%
REVENUE OVER (UNDER) EXPENDITURES	$ -	$ -	$ -	$ 586					$ 447,362	
Beginning Fund Balance October 1			97,422	97,422					398,065	
Ending Fund Balance Current Month			$ 97,422	$ 98,008					$ 845,427	

Notes
1 Payroll costs will be tranferred monthly.

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Expected Year to Date Percent 50.0%

FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES SPECIAL PURPOSE DISTRICT

	Original Budget	Budget Adjustment	Amended Budget	Current Year YTD Actual	Current Year Encumbrances	Current Remaining Budget Balance	YTD Percent	Note	Prior Year YTD Actual	Change from Prior Year
REVENUES										
Sales Tax - Town	$ 3,460,319	$ -	$ 3,460,319	$ 1,669,181	$ -	$ 1,791,138	48%		$ 1,590,594	5%
Interest Income	600	-	600	625	-	(25)	104%		666	-6%
Other	-	-	-	-	-	-	0%		-	0%
Total Revenue	$ 3,460,919	$ -	$ 3,460,919	$ 1,669,806	$ -	$ 1,791,113	48%		$ 1,591,259	5%
EXPENDITURES										
Personnel	$ -	$ -	$ -	$ -	$ -	$ -	0%		$ 1,400,767	-100%
Other	2,400	-	2,400	-	-	2,400	0%		715	-100%
Transfer Out	3,458,519	-	3,458,519	1,669,181	-	1,789,338	48%	1	-	0%
Total Expenditures	$ 3,460,919	$ -	$ 3,460,919	$ 1,669,181	$ -	$ 1,791,738	48%		$ 1,401,482	-200%
REVENUE OVER (UNDER) EXPENDITURES	$ -	$ -	$ -	$ 625					$ 189,778	
Beginning Fund Balance October 1			75,732	75,732					382,940	
Ending Fund Balance Current Month			$ 75,732	$ 76,357					$ 572,718	

Notes
1 Payroll costs will be tranferred monthly.

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PARK DEDICATION AND IMPROVEMENT FUND

	Original Budget	Budget Adjustment	Amended Budget	Current Year YTD Actual	Current Year Encumbrances	Current Remaining Budget Balance	YTD Percent	Note	Prior Year YTD Actual	Change from Prior Year
REVENUES										
Park Dedication Fees	$ 1,550,000	$ -	$ 1,550,000	$ -	$ -	$ 1,550,000	0%		$ 638,270	-100%
Park Improvement Fees	800,000	-	800,000	4,500	-	795,500	1%		949,000	-100%
Interest - Park Dedication	20,000	-	20,000	23,657	-	(3,657)	118%		26,168	-10%
Interest - Park Improvement	20,000	-	20,000	16,122	-	3,878	81%		10,254	57%
Contributions/Grants	-	-	-	-	-	-	0%		-	0%
Transfers In	-	-	-	-	-	-	0%		-	0%
Total Revenue	$ 2,390,000	$ -	$ 2,390,000	$ 44,279	$ -	$ 2,345,721	2%		$ 1,623,691	-97%
EXPENDITURES										
Transfers Out - Park Dedication	$ 1,400,000	$ -	$ 1,400,000	$ 1,400,000	$ -	$ -	100%		$ -	0%
Park Dedication	-	-	-	-	-	-	0%		-	0%
Transfers Out - Park Improvement	750,000	-	750,000	750,000	-	-	100%		-	0%
Park Improvement	-	-	-	-	-	-	0%		-	0%
Total Expenditures	$ 2,150,000	$ -	$ 2,150,000	$ 2,150,000	$ -	$ -	100%		$ -	0%
REVENUE OVER (UNDER) EXPENDITURES	$ 240,000	$ -	$ 240,000	$ (2,105,721)					$ 1,623,691	
Beginning Fund Balance October 1			2,379,093	2,379,093					1,232,390	
Ending Fund Balance Current Month			$ 2,619,093	$ 273,372					$ 2,856,081	

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SPECIAL REVENUE FUNDS

	Original Budget	Budget Adjustment	Amended Budget	Current Year YTD Actual	Current Year Encumbrances	Current Remaining Budget Balance	YTD Percent	Note	Prior Year YTD Actual	Change from Prior Year
REVENUES										
Interest Income	$ 31,550	$ -	$ 31,550	$ 23,866	$ -	$ 7,684	76%		$ 167,471	-86%
Police Donation Revenue	15,500	-	15,500	9,814	-	5,686	63%		11,279	-13%
Cash Seizure Forfeiture	-	-	-	42,385	-	(42,385)	0%		2,759	1436%
Fire Donation Revenue	15,500	-	15,500	8,901	-	6,599	57%		8,247	8%
Child Safety Revenue	28,000	-	28,000	1,575	-	26,425	6%		9,485	-83%
Court Technology/Security Revenue	16,723	-	16,723	17,813	-	(1,090)	107%		14,536	23%
Municipal Jury revenue	170	-	170	200	-	(30)	118%		231	-13%
Tree Mitigation	300,000	-	300,000	156,595	-	143,406	52%		14,805	958%
Escrow Income	-	-	-	-	-	-	0%		-	0%
LEOSE Revenue	3,000	-	3,000	11,016	-	(8,016)	367%		10,288	7%
60-A Inspection Revenue	-	-	-	4,400	-	(4,400)	0%		-	0%
Transfer In	-	-	-	-	-	-	0%		-	0%
Total Revenue	$ 410,443	$ -	$ 410,443	$ 276,564	$ -	$ 133,879	67%		$ 239,100	16%
EXPENDITURES										
Police Donation Expense	$ 25,000	$ -	$ 25,000	$ 15,378	$ -	$ 9,622	62%		$ 3,851	299%
Police Seizure Expense	23,000	-	23,000	7,278	-	15,722	32%		500	1356%
Fire Donation Expense	10,000	-	10,000	599	-	9,401	6%		33,441	-98%
Child Safety Expense	80,000	-	80,000	4,677	-	75,323	6%		-	0%
Court Technology/Security Expense	25,060	-	25,060	-	-	25,060	0%		-	0%
Tree Mitigation Expense	-	-	-	-	-	-	0%		-	0%
LEOSE Expense	10,000	-	10,000	-	-	10,000	0%		-	0%
60-A Inspection Expense	-	-	-	-	-	-	0%		-	0%
Transfer Out (Escrow Funds)	-	-	-	-	-	-	0%		-	0%
Transfer Out (Tree Mitigation)	850,000	-	850,000	850,000	-	-	100%		-	0%
Total Expenses	$ 1,023,060	$ -	$ 1,023,060	$ 877,932	$ -	$ 145,128	86%		$ 37,792	2223%
REVENUE OVER (UNDER) EXPENDITURES	$ (612,617)	$ -	$ (612,617)	$ (601,367)					$ 201,308	
Beginning Fund Balance October 1			1,359,045	1,359,045					2,356,265	
Ending Fund Balance Current Month			$ 746,428	$ 757,678					$ 2,557,573	

TOWN OF PROSPER, TEXAS
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Expected Year to Date Percent 50.0%

HOTEL OCCUPANCY TAX FUND

	Original Budget	Budget Adjustment	Amended Budget	Current Year YTD Actual	Current Year Encumbrances	Current Remaining Budget Balance	YTD Percent	Note	Prior Year YTD Actual	Change from Prior Year
REVENUES										
Hotel Occupancy Tax	$ 302,675	$ -	$ 302,675	$ 45,267	$ -	$ 257,408	15%		$ -	0%
Interest Income	2,000	-	2,000	140	-	1,860	7%		-	0%
Other	-	-	-	-	-	-	0%		-	0%
Total Revenue	$ 304,675	$ -	$ 304,675	$ 45,407	$ -	$ 259,268	15%		$ -	0%
EXPENDITURES										
Personnel	$ -	$ -	$ -	$ -	$ -	$ -	0%		$ -	0%
Hotel Occupancy Tax Rebate	100,892	-	100,892	-	-	100,892	0%		-	0%
Other	-	-	-	-	-	-	0%		-	0%
Total Expenditures	$ 100,892	$ -	$ 100,892	$ -	$ -	$ 100,892	0%		$ -	0%
REVENUE OVER (UNDER) EXPENDITURES	$ 203,783	$ -	$ 203,783	$ 45,407					$ -	
Beginning Fund Balance October 1			-	-					-	
Ending Fund Balance Current Month			$ 203,783	$ 45,407					$ -	

Notes

* Holiday Inn Express opened November 13, 2025.

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WATER-SEWER FUND

	Original Budget	Budget Adjustment	Amended Budget	Current Year YTD Actual	Current Year Encumbrances	Current Remaining Budget Balance	YTD Percent	Note	Prior Year YTD Actual	Change from Prior Year
REVENUES										
Water Charges for Services	$ 27,821,398	$ -	$ 27,821,398	$ 9,736,200	$ -	$ 18,085,198	35%	3	$ 8,931,372	9%
Sewer Charges for Services	18,074,593	-	18,074,593	8,231,086	-	9,843,507	46%	3	6,691,357	23%
Licenses, Fees & Permits	193,000	-	193,000	116,898	-	76,102	61%	5	232,601	-50%
Utility Billing Penalties	205,500	-	205,500	121,732	-	83,768	59%		134,630	-10%
Interest Income	350,000	-	350,000	189,937	-	160,063	54%		271,846	-30%
Other	691,700	-	691,700	375,414	-	316,286	54%		360,072	4%
Transfer In	-	-	-	-	-	-	0		-	0%
Total Revenues	$ 47,336,191	$ -	$ 47,336,191	$ 18,771,268	$ -	$ 28,564,923	40%		$ 16,621,877	13%
EXPENDITURES										
Administration	$ 996,176	$ -	$ 996,176	$ 739,719	$ 74,944	$ 181,512	82%	2,4	$ 764,655	-3%
Debt Service	8,313,546	-	8,313,546	3,614,477	-	4,699,069	43%	1	2,853,209	27%
Water Purchases	15,819,798	-	15,819,798	7,477,617	-	8,342,181	47%		6,669,051	12%
Wastewater Treatment Fees	6,035,065	-	6,035,065	2,822,364	-	3,212,701	47%		3,141,551	-10%
Franchise Fee	2,172,380	-	2,172,380	982,007	-	1,190,373	45%		568,427	73%
Public Works	10,776,413	-	10,776,413	4,572,122	389,002	5,815,289	46%		4,204,206	9%
Transfer Out	1,829,753	-	1,829,753	914,876	-	914,877	50%		660,350	39%
Total Expenses	$ 45,943,131	$ -	$ 45,943,131	$ 21,123,183	$ 463,946	$ 24,356,002	47%		$ 18,861,449	12%
REVENUE OVER (UNDER) EXPENDITURES	$ 1,393,060	$ -	$ 1,393,060	$ (2,351,915)					$ (2,239,572)	
Beginning Working Capital October 1			9,120,375	9,120,375					12,212,476	
*Ending Working Capital			$ 10,513,435	$ 6,768,460					$ 9,972,904	

Notes

1 Annual debt service payments are made in February and August.
2 Contracts encumbered at the beginning of the year cause YTD percent to be higher than expected in early months.
3 Charges for services are low in the winter months and peak in summer causing revenues to show lower than expected in the early months of the fiscal year.
4 Property and Liablility insurance paid early in the fiscal year causing higher than expected YTD percentages.
5 Down from prior year due to change in processing for credit card fees.
* Minimum Ending Working Capital balance for FY26 = $10,637,474 (25%).

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Expected Year to Date Percent 50%

WATER-SEWER FUND

	Mar-26		Mar-25		Growth %
	WATER	SEWER	WATER	SEWER	Change
# of Accts Residential	14,373	13,681	13,801	13,100	4.29%
# of Accts Commercial	531	494	483	438	11.29%
Consumption-Residential	96,567,970	103,917,721	87,051,020	90,533,688	12.90%
Consumption-Commercial	21,014,760	17,121,480	21,909,480	15,987,710	0.63%
Consumption-Commercial Irrigation	14,328,700		5,068,540		182.70%
Avg Total Res Water Consumption	6,717		6,308		6.48%
Billed ($) Residential	$ 811,048	$ 1,195,474	$ 707,000	$ 943,687	14.72%
Billed ($) Commercial	$ 245,103	$ 234,417	$ 234,316	$ 179,230	4.60%
Billed ($) Commercial Irrigation	$ 141,964		$ 49,594		186.25%
Total Billed ($)	$ 1,198,116	$ 1,429,891	$ 990,910	$ 1,122,917	24.32%

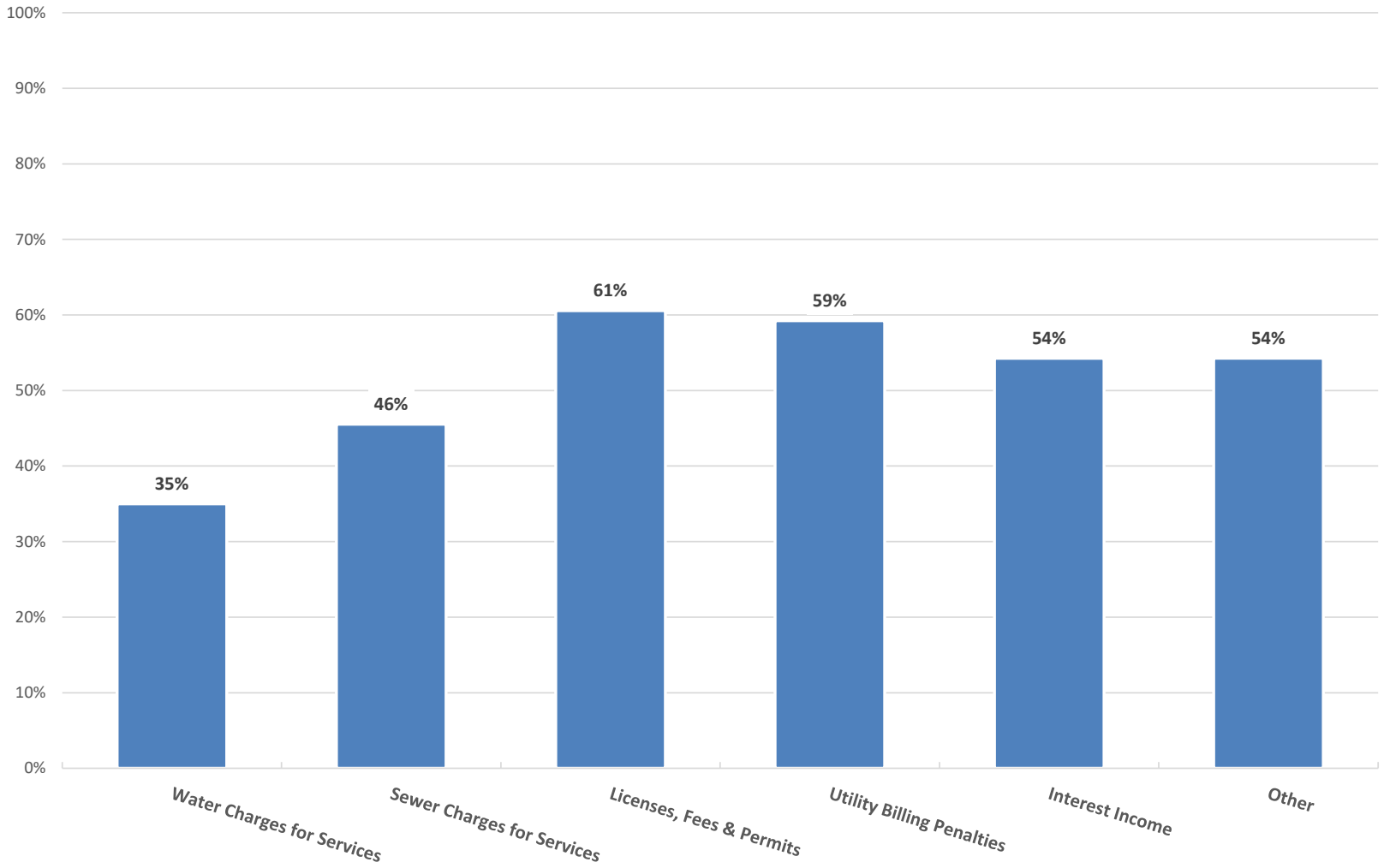
	FY2026			FY2025		
Month	**Avg. Temp (°F)**	**# Rain Days**	**Rainfall (in)**	**Avg. Temp (°F)**	**# Rain Days**	**Rainfall (in)**
October	73°	4	3.05	75°	1	0.41
November	63°	7	4.10	61°	9	4.09
December	54°	2	0.03	61°	13	5.91
January	47°	5	1.80	43°	6	5.94
February	60°	2	1.71	49°	10	2.12
March	67°	3	3.50	64°	7	1.31
April				69°	10	4.65
May				74°	10	6.07
June				82°	6	3.09
July				85°	11	2.58
August				85°	4	2.97
September				81°	6	3.08
Annual		**23**	**14.19**		**93**	**42.22**

Weather Data: https://www.wunderground.com/history/monthly/KDAL/date/2026-03

Average Total Residential Water Consumption by Month				
Month	**FY2026**	**FY2025**	**Five Year Average**	**Cumulative Average**
October	15,618	17,490	17,477	17,477
November	12,738	14,260	11,974	29,450
December	8,559	9,080	7,760	37,211
January	7,680	6,340	6,932	44,142
February	7,417	6,090	6,415	50,487
March	6,717	6,308	6,631	57,188
April		10,638	9,897	67,085
May		11,310	11,332	78,418
June		13,536	11,912	90,330
July		15,430	18,548	108,877
August		19,802	22,581	131,458
September		18,840	20,443	151,901
TOTAL (gal)	**58,729**	**149,124**	**151,901**	

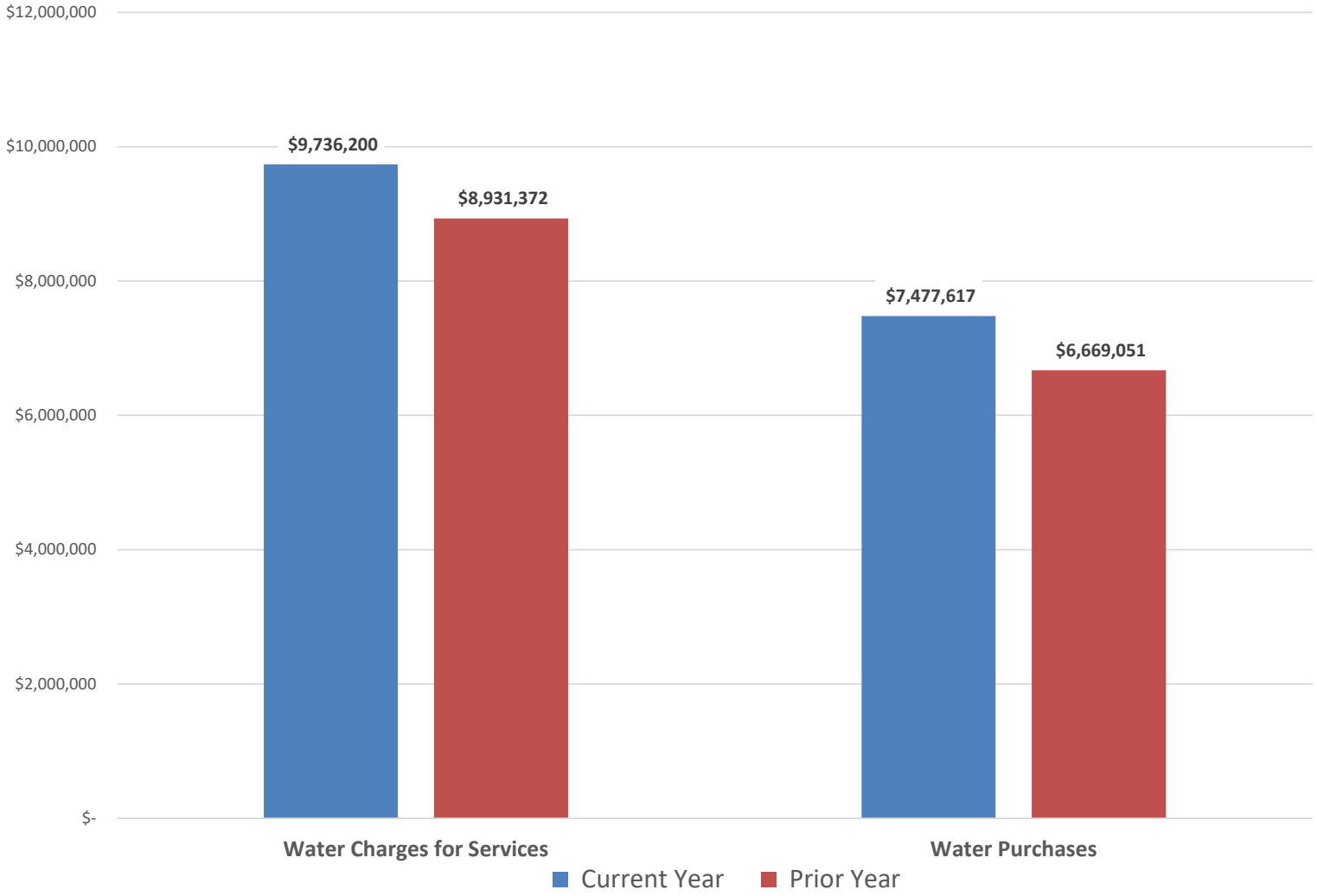
WATER SEWER FUND

REVENUE YTD % OF ANNUAL BUDGET



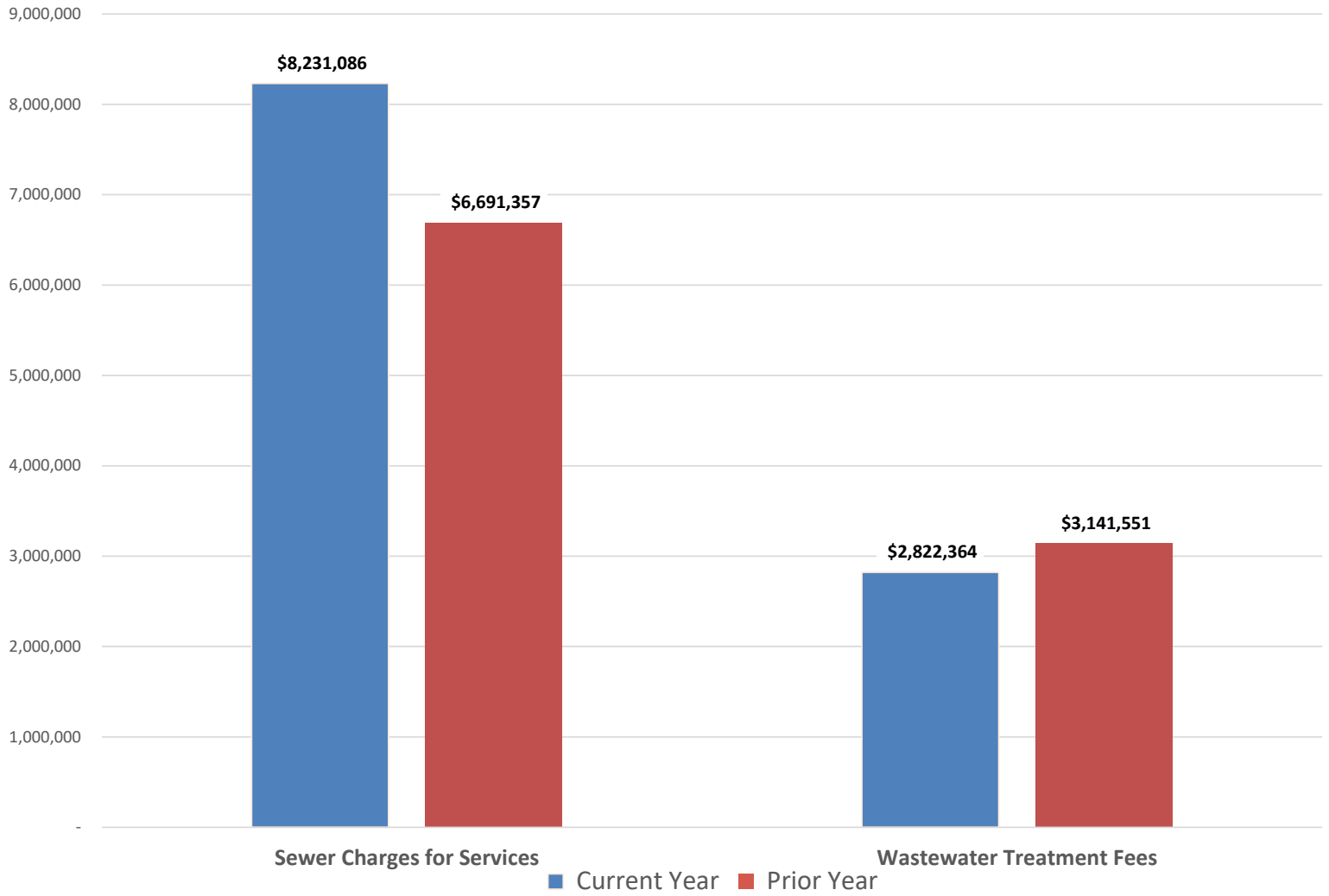
WATER REVENUE AND EXPENSE

Current YTD to Prior Year YTD Actual Comparison



SEWER REVENUE AND EXPENSE

Current YTD to Prior Year YTD Actual Comparison



Due to the timing of payments, prior year Sewer Management Fees were paid in Nov-2024

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STORMWATER DRAINAGE UTILITY FUND

	Original Budget	Budget Adjustment	Amended Budget	Current Year YTD Actual	Current Year Encumbrances	Current Remaining Budget Balance	YTD Percent	Note	Prior Year YTD Actual	Change from Prior Year
REVENUES										
Storm Drainage Utility Fee	$ 1,726,111	$ -	$ 1,726,111	$ 717,617	$ -	$ 1,008,494	42%	3	$ 487,650	47%
Drainage Review Fee	25,000	-	25,000	6,100	-	18,900	24%		-	0%
Interest Income	8,000	-	8,000	6,757	-	1,243	84%		5,040	34%
Other Revenue	-	-	-	28,050	-	(28,050)	0%		-	0%
Transfer In	-	-	-	-	-	-	0%		-	0%
Total Revenue	$ 1,759,111	$ -	$ 1,759,111	$ 758,524	$ -	$ 1,000,587	43%		$ 492,690	54%
EXPENDITURES										
Administration	$ 558,690	$ -	$ 558,690	$ 214,048	$ -	$ 344,642	38%		$ 193,845	10%
Debt Service	220,338	-	220,338	151,331	-	69,007	69%	2	133,388	13%
Operating Expenditures	119,546	(990)	118,556	33,179	1,499	83,879	29%		12,941	156%
Capital	267,374	-	267,374	-	-	267,374	0%		-	0%
Transfers Out	229,954	-	229,954	214,977	-	14,977	93%	1	78,998	172%
Total Expenses	$ 1,395,902	$ (990)	$ 1,394,912	$ 613,534	$ 1,499	$ 779,879	44%		$ 419,172	46%
REVENUE OVER (UNDER) EXPENDITURES	$ 363,209	$ 990	$ 364,199	$ 144,990					$ 73,518	
Beginning Working Capital October 1			342,877	342,877					251,393	
Ending Working Capital Current Month			$ 707,076	$ 487,867					$ 324,911	

Notes

1 Capital project funds are transferred as needed; General fund transfers are made monthly.

2 Annual debt service payments are made in February and August.

3 Stormwater fees raised for FY2026.

TOWN OF PROSPER, TEXAS
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SOLID WASTE FUND

	Original Budget	Budget Adjustment	Amended Budget	Current Year YTD Actual	Current Year Encumbrances	Current Remaining Budget Balance	YTD Percent	Note	Prior Year YTD Actual	Change from Prior Year
REVENUES										
Sanitation Charges for Services	$ 3,938,626	$ -	$ 3,938,626	$ 2,058,816	$ -	$ 1,879,810	52%	2	$ 1,735,646	19%
Interest Income	3,500	-	3,500	4,889	-	(1,389)	140%		3,418	43%
Transfer In	-	-	-	-	-	-	0%		-	0%
Total Revenues	$ 3,942,126	$ -	$ 3,942,126	$ 2,063,705	$ -	$ 1,878,421	52%		$ 1,739,065	19%
EXPENDITURES										
Administration	$ 75,588	$ (30,000)	$ 45,588	$ 30,861	$ -	$ 14,727	68%		$ 30,568	1%
Sanitation Collection	3,445,196	-	3,445,196	1,509,340	1,935,856	-	100%	1	1,211,957	25%
Capital Expenditure	-	-	-	-	120,120	(120,120)	0%		-	0%
Debt Service	257,501	-	257,501	128,750	-	128,751	50%		128,750	0%
Transfer Out	195,951	30,000	225,951	82,976	-	142,976	37%		-	0%
Total Expenses	$ 3,974,236	$ -	$ 3,974,236	$ 1,751,926	$ 2,055,976	$ 166,333	96%		$ 1,371,274	28%
REVENUE OVER (UNDER) EXPENDITURES	$ (32,110)	$ -	$ (32,110)	$ 311,778					$ 367,790	
Beginning Working Capital October 1			278,792	278,792					52,403	
Ending Working Capital			$ 246,682	$ 590,570					$ 420,193	

Notes

1 Full trash collection budget encumbered. Actual YTD spend is under expected percentage.
2 Town adopted a weekly bulk service pickup in February 2025.

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VEHICLE AND EQUIPMENT REPLACEMENT FUND

	Original Budget	Budget Adjustment	Amended Budget	Current Year YTD Actual	Current Year Encumbrances	Current Remaining Budget Balance	YTD Percent	Note	Prior Year YTD Actual	Change from Prior Year
REVENUES										
Charges for Services	$ 1,566,797	$ 5,267	$ 1,572,064	$ 786,032	$ -	$ 786,032	50%		$ 786,032	0%
Grant Revenue	-	-	-	-	-	-	0%		-	0%
Other Reimbursements	150,000	(150,000)	-	-	-	-	0%		22,325	-100%
Interest Income	250,000	-	250,000	72,862	-	177,138	29%		124,289	-41%
Auction Proceeds	-	150,000	150,000	111,150	-	38,850	74%		107,500	3%
Total Revenue	$ 1,966,797	$ 5,267	$ 1,972,064	$ 970,044	$ -	$ 1,002,020	153%		$ 1,040,146	-138%
EXPENDITURES										
Vehicle Replacement	$ 1,972,462	$ 400	$ 1,972,862	$ 518,658	$ 6,035,670	$ (4,581,466)	332%	1, 2	$ 358,169	45%
Equipment Replacement	77,706	1,089,094	1,166,800	684,990	123,444	358,366	69%	1	128,928	431%
Technology Replacement	1,089,094	(1,089,094)	-	-	-	-	0%		-	0%
Total Expenditures	$ 3,139,262	$ 400	$ 3,139,662	$ 1,203,648	$ 6,159,114	$ (4,223,099)	235%		$ 487,098	147%
REVENUE OVER (UNDER) EXPENDITURES	$ (1,172,465)	$ 4,867	$ (1,167,598)	$ (233,604)					$ 553,049	
Beginning Fund Balance October 1			17,159,865	17,159,865					6,055,897	
Ending Fund Balance Current Month			$ 15,992,267	$ 16,926,261					$ 6,608,946	

Notes

1 Contracts encumbered at the beginning of the year cause YTD percent to be higher than expected in early months.

2 Encumbrances include $4,861,328 of fire equipment on order but not expected until FY27 or later.

TOWN OF PROSPER, TEXAS
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HEALTH INSURANCE FUND

	Original Budget	Budget Adjustment	Amended Budget	Current Year YTD Actual	Current Year Encumbrances	Current Remaining Budget Balance	YTD Percent	Note	Prior Year YTD Actual	Change from Prior Year
REVENUES										
Health Charges	$ 7,231,912	$ -	$ 7,231,912	$ 2,813,909	$ -	$ 4,418,003	39%	1	$ 2,572,458	9%
Cobra and Stop Loss Reimbursements	300,000	-	300,000	248,002	-	51,998	83%	2	206,095	20%
Interest Income	20,000	-	20,000	1,836	-	18,164	9%		2,876	-36%
Transfers In	710,000	-	710,000	-	-	710,000	0%		-	0%
Total Revenue	$ 8,261,912	$ -	$ 8,261,912	$ 3,063,747	$ -	$ 5,198,165	37%		$ 2,781,429	10%
EXPENDITURES										
Contractual Services	$ 133,911	$ -	$ 133,911	$ 88,811	$ 8,840	$ 36,261	73%		$ 48,482	83%
Employee Health Insurance/Claims	8,371,480	-	8,371,480	3,542,040	-	4,829,440	42%		3,679,068	-4%
Total Expenditures	$ 8,505,391	$ -	$ 8,505,391	$ 3,630,851	$ 8,840	$ 4,865,701	43%		$ 3,727,550	-3%
REVENUE OVER (UNDER) EXPENDITURES	$ (243,479)	$ -	$ (243,479)	$ (567,104)					$ (946,121)	
Beginning Fund Balance October 1			65,965	65,965					148,135	
Ending Fund Balance Current Month			$ (177,514)	$ (501,139)					$ (797,986)	

Notes

1 Health Charges expected to increase later in the FY. New plan year starts January 2026. Additional staff bugeted February 2026.
2 Stop loss reimbursements are received after health claims are paid.

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GOVERNMENTAL CAPITAL PROJECTS FUND

	Prior Year Project Budget	Current Year Original Budget	Current Year Budget Adjustment	Life to Date Amended Budget	Current Year Actual	Current Year Encumbrances	Prior Years Expenditure	Project Budget Balance
REVENUES								
Property Taxes - Capital Dedicated		$ 10,500,000	$ (10,500,000)	$ -	$ 10,500,000			
Contributions/Interlocal Revenue		3,600,000	-	3,600,000	400,000			
Bond Proceeds - 2026 GO Bonds		23,297,062	-	23,297,062	-			
Interest Income		3,000,000	-	3,000,000	1,562,599			
Transfers In - Impact Fee Funds		5,500,000	-	5,500,000	5,400,000			
Transfers In - Tree Mitigation		850,000	-	850,000	850,000			
Transfers In - Park Dedication/Improvement		2,150,000	-	2,150,000	2,150,000			
Grants		-	-	-	547,284			
Other Revenue		-	-	-	7,287			
Transfers In		-	-	-	-			
Total Revenues		$ 48,897,062	$ (10,500,000)	$ 38,397,062	$ 21,417,170			

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GOVERNMENTAL CAPITAL PROJECTS FUND

	Prior Year Project Budget	Current Year Original Budget	Current Year Budget Adjustment	Life to Date Amended Budget	Current Year Actual	Current Year Encumbrances	Prior Years Expenditure	Project Budget Balance
EXPENDITURES								
Street & Traffic Projects								
Street Projects								
First Street (DNT - Coleman)	$ 24,758,067	$ -	$ -	$ 24,758,067	$ 51,953	$ 20,880,295	$ 3,466,462	$ 359,357
Coit Road (First-Frontier)	27,789,900	-	(6,881,407)	20,908,493	3,023,582	7,962,248	2,286,547	7,636,117
DNT Main Lane (US 380 - FM 428)	7,671,186	-	-	7,671,186	2,557,062	-	5,114,123	1
Fishtrap (Elem-DNT)	32,230,732	-	(22,051)	32,208,681	81,449	500,189	31,499,530	127,512
Teel (US380 Intersection Improv.)	-	-	493,527	493,527	493,527	-	-	-
First Street (Coit-Custer) 4 Lanes	26,563,812	-	-	26,563,812	210	-	26,372,036	191,567
Preston Road / First Street Dual Le	900,000	-	-	900,000	-	22,077	71,523	806,400
Craig Street (Preston - Fifth)	750,000	4,400,000	-	5,150,000	37,665	32,393	719,042	4,360,900
Coleman (Gorgeous - Talon)	4,022,596	15,500,000	1	19,522,597	146,891	184,312	2,847,712	16,343,681
Legacy (Prairie - Fishtrap) - 4 lan	10,000,000	-	171,519	10,171,519	-	-	10,171,519	-
Teel Parkway (US 380 - Fishtrap Rd)	6,040,289	-	26,212	6,066,501	6,237	4,161	6,056,103	-
Coit Road / US 380 SB Dual Left Tur	27,917	-	-	27,917	2,064	-	23,986	1,867
Parvin (FM 1385 - Legacy)	500,000	-	-	500,000	-	-	500,000	-
Street Impact Fee Analysis	105,627	-	-	105,627	1,750	-	57,110	46,766
US 380 Deceleration Lanes - Denton	500,000	-	-	500,000	-	-	43,600	456,400
Safety Way (Cook - Technology)	800,000	-	-	800,000	-	-	454,085	345,915
Gorgeous/McKinley	700,000	-	-	700,000	15,000	-	608,940	76,060
First Street (Coleman - Craig)	2,500,000	-	-	2,500,000	5,000	58,489	516,408	1,920,103
Gee Road (US 380 - FM 1385) - 2 NB	3,900,000	1,100,000	-	5,000,000	50,366	100,486	1,590,688	3,258,460
Frontier Parkway (Legacy - DNT)	300,000	-	-	300,000	-	-	300,000	-
Star Trail, Phase 5: Street Repairs	1,450,000	-	-	1,450,000	-	300,000	-	1,150,000
Prosper Trail (Coit - Custer) - 2 W	1,400,000	-	-	1,400,000	63,559	121,263	578,178	637,000
Windsong Parkway/US 380 Dual Left T	152,620	-	-	152,620	-	-	73,318	79,302
Legacy Drive (Prosper Tr. to P	-	-	10,000	10,000	-	259	167	9,574
Coleman St (First-Georgeous)	660,000	-	-	660,000	-	278,698	381,902	(600)
Teel Parkway (First-Freeman)	855,510	-	26,690	882,200	-	262,357	619,844	-
Legacy (First St. - Prosper Tr	200,000	-	-	200,000	134,800	-	-	65,200
Legacy (First St. - Prosper Tr	550,000	-	-	550,000	-	-	-	550,000
Prosper Trail (Legacy - DNT)	1,200,000	-	-	1,200,000	214,312	519,383	260,306	206,000
Roundabout Peer Review and Tho	28,500	-	-	28,500	4,463	-	24,038	-
West Gorgeous (McKinley-Colema	230,000	-	-	230,000	34,487	104,381	84,128	7,004
Godwin Parkway (DNT - BNSF RR)	-	2,000,000	-	2,000,000	1,000,000	-	-	1,000,000
Whitley Place/First St. - Open Spac	-	250,000	-	250,000	-	-	-	250,000
Unprogrammed Future Projects	522,874	-	(95,102)	427,772	-	-	-	427,772

TOWN OF PROSPER, TEXAS
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GOVERNMENTAL CAPITAL PROJECTS FUND

	Prior Year Project Budget	Current Year Original Budget	Current Year Budget Adjustment	Life to Date Amended Budget	Current Year Actual	Current Year Encumbrances	Prior Years Expenditure	Project Budget Balance
Street & Traffic Projects								
Traffic Projects								
Fifth Street Quiet Zone	500,000	-	-	500,000	-	-	-	500,000
Traffic Signal - Fishtrap & Artesia	525,000	140,000	(75,000)	590,000	1,305	6,707	323,079	258,909
Median Lighting US 380 (Mahard-Love	300,000	-	-	300,000	-	-	-	300,000
Traffic Signal - DNT/Frontier	281,500	-	-	281,500	-	56,637	213,560	11,303
Traffic Signal - Teel Pkway & Prair	525,000	140,000	73,720	738,720	445,190	88,142	39,304	166,084
Traffic Signal Acacia Parkway/Gee R	667,573	-	-	667,573	15,780	5,400	645,373	1,020
Traffic Signal First Street/Legacy	992,259	-	50,780	1,043,039	128,212	667,216	246,948	663
Opticom Repair/Installation	85,000	-	-	85,000	-	6,960	75,597	2,443
Gee/Lockwood Pedestrian Hybrid	357,113	-	-	357,113	163,613	72,829	113,650	7,020
First/Copper Canyon Pedestrian	331,054	-	-	331,054	163,613	50,294	108,867	8,280
First/Chaucer Pedestrian Hybri	316,374	-	-	316,374	163,613	37,813	106,658	8,290
Tr. Signal (Denton-Fishtrap)	390,428	-	-	390,428	-	-	377,974	12,454
Traffic Improvement Projects (	767,160	1,500,000	(232,500)	2,034,660	5,655	-	-	2,029,005
Traffic Signal Comunications P	495,000	-	-	495,000	-	-	-	495,000
Traffic Signal - Legacy & Prai	525,000	140,000	(49,500)	615,500	-	-	-	615,500
School Zone Flashers	140,544	-	-	140,544	-	-	140,544	-
Traffic Equipment	15,928	-	-	15,928	-	-	15,928	-
Crosswalk Development Projects	140,000	-	-	140,000	57,839	5,101	62,984	14,076
Traffic Signal - Legacy & Prosper T	-	85,000	(24,750)	60,250	-	-	-	60,250
Traffic Signal - Legacy & Starwood	-	85,000	(24,750)	60,250	-	-	-	60,250
Traffic Signal Warrant Studies	-	85,000	(35,500)	49,500	-	49,500	-	-
First St at Fire No.3 Emgcy Signal	-	-	77,500	77,500	-	77,500	-	-
La Cima Blvd at Arrowhead-PHB	-	-	77,500	77,500	-	77,500	-	-
Coit Rd at Rodgers MS - PHB	-	-	77,500	77,500	-	77,500	-	-
Total Street & Traffic Projects	$ 164,664,563	$ 25,425,000	$ (6,355,611)	$ 183,733,950	$ 9,069,196	$ 32,610,090	$ 97,191,761	$ 44,862,905

TOWN OF PROSPER, TEXAS
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GOVERNMENTAL CAPITAL PROJECTS FUND

	Prior Year Project Budget	Current Year Original Budget	Current Year Budget Adjustment	Life to Date Amended Budget	Current Year Actual	Current Year Encumbrances	Prior Years Expenditure	Project Budget Balance
Park Projects								
Neighborhood Park								
Windsong Park #3	$ 350,000	$ -	$ -	$ 350,000	$ 307,824	$ -	$ -	$ 42,176
Lakewood Preserve, Phase 2	5,587,255	-	(1)	5,587,255	8,889	5,499	5,563,948	8,919
Downtown Park (Broadway/Parvin)	1,158,240	200,000	(127,000)	1,231,240	5,345	560,817	99,058	566,020
Raymond Community Park Dam Repair	-	350,000	-	350,000	1,023	99,977	-	249,000
Playground Shade Structures - Lakew	-	200,000	-	200,000	-	-	-	200,000
Security Cameras - Raymond Communit	-	250,000	-	250,000	-	-	-	250,000
Pecan Grove & Whitley Place HOA Irr	-	125,000	-	125,000	-	-	-	125,000
Mirabella Park (Tellus)	-	500,000	-	500,000	-	-	-	500,000
Creekside Park (Shaddock)	-	445,000	-	445,000	-	-	-	445,000
Trails								
Doe Branch Trail Connections	1,684,000	-	-	1,684,000	231,888	217,339	124,111	1,110,661
Downtown Improvements								
Downtown Improvements	329,383	-	9,930	339,313	89,061	8,436	239,166	2,650
Downtown Monumentation	164,700	-	40,531	205,231	11,000	29,890	164,341	-
Downtown Monumentation, Broadway &	370,000	255,000	7,622	632,622	305	632,317	-	-
Prosper Parking Lot and Alley Impro	552,500	-	(23,168)	529,332	555	420,276	100,550	7,951
Community Park								
Raymond Community Park	24,787,000	128,000	390,000	25,305,000	4,898,049	2,289,408	17,375,181	742,362
Raymond Comm. Park, Trail/Brid	916,802	-	-	916,802	-	916,535	-	267
Froniter Park Pond Repairs	473,000	-	-	473,000	-	33,768	420,123	19,109
Frontier Park Concrete Repairs	120,000	-	-	120,000	-	-	-	120,000
Parks & Recreation Admin Facil	80,000	-	-	80,000	-	-	72,803	7,197
Doe Branch Property Masterplan	140,000	-	-	140,000	46,900	5,000	82,700	5,400
Dream Park	-	3,000,000	-	3,000,000	525	2,057,990	-	941,485
Playgr. Shade Struct.-Pecan Gr	160,000	-	-	160,000	-	-	158,923	1,077
Median/ Landscape Screening								
US 380 Green Ribbon Lndscp- Irrigat	2,295,000	-	-	2,295,000	192,662	25,233	1,601,537	475,567
Mahard Medians	-	500,000	-	500,000	8,550	41,450	-	450,000
Prairie Medians	-	250,000	-	250,000	5,400	44,600	-	200,000
Richland Median Lndscp (Prosper Com	-	150,000	-	150,000	-	-	-	150,000
Prosper Trail Screening (Preston -	550,000	-	7,000	557,000	49,339	26,236	472,986	8,439
Parks Master Plan Update	140,000	-	-	140,000	-	-	132,707	7,293
Unprogrammed Future Projects	400,190	-	(333,333)	66,857	-	-	-	66,857
Total Park Projects	$ 40,258,070	$ 6,353,000	$ (28,419)	$ 46,582,651	$ 5,857,316	$ 7,414,771	$ 26,608,134	$ 6,702,430

TOWN OF PROSPER, TEXAS
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GOVERNMENTAL CAPITAL PROJECTS FUND

	Prior Year Project Budget	Current Year Original Budget	Current Year Budget Adjustment	Life to Date Amended Budget	Current Year Actual	Current Year Encumbrances	Prior Years Expenditure	Project Budget Balance
Facility Projects								
Public Safety								
Fire Station #4 Design	$ 950,680	$ -	$ -	$ 950,680	$ 59,735	$ 49,149	$ 856,971	$ (15,175)
Fire Station #4 Other Developm	413,422	-	-	413,422	10,121	22,611	111,496	269,195
Fire Station #4 Construction	11,610,003	-	-	11,610,003	4,784,199	143,957	6,534,244	147,602
Fire Station #4 (FF&E)	700,000	-	-	700,000	300,870	97,000	-	302,130
Public Safety Fiber Ring	1,000,000	-	-	1,000,000	76,621	-	-	923,380
PD Needs Assessment	78,740	-	1	78,741	11,775	-	66,966	-
Town Hall HVAC Unit	-	-	61,933	61,933	61,933	-	-	-
Repairs Fire Station 2	-	-	57,429	57,429	57,429	-	-	-
Central Fire BAS System	-	-	65,732	65,732	-	65,732	-	-
Fire Station 2 BAS System	-	-	16,435	16,435	7,540	8,895	-	-
Fire Station 3 BAS System	-	-	39,694	39,694	26,140	13,554	-	-
Quint Fire Engine (New Central Fire	1,495,000		-	1,495,000	-	-	1,469,880	25,120
Ambulance (New Central Fire Station	495,000		-	495,000	-	-	487,388	7,612
Fire Engine Station #4	1,250,000		-	1,250,000	-	-	1,246,418	3,582
Ambulance Station #4	552,000		-	552,000	-	-	551,600	401
Non-Public Safety								
Parks & Public Works, Phase 1	5,802,938	5,397,062	8,319,788	19,519,788	287,915	17,403,956	777,468	1,050,449
Finish Out Interior Spaces Town Hal	685,416		-	685,416	260,768	4,922	419,725	-
Library Master Pan	130,000		-	130,000	8,600	5,389	116,011	-
Town Hall Repairs - N. Parking	290,892	-	7,320	298,212	244,958	2,765	50,489	-
Facility Improvement Projects	-	300,000	(241,223)	58,777	-	-	-	58,777
Unprogrammed Future Projects	511,916	-	(340,653)	171,263	-	-	-	171,263
Total Facility Projects	$ 25,966,007	$ 5,697,062	$ 7,986,456	$ 39,649,526	$ 6,198,604	$ 17,817,931	$ 12,688,657	$ 2,944,336
Transfer Out								
CIP Salaries - Streets	$ -	$ 400,000	$ -	$ 400,000	$ 400,000	$ -	$ -	$ -
CIP Salaries - Parks	-	300,000	-	300,000	300,000	-	-	-
CIP Salaries - Facilities	-	300,000	-	300,000	300,000	-	-	-
Total Expenditures	$ 230,888,640	$ 38,475,062	$ 1,602,426	$ 270,966,127	$ 22,125,115	$ 57,842,792	$ 136,488,551	$ 54,509,671
REVENUE OVER (UNDER) EXPENDITURES				$ (232,569,065)	$ (707,945)			
Beginning Fund Balance (Restricted for Capital Projects) October 1				82,578,172	82,578,172			
Ending Fund Balance (Restricted for Capital Projects) Current Month				$ (149,990,893)	$ 81,870,227			

TOWN OF PROSPER, TEXAS
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UTILITY CAPITAL PROJECTS FUND

	Prior Year Project Budget	Current Year Original Budget	Current Year Budget Adjustment	Life to Date Amended Budget	Current Year Actual	Current Year Encumbrances	Prior Year Expenditure	Project Budget Balance
REVENUES								
Interest Income		$ 807,800	$ -	$ 807,800	$ 917,894			
Bond Proceeds		26,538,619	-	26,538,619	-			
Grant Revenue		-	-	-	-			
Transfers In		-	-	-	-			
Transfers In - Impact Fee Funds		6,868,378	-	6,868,378	6,868,378			
Transfers In - Drainage Fund		200,000	-	200,000	200,000			
Total Revenues		$ 34,214,797	$ -	$ 34,214,797	$ 7,986,272			
EXPENDITURES								
Water Projects								
Lower Pressure Plane 42"	$ 18,931,100	$ -	$ (420,550)	$ 18,510,550	$ -	$ -	$ 18,510,550	$ -
LPP Water Line Phase, 2A	9,000,000		(1,080,312)	7,919,688	42	-	7,919,646	-
Water Line Relocation-Frontier Park	6,900,000	-	-	6,900,000	2,914,944	1,144,733	1,554,570	1,285,753
Parks & Public Works, Phase 1	5,600,000	-	2,395,576	7,995,576	1,959,289	5,648,280	388,007	-
DNT (Prosper Trail - Frontier Parkw	23,785	-	-	23,785	-	-	3,585	20,200
Water Impact Fee Analysis	105,627	-	-	105,627	-	-	105,487	139
DNT Water Line Relocation	37,019	-	-	37,019	-	-	25,127	11,893
5 MG Ground Storage Tank	8,100,000	5,695,000	-	13,795,000	129,822	156,511	524,677	12,983,990
Craig Street 2 MG EST Rehabili	460,000	2,540,000	-	3,000,000	106,895	188,750	73,305	2,631,050
First Street (DNT - Coleman) - 12"	-	2,500,000	-	2,500,000	-	2,500,000	-	-
US 380 30-inch Water/8" WW Line Rel	-	1,800,000	-	1,800,000	25,828	992,772	-	781,400
Godwin Pkwy Materials	-	-	261,980	261,980	261,980	-	-	-
Unprogrammed Future Projects	356,728	-	-	356,728	-	-	-	356,728
Wastewater Projects								
Doe Branch Parallel Interceptor	16,253,327	-	-	16,253,327	3,750,000	-	3,750,000	8,753,327
Upper Doe Branch WW Line	8,025,000		(1,061,980)	6,963,021	1,231,285	1,128,503	4,573,501	29,731
Sewer Impact Fee Analysis	115,947	-	-	115,947	-	-	115,807	139
Doe Branch, Phase 3 WWTP	104,946,277	-	-	104,946,277	27,500,000	3,835	33,636,712	43,805,730
Wilson Creek WW Line	400,000	-	(94,714)	305,286	-	-	305,286	-
Denton ISD WW Line Reimburseme	531,622	-	-	531,622	-	-	-	531,622
Total Water & Wastewater Projects	$ 179,786,432	$ 12,535,000	$ -	$ 192,321,431	$ 37,880,085	$ 11,763,384	$ 71,486,261	$ 71,191,702
Drainage Projects								
Old Town Regional Retention Pond #2	$ 98,386	$ 200,000	$ -	$ 298,386	$ -	$ -	$ 48,323	$ 250,063
Doe Branch Creek Erosion Control	225,000	-	-	225,000	-	14,472	183,560	26,968
Total Drainage Projects	$ 323,386	$ 200,000	$ -	$ 523,386	$ -	$ 14,472	$ 231,883	$ 277,031
Transfer Out								
CIP Salaries - Water	$ -	$ 300,000	$ -	$ 300,000	$ 300,000	$ -	$ -	$ -
CIP Salaries - Wastewater	-	200,000	-	200,000	200,000	-	-	-
Total Expenses	$ 180,109,818	$ 13,235,000	$ -	$ 193,344,817	$ 38,380,085	$ 11,777,856	$ 71,718,144	$ 71,468,733
REVENUE OVER (UNDER) EXPENDITURES				$ (159,130,020)	$ (30,393,813)			
Beginning Fund Balance (Restricted for Capital Projects) October 1				115,732,372	115,732,372			
Ending Fund Balance (Restricted for Capital Projects) Current Month				$ (43,397,648)	$ 85,338,559			

TOWN OF PROSPER
REPORT TO TOWN COUNCIL
FY 2026 RESULTS OF SECOND QUARTER ENDING MARCH 31, 2026

In compliance with the Town Charter, Town Management presents to the Council the following summary of the first quarter financial results. These results are presented on a cash/budgetary basis in which certain accruals including property taxes, sales tax, payroll, accounts payable etc. are recorded on a cash basis month by month to facilitate more timely financial reporting and then at year end are recorded for the purposes of reporting in the audited financial statements to reduce the difference between budget basis and GAAP (Generally Accepted Accounting Principles) basis.

In summary, various accounts have been over and under budget, with detailed comments discussed below. With 50% of the year now complete, results for the major operations of the funds with related commentary are:

GENERAL FUND

- Revenues total $45,677,969 or 67% of annual budget
- Property Tax Collections are 100% of annual budget
- Sales Tax Revenues are 47% of annual budget
- Franchise Fees are 49% of annual budget
- Building Permit Revenues are 38% of annual budget, an increase of 36% from the prior year.
- Expenditures total $28,122,381 or 46% of annual budget

Revenues:

It is common for a disproportionate percentage of General Fund revenues to be received early in the fiscal year. The Town's largest revenue source, property taxes, is due January 31st. In prior years, a large portion of property taxes would be paid by December 31st. This year, collections were primarily received in January 2026 and are in alignment with prior years. Sales tax revenue is 4% higher than the previous year's revenue and is projected to meet budget expectations. Many franchise fees are paid on a quarterly basis, which creates a lag early in the year, but a 34% increase in receipts from the prior year is indicative of the growing sales tax base. Building Permits are below the 50% reference point but is up 36% compared to this time last year.

Expenditures

Overall, the General Fund expenditures are in line with budget as of the reporting date, with encumbrances making up 5% of the total. A large emphasis was made to encumber expected funds early in the year to give departments a better look at actual budgets remaining as the year progresses. Fire and Police show large increases when compared to previous years. This is related to all payroll expenditures being moved from the special purpose districts to the General fund. All departments are projected to remain below budget.

IMPACT FEE REVENUES

- Street Impact Fees for East Thoroughfare Impact Fees total $823,749 which is 68% of annual budget
- Street Impact Fees for West Thoroughfare Impact Fees total $1,583,642 which is 35% of annual budget
- Water Impact Fees total $1,046,615 which is 32% of annual budget
- Wastewater Impact Fees total $534,573 which is 27% of annual budget

Due to their nature, impact fee revenue can fluctuate significantly throughout the year. West impact fees are primarily generated from single-family residential development and are recognized when builders obtain individual home permits, resulting in a more consistent flow of revenue throughout the year. In contrast, large multi-family permits are collected in a single payment, leading to greater variability.

WATER & SEWER FUND

- Revenues total $18,771,268 or 40% of annual budget which is up 13% from prior year
- Expenditures total $21,123,183 which is 47% of annual budget

Revenues

Water and sewer consumption for January through March are typically the three lowest consumption months of the year, but due to the increase in accounts we showed a combined 13% increase from the prior year. Revenue from water and sewer charges is tracking in line with budget projections, and consumption will be monitored throughout the year.

Expenditures

Due to the “take or pay” fee structures with regional providers, water and sewer expenditures typically experience less seasonal variation than revenues. Both water purchases and sewer treatment costs are below budget halfway through the year. Year-over-year increases are attributed to higher rates charged by regional suppliers. Administration expenditures are well above the 50% mark, primarily due to one-time annual payments made early in the fiscal year.

HEALTH FUND

- Expenditures total $3,630,851 which is 43% of annual budget

Health fund revenues are currently below the expected percentage. This is primarily due to vacancies, the new plan year beginning in January 2026, and new FY positions slated for hire in February 2026. Once staffing levels increase and the new rates take effect, revenues will increase to offset the early shortfall.

Mario Canizares
Town Manager

INFORMATION TECHNOLOGY, ENGINEERING SERVICES AND PUBLIC WORKS

To: **Mayor and Town Council**

From: **Carrie Jones, Director Public Works**
Hulon T. Webb, Jr., P.E., Director of Engineering Services
Leigh Johnson, Director of Information Technology

Through: **Mario Canizares, Town Manager**
Bob Scott, Deputy Town Manager
Chuck Ewings, Assistant Town Manager

Re: **Traffic Signal Communications Program**
Purchase and Install Traffic Network Infrastructure

Town Council Meeting – April 28, 2026

Strategic Visioning Priority: 4. Provide Excellent Municipal Services

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Agenda Item:

Consider and act upon authorizing the Town Manager to approve the purchase and installation of traffic network infrastructure related items for the Town's Traffic Signal Communications Program, from Consolidated Traffic Controls, Inc., utilizing the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program for $472,441.

Description of Agenda Item:

The proposal includes all materials, equipment, and labor required to support the expansion and enhancement of the Town's traffic network infrastructure. This includes installation of cameras and communications hardware on three (3) water towers, sixteen (16) traffic signals, and three (3) pedestrian hybrid beacons (HAWK signals). The cameras will be purchased from SHI Government Solutions, Inc., under a separate proposal and provided to Consolidated Traffic Controls, Inc., for installation as part of this project.

Local governments are authorized by the Interlocal Cooperation Act, V.T.C.A. Government Code, Chapter 791, to enter into joint contracts and agreements for the performance of governmental functions and services, including administrative functions normally associated with the operation of government (such as purchasing necessary materials and equipment).

The Town of Prosper and HGAC entered into an Interlocal Agreement, effective January 4, 2001, which allows our local government to purchase certain goods or services through HGAC. The agreement automatically renews each fiscal year, unless cancelled by either party

Budget Impact:

The amount of $472,441 is a budgeted expense and will be funded from Account Number TR202502-CONST-CONST.

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has approved the attached documents as to form and legality.

Attached Documents:

1. HGAC Contract Pricing Worksheet

Town Staff Recommendation:

Town Staff recommends the Town Council authorize the Town Manager to approve the purchase and installation of traffic network infrastructure related items for the Town's Traffic Signal Communications Program, from Consolidated Traffic Controls, Inc., utilizing the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program for $472,441.

Proposed Motion:

I move to authorize the Town Manager to approve the purchase and installation of traffic network infrastructure related items for the Town's Traffic Signal Communications Program, from Consolidated Traffic Controls, Inc., utilizing the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program for $472,441.

Consolidated Traffic Controls, Inc.
Serving The Traffic Signal Industry Since 1980

TOWN COUNCIL PROJECT APPROVAL SUMMARY

Project Name: Prosper Network Infrastructure Improvements
Prepared By: Consolidated Traffic Controls, Inc.
Date: April 2, 2026

Proposal Summary

Description	Total Cost
Prosper Core Network	$122,936.00
Prosper Network Phase 2	$349,505.00
Total Combined Cost	$472,441.00

Project Description

These proposals include the materials, equipment, and labor required to support the expansion and enhancement of the Town of Prosper's traffic network infrastructure. All pricing is based on current H-GAC contract pricing and has been verified for accuracy.

Pricing Statement

Pricing is valid at the time of submission and reflects current manufacturer pricing under Contract PE-05-21. No additional costs or escalation are included.

Approval

Approved by Town Council on: _____

Town Manager Signature: _____

Name: _____

Date: _____

HGACBuy	CONTRACT PRICING WORKSHEET For Catalog & Price Sheet Type Purchases	Contract No.:	PE-05-21	Date Prepared:	12/23/2025

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.

Buying Agency:	Prosper	**Contractor:**	Consolidated Traffic Controls, Inc.
Contact Person:	Hulon Webb	**Prepared By:**	Bobby Hale
Phone:	972-346-3502	**Phone:**	800-448-8841
Fax:		**Fax:**	800-448-8850
Email:	hulon.webb@prospertx.gov	**Email:**	Bobby.Hale@ctc-traffic.com

Catalog / Price Sheet Name:	Traffic Control, Enforcement & Signal Preemption Equipment
General Description of Product:	Traffic Control Equipment

A. Catalog / Price Sheet Items being purchased - Itemize Below - Attach Additional Sheet If Necessary

-

Line Number	Quan	Description	Unit Pr	Total
728	5	800-00087-002 Ethernet Cable - 1000 ft with RJ45	$ 1,615.00	$ 8,075.00
1476	3	EPOW-54-400 Power Supply, Hardened (-40C - +75C) External 100-277 VAC Input; TS2 rated; 400W, 54VDC, 0·	$ 347.00	$ 1,041.00
1481	24	EW75000-13MP Hardened (-40°C - 75°C) Managed IP67 Single Band 802.11ac, Wireless Access Point with 5GHz/	$ 1,464.00	$ 35,136.00
1597	3	EX78934X-0VB Hardened (-40°C - 75°C) Managed LL3 Gigabit Ethernet PoE Switch with 12 Gigabit PoE Ports +	$ 3,746.00	$ 11,238.00
1670	24	PD1041 Hardened (-40°C - 75°C) Gigabit PoE Surge Protection Device, supporting 10/100/1000BaseT and 802.3at	$ 135.00	$ 3,240.00
1682	2	SFPGIS10M SFP Module, Hardened (-40C - +75C) Gigabit, Gigabit SM 10KM, LC Connector, DDM	$ 243.00	$ 486.00
3097	32	CTCINSTALL On Site Time One Man and Pickup Truck (2 Hr minimum including drive time)	$ 180.00	$ 5,760.00
3099	306	CTCINSTALL Second Man with a Pickup to be used as a Crash Truck (Use whenever a bucket truck is needed on a t	$ 180.00	$ 55,080.00
3107	16	CTCINSTALL Mobilization Charge Per Hour (includes Site Survey and Line Locates)	$ 180.00	$ 2,880.00
			Total From Other Sheets, If Any:	
			Subtotal A:	**$ 122,936.00**

B. Unpublished Options, Accessory or Service items - Itemize Below - Attach Additional Sheet If Necessary
(Note: Unpublished Items are any which were not submitted and priced in contractor's bid.)

Quan	Description	Unit Pr	Total
			$ -
			$ -
			$ -
			$ -
		Total From Other Sheets, If Any:	
		Subtotal B:	**$ -**

Check: The total cost of Unpublished Options (Subtotal B) cannot exceed 25% of the total from Section A. **For this transaction the percentage is:** 0%

C. Other Allowances, Discounts, Trade-Ins, Freight, Make Ready or Miscellaneous Charges

Quan	Description	Unit Pr	Total
			$ -
			$ -
		Subtotal C:	**$ -**

Delivery Date:	**30 to 45 Days ARO**	**D. Total Purchase Price (A+B+C):**	**$ 122,936.00**

HGACBuy	CONTRACT PRICING WORKSHEET For Catalog & Price Sheet Type Purchases	Contract No.:	PE-05-21	Date Prepared:	2/4/2026

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.

Buying Agency:	Prosper	**Contractor:**	Consolidated Traffic Controls, Inc.
Contact Person:	Hulon Webb	**Prepared By:**	Bobby Hale
Phone:	972-346-3502	**Phone:**	800-448-8841
Fax:		**Fax:**	800-448-8850
Email:	hulon.webb@prospertx.gov	**Email:**	Bobby.Hale@ctc-traffic.com

Catalog / Price Sheet Name:	Traffic Control, Enforcement & Signal Preemption Equipment
General Description of Product:	Traffic Control Equipment

A. Catalog / Price Sheet Items being purchased - Itemize Below - Attach Additional Sheet If Necessary

-

Line Number	Quan	Description	Unit Pr	Total
728	10	800-00087-002 Ethernet Cable - 1000 ft with RJ45	$ 1,615.00	$ 16,150.00
1234	40	AG-3055-120-PNC Astro-Brac Clamp Kit, Galaxy Hinged, 120" Galv Cable, Alum	$ 137.00	$ 5,480.00
1382	6	EASYPOEBOX4F NEMA 4/4X Indoor/Outdoor Cabinet with Integrated PoE Switch. Managed Gigabit Ethernet Pol	$ 2,133.00	$ 12,798.00
1476	19	EPOW-54-400 Power Supply, Hardened (-40C - +75C) External 100-277 VAC Input; TS2 rated; 400W, 54VDC, 0·	$ 347.00	$ 6,593.00
1481	40	EW75000-13MP Hardened (-40°C - 75°C) Managed IP67 Single Band 802.11ac, Wireless Access Point with 5GHz/	$ 1,464.00	$ 58,560.00
1572	19	EX75964-0VTU Hardened (-40°C - 75°C) Managed Ethernet Switch, 24 10/100/1000BASE-TX 802.3bt PoE ports	$ 4,412.00	$ 83,828.00
1668	6	PC-183-72 Power Cord, 6' 18AWG / 3C Unshielded, NEMA 5-15P Plug, ROJ 2 5/8" Stripped	$ 16.00	$ 96.00
1670	40	PD1041 Hardened (-40°C - 75°C) Gigabit PoE Surge Protection Device, supporting 10/100/1000BaseT and 802.3at	$ 135.00	$ 5,400.00
2736	40	201106-74 5 Section Gusseted Tube	$ 85.00	$ 3,400.00
3095	640	CTCINSTALL Driving Time One Man and Pickup Truck ($120 for the Man, $60 for Truck)	$ 180.00	$ 115,200.00
3099	100	CTCINSTALL Second Man with a Pickup to be used as a Crash Truck (Use whenever a bucket truck is needed on a t	$ 180.00	$ 18,000.00
3100	320	CTCINSTALLBUC Bucket Truck Upcharge (Include Both Drive and On Site Time)	$ 75.00	$ 24,000.00
			Total From Other Sheets, If Any:	
			Subtotal A:	**$ 349,505.00**

B. Unpublished Options, Accessory or Service items - Itemize Below - Attach Additional Sheet If Necessary

(Note: Unpublished Items are any which were not submitted and priced in contractor's bid.)

Quan	Description	Unit Pr	Total
			$ -
			$ -
			$ -
			$ -
		Total From Other Sheets, If Any:	
		Subtotal B:	**$ -**

Check: The total cost of Unpublished Options (Subtotal B) cannot exceed 25% of the total from Section A. **For this transaction the percentage is:** 0%

C. Other Allowances, Discounts, Trade-Ins, Freight, Make Ready or Miscellaneous Charges

Quan	Description	Unit Pr	Total
			$ -
			$ -
		Subtotal C:	**$ -**

Delivery Date:	**30 to 45 Days ARO**	**D. Total Purchase Price (A+B+C):**	**$ 349,505.00**

TOWN OF PROSPER
A Place Where Everyone Matters

INFORMATION TECHNOLOGY

To: **Mayor and Town Council**

From: **Leigh Johnson, Director of Information Technology**

Through: **Mario Canizares, Town Manager**
Bob Scott, Deputy Town Manager

Re: **Purchase of Cameras for Traffic Intersections**

Town Council Meeting – April 28, 2026

Strategic Visioning Priority: **Accelerate Infrastructure Delivery**
Provide Excellent Municipal Services

Agenda Item:
Consider and act upon approving the purchase of traffic intersection cameras in the amount of $134,912 from SHI Government Solutions, Inc., and authorizing the Town Manager to execute documents for the same.

Description of Agenda Item:

This item is associated with the Traffic Signal Communication Upgrade project approved in the Fiscal Year 2026 budget. The cost of the cameras is $134,912 and will be purchased from SHI Government Solutions, Inc. utilizing OMNIA Partners contract #2024056-02.

Budget Impact:
The amount of $134,912 is a budgeted expense and will be funded from Account Number TR202502-CONST-CONST.

Attached Documents:
1. Vendor Quote

Town Staff Recommendation:
Town staff recommend approving the purchase of traffic intersection cameras in the amount of $134,912 from SHI Government Solutions, Inc., and authorizing the Town Manager to execute documents for the same.

Proposed Motion:
I move to approve the purchase of traffic intersection cameras in the amount of $134,912 from SHI Government Solutions, Inc., and authorizing the Town Manager to execute documents for the same.

Pricing Proposal
Quotation #: 27220227
Created On: 2/26/2026
Valid Until: 4/30/2026

TX-Town of Prosper

Leigh Johnson
250 W. 1st Street
3rd Floor
Prosper, Texas 75078
UNITED STATES
Phone: (972) 569-1150
Fax:
Email: ljohnson@prospertx.gov

Inside Account Executive

Alex Jasko
300 Davidson Ave
Somerset, NJ 08873
Phone: 732-652-3061
Fax:
Email: alex_jasko@shi.com

All Prices are in US Dollar (USD)

	Product	Qty	Your Price	Total
1	[redacted] - Part#: [redacted] Contract Name: OMNIA Partners IT Solutions, Products & Services Contract #: 2024056-02 **Note:** 124 in stock	69	$699.00	$48,231.00
2	[redacted] - Network surveillance camera - PTZ - outdoor - vandal / weatherproof - color (Day&Night) - 2 MP - 1920 x 1080 - 1080p - motorized - GbE - H.264, H.265, AV1, AVC, HEVC, MPEG-4, MJPEG, MPEG-H - PoE Class 6 [redacted] - Part#: [redacted] Contract Name: OMNIA Partners IT Solutions, Products & Services Contract #: 2024056-02 **Note:** ETA 6/29	23	$2,699.00	$62,077.00
3	[redacted] - PoE injector (internal) - AC 100-240 V - 60 Watt - United States - for [redacted] Part#: [redacted] Contract Name: OMNIA Partners IT Solutions, Products & Services Contract #: 2024056-02 **Note:** ETA 4/29, [redacted] 60 W [redacted]	23	$219.00	$5,037.00
4	[redacted] - Network surveillance camera - PTZ - outdoor - vandal resistant / impact resistant / weather resistant - color (Day&Night) - 3840 x 2160 - 4K UHD (3840 x 2160) - motorized - audio - GbE - AV1, H.264, H.265, MPEG-4 Part 10, AVC, [redacted] - Part#: [redacted] Contract Name: OMNIA Partners IT Solutions, Products & Services Contract #: 2024056-02 **Note:** ETA 6/22, Includes [redacted]	4	$3,699.00	$14,796.00
5	[redacted] 15 W 1-port - PoE injector - AC 100-240 V - 15 Watt - output connectors: 1 - United States - for [redacted] [redacted] - Part# [redacted] Contract Name: OMNIA Partners IT Solutions, Products & Services Contract #: 2024056-02	69	$69.14	$4,770.66

Note: 109 In Stock

Subtotal	$134,911.66
Shipping	$0.00
Total	$134,911.66

Additional Comments

Pricing is subject to change based on OEM and Distribution pricing changes

Thank you for choosing SHI-GS! The pricing offered on this quote proposal is valid through the expiration date set above. To ensure the best level of service, please provide End User Name, Phone Number, Email Address and applicable Contract Number when submitting a Purchase Order.

SHI Government Solutions, Inc. is 100% Minority Owned, Woman Owned Business.
TAX ID# 22-3695478; DUNS# 14-724-3096

The products offered under this proposal are resold in accordance with the terms and conditions of the Contract referenced under that applicable line item.

TOWN OF PROSPER
A Place Where Everyone Matters

PUBLIC WORKS

To: **Mayor and Town Council**

From: **Carrie Jones, Director of Public Works**

Through: **Mario Canizares, Town Manager**
Chuck Ewings, Assistant Town Manager

Re: **Purchase of one (1) truck for the Parks Departments**

Town Council Meeting – April 28, 2026

Strategic Visioning Priority: Provide Excellent Municipal Services

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Agenda Item:
Consider and act upon approving the purchase of one (1) Ford F-250 Crew Cab for the Parks Department from Rush Truck Centers utilizing the Buy Board Contract Number 724-23 in the amount of $69,577.00 and authorizing the Town Manager to execute the same.

Description of Agenda Item:
As part of the FY2026 budget process, a discretionary package was funded for an Irrigation Technician in the Parks Department. As part of the request for this new position, a Ford F-250 utility bed truck was included.

The Irrigation Technician for the Parks Department will help maintain the additional medians and parkland that have been added to the maintenance responsibilities of the department. The truck, along with the utility bed, will keep the irrigation parts safely stored and organized for ease of access and inventory control. The truck will routinely be parked on the side of the road while employees complete maintenance jobs.

Staff did receive additional quotes on this vehicle. The quote from Rush Truck Center was the lowest cost for best value vehicle.

Local governments are authorized by the Interlocal Cooperation Act, V.T.C.A. Government Code, Chapter 791, to enter into joint contracts and agreements for the performance of governmental functions and services, including administrative functions normally associated with the operation of government (such as purchasing necessary materials and equipment).

Budget Impact:
This purchase was approved as part of a discretionary package budgeted for in the FY25-26 Budget as a capital expenditure for the Parks Department (Capital Expenditures – Vehicles – 16062010-61450) and is under the amount that was budgeted.

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has approved the attached documents as to form and legality.

Attached Documents:

1. F-250 Quote for Parks Department
2. Buy Board Contract for Rush Truck Centers

Town Staff Recommendation:

Town Staff recommend the Town Council approves the purchase of one (1) 2026 Ford F-250 Crew Cab Truck for Parks Operations from Rush Truck Centers utilizing Buy Board Contract Number 724-23 in the amount of $69,577 and authorizing the Town Manager to execute the same.

Proposed Motion:

I move to approve the purchase of one (1) 2026 Ford F-250 Crew Cab Truck for Parks Operations from Rush Truck Centers utilizing Buy Board Contract Number 724-23 in the amount of $69,577 and authorizing the Town Manager to execute the same.

TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE--BUYBOARD

Remit P.O.'s To: munisales@rushenterprises.com

Vendor	*RUSH TRUCK CENTER*	Date Prepared	*4/16/2026*
Contact for Vendor:	*COLTON KRUSE*	Phone	(830) 302-5219
End User:	*City of Prosper*		
End User Contact:	***January Cook***	Phone/Fax	*(972) 346-2640*
Product Description:	***Ford F-250 Service Body***		

A: Base Price in Bid/Buyboard ID Number:		724-23	Series:		F-250		$ 39,760.00
B: Published Options(*Itemize Below*)							
	DESCRIPTION	AMOUNT		OPT #	DESCRIPTION		AMOUNT
Ford	W2B (Crew Cab 4x4)	$ 8,230.00		RTC-0020	Service Body		$ 40,242.00
Ford	XL Chrome Package	$ 425.00					
Ford	Pick Up Box Delete	$ (625.00)					
Ford	Heavy-Service Front Suspension Package	$ 125.00					
Ford	250 Amp Alternator/Trailer Brake Controller	$ 525.00					
Ford	Upfitter Switches	$ 250.00					
Subtotal Column 1:	$ 8,930.00			Subtotal Column 2:	$ 40,242.00		
Published Options added to Base Price(*Subtotal of "Col 1" & "Col 2"*)							$ 49,172.00
C: Subtotal of A + B							$ 88,932.00
D: Non Published Options							
Knapheide Service Body with Options		$ (19,755.00)					
Subtotal Column 1:				Subtotal Column 2:	$ -		
Unpublished Options added to Base price (*Subtotal "Col 1 + Col 2"*)							$ (19,755.00)
E: Contract Price Adjustment (*If any, explain here*)							
F: Total of C + D +/- E							$ 69,177.00
G: Quantity ordered	Units:	1	x				$ 69,177.00
H: BUYBOARD Administrative Fee							$ 400.00
I: Non-Equipment Charges & Credits (*I.e.: Ext. Warranty, Trade-In, Delivery, etc.*)							
			x	1	$ -		
			x		$ -		
			x		$ -		
							$ -
J: TOTAL PURCHASE PRICE INCLUDING (G+H+I)							$ 69,577.00

Vendor Contract Information Summary

Vendor	Rush Truck Centers of Texas, L.P.
Contact	Colton Kruse
Phone	(830) 302-5219
Phone Extension	5219
Email	krusec@rushenterprises.com
Vendor Website	www.rushtruckcenters.com
TIN	74-2786264
Address Line 1	555 IH 35 South, Suite 500
Vendor City	New Braunfels
Vendor Zip	78130
Vendor State	TX
Vendor Country	USA
Delivery Days	10
Freight Terms	FOB Destination
Payment Terms	Please see Exhibit A: Pay
Shipping Terms	Freight prepaid by vendor and added to invoice
Ship Via	Common Carrier
Designated Dealer	No
EDGAR Received	Yes
Service-disabled Veteran Owned	No
Minority Owned	No
Women Owned	No
National	No
No Foreign Terrorist Orgs	Yes
No Israel Boycott	Yes
MWBE	No
ESCs	All Texas Regions
States	All States
Contract Name	Vehicles, Police Motorcycles, Parts, and Maintenance Repair Services
Contract No.	724-23
Effective	12/01/2023
Expiration	11/30/2026
Accepts RFQs	Yes
Service Fee Note	Vehicle purchase orders are subject to a $400 service fee

TOWN OF PROSPER
A Place Where Everyone Matters

PUBLIC WORKS

To: **Mayor and Town Council**

From: **Carrie Jones, Director of Public Works**

Through: **Mario Canizares, Town Manager**
Chuck Ewings, Assistant Town Manager

Re: **Bid Award: ROW and Water Tower Locations Mowing and Landscape Maintenance Services**

Town Council Meeting – April 28, 2026

Strategic Visioning Priority: Provide Excellent Municipal Services

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Agenda Item:
Consider and act upon authorizing the Town Manager to execute a Contract for Services awarding RFP No. 2026-11-A to BrightView Landscape Services, Inc. for the ROW and Water Tower Locations Mowing and Landscape Maintenance Services totaling $20,884.14 for year one with four optional renewals with a total amount not to exceed $104,421.

Description of Agenda Item:
On March 17, 2026, at 2:00pm, eleven (11) requests for proposals were received for the ROW and Water Tower Locations Mowing and Landscape Maintenance Services. The project consists of mowing and landscape maintenance in various locations throughout town. These locations include specific right of way areas that are maintained by public works and water tower or pump station locations

The project was advertised using the requests for proposal procurement method to allow the town to award the project to the contractor that offers the best value based on the following criteria, which include standard percentages based on direction from the Town Council:

- Cost Proposal (30%)
- Ability to meet Town's needs (15%)
- Equipment (15%)
- Staffing (20%)
- Work History and References (20%)

The proposals totals ranged from $19,053.00 to $99,000.

BrightView Landscape Services, Inc. was the firm that ranked the highest after consideration of cost, equipment, staffing, work history and ability with a cost of $20,844.14.

Budget Impact:
This is a budgeted expense that is already accounted for in Public Works operating budget.

Legal Obligations and Review:
Terrence Welch of Brown & Hofmeister, L.L.P., has approved the attached documents as to form and legality.

Attached Documents:
1. Bid tabulation summary
2. Contract for Services Agreement

Town Staff Recommendation:
Town Staff recommend the Town Council authorize the Town Manager to execute a Contract for Services awarding RFP 2026-11-A to BrightView Landscape Services, Inc for ROW and Water Tower Locations Mowing and Landscape Maintenance Services totaling $20,884.14 for year one with four optional renewals with a total amount not to exceed $104,421.

Proposed Motion:
I move to authorize the Town Manager to execute a Contract for Services awarding RFP 2026-11-A to BrightView Landscape Services, Inc for ROW and Water Tower Locations Mowing and Landscape Maintenance Services f totaling $20,884.14 for year one with four optional renewals with a total amount not to exceed $104,421.

TOWN OF PROSPER
FINANCE DEPARTMENT

TOWN OF PROSPER
PROPOSAL TABULATION SUMMARY

Solicitation Number	RFP No. 2026-11-A
Solicitation Title	ROW and Water Tower Locations Mowing and Landscape Maintenance Services
Close Date	03/17/2026 2:00PM

Responding Contractor	City	State	Response Submitted	Response Total
Abescape Group LLC	Arlington	TX	3/17/2026 01:54:24 PM (CT)	$28,830.60
Beast Mowed Lawn & Landscape	Krum	TX	3/11/2026 03:10:34 PM (CT)	$28,066.50
BrightView Landscape Services, Inc.	Dallas	TX	3/17/2026 10:50:57 AM (CT)	$20,884.14
Fando Solutions	Flower Mound	TX	3/17/2026 03:16:00 AM (CT)	$19,998.00
NTSM, LLC	Denton	TX	3/16/2026 01:16:22 PM (CT)	$26,064.00
Raiderpowercomercialservices (Raiderpowerlawncare LLC)	Coppell	TX	3/17/2026 10:11:51 AM (CT)	$51,750.00
SLM Landscaping & Maintenance	Lewisville	TX	3/17/2026 10:47:11 AM (CT)	$44,730.00
SMI	Plano	TX	3/5/2026 04:36:19 PM (CT)	$19,053.00
Three Pillars Landscaping LLC	Seagoville	TX	3/17/2026 08:04:30 AM (CT)	$99,000.00
TRS Property Services	McKinney	TX	3/17/2026 11:01:43 AM (CT)	$60,336.00
V&A Landscape and Lawn	Prosper	TX	3/15/2026 12:58:24 PM (CT)	$43,920.00

****All bids/proposals submitted for the designated project are reflected on this tabulation sheet. However, the listing of the bid/proposal on this tabulation sheet shall not be construed as a comment on the responsiveness of such bid/proposal or as any indication that the agency accepts such bid/proposal as being responsive. The agency will make a determination as to the responsiveness of the vendor responses submitted based upon compliance with all applicable laws, purchasing guidelines and project documents, including but not limited to the project specifications and contract documents. The agency will notify the successful vendor upon award of the contract and, as according to the law, all bid/proposal responses received will be available for inspection at that time.**

Certified by: Jay Carter, NIGP-CPP, CPPB, C.P.M.
Purchasing Manager
Town of Prosper, Texas

Certified On: March 17, 2026

TOWN OF PROSPER
CONTRACT FOR SERVICES
RFP 2026-11-A

This Contract is made by the **Town of Prosper, Texas**, a municipal corporation ("Town") and **BrightView Landscape Services, Inc** ("Contractor"). The Town and Contractor agree:

1. **EMPLOYMENT OF THE CONTRACTOR.** The Town agrees to retain the Contractor, and the Contractor agrees to provide services relative to: Right of Way and Water Tower Mowing and Landscape Maintenance Services (hereinafter referred to as "Services") in connection with the terms and conditions as set forth in Exhibit A, attached hereto and incorporated by reference.

2. **SCOPE OF SERVICES.** The Services to be performed are specified in Exhibit A. Deviations from the scope of work may be authorized from time to time by the Town in writing.

3. **SCHEDULE OF WORK.** The Contractor agrees to begin work upon receipt of written authorization from the Town. Time is of the essence for this Contract and work is to commence immediately.

4. **CONTRACT PERIOD.** The contract period is for one (1) year from date of award of contract. All pricing is to remain firm during the contract period. The contract is renewable for up to four (4) additional one-year terms on an annual basis, if written notice of the intent to renew is provided to either party not less than sixty (60) days prior to the termination date.

5. **COMPENSATION.** Contractor's total compensation for services to be performed and expenses to be incurred is specified in Exhibit B.

6. **PAYMENTS.** Payments will be processed on a monthly basis with payment available within thirty (30) days after receipt of the invoice for the previous month's service or as set forth in Exhibit A.

7. **INVOICING.** Invoices should be prepared and submitted to the Town for payment in accordance with Exhibit A. Invoices should be mailed to Town of Prosper, Accounts Payable, P.O. Box 307, Prosper, TX 75078, or emailed to ap@prospertx.gov.

8. **RIGHTS OF WITHHOLDING.** The Town may withhold any payment or partial payment otherwise due the Contractor on account of unsatisfactory performance by the Contractor. The amount to be withheld will be calculated based on the work not performed and the impact to the Town. Any payment or partial payment that may be withheld for unsatisfactory performance can be used to remedy the lack of performance and will not be paid to the Contractor.

9. **INFORMATION PROVIDED BY THE TOWN**. Although every effort has been or will be made to furnish accurate information, the Town does not guarantee the accuracy of information it furnishes to Contractor.

10. **INSURANCE.** The Contractor shall provide proof that it has obtained and will continue to maintain throughout the duration of the Contract the insurance requirements set forth in Exhibit A. Failure to maintain the required insurance may result in immediate termination of the Contract.

11. **INDEMNIFICATION.** As specified in Exhibit A.

12. **TRANSFER OF INTEREST.** Neither Town nor Contractor may assign or transfer its interests in the Contract without the written consent of the other party. Such consent shall not be unreasonably withheld. This Contract is binding on Town, Contractor, and their successors and assigns. Nothing herein is to be construed as creating a personal liability on the part of any Town officer, employee or agent.

13. **AUDITS AND RECORDS.** At any time during normal business hours and as often as the Town may deem necessary, the Contractor shall make available to the Town for examination all of its records with respect to all matters covered by the Contract and will permit the Town to audit, examine and make copies, excerpts, or transcripts from such records. The Town may also audit all contracts, invoices, payroll records of personnel, conditions of employment and other data relating to the Contract.

14. **EQUAL EMPLOYMENT OPPORTUNITY.** The Contractor shall not discriminate against any employee or applicant for employment because of age, race, color, religion, sex, national origin, disability or any other protected characteristic. The Contractor shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their age, race, color, religion, sex, national origin, disability or any other protected characteristic. Such actions shall include, but not be limited to the following: employment, promotions, demotion, transfers, recruitment or recruitment advertising, layoffs, terminations, selection for training (including apprenticeships), and participation in recreational activities.

    The Contractor agrees to post in conspicuous places, accessible to employees and applicants for employment, notices setting forth the provisions of the nondiscrimination clause. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

    The Contractor will cause the foregoing provisions to be inserted in all subcontracts for any work covered by the Contract so that such provisions will be binding upon each subcontractor, except that the foregoing provisions shall not apply to contracts or subcontracts for customary office supplies.

    The Contractor shall keep records and submit reports concerning the racial and ethnic origin(s) of applicants employment and employees as the law may require.

15. **TERMINATION OF CONTRACT.** Town may terminate this Contract upon sixty (60) days' written notice to Contractor, except in the event (i) Contractor is in breach of this Contract or (ii) Contractor fails to comply with the terms of Exhibit A. If either of the foregoing conditions exists, Town shall notify Contractor and Contractor shall be given two (2) days to cure such breach or failure to comply. Should Contractor fail to cure to the satisfaction of the Town, Town may terminate this Contract upon written notice.

    Furthermore, the Town retains the right to terminate this Contract at the expiration of each Town budget period (September 30) during the term of this Contract, even without prior notice as described in the preceding sentence.

In the event of any termination hereunder, Contractor consents to Town's selection of another Contractor to assist the Town in any way in completing the Services. Contractor further agrees to cooperate and provide any information requested by Town in connection with the completion of the Services.

Contractor shall be compensated for Services performed and expenses incurred for satisfactory work up to the termination date in that Contractor shall receive a portion of fees and expenses permitted under this Contract in direct proportion to percentage of work actually completed up to the termination date. This provision shall not deprive the Town of any remedies against Contractor that may be available under applicable law.

16. **CONTRACTOR'S REPRESENTATIONS.** Contractor hereby represents to Town that Contractor is financially solvent and possesses sufficient experience, licenses, authority, personnel, and working capital to complete the Services required.

17. **TOWN APPROVAL FOR ADDITIONAL WORK.** No payment, of any nature whatsoever, will be made to Contractor for additional work without the Town's written approval before such work begins.

18. **PERFORMANCE BY CONTRACTOR.** All Services provided by the Contractor hereunder shall be performed in accordance with the highest professional standards and in accordance with Exhibit A, and Contractor shall be responsible for all Services provided hereunder whether such services are provided directly by Contractor or by any subcontractors hired by Contractor. The Contractor shall perform all duties and Services and make all decisions called for hereunder promptly and without unreasonable delay. Contractor shall not utilize subcontractors to perform Services without the Town's prior written consent.

19. **DAMAGE.** In all instances where Town property and/or equipment is damaged by the Contractor's employees, a full report of the facts, extent of the damage and estimated impact on the Contractor's schedule shall be submitted to the Town by 8 a.m. of the following Town business day after the incident. If damage may result in further damages to the Town or loss of Town property, the Contractor must notify Police Dispatch immediately. The Contractor shall be fully liable for all damage to Town property or equipment caused by the Contractor's officers, employees or agents.

20. **TOWN OBJECTION TO PERSONNEL.** If at any time after entering into this Contract, Town has any reasonable objection to any of Contractor's personnel, or any personnel retained by Contractor, then Contractor shall promptly propose substitutes to whom the Town has no reasonable objection, and the Contractor's compensation shall be equitably adjusted to reflect any difference in the Contractor's costs occasioned by such substitution.

21. **COMPLIANCE WITH LAWS.** The contractor warrants and covenants to the Town that all Services will be performed in compliance with all applicable federal, state, county and Town laws, rules, and regulations including, but not limited to, the Texas Industrial Safety and Health Act and the Workers Right-to-Know Law. All necessary precautions shall be taken to assure that safety regulations prescribed by OSHA and the Town's representative are followed.

22. **"ANTI-ISRAEL BOYCOTT" PROVISION**. In accordance with Chapter 2270, Texas Government Code, a Texas governmental entity may not enter into a contract with a company for the provision of goods or services unless the contract contains a written verification from the company that it: (1) does not boycott

Israel; and (2) will not boycott Israel during the term of the contract. Chapter 2270 does not apply to a (1) a company that is a sole proprietorship; (2) a company that has fewer than ten (10) full-time employees; or (3) a contract that has a value of less than One Hundred Thousand Dollars ($100,000.00). Unless the company is not subject to Chapter 2270 for the reasons stated herein, the signatory executing this Contract on behalf of the company verifies by its signature to this Contract that the company does not boycott Israel and will not boycott Israel during the term of this Contract.

23. **IRAN, SUDAN AND FOREIGN TERRORIST ORGANIZATIONS.** If § 2252.153 of the Texas Government Code is applicable to this Contract, by signing below Contractor does hereby represent, verify and warrant that (i) it does not engage in business with Iran, Sudan or any foreign terrorist organization and (ii) it is not listed by the Texas Comptroller under § 2252.153, Texas Government Code, as a company known to have contracts with or provide supplies or services to a "foreign terrorist organization" as defined in § 2252.151 of the Texas Government Code.

24. **PROHIBITION ON CONTRACTS WITH CERTAIN COMPANIES PROVISION.** In accordance with Section 2252.152 of the Texas Government Code, the Parties covenant and agree that Contractor is not on a list maintained by the State Comptroller's Office prepared and maintained pursuant to Section 2252.153 of the Texas Government Code.

25. **NON-BINDING MEDIATION.** In the event of any disagreement or conflict concerning the interpretation of this Contract, and such disagreement cannot be resolved by the Town and the Contractor, the Town and Contractor agree to submit such disagreement to non-binding mediation.

26. **ENTIRE CONTRACT.** This instrument together with Exhibit A attached hereto contains the entire Contract between the Town and Contractor concerning the Services. There will be no understandings or contracts other than those incorporated herein. The Contract may not be modified except by an instrument in writing signed by the parties hereto. In the event of a conflict between an attachment to this Contract and this Contract, this Contract shall control.

27. **MAILING ADDRESSES.** All notices and communications concerning this Contract to be mailed or delivered to the Town shall be sent to the address of the Town as follow, unless and until the Contractor is otherwise notified:

Town of Prosper
Attn: Jay Carter, Purchasing Manager
P.O. Box 307
Prosper, TX 75078
jcarter@prospertx.gov

All notices and communications under this Contract to be mailed or delivered to the Contractor shall be sent to the address listed below until the Town is otherwise notified:

BrightView Landscape Services, Inc
Craig Zuczek
2315 Southwell Road
Dallas, TX 75229
Craig.zuczek@brightview.com

Any notices and communications required to be given in writing by one party or the other shall be considered as having been given to the addressee on the date in the notice or communication is placed in the United States Mail or hand delivered.

28. **LEGAL CONSTRUCTION.** If any one or more of the provisions contained in the Contract for any reason is held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof and this Contract shall be construed as if such invalid, illegal or unenforceable provision had never been included.

29. **GOVERNING LAW.** The validity of this Contract and any of its terms or provisions as well as the rights and duties hereunder, shall be governed by and construed in accordance with Texas law. Venue for this Contract shall be located in Collin County, Texas.

30. **COUNTERPARTS.** The Contract may be signed in counterparts, each of which shall be deemed to be an original.

31. **EFFECTIVE DATE.** This Contract shall be effective once it is signed by the Town and Contractor.

AGREED TO BY:

BRIGHTVIEW LANDSCAPE SERVICES

By: Corey McCort
Corey McCort
Regional Vice President

Date: 4/7/26

TOWN OF PROSPER, TEXAS

By: _____
Mario Canizares
Town Manager

Date: _____

Town of Prosper
RFP No. 2026-11-A
Right of Way and Water Tower Locations Mowing and Landscape Maintenance Services

I. Introduction

The Town of Prosper is soliciting proposals for landscape maintenance and mowing of various locations, including right of way and water tower locations as described in the following specifications. The initial term of the contract will be one (1) year, with four optional, one-year renewal periods. The contract will be awarded to the vendor(s) providing the best value to the Town of Prosper, as determined by the evaluation criteria as stated herein.

The Town reserves the right to award any or all line items, in whole or in part, to one or more vendors. The cycle frequencies stated herein are an accurate reflection of the Town's anticipated needs. However, due to budget contingencies, cycle frequencies may be adjusted prior to award, or at any time during the contract period. At no time will adjustments to the prices offered be imposed on the Town. Prices will be held firm during the contract period.

The successful vendor(s) will be required to execute a service contract. A sample contract is available for download through Ionwave.

The **questions deadline is March 10, 2026, at 12:00PM**. The **RFP is due on March 17, 2026, by 2:00PM** and must be submitted through Ionwave. The names of suppliers that have submitted a proposal will be read online at 3:00PM and can be accessed by using the link below.

Microsoft Teams meeting
Join: https://teams.microsoft.com/meet/24931474484522?p=QjIkuiR6ukdbHj5W8v
Meeting ID: 249 314 744 845 22
Passcode: vm2bf6PM

II. Site Visits

A. Site Visit

A preproposal site visit will not be conducted. However, each vendor is strongly encouraged to tour the service locations in order to gain a clear understanding of the service locations and the associated scope of work.

Prior to the award of a contract, a mandatory site visit will be conducted with the recommended vendor to ensure a clear understanding of the scope of services and service locations.

III. Scope of Services

The successful vendor(s) shall perform all services in accordance with the following conditions:

A. Right-Of-Way and Water Tower Locations Maintenance

1. Mow all turf areas as follows:

a. No turf shall be cut below three (3) inches in height, without prior written approval from the Town staff.

b. Right-of-way turf shall be mowed to a maximum height of six (6) inches. Fertilizer, herbicides, and pesticides will not be applied to the median/right-of-way mowing areas without the express permission of the Town representative.

c. All turf areas mowed every two (2) weeks (unless otherwise indicated), at recommended heights, during the growing season.

d. Mowing boundaries and locations will be determined as indicated on each location map

e. Grass clippings shall be blown from all concrete and asphalt surfaces and shall not remain onsite after mowing in visible piles/rows.

f. Removal of all litter and debris from the entire property and hauling such litter and debris away.

1) All litter and debris must be removed from turf prior to mowing.
2) Areas serviced will have a finished appearance with drives, parking areas, walks, and curb areas appearing to have been swept. The successful vendor(s) shall not simply blow litter, leaves, clippings, etc. into the streets or other property.

2. Edging

Edging all turf along walks, curbs, plant beds, signs and other obstacles as follows:

a. Turf edged and trimmed each time turf is mowed.

b. All edging will be with a fixed blade edger that leaves a sharp edge (not a monofilament trimmer).

3. Monofilament Trimming

a. To be performed with each mowing.

b. To be used only around fences, buildings, tree wells, and posts. Do not directly use around the trunks of trees.

B. Other Conditions

1. Unless otherwise instructed, the successful vendor(s) shall accomplish all tasks listed on a regular schedule, as agreed upon by the proposer and the Town representative. Any variance from the prescribed schedule will require a minimum of twenty-four-hour advance notification to the designated Town representative. All mowing is to be accomplished Monday through Saturday, between the hours of 7am-7pm, weather permitting. It will be considered a breach of the contract if the schedule is repeatedly missed.

2. The successful vendor(s) will be required to send a facsimile or e-mail to a designated Town representative to report proposed schedules and work accomplished every week that maintenance is accomplished under this agreement.

3. The successful vendor(s) shall set mowing equipment to the height indicated in each section above, unless otherwise instructed by the designated Town representative. All changes in the mowing height are to be approved by the Town representative. In an effort not to bag lawn clippings, mulching mowers are preferred over mowers that throw clippings into rows.

4. The successful vendor(s) shall be responsible for any damage done to plant material or other property during the maintenance operation. The successful vendor(s) shall be responsible for replacement of all trees, shrubs, ground covers, plant bed areas, and irrigation equipment destroyed by the successful vendor(s), employees or agents of the successful vendor(s) during maintenance operations, including labor costs associated with the repair(s). Trees and shrubs must not be bumped or marked by mowing or edging equipment. Mulch rings shall be reshaped within twenty-four hours when dislodged by mowing equipment. The successful vendor(s) must report damage immediately to the designated Town representative. Damage to trees or tree collars will be assessed at $20.00 for each instance. The successful vendor(s) will not be permitted to mow within 18" of each tree in order to avoid damage to trees.

5. The successful vendor(s) shall furnish all supplies, tools, and equipment to be used on the job.

6. No chemicals, herbicides (weed killers), insecticides, fungicides, or fertilizers are to be used without the prior written approval of the Town representative, and proper posting in the area where the chemicals are used.

7. The successful vendor(s) shall comply with all applicable governmental laws and regulations.

8. The Town shall not be liable for any loss or damage sustained by the successful vendor(s). The successful vendor(s) shall save the Town whole and harmless from any and all claims for liability or damage of whatsoever nature and kind, including cost of court and attorney's fees, suffered or asserted to have been suffered by any person or to any property of any person whomsoever, growing out of or resulting from or in any way connected with the performance of work under this agreement. The successful vendor(s) shall exercise every necessary precaution for the safety of the work site and the protection of any and all persons and/or property located adjacent to or making passage through the work site.

9. The successful vendor(s) shall fill out invoice forms for monthly payments.

10. The successful vendor(s) shall operate as an independent contractor and not as an agent, representative, partner, or employee of the Town, and shall control the operations at the work site, and be solely responsible for the acts of omissions of the successful vendor(s) employees or agents.

11. Unit prices are to reflect the charges for mowing and associated tasks at each location.

12. A proposal constitutes understanding and acceptance of all terms, conditions, instruction, glossary, specifications, forms and statements contained in this proposal document.

13. The successful vendor(s) shall exercise extreme caution while working on medians, roadsides and high traffic areas. TX DOT approved safety vests, traffic cones, and "men working" signage are required when crews are working in any traffic situations.

14. The successful vendor(s) will be responsible for any damage to the irrigation system due to negligence on the part of the vendor or the vendor's representative. Any damage to an irrigation system is to be reported immediately to the appropriate Town representative.

15. The Town representative reserves the right to cancel scheduled mowing cycles on a week-to-week basis, based upon need, prevailing weather conditions, and available funding.

16. The service will be monitored by the Town representative for all ground maintenance and medians, roadsides, and rights-of-way. Contact information will be provided to the successful vendor(s).

17. Responses shall include a complete "list of machinery and equipment available" in order to determine whether or not the vendor can adequately perform the necessary work. All equipment the vendor anticipates committing to this contract, if awarded, should be included on the Machinery and Equipment Worksheet (Attachment B). Past experience has shown that it is absolutely essential to have adequate back-up equipment in reserve to allow for breakdowns.

    a. Insufficient and/or inadequate equipment as determined by the Town is cause for rejection of a proposal.

    b. All mowers will be finish mowers.

    c. No tractor drawn mowers will be allowed unless approved by the Town representative.

    d. Contractor equipment must be maintained in good operating condition and in sufficient quantities to adequately perform all services.

    e. The contractor is responsible for performing scheduled maintenance on all equipment used as part of the contract. As part of his proposal the contractor must submit proof of an active Preventative Maintenance Equipment Program. Proof of an active and successful Preventative Maintenance Program will be used in evaluation of the proposal.

18. It is mandatory that a review of the contracted area be conducted prior to award of contract. The review shall be attended by the recommended vendor(s) and the Town representative.

19. Ozone Alert Days: On ozone alert days, vendor(s) is required to refrain from mowing until

after 10 A.M., unless diesel powered equipment is used. The North Texas Clean Air Coalition offers an ozone alert hotline at 1-800-960-4247. This number can be called daily for current ozone conditions. It is the responsibility of the successful bidder to be aware of ozone alert conditions. Failure to comply with these standards will be grounds for the following:

a. The first offense will result in a verbal warning.

b. The second offense will result in a written warning.

c. The third offense will result in contract termination.

20. After abundant rainfall, it may be necessary to mow selected areas twice per week in lieu of the specified once per week. Town representative will determine if needed.

21. Hazardous Conditions

a. The successful vendor(s) will be required to notify the Town representative immediately of any hazardous conditions and/or damaged Town property prior to leaving the work site. Contact information will be provided to the successful vendor(s).

22. Concurrent Contracts

a. In the event that any one vendor shall receive contracts for mowing in more than one project area, work shall proceed simultaneously in all such areas assigned.

23. Supervision of Work Crew

a. The successful vendor(s) shall provide supervision of all work crews at all times while performing work under this contract.

b. Personal supervision is not required, provided that communication equipment or other means are provided that enable the work crew to communicate with the successful vendor(s) at all times.

c. Each work crew shall have a designated person on the work site that has the authority to respond to inquiries about work details or priorities in English.

d. The successful vendor(s) shall provide the Town representative with the name and phone number of a designated contact person available during normal business hours.

24. Safety Program

a. The vendor(s) should have an established on-going safety training program that addresses issues such as proper safety equipment, equipment operating procedures, general safety awareness, etc.

IV. Glossary of Terms

A. Mowing project area shall refer to specific geographic area(s) of the Town designated to receive specified mowing and related services.

B. Maintenance schedule shall mean the time periods established by the Town for the project year within which all prescribed maintenance activities for each area shall be completed. The successful bidder and Town representative will agree on a regular day and time for maintenance at each location. If the successful bidder expects to vary from the schedule, he/she shall notify the Town representative 24 hours in advance, so work completion can be inspected in a timely manner.

C. Concurrent shall refer to all mowing, trimming, edging, and litter removal on any given item being completed on the same day. Should a given area be too large to complete in a single day, any areas that have been mowed must be trimmed, edged, and litter removed on the same day the mowing occurs.

D. Monthly billing cycle shall refer to each time period in the mowing schedule for the project year. Each time period is defined by a beginning and ending date, in which all prescribed maintenance activities for each area shall be completed. Bi-weekly mowing is every two weeks.

E. Inclement weather shall mean rainy weather or when the condition of the soil is such that the rutting of property will not allow cutting of grass to be accomplished satisfactorily.

F. Trash and litter shall mean any debris within the mowing project area such as paper, cans, bottles, limbs, rocks, etc., which is not intended to be present as part of the landscape. Inclusive of the entire project area including streets, sidewalks, curbs, hillsides, ditches, etc. (Where tree/brush/shrub lines or mowing edge determines the area, the successful bidder will extract litter an additional three (3) feet. Where tree/brush/shrub lines are in front of fence the fence will be the determining boundary). Removal of debris will require sweeping of hard surface areas such as sidewalks.

G. Trimming shall refer to the cutting or removal of all plant materials immediately adjacent to or under Town structures, trees, poles, tables, signs, fences, shrub beds, or other structures.

H. Chemical Trimming shall refer to the use of a herbicide (such as roundup and/or an approved equal) as an alternative to the physical removal or cutting of plant material from areas to be trimmed. Approval for the application of herbicides must be obtained in writing from the Town representative prior to herbicide application.

I. Any herbicide application must be in compliance with the State of Texas Structural Pest Control Board Law and Regulations of the Texas Department of Agriculture. The successful bidder or his/her representative must have a copy of their pesticide license on file with the Town of Prosper. **NOTE: CHEMICAL TRIMMING WILL NOT BE ACCEPTED FOR THE EDGING OF SIDEWALKS AND/OR CURBS.** A copy of the bidder's herbicide application license is required to be provided with a bid response, if herbicides are planned to be used by the bidder.

J. Edging shall refer to the vertical removal of any and all plant material which encroaches over or onto sidewalks, curbs, steps, driveways and pavements. Edges shall be vertical, minimum depth of 1", and minimum width of 1/4". This task must be done neatly to present a clean, crisp

appearance, having a smooth line. Line trimmer accepted along fences and poles.

V. Insurance

ALL RESPONDENTS must submit, with the bid, proof of insurance coverage as stipulated in Exhibit A. Proof shall be by submission of copies of current policies or current Certificates of Insurance, including the effective dates of coverage. Any provisions outlined in Exhibit A will be required of the successful firm only. Prior to the execution of this contract, the successful firm will supply the Purchasing Office with an original certificate of insurance evidencing the stated requirements. This insurance shall be effective for the contract duration and renewal certificates shall also be supplied upon expiration.

VI. Questions Deadline

The Town of Prosper requires that all questions relating to this bid be submitted in writing to Jay Carter, Purchasing Manager, at jcarter@prospertx.gov by **12:00 p.m. on March 10, 2026. No questions will be answered over the phone.** Questions in regard to the specifications will only be accepted until the stated deadline.

VII. Submittals

In order for your proposals to be considered responsive, the following information should be submitted with your proposal, in the following order:

A. Pricing Worksheet (Attachment A)

B. Machinery and Equipment Worksheet (Attachment B)

1. List the type of equipment to be utilized to service the contract, including the age of equipment.
2. Provide details of established Preventative Equipment Maintenance Program

C. Vendor Information Worksheet (Attachment C)

D. Work History and References

Provide a minimum of three (3) current references for the same or similar service as described in this proposal document, preferably for a municipality. Please provide the following information for each reference provided on the References Worksheet (Attachment D):

1. Company Name
2. Contact Person
3. Company Address
4. Contact Phone Number
5. Contact Fax Number
6. Effective Dates
7. Description of Services

E. Additional Information

Include any additional information that you feel will assist the Town in the selection process.

F. Additional Forms

1. Proof of Insurance
2. Certification Form

VIII. Evaluation Criteria

A review committee will judge the merit of proposals received in accordance with the requirements defined herein. Failure of vendor to provide in their proposal any information requested in this CSP may result in disqualification of the proposals. The sole objective of the review committee will be to select the proposal that provides the best value to the Town of Prosper.

The contract will be awarded based on the following evaluation criteria:

A. Cost as evidenced in VII. Submittals, Section A. (30%)

B. Equipment as evidenced in VII. Submittals, Section B. (15%)

C. Staffing as evidence in VII. Submittals, Section C. (20%)

D. Work History and References as evidenced in VII. Submittals, Section D. (20%)

E. Ability to meet the Town's needs, as evidenced in VII. Submittals, all sections (15%)

Attachment A
Pricing Worksheet

1. **Southside of East Prosper Trail east of Preston Country Lane and north and south sections after Wilson Creek**
   Service biweekly (every two weeks), beginning in March through October

   A) Bi-weekly mowing/maintenance cost: $_____ x 18 = Annual Cost: $_____

2. **Southside of East Prosper Trail from North Preston Rd to Deer Run Lane & Eastside of North Preston Road from East Prosper Trail to Chandler Circle**
   Service biweekly (every two weeks), beginning in March through October

   A) Bi-weekly mowing/maintenance cost: $_____ x 18 = Annual Cost: $_____

3. **Eastside of North Hays Road at Ridgewood Drive from alley to alley**
   Service biweekly (every two weeks), beginning in March through October

   A) Bi-weekly mowing/maintenance cost: $_____ x 18 = Annual Cost: $_____

4. **Cook Lane north of West First Street east and west sides**
   Service biweekly (every two weeks), beginning in March through October

   A) Bi-weekly mowing/maintenance cost: $_____ x 18 = Annual Cost: $_____

5. **South Teel Parkway north of University Drive (380)**
   Service biweekly (every two weeks), beginning in March through October

   A) Bi-weekly mowing/maintenance cost: $_____ x 18 = Annual Cost: $_____

6. **3188 Prosper Trail**
   Service biweekly (every two weeks), beginning in March through October

   A) Bi-weekly mowing/maintenance cost: $_____ x 18 = Annual Cost: $_____

7. **2491 North Custer Road**
   Service biweekly (every two weeks), beginning in March through October

   A) Bi-weekly mowing/maintenance cost: $_____ x 18 = Annual Cost: $_____

8. **1454 East First Street**
   Service biweekly (every two weeks), beginning in March through October

   A) Bi-weekly mowing/maintenance cost: $_____ x 18 = Annual Cost: $_____

9. **3180 West First Street**
   Service biweekly (every two weeks), beginning in March through October

   A) Bi-weekly mowing/maintenance cost: $_____ x 18 = Annual Cost: $_____

10. **1880 Newpark Way**
    Service biweekly (every two weeks), beginning in March through October

    A) Bi-weekly mowing/maintenance cost: $_____ x 18 = Annual Cost: $_____

11. 401 South Craig Road
Service biweekly (every two weeks), beginning in March through October

A) Bi-weekly mowing/maintenance cost: $_____ x 18 = Annual Cost: $_____

GRAND TOTAL **$_____ Annual Cost**

In the event that the Town of Prosper should add locations to the contract at a future date, please indicate unit cost per acre that will be charged for additional properties for these types of services.:

Unit Price $_____ per acre

Attachment B
Machinery and Equipment List Worksheet

It is represented as part of this bid that the below listed items of machinery and equipment are available for use on the work covered by this bid. "Being Available" shall mean that the equipment is owned or under the control of the vendor submitting this proposal.

NO. OF UNITS	TYPE OF EQUIPMENT

If additional space is needed, continue on additional pages and attach to this form

Attachment C
Vendor Information Form

VENDOR INFORMATION

Number of employees: Full time _____

Number of employees: Part time: _____

Length of time in business: _____

Physical location of business (full address, including city, state & zip code):

_____

_____

VENDOR CONTACTS

The successful vendor must provide, to a designated Town representative, a valid telephone number and name of the designated company representative. The telephone number must be answered on workdays, Monday-Friday, from 7:00 AM to 5:00 PM. An alternate or emergency telephone number must also be provided to the Town representative. Failure to provide this information may be considered a reason to terminate the contract.

Company Representative: Corey McCort

Company Telephone Number (including are code): 469-446-1595

Emergency Telephone Number (including are code): _____

EXHIBITS

INSURANCE REQUIREMENTS
GENERAL SERVICES

Services performed on Town property, including but not limited to: Installation, Landscape, Maintenance, Custodial, Electrical, Painting, Welding, Plumbing, Transportation, Street Sweeping, Fireworks, Moving, Uniforms, Concessions, etc.

Vendor shall procure and maintain for the duration of the contract, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the vendor, his agents, representatives, employees or subcontractors. The cost of such insurance shall be borne by the vendor. A certificate of insurance meeting all requirements and provisions outlined herein shall be provided to the Town prior to any services being performed or rendered. Renewal certificates shall also be supplied upon expiration.

A. MINIMUM SCOPE OF INSURANCE

Coverage shall be at least as broad as:

1. ISO Form Number GL 00 01 (or similar form) covering Commercial General Liability. "Occurrence" form only, "claims made" forms are unacceptable.

2. Workers Compensation insurance as required by the Labor Code of the State of Texas, including Employers' Liability Insurance.

3. Automobile Liability as required by the State of Texas, covering all owned, hired, or non-owned vehicles. Automobile Liability is only required if vehicle(s) will be used under this contract.

B. MINIMUM LIMITS OF INSURANCE

Vendor shall maintain limits throughout contract not less than:

1. Commercial General Liability: $500,000 per occurrence / $1,000,000 in the aggregate for third party bodily injury, personal injury and property damage. Policy will include coverage for:

    a. Premises / Operations

    b. Broad Form Contractual Liability

    c. Products and Completed Operations

    d. Personal Injury

    e. Broad Form Property Damage

2. Workers Compensation and Employer's Liability: Workers Compensation limits as required by the Labor Code of the State of Texas and Statutory Employer's Liability minimum limits of $100,000 each accident, $300,000 Disease - Policy Limit, and $100,000 Disease – Each Employee.

3. Automobile Liability: $500,000 Combined Single Limit. Limits can only be reduced if approved by the Town. Automobile liability shall apply to all owned, hired, and non-owned autos.

C. DEDUCTIBLES AND SELF-INSURED RETENTIONS

Any deductible or self-insured retention in excess of $10,000 must be declared to and approved by the Town.

D. OTHER INSURANCE PROVISIONS

The policies are to contain, or be endorsed to contain the following provisions:

1. General Liability and Automobile Liability Coverages:

   a. The Town, its officers, officials, employees, boards and commissions and volunteers are to be added as "Additional Insured's" relative to liability arising out of activities performed by or on behalf of the vendor, products and completed operations of the vendor, premises owned, occupied or used by the vendor. The coverage shall contain no special limitations on the scope of protection afforded to the Town, its officers, officials, employees or volunteers.

   b. The vendor's insurance coverage shall be primary insurance in respects to the Town, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the Town, its officers, officials, employees or volunteers shall be in excess of the vendor's insurance and shall not contribute with it.

   c. Any failure to comply with reporting provisions of the policy shall not affect coverage provided to the Town, its officers, officials, employees, boards, and commissions or volunteers.

   d. The vendor's insurance shall apply separately to each insured against whom the claim is made or suit is brought, except to the limits of the insured's limit of liability.

2. Workers Compensation and Employer's Liability Coverage:

   The insurer shall agree to waive all rights of subrogation against the Town, its officers, officials, employees and volunteers for losses arising from work performed by the vendor for the Town.

3. All Coverages:

   Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled or non-renewed by either party, reduced in coverage or in limits except after 30 days written notice to the Town for all occurrences, except 10 days written notice to the Town for non-payment.

E. ACCEPTABILITY OF INSURERS

The Town prefers that insurance be placed with insurers with an A.M. Best's rating of no less than A- VI, or better.

F. VERIFICATION OF COVERAGE

Vendor shall provide the Town certificates of insurance indicating the coverages required. The certificates are to be signed by a person authorized by that insurer to bind coverage on its behalf. Certificates of Insurance similar to the ACORD Form are acceptable. Town will not accept Memorandums of Insurance or Binders as proof of insurance. The Town reserves the right to require complete, certified copies of all required insurance policies at any time.

Certificate Holder to be listed as follows: *Town of Prosper*
P.O. Box 307
Prosper, TX 75078

2026-11-A Addendum 1
BrightView Landscape Services, Inc.
Supplier Response

Event Information

Number: 2026-11-A Addendum 1
Title: Right of Way and Water Tower Locations Mowing and Landscape Maintenance Services
Type: Request for Proposals
Issue Date: 2/27/2026
Deadline: 3/17/2026 02:00 PM (CT)
Notes: The Town of Prosper is soliciting proposals for landscape maintenance and mowing of various locations, including right of way and water tower locations as described in the following specifications. The initial term of the contract will be one (1) year, with four optional, one-year renewal periods. The contract will be awarded to the vendor(s) providing the best value to the Town of Prosper, as determined by the evaluation criteria as stated herein.

The Town reserves the right to award any or all line items, in whole or in part, to one or more vendors. The cycle frequencies stated herein are an accurate reflection of the Town's anticipated needs. However, due to budget contingencies, cycle frequencies may be adjusted prior to award, or at any time during the contract period. At no time will adjustments to the prices offered be imposed on the Town. Prices will be held firm during the contract period.

The successful vendor(s) will be required to execute a service contract. A sample contract is available for download through Ionwave.

The **questions deadline is March 10, 2026, at 12:00PM**. The **RFP**

is due on March 17, 2026, by 2:00PM and must be submitted through Ionwave. The names of suppliers that have submitted a proposal will be read online at 3:00PM and can be accessed by using the link below.

Microsoft Teams meeting
Join: https://teams.microsoft.com/meet/24931474484522?p=QjIkuiR6ukdbHj5W8v
Meeting ID: 249 314 744 845 22
Passcode: vm2bf6PM

Contact Information

Contact: Jay Carter Purchasing Manager
Address: Purchasing Office
Town Hall
3rd Floor
250 W. First St.
P.O. Box 307
Prosper, TX 75078
Phone: (972) 569-1018
Email: jcarter@prospertx.gov

BrightView Landscape Services, Inc. Information

Contact: Craig Zuczek
Address: 2315 Southwell Rd.
Dallas, TX 75229
Phone: (469) 344-1267
Email: craig.zuczek@brightview.com
Web Address: www.brightview.com

By submitting your response, you certify that you are authorized to represent and bind your company.

Craig Zuczek
Signature

craig.zuczek@brightview.com
Email

Submitted at 3/17/2026 10:50:57 AM (CT)

Supplier Note

Thank you very much for the opportunity to submit this proposal. We look forward to earning your business.

Requested Attachments

RFP Submission

All documents related to RFP in one file

Town of Prosper Landscape Services Proposal.pdf

Bid Attributes

1	**Terms and Conditions Acknowledgement** I have read, understand and agree to all terms and conditions contained in this solicitation. ☑ I Agree
2	**Addendum No. 1** By checking this box, vendor acknowledges receipt and understanding of Addendum No. 1 (if issued by the Town of Prosper). ☑ I Agree
3	**Addendum No. 2** By checking this box, vendor acknowledges receipt and understanding of Addendum No. 2 (if issued by the Town of Prosper). ☐ *I Agree*
4	**Addendum No. 3** By checking this box, vendor acknowledges receipt and understanding of Addendum No. 3 (if issued by the Town of Prosper). ☐ *I Agree*
5	**Addendum No. 4** By checking this box, vendor acknowledges receipt and understanding of Addendum No. 4 (if issued by the Town of Prosper). ☐ *I Agree*

6 **Addendum No. 5**

By checking this box, vendor acknowledges receipt and understanding of Addendum No. 5 (if issued by the Town of Prosper).

☐ *I Agree*

Bid Lines

1 **Package Header**

Bid Total

Quantity: 1 UOM: EA Total: $20,884.14

Package Items

1.1 Southside of East Prosper Trail east of Preston County Lane and north and south sections after Wilson Creek. Service biweekly (every two weeks) per month March through October

Quantity: 18 UOM: Twice per month Unit Price: $45.24 Total: $814.32

1.2 Southside of East Prosper Trail from North Preston Rd to Deer Run Lane & Eastside of North Preston Road from East Prosper Trail to Chandler Circle. Service biweekly (every two weeks) March through October

Quantity: 18 UOM: Twice per month Unit Price: $138.72 Total: $2,496.96

1.3 Eastside of North Hays Road at Ridgewood Drive from alley to alley. Service biweekly (every two weeks) March through October.

Quantity: 18 UOM: Twice per month Unit Price: $21.35 Total: $384.30

1.4 Cook Lane north of West First Street east and west sides. Service biweekly (every two weeks) March through October.

Quantity: 18 UOM: Twice per month Unit Price: $120.54 Total: $2,169.72

1.5 South Teel Parkway north of University Drive (380). Service biweekly (every two weeks) March through October.

Quantity: 18 UOM: Twice per month Unit Price: $77.61 Total: $1,396.98

1.6 3188 Prosper Trail - Service biweekly (every two weeks) March through October.

Quantity: 18 UOM: Twice per month Unit Price: $117.68 Total: $2,118.24

1.7 2491 North Custer Road - Service biweekly (every two weeks) March through October.

Quantity: 18 UOM: Twice per month Unit Price: $371.51 Total: $6,687.18

1.8 1454 East First Street - Service biweekly (every two weeks) March through October.

Quantity: 18 UOM: Twice per month Unit Price: $56.56 Total: $1,018.08

1.9 3180 West First Street - Service biweekly (every two weeks) March through October.

Quantity: 18 UOM: Twice per month Unit Price: $82.89 Total: $1,492.02

1.10 1880 Newpark Way - Service biweekly (every two weeks) March through October.

Quantity: 18 UOM: Twice per month Unit Price: $76.82 Total: $1,382.76

1.11 401 South Craig Road - Service biweekly (every two weeks) March through October.

Quantity: 18 UOM: Twice per month Unit Price: $51.31 Total: $923.58

2 Cost per additional acre

(Line excluded from response total)

Quantity: 1 UOM: EA Unit Price: $105.00 Total: $105.00

RFP NO. 2026-11-A
ROW and Water Tower Locations Mowing and Landscape Maintenance Services

EVALUATION MATRIX		Abescape Group		Beast Mowed Land & Landscape		Brightview Landscape Services		Fando Solutions		NTSM		Raiderpowercommercial services		SLM Landscaping & Maintenance		SMI		Three Pillars Landscaping		TRS Property Services		V & A Landscape and Lawn	
EVALUATION CRITERIA	**WEIGHTING**	**POINTS**	**WEIGHTED SCORE**	**POINTS**	**WEIGHTED SCORE**	**POINTS**	**WEIGHTED SCORE**	**POINTS**	**WEIGHTED SCORE**	**POINTS**	**WEIGHTED SCORE**	**POINTS**	**WEIGHTED SCORE**	**POINTS**	**WEIGHTED SCORE**	**POINTS**	**WEIGHTED SCORE**	**POINTS**	**WEIGHTED SCORE**	**POINTS**	**WEIGHTED SCORE**	**POINTS**	**WEIGHTED SCORE**
Cost Proposal	**30%**	6.61	1.98	6.79	2.04	9.12	2.74	9.53	2.86	7.31	2.19	3.68	1.10	4.26	1.28	10.00	3.00	1.92	0.58	3.16	0.95	4.34	1.30
Ability to Meet Town's Needs	**15%**	8.67	1.30	7.83	1.18	10.00	1.50	7.83	1.18	8.00	1.20	5.89	0.88	8.33	1.25	6.78	1.02	3.67	0.55	3.50	0.53	8.67	1.30
Equipment	**15%**	9.33	1.40	6.67	1.00	9.67	1.45	8.50	1.28	6.67	1.00	4.33	0.65	8.33	1.25	5.00	0.75	4.50	0.68	4.50	0.68	9.00	1.35
Staffing	**20%**	8.17	1.63	6.00	1.20	9.67	1.93	6.67	1.33	9.00	1.80	4.33	0.87	9.17	1.83	7.67	1.53	2.67	0.53	2.00	0.40	7.00	1.40
Work History and References	**20%**	8.50	1.70	9.33	1.87	8.00	1.60	9.00	1.80	8.75	1.75	10.00	2.00	9.50	1.90	8.00	1.60	0.00	0.00	10.00	2.00	9.50	1.90
TOTAL	**100%**		**8.02**		**7.28**		**9.22**		**8.44**		**7.94**		**5.50**		**7.51**		**7.90**		**2.34**		**4.55**		**7.25**

TOWN OF PROSPER
A Place Where Everyone Matters

POLICE DEPARTMENT

To: **Mayor and Town Council**

From: **Kenneth Myers, Interim Chief of Police**

Through: **Mario Canizares, Town Manager**
Colin Ashby, Budget Officer & Grants Administrator

Re: **FY 2027 MVCPA Auto Theft Task Force Grant Application**

Town Council Meeting – April 28, 2026

Strategic Visioning Priority: 4. Provide Excellent Municipal Services

---

Agenda Item:
Consider and act upon a resolution authorizing the Town Manager, and/or his/her designee, to apply for the FY 2027 Motor Vehicle Crime Prevention Authority Auto Theft Task Force Grant. (KM)

Description of Agenda Item:
The Motor Vehicle Crime Prevention Authority (MVCPA) has announced the issuance of the Fiscal Year 2027 (FY 2027) Request for Applications (RFA). The application deadline is May 8, 2026. Pursuant to the Texas Transportation Code, Chapter 1006, and Texas Administrative Code, Title 43, Part 3, Chapter 57, eligible entities may receive grant funding from the MVCPA to support law enforcement agencies and task forces in combating motor vehicle crime. Furthermore, the Town of Prosper is the grantee agency with several sub-grantee agencies under the Auto Theft Task Force and as such those agencies have line items within the overall budget.

The Town of Prosper has been awarded several grants for the past two years from the MVCPA and requests to continue the grants for FY 2027.

For FY 2026, the Town of Prosper was awarded 2 grants from the 2026 MVCPA Auto Theft Task Force and the 2026 MVCPA Catalytic Converter Theft Task Force Grant. The Town of Prosper is requesting continuation of the related budget items and footprint from the FY2026 grant in which the town was responsible for cash match of approximately $187,999. This is approximately 20 percent of the MVCPA requested funds. The Town of Prosper would maintain this level of spending for FY2027. There is a possibility that there could be a negation period in which the MVCPA provides additional funding to the Task Force. It should also be noted that the Auto Theft Task Force has several opportunities for cash match by conducting 68-A VIN inspections at $40.00 per inspection and other revenue functions provided by grant activities. The Task Force is currently conducting 68-A inspections.

The Town of Prosper with this continuation grant anticipate funding the following grant items.

1. 2 Positions (Detective/Task Force Auto Theft Prevention Coordinator and Crime Analyst)

2. Overtime, Training and Travel
3. Flock ALPR, OSINT NOVA and DFR equipment
4. Vehicle (Most likely shared expense at 50 percent with MVCPA for Auto Crimes Enforcement).
5. Computers and Equipment
6. Supplies and other expenses.

The Town anticipates continuing to seek annual approval to apply for MVCPA grant funding to support and expand these critical initiatives.

Please note: This is a reimbursement grant. The Town will initially fund all personnel overtime, travel, training and equipment costs from the General Fund, and MVCPA will reimburse 80% of eligible expenses upon approval.

Budget Impact:

The Town's cash match portion is estimated at approximately $187,999 and will be funded through the Police Department's General Fund allocation in fiscal year 2027. The total project cost will be supported through a combination of MVCPA grant funds and Town budget authority. There will be a budget impact in fiscal year 2027 associated with the Town's required match and allocated funding with MVCPA reimbursing the town's non-cash match through the grant.

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has approved the attached documents as to form and legality.

Attached Documents:

1. Application
2. Resolution

Town Staff Recommendation:

Town staff recommend the Town Council approve a resolution authorizing the Town Manager, and/or his/her designee, to apply for the FY 2027 Motor Vehicle Crime Prevention Authority Auto Theft Task Force Grant and approve the authorization to accept the FY 2027 Motor Vehicle Crime Prevention Authority Auto Task Force Grant, if awarded. A future budget amendment will be requested to account for the grant income and to allocate funding for this project.

Proposed Motion:

I move to approve a resolution authorizing the Town Manager, and/or his/her designee, to apply for the FY 2027 Motor Vehicle Crime Prevention Authority Task Force Grant and approve the authorization to accept the FY 2027 Motor Vehicle Crime Prevention Authority Auto Task Force Grant if awarded.

Motor Vehicle Crime Prevention Authority

Fiscal Year 2027 Request for Applications - Taskforce Grant
March 16, 2026

Notice of Request for Applications
The Motor Vehicle Crime Prevention Authority (MVCPA) authorized the issuance of the Fiscal Year 2027 (FY 2027) Request for Applications (RFA). MVCPA is authorized in statute to provide grants to local law enforcement to combat motor vehicle theft, burglary from a motor vehicle and/or fraud-related motor vehicle crime.

Eligible applicants may request funds for program operation by submission of an application consistent with the requirements and conditions stated in this RFA. This RFA is posted in the Texas Register as required by law for at least thirty (30) days prior to the due date for Applications.

All applications submitted will be for FY 2027. If **previously** awarded a FY 2026 grant, the MVCPA may provide a FY 2027 grant subject to availability of funding and grantee's positive program performance.

Due Date
Grant Applications from eligible applicants must be completely submitted on-line at https://MVCPA.tamu.edu on or before **5:00 PM, May 8, 2026**. **First time applicants must establish an account and perform account setup steps prior to an application being able to be submitted**.

The required Resolution and any optional supporting documents must be scanned and submitted as attachments to the application at https://MVCPA.tamu.edu on or before **5:00 PM, May 8, 2026**.

Applicable Authority and Rules
Motor Vehicle Crime Prevention Authority grant programs are governed by the following statutes, rules, standards and guidelines:

- Texas Transportation Code Chapter 1006 (https://statutes.capitol.texas.gov/Docs/TN/htm/TN.1006.htm)
- Texas Administrative Code (TAC): Title 43; Part 3; Chapter 57 (https://texas-sos.appianportalsgov.com/rules-and-meetings?interface=SEARCH_TAC)
- Texas Grant Management Standards (TxGMS) as promulgated by the Texas Comptroller of Public Accounts (https://comptroller.texas.gov/purchasing/grant-management/)
- The current Motor Vehicle Crime Prevention Authority Grant Administrative Manual and any subsequent adopted grantee instruction manuals (https://www.txdmv.gov/sites/default/files/body-files/MVCPA_2025_Grant_Administrative_Manual.pdf)

This Request for Applications issued on March 16, 2026.

Eligible Applicants
Only Texas law enforcement agencies through their city or county are eligible to apply for Motor Vehicle Crime Taskforce Grants.

Applicants meeting the eligibility requirements may submit a new grant subject to the priority established by the MVCPA in the FY 2027 RFA.

New Grant - Available only to law enforcement agencies. These are annual grants that require a minimum cash match of 20% for the program described in the application. New applicants shall email MVCPA at GrantsMVCPA@txdmv.gov from an official governmental agency email account to request an account and access be established.

Grant Type
Reimbursement - This is a total program budget reimbursement grant. Applicants that are awarded grants will expend local (agency) funds and then will be reimbursed quarterly, subject to compliance with standard and special conditions as contained in the Statement of Grant Award (SGA), at the agreed rate for all allowable, reasonable, and necessary program costs incurred.

Grant Term
The FY 2027 grant cycle is a one (1) year funding cycle to begin on September 1, 2026, and end August 31, 2027. For those grantees who were previously awarded a FY2026 grant, subject to availability of funding and grantee's positive program performance, the MVCPA may provide an FY 2027 grant using the same on-line application systems and budget values as originally submitted. No obligations or expenses may be incurred or made outside of the grant period(s).

Method of Application
Grant Applications from eligible applicants shall be completely submitted on-line at https://MVCPA.tamu.edu on or before **5:00 PM, May 8, 2026**. All forms will be completed on-line. The Resolution and all supporting documents must be submitted as attachments.

Resolution Required
A Resolution (Order or Ordinance) by the applicant governing body is required to make application for these funds. The Resolution shall provide that the governing body applies for the funds for the purpose provided in statute (Texas Transportation Code, Chapter 1006) and agrees to return the grant funds in the event of loss or misuse, and to designate the officials that the governing body chooses as its agents to make uniform assurances and administer the grant if awarded.

Only the governing body submitting an application needs to adopt and submit a Resolution. Participating jurisdictions in multi-agency taskforces shall agree and commit to the grant through interagency agreements as provided under Texas Local Government Code Chapter 362, Texas Government Code Chapter 791 and TxGMS.

In the event a governing body has delegated the application authority to a city manager, chief of police, sheriff or other official then applicants must submit on-line a copy of the delegation order (documentation) along with the Resolution signed by the official. A sample Resolution is attached as Appendix A.

Program Category
To be eligible for consideration for funding, a taskforce grant application must be designed to support one or more of the following MVCPA program categories (43 TAC §57.14):

Law Enforcement, Detection, and Apprehension - provide financial support to law enforcement agencies for economic motor vehicle theft and fraud-related motor vehicle crime enforcement teams (referred to as taskforces). Taskforces will develop organized methods to combat motor vehicle theft, including catalytic converter theft, burglary of a motor

vehicle and fraud-related motor vehicle crime through the enforcement of law. This may include recovery of vehi clearance of cases, arrest of law violators, and disruption of organized motor vehicle crime. This category includes development of uniform programs to prevent stolen motor vehicles from entering Mexico or being removed from Texas through outbound seaports.

Prosecution/Adjudication/Conviction - provide financial support for taskforces to work with prosecutors and the judiciary to implement programs designed to reduce the incidence of motor vehicle theft, including catalytic converter theft, burglary of a motor vehicle and fraud-related motor vehicle crime.

Prevention, Anti-Theft Devices and Automobile Registration - provide financial support for taskforces to work with organizations and communities to reduce the incidence of motor vehicle theft, including the theft of catalytic converters, burglary of a motor vehicle and/or fraud-related motor vehicle crime. The application shall demonstrate how the financial support will assist automobile owners to reduce motor vehicle theft, burglary of a motor vehicle and fraud-related motor vehicle crime.

Reduction of the Sale of Stolen Vehicles or Parts - provide financial support for taskforces to work with businesses, organizations, and communities to reduce the sale of stolen vehicles or parts, including catalytic converters. Applicants will develop organized methods to combat the sale of stolen vehicles and parts using any of the following: vehicle identification number (VIN) inspection; inspections of motor vehicle part and component distribution enterprises; parts labeling and etching methods; and means to detect the fraudulent selling of stolen parts.

Educational Programs and Marketing - provide financial support for taskforces to work with individuals, businesses, organizations, and communities to assist automobile owners in preventing motor vehicle theft, including catalytic converter theft, burglary of a motor vehicle and fraud-related motor vehicle crime. Develop and provide specialized training or education program(s) to: the public on motor vehicle crime prevention, law enforcement on interdiction and prosecution, and government officials on fraud-related motor vehicle crime prevention, including title and registration fraud.

Priority Funding

The MVCPA enabling statute provides that the "the authority shall allocate grant funds primarily based on the number of motor vehicles stolen in, or the motor vehicle burglary or theft rate across, and the number of fraud-related motor vehicle crimes committed in the state rather than based on geographic distribution." (Tex. Transp. Code §1006.151(c). In addition, the following grant features will be given priority consideration in evaluating new grant applications:

Continuing Funded Programs in Compliance with MVCPA Grant Conditions - Applications that provide for the continuation of existing programs that currently meet the program and fiscal reporting conditions of the MVCPA. Applicants must provide ongoing need and evidence of their progress and impactful performance toward combatting motor vehicle theft, including catalytic converter theft, burglary of a motor vehicle and/or fraud-related motor vehicle crime. The applicant must describe the experience and qualifications of investigators used in the program and how utilization of current grant inventory and resources for continued operation of these specialized investigative grant programs are useful for the state and local governments.

Programs to Combat Organized Economic Crime - Applications for economic motor vehicle theft and fraud- related motor vehicle crime enforcement teams that introduce, increase, or expand efforts to combat criminal activities by organized crime.

Border and Port Security - Applications that provide specific initiatives to identify and prevent stolen vehicles and catalytic converters from crossing the border using automatic license plate readers, training of local state and federal personnel in the identification of stolen vehicles, and bridge and port inspections.

Use of Technology - Applications that incorporate automatic license plate reader programs, surveillance equipment and

other uses of technology to increase the number of stolen vehicles recovered and the number of persons arrested motor vehicle crimes.

Theft of Parts from a Motor Vehicle - Applications that incorporate a reasonable, objective plan to combat and prevent the theft of catalytic converters.

Dedicated Prosecutors - Applications that incorporate a dedicated prosecutor to increase the priority of economic motor vehicle crime case prosecutions and decrease the number of repeat offenders through successful prosecution efforts.

Supporting Documents
Documents that provide evidence of local support or commitment from other officials or agencies for the application may be submitted following the same instructions as the Resolution. Interagency agreements shall be submitted prior to payments being authorized if an award is made. MVCPA recommends that interagency agreements be completed after award determinations are made to ensure correct amounts are reflected in those agreements. All interagency agreements must meet the conditions and elements required in the TxGMS.

Supplanting Prohibited
Grant funds provided by the Authority under this RFA shall not be used to supplant federal, state or local funds that otherwise would be available for the same purposes (Texas Administrative Code Title 43, §57.9). Supplanting means the replacement of other funds with MVCPA grant funds. This shall include using existing resources already available to a program activity as cash match.

Cash Match Requirement
All applications for programs must provide at least a twenty (20%) percent cash match (Texas Administrative Code Title 43 §57.36). Multijurisdictional agencies must provide details for the method of cash match in intergovernmental agreements (Texas Government Code, Chapter 791). Cash match must meet the requirements provided in TxGMS.

Formulas to calculate cash match:

1. Total MVCPA grant funds requested multiplied by percentage of match required = Total Amount of Cash Match Required

2. Total Program Cost minus Total Cash Match Required = Total Authority Grant Request

NICB in Lieu of Cash - Applicants may enter into formal agreements with the National Insurance Crime Bureau (NICB) to work on grant funded activities. The amount of salary and other direct costs related to the work on grant activity provided by the NICB may be counted and reported as in lieu of cash match. Time certifications are required to be made by the employee for these positions as required by TXGMS. Applicants must meet the obligation expressed as cash match in the event NICB cannot meet its obligation.

In-Kind Match
Only include in-kind if necessary for the local jurisdiction. In-kind contributions shall not be considered cash match. In-kind match may be used to: 1) reflect the total level of jurisdictions' effort/costs to combat economic motor vehicle crime; 2) reflect how the grant program fits into jurisdictions' operation; 3) effectively operate a single program with multiple funding streams; and/or 4) contributions from the applicant or third parties that are for grant funded activity. Costs in detail line items shall not be split between in-kind match and cash match or grant funding. For example, the entire salary of an officer shall be placed in one expense type rather than split between grant/cash match costs and in-kind.

Reporting and Microsoft TEAMS Meeting Attendance Requirements

Applicants that are awarded grants will be required to provide:

- **Quarterly Progress Reports** - The MVCPA requires submission of quarterly progress reports to demonstrate progress toward meeting goals and activities provided in the grant application. These include: 1) Monthly progress toward statutorily required performance measures; 2) Monthly progress recorded on the Goals, Strategies and Activities report; and 3) Quarterly Summary and Success section. Grantees designated as Border/Port Security grants are required to complete additional sections required by the Texas Legislature.

- **Quarterly Financial Reports** - Reports of actual expenses are provided to request funds. All expenditures must be in accordance with local policies and procedures and grant requirements. Grantees shall review all expenditures, ensure all applicable regulations are followed, and maintain documentation that is accurate and complete. All expenses must be supported by appropriate documentation.

- **Microsoft Teams Attendance**: **One grant representative** from the applicant agency is required to attend a monthly session via **Teams** that includes information on MVCPA grant administration. **One law enforcement officer** is also required to attend the monthly information sharing and networking sessions on law enforcement issues and other MVCPA issues critical to the successful operation of MVCPA taskforces.

Funding Requirements and Conditions

a. State Funds Availability - All awards by the MVCPA are subject to availability of state funds.
b. Right of Refusal - The Authority reserves the right to reject any applications submitted.
c. Awards - Publishing the RFA does not legally obligate the Authority to fund any programs.
d. Partial Funding - The Authority may choose to offer funds for all, or any portion of a program submitted in an application.
e. Substitution - The Authority may offer alternative funding sources, special conditions, or alternative program elements in response to submitted Applications.
f. Application Required - Registration for on-line access is required. The MVCPA is not responsible for applicants that cannot complete the registration and application process on time.
g. No Alternative Application Submission - Paper applications and requests for funding are not accepted in lieu of the on-line grant application process.
h. Review Criteria - Authority staff and designated MVCPA Board member(s) will review each grant using subjective and objective tools and comparative analysis. The weight given to each section or combination of sections is at the sole discretion of the Authority.
i. Questions and Clarification - During the review period, the applicant may be contacted by Authority staff to ask questions or to seek clarification regarding information provided in the application. Failure to promptly respond will not disqualify an applicant, but information that is submitted after the review period may not be considered.
j. Final Selection - The Authority may select and award programs that best meet the statutory purposes and that reflects its current priorities. No appeal may be made from the Authority's decisions.
k. Changes in Application –If an applicant proposes changes to be made in the program type or participation of jurisdictions after an award is determined, then the Authority will review the changes and may make modifications (including the amount) or cancel the award as deemed appropriate by the Authority.
l. Delayed Start - An applicant that is awarded a grant and that does not begin operations within 45 days of the beginning of the grant term is considered terminated.
m. Application instructions - the MVCPA provides additional details and instructions in the on-line application system that are incorporated by reference as part of this RFA and must be followed during the application and award process.
n. Program Income - is defined in the TxGMS. Current grantees carrying forward program income from prior years will follow the new rules established by the Texas Comptroller and MVCPA Grant Administrative Manual. Budgeted use of Program Income should be specified in the grant budget detail, narrative, and source of income table for FY 2027.
o. TCOLE Certification Required - The Primary Law Enforcement Grantee must attest compliance with TCOLE licensing requirements for peace officers.

Selection Process:
Eligible applications will be reviewed. Grant award decisions by MVCPA are final and not subject to judicial review. Grants will be awarded on or before September 1, 2026.

Applications that do not meet the stated requirements of this RFA and that are not eligible for review will be notified ten (10) working days after the due date.

Application Workshop
Potential applicants are **required** to attend the in person "Motor Vehicle Crime Prevention Authority Grant Application Workshop" which has been scheduled for: **April 8, 2026 from 8:00 AM - 5:00 PM** at:

Eilan Hotel & Spa
18603 La Cantera Terrace
San Antonio, Texas 78256
Phone #: 210-598-2900
Website: www.eilanhotel.com

The informational session will provide details on the grant Application process including grant eligibility requirements, completing the various Application sections, and the grant cycle timeline. At least one representative of the potential grant applicant should be present at this workshop.

Contact Person
William Diggs, MVCPA Director,
Texas Motor Vehicle Crime Prevention Authority 4000 Jackson Avenue
Austin, Texas 78731
(512) 465-1485
GrantsMVCPA@txdmv.gov

Issued in Austin, Texas on March 15, 2026, William Diggs, MVCPA Director

MVCPA Application Checklist

Each Applicant must:

1) Complete the on-line Application on or before **5:00 PM, May 8, 2026.**
2) Complete the Resolution with the city or county and attach with other supporting documents on or before **5:00 PM, May 8, 2026.**

Appendix A
Updated Sample Motor Vehicle Crime Prevention Authority Resolution

Applicants must use the language below to meet the minimum legal elements to execute an agreement with the MVCPA through the grant application process. Cities and counties not wanting to use the sample below must address all the legal elements contained herein.

2027 [Blank] City/ County Resolution or Order or Ordinance

Motor Vehicle Crime Prevention Authority

2027 [BLANK] Resolution

Taskforce Grant Program

WHEREAS, under the provisions of the Texas Transportation Code Chapter 1006 and Texas Administrative Code Title 43; Part 3; Chapter 57, entities are eligible to receive grants from the Motor Vehicle Crime Prevention Authority to provide financial support to law enforcement agencies for economic motor vehicle theft and fraud-related motor vehicle crime enforcement teams; and

WHEREAS, this grant program will assist this jurisdiction to combat motor vehicle theft, motor vehicle burglary and fraud-related motor vehicle crime; and

WHEREAS, [GOVERNMENT ENTITY] has agreed that in the event of loss or misuse of the grant funds, BLANK assures that the grant funds will be returned in full to the Motor Vehicle Crime Prevention Authority.

NOW THEREFORE, BE IT RESOLVED and ordered that [TITLE], is designated as the Authorized Official to apply for, accept, decline, modify, or cancel the grant application for the Motor Vehicle Crime Prevention Authority Grant Program and all other necessary documents to accept said grant; and

BE IT FURTHER RESOLVED that [TITLE], is designated as the Program Director and [TITLE], is designated as the Financial Officer for this grant.

Adopted this _____day of _____, 2026.

_____
NAME:
TITLE: County Judge / Mayor / City Manager

TOWN OF PROSPER, TEXAS **RESOLUTION NO. 2026-XX**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AUTHORIZING THE TOWN TO SUBMIT A GRANT APPLICATION TO THE MOTOR VEHICLE CRIME PREVENTION AUTHORITY FOR THE 2027 AUTO THEFT TASK FORCE GRANT PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Prosper finds it in the best interests of the citizens of the Town of Prosper ("Town") that the Town submit a grant application for the Auto Theft Task Force Grant Program to be funded by the Motor Vehicle Crime Prevention Authority Grant Program for the 2027 fiscal year; and

WHEREAS, under the provisions of the Texas Transportation Code Chapter 1006 and Texas Administrative Code Title 43; Part 3; chapter 57, entities are eligible to receive grants from the Motor Vehicle Crime Prevention Authority to provide financial support to law enforcement agencies for economic motor vehicle theft, and fraud-related motor vehicle crime enforcement teams; and

WHEREAS, this grant program will assist this jurisdiction to combat motor vehicle theft, motor vehicle burglary and fraud-related motor-vehicle crime; and

WHEREAS, the Town agrees to provide applicable matching funds for said project as required by the Motor Vehicle Crime Prevention Authority grant application; and

WHEREAS, the Town agrees that in the event of the loss or misuse of the grant funds, the Town agrees and assures that the funds will be returned to the Motor Vehicle Crime Prevention Authority in full.

WHEREAS, the Town designates the Budget Officer & Grants Administrator, Colin Ashby or successor as the Authorized Official to apply for, accept, reject, alter, or terminate the grant application for the Motor Vehicle Crime Prevention Authority Grant Program and all other necessary documents to accept said grant on behalf of the Town; and

WHEREAS, the Town designates Jon Kundak, Detective is designated as the Program Director and Marcus Northcutt is designated as the Financial Officer for this grant.

NOW, THEREFORE, BE IT RESOLVED 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 Resolution as if fully set forth herein.

SECTION 2

The Town Council of the Town of Prosper does hereby approve the submission of the grant application for the Motor Vehicle Crime Prevention Authority 2027 Auto Theft Task Force Grant Program.

SECTION 3

This Resolution shall be effective from and after its passage by the Town Council.

DULY PASSED AND APPROVED 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

TOWN OF PROSPER
A Place Where Everyone Matters

POLICE DEPARTMENT

To: **Mayor and Town Council**

From: **Kenneth Myers, Interim Chief of Police**

Through: **Mario Canizares, Town Manager**
Colin Ashby, Budget Officer & Grants Administrator

Re: **FY 2027 MVCPA Catalytic Converter Theft Prevention Grant Program Application**

Town Council Meeting – April 28, 2026

Strategic Visioning Priority: 4. Provide Excellent Municipal Services

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Agenda Item:
Consider and act upon a Resolution authorizing the Town Manager, and/or his/her designee, to apply for the FY 2027 Motor Vehicle Crime Prevention Authority Catalytic Converter Theft Prevention Grant. (KM)

Description of Agenda Item:
The Motor Vehicle Crime Prevention Authority (MVCPA) has announced the issuance of the Fiscal Year 2027 (FY 2027) Request for Applications (RFA). The application deadline is May 8, 2026. Pursuant to the Texas Transportation Code, Chapter 1006, and Texas Administrative Code, Title 43, Part 3, Chapter 57, eligible entities may receive grant funding from the MVCPA to support law enforcement agencies and task forces in combating motor vehicle crime.

The Town of Prosper has been awarded several grants for the past two years from the MVCPA and requests to continue the grants for FY 2027.

For FY 2026, the Town of Prosper was awarded 2 grants from the 2026 MVCPA Auto Theft Task Force and the 2026 MVCPA Catalytic Converter Task Force Grants. The Town of Prosper is requesting continuation of the related budget items and footprint from the FY2026 grant in which the town was responsible for cash match of approximately $86,930. This is approximately 20 percent of the MVCPA requested funds. The Town of Prosper would maintain this level of spending for FY2027. There is a possibility that there could be a negation period in which the MVCPA provides additional funding to this grant.

The Town of Prosper with this continuation grant anticipate funding the following grant items.

1. Overtime, Training and Travel
2. Flock ALPR Mobile Trailers and Speed Trailers with Signage and Flock ALPR.
3. First Two Software
4. Vehicle Drones
5. NightHawk

6. Berla Forensic License
7. Vehicle and Small Item Trackers
8. Cellebrite Forensics Tools
9. Grappler System for Vehicles
10. Supplies and other expenses

The Town anticipates continuing to seek annual approval to apply for MVCPA grant funding to support and expand these critical initiatives.

Please note: This is a reimbursement grant. The Town will initially fund all personnel overtime, travel, training and equipment costs from the General Fund, and MVCPA will reimburse 80% of eligible expenses upon approval.

Budget Impact:

The Town's cash match portion is estimated at approximately $86,930 and will be funded through the Police Department's General Fund allocation in fiscal year 2027. The total project cost will be supported through a combination of MVCPA grant funds and Town budget authority. There will be a budget impact in fiscal year 2027 associated with the Town's required match and allocated funding with MVCPA reimbursing the town's non-cash match through the grant.

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has approved the attached documents as to form and legality.

Attached Documents:

1. Application
2. Resolution

Town Staff Recommendation:

Town staff recommend the Town Council approve a Resolution authorizing the Town Manager, and/or his/her designee, to apply for the FY 2027 Motor Vehicle Crime Prevention Authority Catalytic Converter Theft Prevention Grant and approve the authorization to accept the FY 2027 Motor Vehicle Crime Prevention Authority Catalytic Converter Theft Prevention Grant, if awarded. A future budget amendment will be requested to account for the grant income and to allocate funding for this project.

Proposed Motion:

I move to approve a Resolution authorizing the Town Manager, and/or his/her designee, to apply for the FY 2027 Motor Vehicle Crime Prevention Authority Catalytic Converter Theft Prevention Grant and approve the authorization to accept the FY 2027 Motor Vehicle Crime Prevention Authority Catalytic Converter Theft Prevention Grant if awarded.

Motor Vehicle Crime Prevention Authority

Fiscal Year 2027 Request for Applications – Catalytic Converter Theft Prevention Grant
March 16, 2026

Notice of Request for Applications

The Motor Vehicle Crime Prevention Authority (MVCPA) has authorized the issuance of the Fiscal Year 2027 (FY 2027) Request for Applications (RFA). Senate Bill 224 provides that, "The money deposited to the credit of the general revenue fund for coordinated regulatory and law enforcement activities intended to detect and prevent catalytic converter theft in this state… may be appropriated to the Authority for the activities required by this section." To implement SB 224, the MVCPA is providing Catalytic Converter Theft Prevention Grants to local law enforcement taskforces and agencies to combat Catalytic Converter Theft.

Eligible applicants may request funds for program operation by submission of an application consistent with the information, including the requirements and conditions stated in this RFA. This RFA is posted in the Texas Register for at least thirty (30) days prior to the due date for Applications.

All applications submitted will be for FY 2027. If **previously** awarded an FY 2026 Catalytic Converter Theft Prevention Grant, the MVCPA may provide a FY 2027 grant subject to availability of funding and grantee's positive program performance.

Due Date

Grant Applications from eligible applicants must be completely submitted on-line at https://MVCPA.tamu.edu on or before **5:00 PM, May 8, 2026**. **First time applicants must establish an account and perform account setup steps prior to an application being able to be submitted**.

The required Resolution and any optional supporting documents must be scanned and submitted as attachments to the application at https://MVCPA.tamu.edu on or before **5:00 PM, May 8, 2026**.

Applicable Authority and Rules

Motor Vehicle Crime Prevention Authority grant programs are governed by the following statutes, rules, standards and guidelines:

- Texas Transportation Code Chapter 1006 (https://statutes.capitol.texas.gov/Docs/TN/htm/TN.1006.htm)
- Texas Administrative Code (TAC): Title 43; Part 3; Chapter 57 (https://texas-sos.appianportalsgov.com/rules-and-meetings?interface=SEARCH_TAC)
- Texas Grant Management Standards (TxGMS) as promulgated by the Texas Comptroller of Public Accounts (https://comptroller.texas.gov/purchasing/grant-management/)
- The current Motor Vehicle Crime Prevention Authority Grant Administrative Manual and any subsequent adopted grantee instruction manuals (https://www.txdmv.gov/sites/default/files/body-files/MVCPA_2025_Grant_Administrative_Manual.pdf)

Eligible Applicants
Only Texas law enforcement agencies through their city or county are eligible to apply for the FY 2027 Catalytic Converter Theft Prevention Grant funding.

Application Category
New Grant – These are potentially annual grants subject to available legislative funding. A 20 % Cash Match is required for this application. Applicants meeting eligibility requirements may submit a new grant application to the priority established by the MVCPA in the FY 2027 RFA. New applicants shall email MVCPA at GrantsMVCPA@txdmv.gov from an official governmental agency email account to request an account and that access be established.

Grant Type
Reimbursement – This is a total program budget reimbursement grant. Applicants that are awarded grants will expend local (agency) funds and then will be reimbursed quarterly, subject to compliance with standard and special conditions as contained in the Statement of Grant Award (SGA), at the agreed rate for all allowable, reasonable, and necessary program costs incurred.

Grant Term
The FY 2027 grant cycle is a one (1) year funding cycle to begin on September 1, 2026, and end August 31, 2027. Subject to availability of funding and grantee's positive program performance, the MVCPA may provide a FY 2028 grant using the same on-line application systems and prorated budget values as originally submitted. No obligations or expenses may be incurred or made outside of the grant period(s).

Method of Application
Grant Applications from eligible applicants shall be completely submitted on-line at https://MVCPA.tamu.edu on or before 5:00 PM, May 8, 2026. All forms will be completed on-line. The Resolution and all supporting documents must be submitted as attachments.

Resolution Required
A Resolution (Order or Ordinance) by the applicant governing body is required to make application for these funds. The resolution shall provide that the governing body applies for the funds for the purpose provided in statute (SB 224 and this RFA) and agrees to return the grant funds in the event of loss or misuse and designate the officials that the governing body chooses as its agents to make uniform assurances and administer the grant if awarded.

Only the governing body that submits an application needs to adopt and submit a Resolution. Participating jurisdictions in multi-agency taskforces shall agree and commit to the grant through Interlocal Cooperation Contract or agreements as provided under Texas Local Government Code Chapter 362, Texas Government Code Chapter 791, and TxGMS.

In the event a governing body has delegated the application authority to a city manager, chief of police, sheriff or other official, then applicants must submit on-line a copy of the delegation order (documentation) along with the Resolution signed by the official. A sample Resolution is attached as Appendix A.

Program Category
To be eligible for consideration for funding, a law enforcement taskforce grant application must be designed to support one or more of the following MVCPA program categories (43 TAC §57.14):

Law Enforcement, Detection, and Apprehension - provide financial assistance to support law enforcement agencies for economic motor vehicle theft, including, but not limited to, theft of a catalytic converter attached to a motor vehicle, and fraud-related motor vehicle crime enforcement teams (referred to as taskforces). Taskforces will develop organized methods to combat economic motor vehicle theft, including, but not limited to, theft of a catalytic converter attached to a motor vehicle, burglary of a motor vehicle and fraud-related motor vehicle crime through the enforcement of law. This may include recovery of vehicles, clearance of cases, arrest of law violators, and disruption of organized motor vehicle crime. This category includes the development of uniform programs to prevent stolen motor vehicles and stolen catalytic converters from entering Mexico or being removed from Texas through outbound seaports.

Prosecution/Adjudication/Conviction - provide financial support for taskforces to work with prosecutors and the judiciary to implement programs designed to reduce the incidence of catalytic converter theft.

Prevention, Anti-Theft Devices and Automobile Registration - provide financial support for taskforces to work with organizations and communities to reduce the incidence of catalytic converter theft. The application shall demonstrate how financial support will assist motor vehicle owners to reduce catalytic converter theft.

Reduction of the Sale of Stolen Vehicles or Parts - provide financial support for taskforces to work with businesses, organizations, and communities to reduce the sale of catalytic converters. Applicants will develop organized methods to combat the sale of stolen catalytic converters using any of the following: vehicle identification number (VIN) inspections; inspections of motor vehicle part and component distribution enterprises; parts labeling and etching methods; and means to detect the fraudulent sale of stolen catalytic converters.

Educational Programs and Marketing - provide financial support for taskforces to work with individuals, businesses, organizations, and communities to assist motor vehicle owners in detecting and preventing catalytic converter theft. Develop and provide specialized training or education program(s) to the public on detecting and preventing catalytic converter theft, law enforcement on interdiction and prosecution, and government officials on detecting and preventing catalytic converter theft in this state.

Priority Funding

The MVCPA enabling statute provides that “The authority shall allocate grant funds primarily based on the number of motor vehicles stolen in, or the motor vehicle burglary or theft rate across, and the number of fraud-related motor vehicle crimes committed in the state rather than based on geographic distribution.” (Tex. Transp. Code §1006.151(c); SB 224). In addition, the following grant features will be given priority consideration in evaluating new grant applications:

Continuing Funded Programs in Compliance with MVCPA Grant Conditions - Applications that provide for the continuation of existing programs that currently meet the program and fiscal reporting conditions of the MVCPA grant program. Applicants must provide the ongoing need and their progress and impactful performance toward detecting and preventing catalytic converter theft. The applicant must describe the experience and qualifications of investigators used in the program and how utilization of grant inventory and resources for continued operation of these specialized investigative grant programs are useful for state and local governments.

Programs to Combat Organized Catalytic Converter Crime - Applications for detecting and preventing catalytic converter theft enforcement teams that introduce, increase, or expand efforts to detect and prevent theft of catalytic converters by organized crime.

Border and Port Security - Applications that provide specific initiatives to identify and prevent stolen catalytic con from crossing the border with Mexico using automatic license plate readers, training of local state and federal personnel in the identification of stolen vehicles, and bridge and port inspections.

Use of Technology - Applications that incorporate automatic license plate reader programs, surveillance equipment, and other uses of technology to increase the number of stolen catalytic converters recovered and the number of persons arrested for catalytic converter crimes.
Theft of Parts from a Motor Vehicle - Applications that incorporate a reasonable, objective plan to combat and prevent the theft of catalytic converters.

Dedicated Prosecutors - Applications that incorporate a dedicated prosecutor to increase the priority of catalytic converter theft prosecutions and decrease the number of repeat offenders through successful and timely prosecution efforts.

Supporting Documents
Documents that provide evidence of local support or commitment from other officials or agencies for the application may be submitted following the same instructions as the Resolution. Interagency agreements shall be submitted prior to payments being authorized if an award is made. MVCPA recommends that interagency agreements be completed after award determinations are made to ensure correct amounts are reflected in those agreements. All interagency agreements must meet the conditions and elements required in the TxGMS.

Supplanting Prohibited
Grant funds provided by the Authority under this RFA shall not be used to supplant federal, state or local funds that otherwise would be available for the same purposes (43 Texas Administrative Code §57.9). Supplanting means the replacement of other funds with MVCPA grant funds. This shall include using existing resources already available to a program activity as cash match.

Cash Match Requirement
All applications for programs must provide at least a twenty (20%) percent cash match (Texas Administrative Code Title 43 §57.36). Multijurisdictional agencies must provide details for the method of cash match in intergovernmental agreements (Texas Government Code, Chapter 791). Cash match must meet the requirements provided in TxGMS.

Formulas to calculate cash match:

1. Total MVCPA grant funds requested multiplied by percentage of match required = Total Amount of Cash Match Required

2. Total Program Cost minus Total Cash Match Required = Total Authority Grant Request

NICB in Lieu of Cash - Applicants may enter into formal agreements with the National Insurance Crime Bureau (NICB) to work on grant funded activities. The amount of salary and other direct costs related to the work on grant activity provided by the NICB may be counted and reported as in lieu of cash match. Time certifications are required to be made by the employee for these positions as required by TXGMS. Applicants must meet the obligation expressed as cash match in the event NICB cannot meet its obligation.

In-Kind Match
Only include in-kind match if necessary for the local jurisdiction. In-kind match may be used to: 1) reflect the total level of jurisdictions' effort/costs to combat catalytic converter theft; 2) reflect how the grant program fits into jurisdictions'

operation; 3) effectively operate a single program with multiple funding streams; and/or 4) contributions from the applicant or third parties that are for grant funded activity. Costs in detail line items shall not be split between in-kind match and grant funding. For example, the entire salary of an officer shall be placed in one expense type rather than split between grant and in-kind.

Reporting and Webinar Attendance Requirements

Applicants that are awarded grants will be required to provide:

- **Quarterly Progress Reports** - The MVCPA requires the submission of quarterly progress reports to demonstrate progress toward meeting goals and activities provided in the grant application. These include: 1) Monthly progress toward meeting statutorily required performance measures; 2) Monthly progress recorded on the Goals, Strategies and Activities report; and 3) Quarterly Summary and Success section. Grantees designated as Border/Port Security grants are required to complete additional sections required by the Texas Legislature.

- **Quarterly Financial Reports** - Reports of actual expenses incurred are required to request funds. All expenditures must be in accordance with local policies and procedures and grant requirements. Grantees shall review all expenditures, ensure all applicable regulations are followed, and maintain documentation that is accurate and complete. All expenses must be supported by appropriate documentation.

- **Microsoft Teams Attendance**: **One grant representative** from the applicant agency is required to attend a monthly session via **Teams** that includes information on MVCPA grant administration. **One law enforcement officer** is also required to attend the monthly information sharing and networking sessions on law enforcement issues and other MVCPA issues critical to the successful operation of MVCPA taskforces.

Funding Requirements and Conditions

a. State Funds Availability - All awards by the MVCPA are subject to availability of state funds.
b. Right of Refusal - The Authority reserves the right to reject any or all of the applications submitted.
c. Awards - Publishing the RFA does not legally obligate the Authority to fund any programs.
d. Partial Funding - The Authority may choose to offer funds for all, or any portion of a program submitted in an application.
e. Substitution - The Authority may offer alternative funding sources, special conditions, or alternative program elements in response to submitted Applications.
f. Application Required - Registration for on-line access is required. The MVCPA is not responsible for applicants that cannot complete the registration and application process on time.
g. No Alternative Application Submission - Paper applications and requests for funding are not accepted in lieu of the on-line grant application process.
h. Review Criteria - Authority staff and any designated MVCPA Board member(s) will review each grant using subjective and objective tools and comparative analysis. The weight given to each section or combination of sections is at the sole discretion of the Authority.
i. Questions and Clarification - During the review period, the applicant may be contacted by Authority staff to ask questions or to seek clarification regarding information provided in the application. Failure to promptly respond will not disqualify an applicant, but information that is submitted after the review period may not be considered.
j. Final Selection - The Authority may select and award programs that best meet the statutory and legislative purposes of SB 224 and that reflect its current priorities. No appeal may be made regarding the Authority's decisions.
k. Changes in Application - If an applicant proposes changes to be made in the program type or participation of jurisdictions after an award is determined, then the Authority will review the changes and may make modifications (including the amount) or cancel the award as deemed appropriate by the Authority.
l. Delayed Start - An applicant that is awarded a grant and does not begin operations within 30 days of the

issuance of the Statement of Grant Award is considered terminated.

m. Application instructions - the MVCPA will provide additional details and instructions in the on-line application system that are incorporated by reference as part of this RFA and which must be followed during the application and award process.
n. Program Income - is defined in the TxGMS. Current grantees carrying forward program income to future years will follow the new rules established by the Texas Comptroller and MVCPA Grant Administrative Manual.
o. TCOLE Certification Required - The Primary Law Enforcement Grantee must attest compliance with TCOLE licensing requirements for peace officers.

Selection Process:

Eligible applications will be reviewed. Grant award decisions by MVCPA are final and not subject to judicial review. Applications that do not meet the stated requirements of this RFA and that are not eligible for review will be notified within ten (10) working days after the due date.

Application Workshop

Potential applicants are **required** to attend the in person "Motor Vehicle Crime Prevention Authority Grant Application Workshop" which has been scheduled for: **April 8, 2026 from 8:00 AM - 5:00 PM** at:

Eilan Hotel & Spa
18603 La Cantera Terrace
San Antonio, Texas 78256
Phone #: 210-598-2900
Website: www.eilanhotel.com

The informational session will provide details on the grant Application process including grant eligibility requirements, completing the various Application sections, and the grant cycle timeline. At least one representative of the potential grant applicant should be present at this workshop.

Contact Person

William Diggs, MVCPA Director,

Texas Motor Vehicle Crime Prevention Authority 4000 Jackson Avenue

Austin, Texas 78731

(512) 465-1485

GrantsMVCPA@txdmv.gov

Issued in Austin, Texas on March 15, 2026, William Diggs, MVCPA Director

MVCPA Application Checklist

Each Applicant must:

1) Complete the on-line Application on or before **5:00 PM, May 8, 2026.**
2) Complete the Resolution with the city or county and attach with other supporting documents on or before **5:00 PM, May 8, 2026.**

Appendix A

Updated Sample Motor Vehicle Crime Prevention Authority Resolution

Applicants must use the language below to meet the minimum legal elements to execute an agreement with the MVCPA through the grant application process. Cities and counties not wanting to use the sample below must address all the legal elements contained herein.

2027 [Blank] City / County Resolution or Order or Ordinance

Motor Vehicle Crime Prevention Authority

2027 Blank City / County Resolution

Catalytic Converter Theft Prevention Grant Program

WHEREAS, under the provisions of the Texas Transportation Code Chapter 1006 and Texas Administrative Code Title 43; Part 3; Chapter 57, entities are eligible to receive grants from the Motor Vehicle Crime Prevention Authority to provide financial support to law enforcement taskforces and agencies for economic motor vehicle theft, including catalytic converter theft; and

WHEREAS, this grant program will assist this jurisdiction to combat catalytic converter theft; and

WHEREAS, [GOVERNMENTAL ENTITY] has agreed that in the event of loss or misuse of the grant funds, [GOVERNMENTAL ENTITY] agrees and assures that the grant funds will be returned in full to the Motor Vehicle Crime Prevention Authority.

NOW THEREFORE, BE IT RESOLVED and ordered that [TITLE], is designated as the Authorized Official to apply for, accept, decline, modify, or cancel the grant application for the Motor Vehicle Crime Prevention Authority Grant Program and all other necessary documents to accept said grant; and

BE IT FURTHER RESOLVED that [TITLE] is designated as the Program Director and [TITLE] is designated as the Financial Officer for this grant.

Adopted this _____day of _____, 2026.

_____

NAME:

TITLE: County Judge / Mayor / City Manager

TOWN OF PROSPER, TEXAS **RESOLUTION NO. 2026-XX**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AUTHORIZING THE TOWN TO SUBMIT A GRANT APPLICATION TO THE MOTOR VEHICLE CRIME PREVENTION AUTHORITY FOR THE 2027 CATALYTIC CONVERTER THEFT PREVENTION GRANT PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Prosper finds it in the best interests of the citizens of the Town of Prosper ("Town") that the Town submit a grant application for the Catalytic Converter Theft Prevention Grant Program to be funded by the Motor Vehicle Crime Prevention Authority Grant Program for the 2027 fiscal year; and

WHEREAS, under the provisions of the Texas Transportation Code Chapter 1006 and Texas Administrative Code Title 43; Part 3; chapter 57, entities are eligible to receive grants from the Motor Vehicle Crime Prevention Authority to provide financial support to law enforcement agencies for economic motor vehicle theft, including catalytic converter theft; and

WHEREAS, this grant program will assist this jurisdiction to combat catalytic converter theft; and

WHEREAS, the Town agrees to provide applicable matching funds for said project as required by the Motor Vehicle Crime Prevention Authority grant application; and

WHEREAS, the Town agrees that in the event of the loss or misuse of the grant funds, the Town agrees and assures that the funds will be returned to the Motor Vehicle Crime Prevention Authority in full.

WHEREAS, the Town designates the Budget Officer & Grants Administrator, Colin Ashby or successor as the Authorized Official to apply for, accept, reject, alter, or terminate the grant application for the Motor Vehicle Crime Prevention Authority Grant Program and all other necessary documents to accept said grant on behalf of the Town; and

WHEREAS, the Town designates Jon Kundak, Detective is designated as the Program Director and Marcus Northcutt is designated as the Financial Officer for this grant.

NOW, THEREFORE, BE IT RESOLVED 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 Resolution as if fully set forth herein.

SECTION 2

The Town Council of the Town of Prosper does hereby approve the submission of the grant application for the Motor Vehicle Crime Prevention Authority 2027 Catalytic Converter Theft Prevention Grant Program.

SECTION 3

This Resolution shall be effective from and after its passage by the Town Council.

DULY PASSED AND APPROVED 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

TOWN OF PROSPER
A Place Where Everyone Matters

PLANNING

To: **Mayor and Town Council**

From: **David A. Hoover, AICP, Director of Development Services**

Through: **Mario Canizares, Town Manager**
Chuck Ewings, Assistant Town Manager

Re: **Conceptual Development Plan for Planned Development-138**

Town Council Meeting – April 28, 2026

Strategic Visioning Priority: Ensure the Town's Commercial Corridors are Ready for Development

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Agenda Item:
Consider and act upon a request for a Conceptual Development Plan for Tracts B, C, and D of Planned Development-38, on 38.5± acres, located on the north side of University Drive and 805± feet west of Lakewood Drive. (DEVAPP-25-0116)

Description of Agenda Item:
The Conceptual Development Plan consists of 18 buildings with hotel, office, restaurant, and retail uses on 12 lots totaling 287,850 square feet and associated parking.

- Lot 1: Restaurant (6,300 SF)
- Lot 2: Restaurant/Retail (16,000 SF)
- Lot 3: Restaurant (6,000 SF)
- Lot 4: Restaurant/Retail Buildings (35,500 SF) + Retention Pond (3 Acres)
- Lot 5: Office (69,000 SF)
- Lot 6: Office/Restaurant/Retail (22,300 SF)
- Lot 7: Restaurant/Retail Buildings (5,250 SF)
- Lot 8: Restaurant/Retail (7,750 SF)
- Lot 9: Office/Restaurant/Retail Buildings (31,500 SF)
- Lot 10: Restaurant/Retail Buildings (14,250 SF)
- Lot 11: Full-Service Hotel/Meeting Space/Restaurant (40,000 SF)
- Lot 12: Restaurant/Retail Buildings (34,000 SF)

Background:
The current zoning for this property, Planned Development-38, divides the district into four tracts, Tracts A-D. The ordinance contains a Conceptual Development Plan for Tract A; however, Tracts B-D are not included in this plan. Instead, the language in the ordinance requires a Conceptual Development Plan for the remaining tracts, Tracts B-D, to be submitted prior to the submission of a Preliminary Site Plan. Additionally, this Conceptual Development plan must receive a recommendation from the Planning and Zoning Commission and approval from Town Council.

Future Land Use Plan:
The Future Land Use Plan designates this area as the US Highway 380 District.

Zoning:
The property is zoned Planned Development-38 (Retail).

Conformance:
The Conceptual Development Plan conforms to the development standards of Planned Development-38.

Access:
Access is provided from Richland Boulevard, University Drive, and a future collector road that will run through the center of the development.

Landscaping, Open Space, and Screening:
The proposed development complies with all landscaping, open space, and screening requirements. The retention pond for the development is located on the eastern side of the property and incorporates pathways that connect to the surrounding lots.

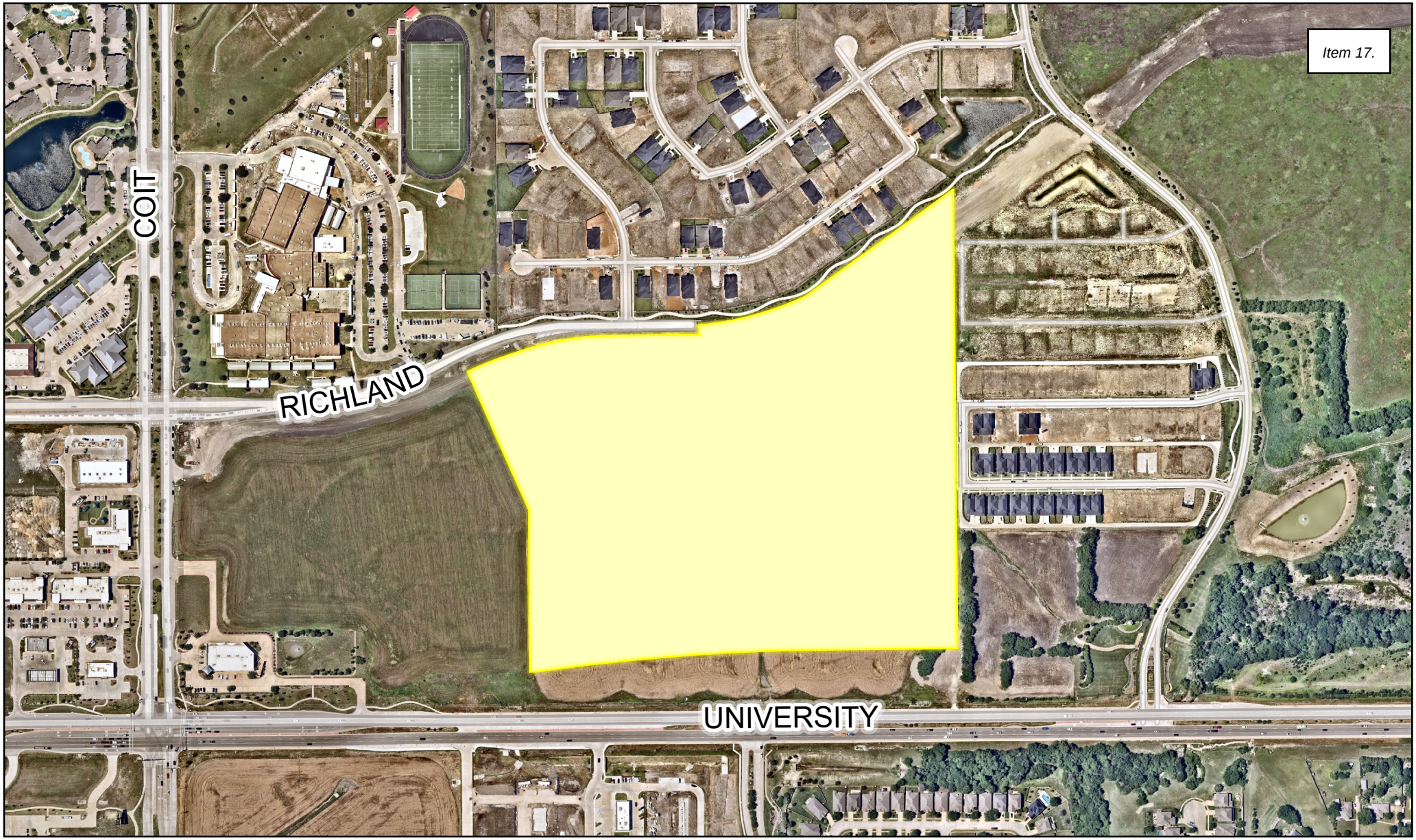
Budget Impact:
There is no budgetary impact affiliated with this item.

Attached Documents:
1. Location Map
2. Conceptual Development Plan
3. PowerPoint Slides

Town Staff Recommendation:
Town Staff recommend the Town Council approve the request for a Conceptual Development Plan for Tracts B, C, and D of Planned Development-38, on 38.5± acres, located on the north side of University Drive and 805± feet west of Lakewood Drive.

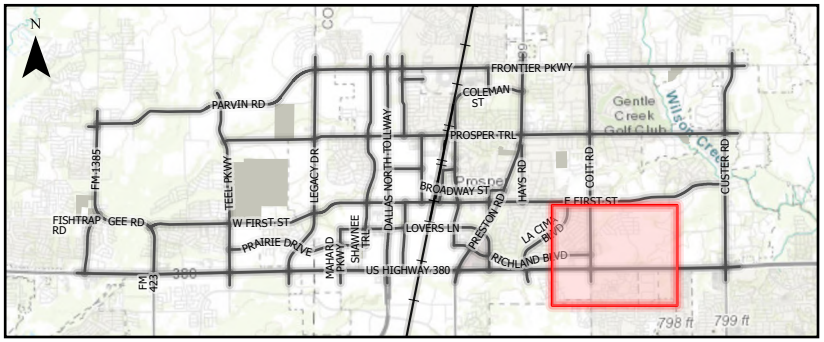
Planning and Zoning Commission Recommendation:
The Planning and Zoning Commission unanimously recommended approval of this item by a vote of 5-0 at their meeting on April 14, 2026.

Proposed Motion:
I move to approve/deny the request for a Conceptual Development Plan for Tracts B, C, and D of Planned Development-38, on 38.5± acres, located on the north side of University Drive and 805± feet west of Lakewood Drive.



TOWN OF PROSPER

0 275 550 1,100 Feet



This map for illustration purposes only

DEVAPP-25-0116

Prosper Crossing

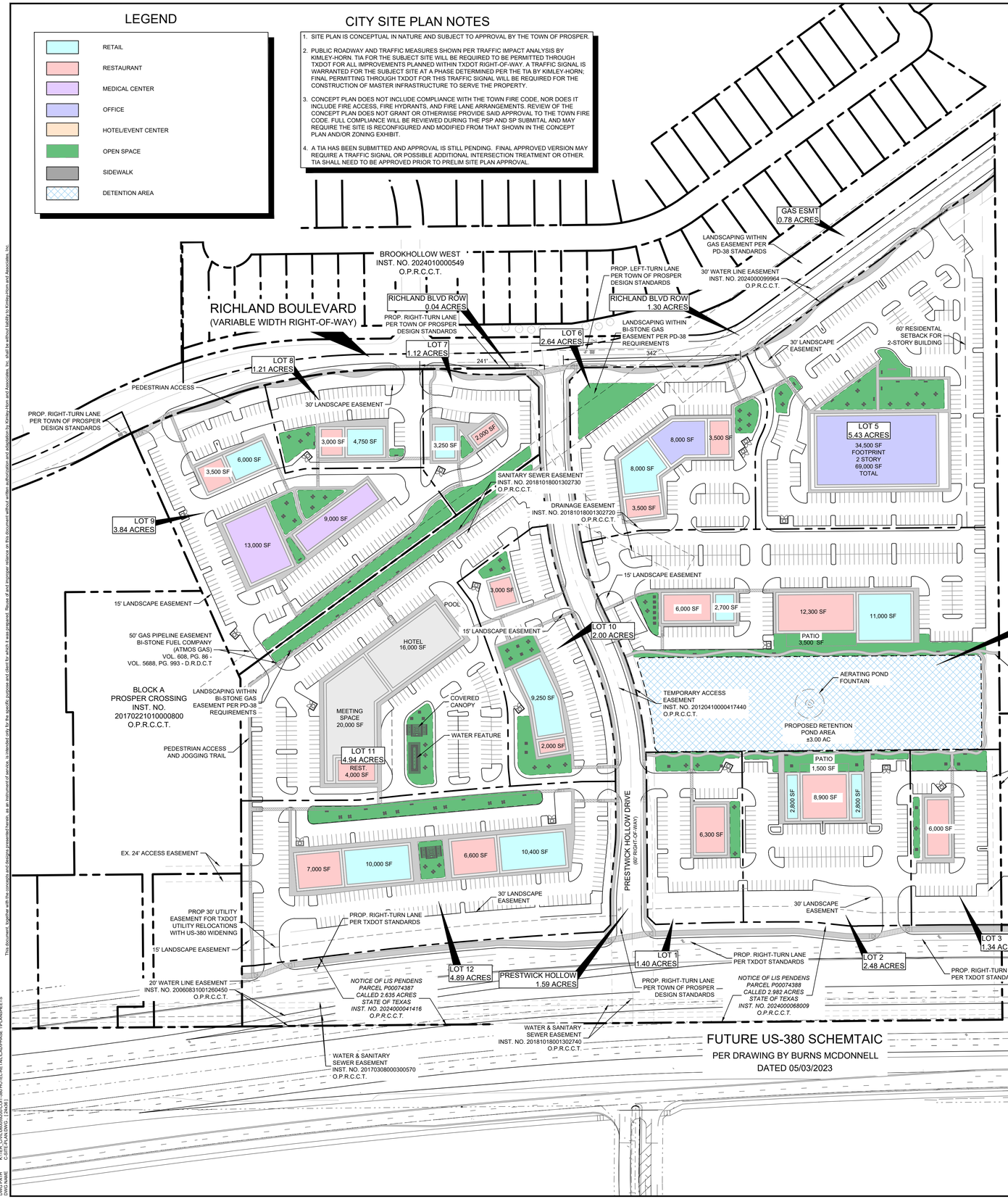
Conceptual Development Plan

LEGEND

- RETAIL
- RESTAURANT
- MEDICAL CENTER
- OFFICE
- HOTEL/EVENT CENTER
- OPEN SPACE
- SIDEWALK
- DETENTION AREA

CITY SITE PLAN NOTES

1. SITE PLAN IS CONCEPTUAL IN NATURE AND SUBJECT TO APPROVAL BY THE TOWN OF PROSPER.
2. PUBLIC ROADWAY AND TRAFFIC MEASURES SHOWN PER TRAFFIC IMPACT ANALYSIS BY KIMLEY-HORN. TIA FOR THE SUBJECT SITE WILL BE REQUIRED TO BE PERMITTED THROUGH TXDOT FOR ALL IMPROVEMENTS PLANNED WITHIN TXDOT RIGHT-OF-WAY. A TRAFFIC SIGNAL IS WARRANTED FOR THE SUBJECT SITE AT A PHASE DETERMINED PER THE TIA BY KIMLEY-HORN; FINAL PERMITTING THROUGH TXDOT FOR THIS TRAFFIC SIGNAL WILL BE REQUIRED FOR THE CONSTRUCTION OF MASTER INFRASTRUCTURE TO SERVE THE PROPERTY.
3. CONCEPT PLAN DOES NOT INCLUDE COMPLIANCE WITH THE TOWN FIRE CODE. NOR DOES IT INCLUDE FIRE ACCESS, FIRE HYDRANTS, AND FIRE LANE ARRANGEMENTS. REVIEW OF THE CONCEPT PLAN DOES NOT GRANT OR OTHERWISE PROVIDE SAID APPROVAL TO THE TOWN FIRE CODE. FULL COMPLIANCE WILL BE REVIEWED DURING THE PSP AND SP SUBMITAL AND MAY REQUIRE THE SITE IS RECONFIGURED AND MODIFIED FROM THAT SHOWN IN THE CONCEPT PLAN AND/OR ZONING EXHIBIT.
4. A TIA HAS BEEN SUBMITTED AND APPROVAL IS STILL PENDING. FINAL APPROVED VERSION MAY REQUIRE A TRAFFIC SIGNAL OR POSSIBLE ADDITIONAL INTERSECTION TREATMENT OR OTHER. TIA SHALL NEED TO BE APPROVED PRIOR TO PRELIM SITE PLAN APPROVAL.





GRAPHIC SCALE IN FEET
0 50 100 200

SITE DATA SUMMARY

LOT	LOT AREA (AC)	PROPOSED USE	BUILDING AREA BY USE (SF)	TOTAL LOT BUILDING AREA SF	FAR (FLOOR AREA RATIO)	REQUIRED PARKING RATIO	REQUIRED PARKING BY USE	TOTAL REQUIRED PARKING	PROVIDED PARKING	REQUIRED OPEN SPACE %	PROVIDED OPEN SPACE %
LOT 1	1.40	RESTAURANT	6,300	6,300	0.10	1:100 SF	63 SPACES	63 SPACES	63 SPACES	7%	11.64%
LOT 2	2.48	RETAIL	5,600	16,000	0.15	1:250 SF	22 SPACES	119 SPACES	119 SPACES	7%	7.82%
		RESTAURANT	8,900			1:100 SF	89 SPACES				
		PATIO	1,500			1:200 SF	8 SPACES				
LOT 3	1.34	RESTAURANT	6,000	6,000	0.10	1:100 SF	60 SPACES	60 SPACES	60 SPACES	7%	11.02%
LOT 4	7.24	RETAIL	13,700	35,500	0.11	1:250 SF	55 SPACES	255 SPACES	255 SPACES	7%	43.00%
		RESTAURANT	18,300			1:100 SF	183 SPACES				
		PATIO	3,500			1:200 SF	18 SPACES				
LOT 5	5.43	MEDICAL OFFICE	69,000 (2 STORIES)	69,000	0.32	1:250 SF	276 SPACES	276 SPACES	276 SPACES	7%	7.00%
LOT 6	2.64	RETAIL	7,700	22,300	0.19	1:250 SF	31 SPACES	131 SPACES	131 SPACES	7%	9.13%
		RESTAURANT	6,900			1:100 SF	69 SPACES				
		OFFICE	7,700			1:250 SF	31 SPACES				
LOT 7	1.12	RETAIL	3,250	5,250	0.11	1:250 SF	13 SPACES	43 SPACES	44 SPACES	7%	10.63%
		RESTAURANT	2,000			1:100 SF	30 SPACES				
LOT 8	1.21	RETAIL	4,750	7,750	0.15	1:250 SF	19 SPACES	49 SPACES	49 SPACES	7%	7.00%
		RESTAURANT	3,000			1:100 SF	30 SPACES				
LOT 9	3.84	RETAIL	6,000	31,500	0.19	1:250 SF	24 SPACES	147 SPACES	162 SPACES	7%	9.36%
		RESTAURANT	3,500			1:100 SF	35 SPACES				
		OFFICE	22,000			1:250 SF	88 SPACES				
LOT 10	2.00	RETAIL	9,250	14,250	0.16	1:250 SF	37 SPACES	87 SPACES	87 SPACES	7%	15.31%
		RESTAURANT	5,000			1:100 SF	50 SPACES				
LOT 11	4.94	FULL-SERVICE HOTEL	16,000	40,000	0.19	1 SPACE: 1 ROOM	110 SPACES	250 SPACES	250 SPACES	7%	8.18%
		MEETING SPACE	20,000			1:200 SF	100 SPACES				
		RESTAURANT	4,000			1:100 SF	40 SPACES				
LOT 12	4.89	RETAIL	20,400	34,000	0.16	1:250 SF	82 SPACES	218 SPACES	218 SPACES	7%	7.28%
		RESTAURANT	13,600			1:100 SF	136 SPACES				
									TOTAL	7%	21.00%

TOWN OF PROSPER CASE NO.
DEVAPP-25-0116
CONCEPTUAL DEVELOPMENT PLAN
PROSPER CROSSING

C WILLIAMSON SURVEY, TRACT 1, 7, 8, & 10
ABST. NO. A09048 WITHIN THE
TOWN OF PROSPER, COLLIN COUNTY, TEXAS
SUBMITTED APRIL 3, 2026

DEVELOPER:
REALONE SQUARE, LLC
10030 COIT ROAD, SUITE 100
FRISCO, TX 75035
CONTACT: SRINIVASULU MUPPARAJU
PHONE: (214) 784-0538

ENGINEER/SURVEYOR/APPLICANT
KIMLEY-HORN & ASSOCIATES, INC.
203 WEST NASH ST, SUITE 100
TERRELL, TX 75160
CONTACT: MICHAEL J. FEATHER, P.E.
PHONE: (972) 391-7414

No.	REVISIONS	DATE
B		

Kimley»Horn
203 WEST NASH STREET
SUITE 100 TERRELL, TX 75126
PHONE: 972-770-1300 FAX: 972-239-3820
WWW.KIMLEY-HORN.COM TX F-928
© 2026 KIMLEY-HORN AND ASSOCIATES, INC.

PRELIMINARY
FOR REVIEW ONLY
Not for construction or permit purposes.
Kimley»Horn
Engineer MICHAEL FEATHER, P.E.
P.E. No. 156504 Date 4/6/26

KHA PROJECT 060059200
DATE 4/6/26
SCALE AS SHOWN
DESIGNED BY MJF
DRAWN BY WV
CHECKED BY MJF

COIT-380
HOTEL-RETAIL
PREPARED FOR
REALONE SQUARE, LLC
TOWN OF PROSPER, TEXAS

CONCEPTUAL DEVELOPMENT PLAN

SHEET NUMBER
SP-04

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

IMAGES
WV
LAST SAVED
4/6/2026 9:42 AM
PLOTTED BY
VAZQUEZ, WENDY 4/6/2026 2:43 PM
DWG NAME
K:\DFW_PROSPER\060059200\CAD\PHASE 1\PLANSHEETS\C-SITE PLAN.DWG [24x36]
xRefs: xBndy: xEvnt: xEdBase: xEx3ft: xHortscape: xLabel: xPlant: xSdmt: xSht: x24X36: xBase: xBase_MJF: xBase_MJF:

Conceptual Development Plan
Planned Development-38
(DEVAPP-25-0116)

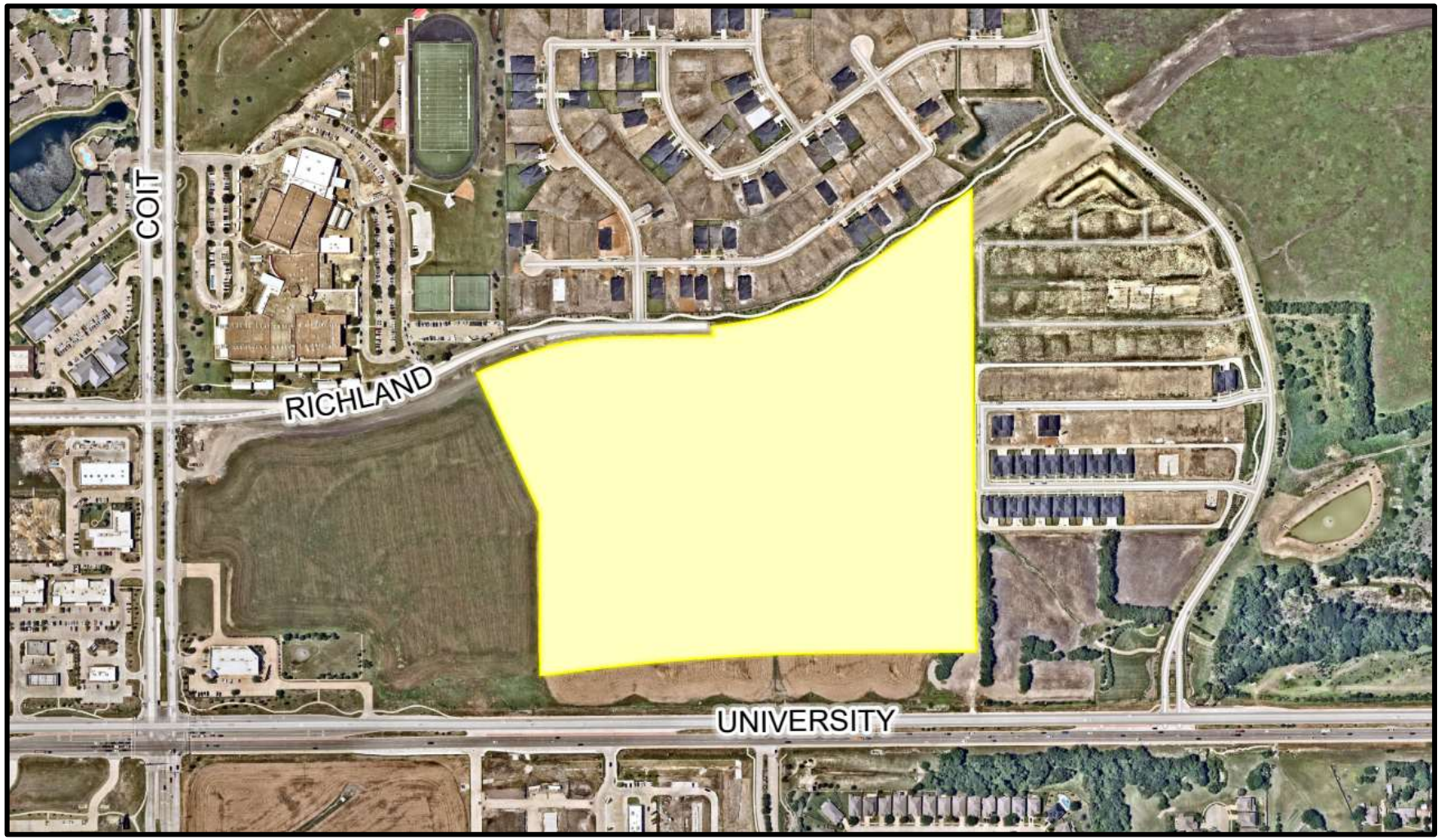
Agenda Item

Consider and act upon a request for a Conceptual Development Plan for Tracts B, C, and D of Planned Development-38, on 38.5± acres, located on the north side of University Drive and 805± feet west of Lakewood Drive. (DEVAPP-25-0116)

Background

Planned Development-38:

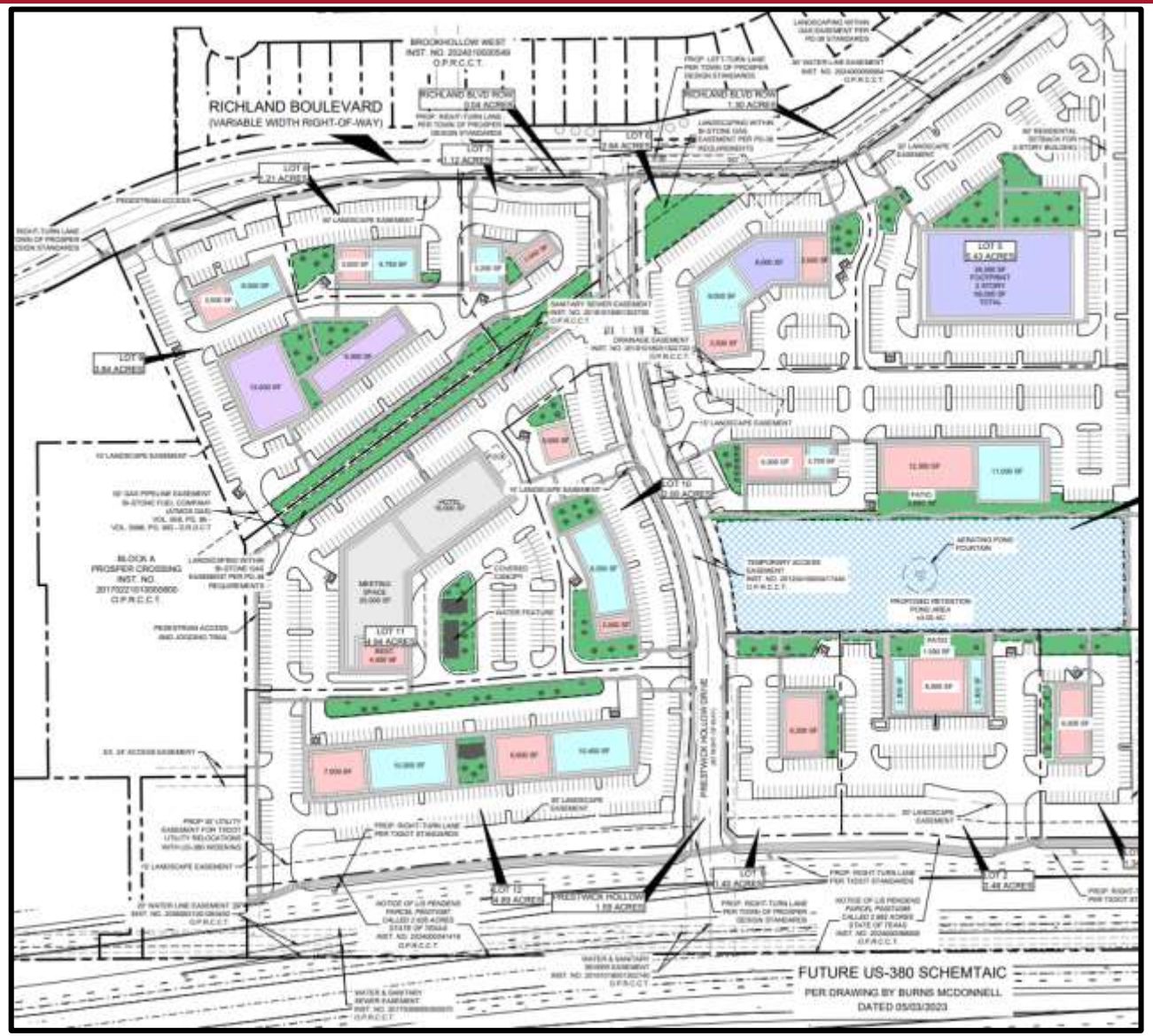
- Base Zoning
  - Retail
- Development Tracts
  - Tract A: Conceptual Plan in Current Ordinance
  - Tracts B, C, and D: No Conceptual Plan in Current Ordinance
- Special Requirements
  - Approval of Conceptual Plan for Tracts B, C, and D prior to Preliminary Site Plan

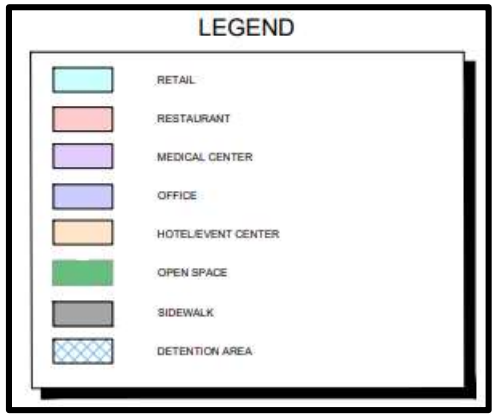

COIT
RICHLAND
UNIVERSITY

Proposal

Purpose:

- Construct 18 buildings with hotel, office, restaurant, and retail uses on 12 lots. (Total of 287,850 SF)
    - Lot 1: Restaurant (6,300 SF)
    - Lot 2: Restaurant/Retail (16,000 SF)
    - Lot 3: Restaurant (6,000 SF)
    - Lot 4: Restaurant/Retail Buildings (35,500 SF) + Retention Pond (3 Acres)
    - Lot 5: Office (69,000 SF)
    - Lot 6: Office/Restaurant/Retail (22,300 SF)
    - Lot 7: Restaurant/Retail Buildings (5,250 SF)
    - Lot 8: Restaurant/Retail (7,750 SF)
    - Lot 9: Office/Restaurant/Retail Buildings (31,500 SF)
    - Lot 10: Restaurant/Retail Buildings (14,250 SF)
    - Lot 11: Full-Service Hotel/Meeting Space/Restaurant (40,000 SF)
    - Lot 12: Restaurant/Retail Buildings (34,000 SF)


RICHLAND BOULEVARD
(VARIABLE WIDTH RIGHT-OF-WAY)
FUTURE US-380 SCHEMTAIC
PER DRAWING BY BURNS MCDONNELL
DATED 05/03/2023


LEGEND
RETAIL
RESTAURANT
MEDICAL CENTER
OFFICE
HOTEL/EVENT CENTER
OPEN SPACE
SIDEWALK
DETENTION AREA

Proposal Cont.

Access:

- Collector road to run through the development to give all lots frontage onto public right-of-way.

Open Space:

- Retention Pond w/ Connecting Pathways
    - Restaurant/Retail Uses Backing to Pond

Recommendation

Town Staff:

- Town Staff recommends approval of the Conceptual Development Plan.

Planning and Zoning Commission:

- Planning and Zoning Commission recommended approval of the Conceptual Development Plan. (5-0)

TOWN OF PROSPER
A Place Where Everyone Matters

PLANNING

To: **Mayor and Town Council**

From: **David Hoover, AICP, Director of Development Services**

Through: **Mario Canizares, Town Manager**
Chuck Ewings, Assistant Town Manager

Re: **Planned Development Ordinance for Denton Way Office Park**

Town Council Meeting – April 28, 2026

Strategic Visioning Priority: Ensure the Town's Commercial Corridors are Ready for Development

---

Agenda Item:
Consider and act upon an Ordinance to rezone J. Morton Survey, Abstract No. 793, being all of Lot 5, Block A, Middle School #9 Addition, on 18.9± acres from Agricultural to a Planned Development for an Indoor Sports Facility and Medical Offices, located on the east side of Denton Way and 480± feet north of Fishtrap Road. (ZONE-25-0007)

Description of Agenda Item:
On March 24, 2026, the Town Council approved the proposed rezoning request by a vote of 7-0. An ordinance has been prepared accordingly.

Budget Impact:
There is no budgetary impact affiliated with this item.

Legal Obligations and Review:
Terrence Welch of Brown & Hofmeister, L.L.P., has approved the attached documents as to form and legality.

Attached Documents:
1. Ordinance
2. Ordinance Exhibits

Town Staff Recommendation:
Town Staff recommend the Town Council to approve an Ordinance to rezone J. Morton Survey, Abstract No. 793, being all of Lot 5, Block A, Middle School #9 Addition, on 18.9± acres from Agricultural to a Planned Development for an Indoor Sports Facility and Medical Offices, located on the east side of Denton Way and 480± feet north of Fishtrap Road.

Proposed Motion:

I move to approve/deny an Ordinance to rezone J. Morton Survey, Abstract No. 793, being all of Lot 5, Block A, Middle School #9 Addition, on 18.9± acres from Agricultural to a Planned Development for an Indoor Sports Facility and Medical Offices, located on the east side of Denton Way and 480± feet north of Fishtrap Road.

TOWN OF PROSPER, TEXAS **ORDINANCE NO. 2026-__**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, TO REZONE A TRACT OF LAND CONSISTING OF 18.9 ACRES MORE OR LESS SITUATED IN THE J. MORTON SURVEY, ABSTRACT 793, TOWN OF PROSPER, DENTON COUNTY TEXAS, BEING ALL OF LOT 5, BLOCK A, MIDDLE SCHOOL #9 ADDITION; 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, the Town Council of the Town of Prosper, Texas (the "Town Council") has investigated and determined that the Zoning Ordinance should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request (Case ZONE-25-0007) from Prosper Denton Commercial LP, to rezone 18.9 acres of land, more or less, J. Morton Survey, Abstract 793, Town of Prosper, Denton County Texas, and being more particularly described in Exhibit "A-1" and Exhibit "A-2", attached hereto and incorporated herein for all purposes; and

WHEREAS, the Town Council has investigated into and determined that the facts contained in the request are true and correct; and

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

WHEREAS, the Town Council has further investigated into and determined that it will be advantageous and beneficial to Prosper and its inhabitants to rezone this property as set forth below.

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

SECTION 1

Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

Amendment to the Town's Zoning Ordinance. The Town's Zoning Ordinance is amended as follows: The zoning designation of the below described property containing 18.9 acres of land, more or less, in the J. Morton Survey, Abstract 793, Town of Prosper, Denton County Texas, and all streets, roads, and alleyways contiguous and/or adjacent thereto are hereby zoned as Planned Development-136 and being more particularly described in Exhibit "A-1" and Exhibit "A-2", attached hereto and incorporated herein for all purposes as if set forth verbatim.

The development plans, standards, and uses for the Property in this Planned Development District shall conform to, and comply with (1) the Development Standards, attached hereto as Exhibit C; (2) the Conceptual Plan, attached hereto as Exhibit D; (3) the Development

Schedule, attached hereto as Exhibit E; (4) the Conceptual Elevations, attached hereto as Exhibit F; (5) the Landscape Plan, attached hereto as Exhibit G; (6) the Open Space Plan, attached hereto as Exhibit H, all of which are incorporated herein for all purposes as if set forth verbatim.

Two (2) original, official, and identical copies of the zoning exhibit map are hereby adopted and shall be filed and maintained as follows:

a. One (1) copy shall be filed with the Town Secretary and retained as an original record and shall not be changed in any manner.

b. One (1) copy shall be filed with the Building Official and shall be maintained up to date by posting thereon all changes and subsequent amendments for observation, issuing building permits, certificates of compliance and occupancy, and enforcing the zoning ordinance. Reproduction for information purposes may from time-to-time be made of the official zoning district map.

SECTION 3

No Vested Interest/Repeal. 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

Unlawful Use of Premises. 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 building that is not in conformity with the permissible uses under this Zoning Ordinance.

SECTION 5

Penalty. Any person, firm, corporation, or business entity violating this Ordinance or any provision of Prosper's Zoning Ordinance, as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum not exceeding Two Thousand Dollars ($2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Prosper from filing suit to enjoin the violation. Prosper retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 6

Severability. 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 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

Savings/Repealing Clause. Prosper's Zoning Ordinance, as amended, shall remain in full force and effect, save and except as amended by this or any other Ordinance. 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

Effective Date. This Ordinance shall become effective from and after its adoption and publications as required by law.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THE 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

ZONE-25-0007
EXHIBIT A-1
METES AND BOUNDS DESCRIPTION

BEING a tract of land situated in the J. Morton Survey, Abstract No. 793, Town of Prosper, Denton County, Texas, being all of Lot 5, Block A, Middle School #9 Addition, according to the plat recorded in Document Number 2023-375, Official Records, Denton County, Texas, (ORDCT), being all of a tract conveyed to Prosper Denton Commercia, LP, according to the deed recorded in Document Number 20204-138175, ORDCT, and also being a portion of Denton Way, a Called 60' Right-of-Way, according to the Plat recorded in Document Number 2023-375, with the subject tract being more particularly described as follows:

BEGINNING at a 5/8 inch capped iron rod found for the southeast corner of said Lot 5, and also being the north east corner of the remainder of a tract conveyed to Corey Graham, according to the deed recorded in Document Number 2013-130390, ORDCT, and also being in the west line of a tract conveyed to Town of Prosper, according to the deed recorded in Document Number 2022-69025. ORDCT;

THENCE N 88°19'31" W, passing at 498.59 feet a 1/2" iron rod found on the east line of Denton Way, a 60' right-of-way, and also being the southwest corner of said Lot 5, continuing on for a total distance of 528.59 feet;

THENCE around a non-tangent curve to the left having a central angle of 04°10'44", a radius of 514.55 feet, a chord of N 01°38'32" E - 37.52 feet, an arc length of 37.53 feet;

THENCE N 00°28'39" W, 1492.35 feet;

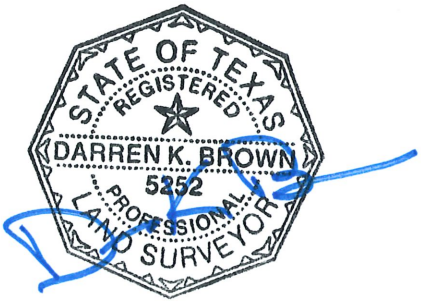
THENCE S 89°48'21" E, passing at 30.00 feet a 1/2" capped iron rod found for the northwest corner of said Lot 5, continuing for a total distance of 539.47 feet to a 5/8" capped iron rod found for the northeast corner of the subject tract;

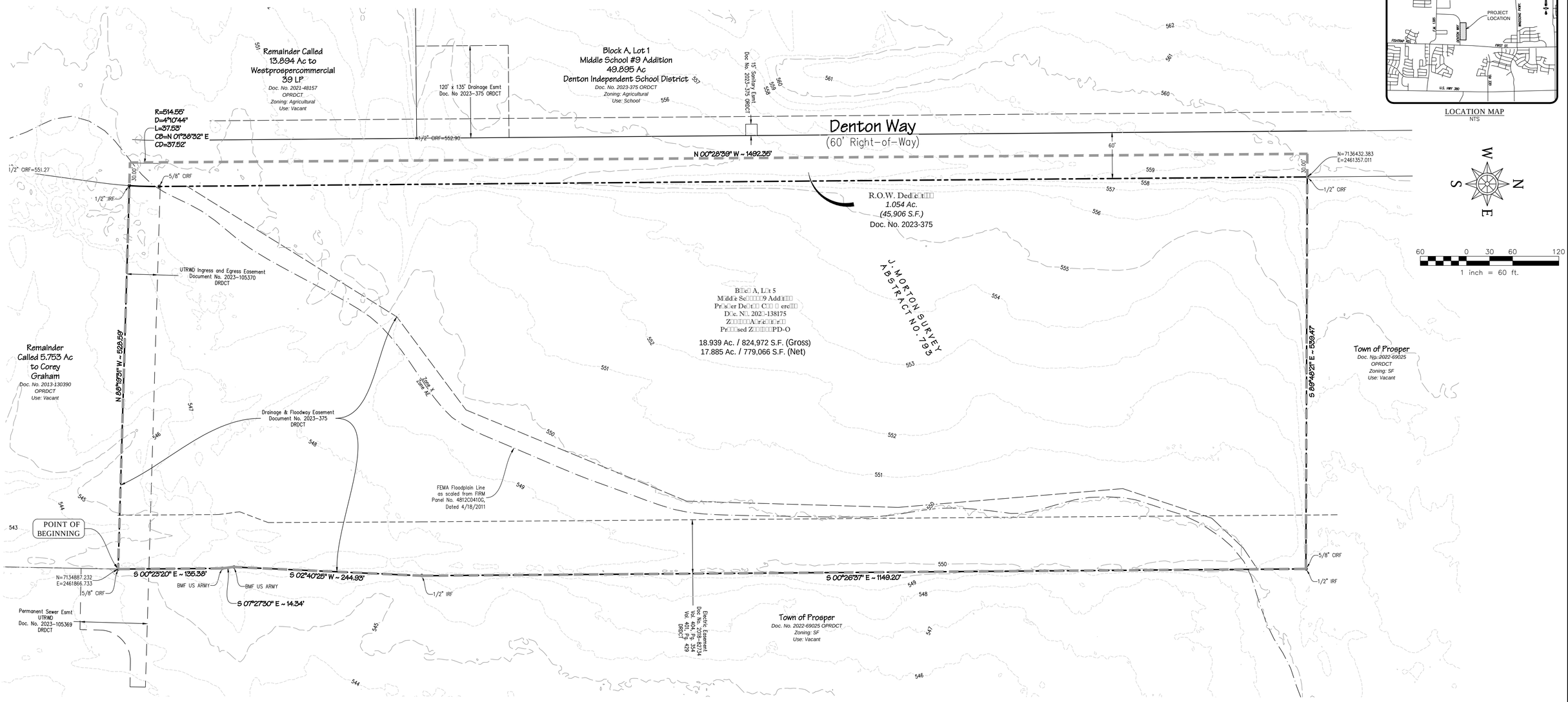
THENCE S 00°26'37" E, 1149.20 feet to a 1/2" iron rod found;

THENCE S 02°40'25" W, 244.93 feet to a Brass USACE Monument Found;

THENCE S 07°27'30" E, 14.34 feet to a Brass USACE Monument Found;

THENCE S 00°23'20" E, 135.38 feet to the POINT OF BEGINNING with the subject tract containing 824,972 square feet or 18.939 acres of land.





METES AND BOUNDS DESCRIPTION

BEING a tract of land situated in the J. Morton Survey, Abstract No. 793, Town of Prosper, Denton County, Texas, being all of Lot 5, Block A, Middle School #9 Addition, according to the plat recorded in Document Number 2023-375, Official Records, Denton County, Texas, (ORDCT), being all of a tract conveyed to Prosper Denton Commercia, LP, according to the deed recorded in Document Number 20204-138175, ORDCT, and also being a portion of Denton Way, a Called 60' Right-of-Way, according to the Plat recorded in Document Number 2023-375, with the subject tract being more particularly described as follows:

BEGINNING at a 5/8 inch capped iron rod found for the southeast corner of said Lot 5, and also being the north east corner of the remainder of a tract conveyed to Corey Graham, according to the deed recorded in Document Number 2013-130390, ORDCT, and also being in the west line of a tract conveyed to Town of Prosper, according to the deed recorded in Document Number 2022-69025. ORDCT;

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THENCE around a non-tangent curve to the left having a central angle of 04°10'44", a radius of 514.55 feet, a chord of N 01°38'32" E – 37.52 feet, an arc length of 37.53 feet;

THENCE N 00°28'39" W, 1492.35 feet;

THENCE S 89°48'21" E, passing at 30.00 feet a 1/2" capped iron rod found for the northwest corner of said Lot 5, continuing on for a total distance of 539.47 feet to a 5/8" capped iron rod found for the northeast corner of the subject tract;

THENCE S 00°26'37" E, 1149.20 feet to a 1/2" iron rod found;

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THENCE S 07°27'30" E, 14.34 feet to a Brass USACE Monument Found;

THENCE S 00°23'20" E, 135.38 feet to the POINT OF BEGINNING with the subject tract containing 824,972 square feet or 18.939 acres of land.

Note:
FEMA Floodplain depicted on this exhibit reflects Flood Insurance Rate Map (FIRM) panel number 4812C0410G, dated 4/18/2011.

SPIARS ENGINEERING & SURVEYING
765 Custer Road, Suite 100 • Plano, TX 75075 • 972.422.0077
TBPELS No. F-2121 and No. F-10043100 • www.spiarseng.com

ENGINEER / SURVEYOR/ APPLICANT
Spiars Engineering, Inc.
501 W President George Bush Hwy, Suite 200
Richardson, TX 75023
Telephone: (972) 422-0077
TBPE No. F-2121
Contact: Karis Smith

OWNER/DEVELOPER
Prosper Denton Commercial
1720 Lewis Crossing
Keller, TX 76248
Telephone: (210) 452-8025
Contact: Phani Chennupati

ZONE 25-0007
EXHIBIT A-2 SURVEY

DENTON WAY OFFICE PARK

BLOCK A, LOT 5
18.939 ACRES OF LAND □ ROSS□
17.895 ACRES OF LAND □NET□
IN THE J. MORTON SURVEY, ABSTRACT NO. 793
TOWN OF PROSPER, DENTON COUNTY, TEXAS

Scale: 1"=60' April, 2025 SEI Job No. 24-161

Drawing: G:\2024 JOBS\24-161 DISD Denton Way\CAD\Exhibits\Exhibit A.dwg Saved By: lbolding Save Time: 8/4/2025 4:28:28 PM Plotted by: lbolding Plot Date: 8/4/2025 4:28 PM

ZONE-25-0007
EXHIBIT B
STATEMENT OF INTENT AND PURPOSE
DENTON WAY OFFICE PARK

1. Statement of Intent
   A. Overall Intent
      The purpose of this project is to develop an office park with a multi-sport recreation facility.

   B. Description of Property
      The subject property comprises approximately 18 acres of vacant land along the eastern side of Denton Way north of Fishtrap Road in Prosper, Texas. It is bounded by an undeveloped tract to the Town of Prosper on the north and east, and a vacant lot to the south. Pat Cheek Middle School is located to the west of the site across Denton Way.

   C. Description of Proposed Property
      The subject property as depicted in Exhibit "D" has been divided into two lots sized 8.140 and 9.745 acres. One lot contains an indoor sports complex with a building of approximately 30,000 square feet. The other lot contains 11 office buildings with area totaling approximately 62,100 square feet.

2. Current Zoning and Land Uses
   A. Current Zoning
      The subject property is zoned Agricultural.

   B. Future Land Use Plan
      The Future Land Use Plan designates the subject property as Medium Density Residential and Floodplain. The proposed uses presented include Medical Office and Sports Complex.

Case # ZONE-25-0007
-EXHIBIT C-
Planned Development Standards

The proposed development will conform to the development standards of the Office District of the Town of Prosper's Zoning Ordinance, as it exists or may be amended, and Subdivision Ordinance, as it exists or may be amended, except as otherwise set forth in these Development Standards.

1. Development Plans
    a. Concept Plan: The tract shall be developed in general accordance with the attached concept plan, set forth in Exhibit D.
    b. Elevations: The tract shall be developed in general accordance with the attached elevations, set forth in Exhibit F.
    c. Open space to be provided in accordance with Town of Prosper Standards (7%). Connectivity to Town Hike and Bike Trails to be provided.

2. All uses permitted are listed below. All development to be compliant with Town Standards. The building on Lot 5 shall be used for an indoor sports facility unless otherwise approved by the Town Council through an amendment to the Planned Development.
    a. Use is permitted
        - Administrative/ Medical and Professional Office
        - Bank/ Saving and Loan/ Credit Union (without drive-through)
        - Business Services
        - Indoor Sports Facility
        - Governmental Office
        - Health/ Fitness Center
        - Home Builder Marketing Center
        - Insurance Office
        - Minor Dry Cleaning
        - Minor Print Shop
        - Museum/ Art Gallery
        - Park or Playground
        - Private or Parochial School
        - Private Recreational Center
        - Private Utility
        - Public Athletic Stadium or Field
        - Public Schools

- Retail/ Service Incidental Use

b. Use is permitted with a Specific Use Permit
    - Assisted Care/ Living Facility
    - Bank/ Saving and Loan/ Credit Union (with drive-through)
    - Child Care Center, Incidental
    - Child Care Center, Licensed
    - Community Center
    - Fraternal Organization/ Lodge/ Civic Club/ Fraternity or Sorority
    - Restaurant – No Drive Thru
    - Day Care Center (Adult)
    - Private Athletic Stadium or Field
    - Rehabilitation Care Institution

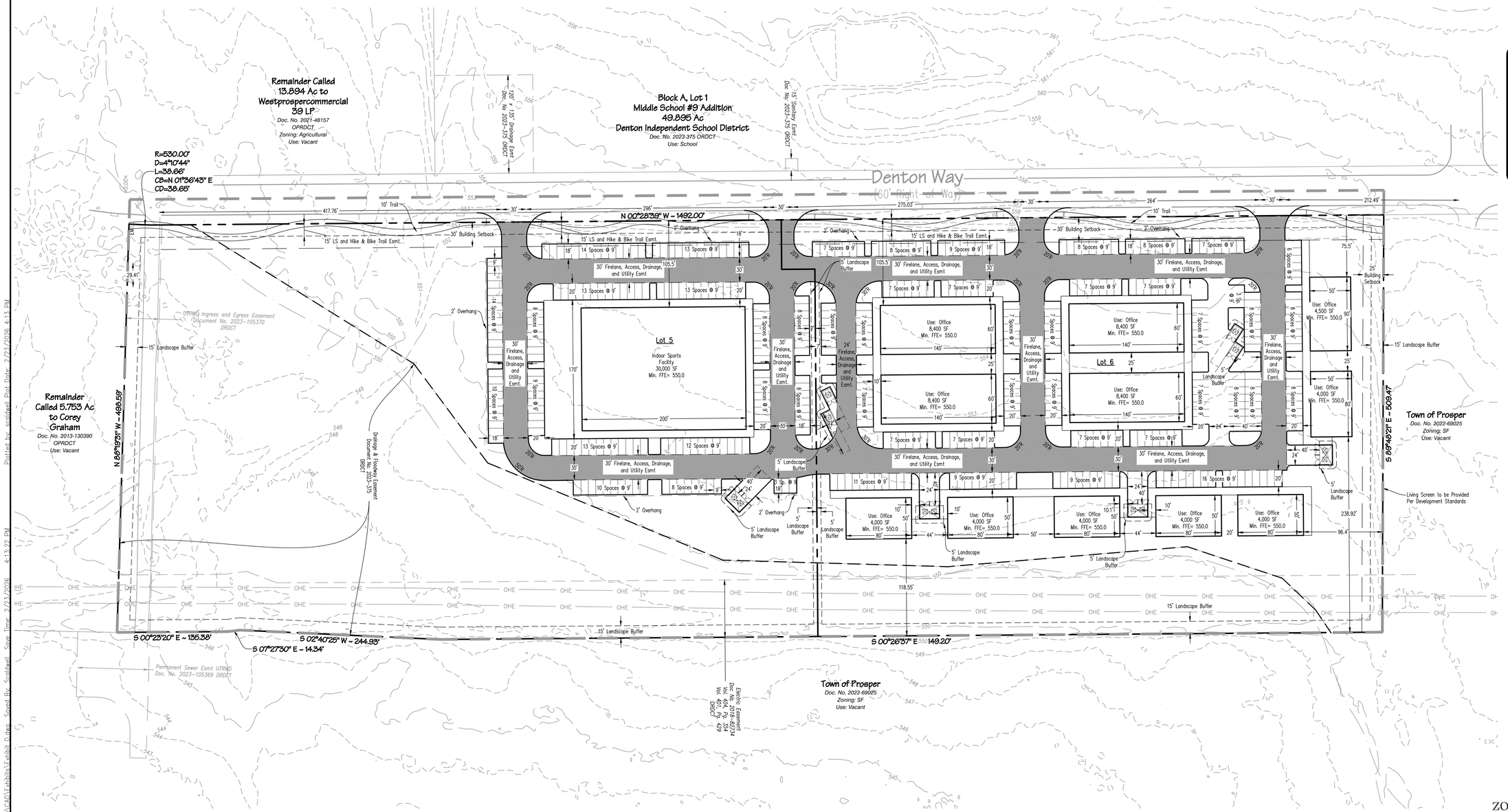
3. Development Standards
    a. Regulations shall be in accordance with the Town of Prosper Zoning Ordinance for the office district as listed below:
        i. Size of Yards:
            1. Minimum Front Yard: 30 feet.
            2. Minimum Side Yard:
                a. Ten feet adjacent to any nonresidential district.
                b. Twenty five feet for a one story building adjacent to any residential district. Forty feet for a two story building adjacent to any residential district
            3. Minimum Rear Yard:
                a. Ten feet adjacent to any nonresidential district.
                b. Twenty-five feet for a one story building adjacent to any residential district. Forty feet for a two story building adjacent to any residential district
        ii. Size of Lots:
            1. Minimum Size of Lot Area: 7,000 square feet.
            2. Minimum Lot Width: 70 feet.
            3. Minimum Lot Depth: 100 feet.
        iii. Maximum Height: Two stories, no greater than 40 feet.
        iv. Lot Coverage: 30 percent.
        v. Floor Area Ratio: Maximum 0.5:1.
        vi. Maximum Floor Area: 10,000 square feet; the maximum floor area may exceed 10,000 square feet only if the entire structure is in excess of 200

feet from a residential use or zone. (This regulation is not applied to property separated by a public street.)

b. Architectural Standards
    i. Architectural style and building material requirements to be provided in accordance with the Office District of the Town of Prosper's Zoning Ordinance, Chapter 4, Section 8.2, except as listed below:
        1. Permitted primary exterior materials shall constitute a minimum 85% of an elevation and are defined as clay fired brick, natural and manufactured stone, granite and marble. The indoor sports facility may include split-faced concrete masonry units, stucco (3-step application process), and/or concrete tilt-wall construction with decorative patterns. The maximum combined amount of these materials on an elevation is 40%.
        2. Secondary materials used on the façade of a building are those that comprise a total of fifteen percent or less of an elevation area. Permitted secondary materials are aluminum or other metal, cedar or similar quality decorative wood and stucco (3-step application process). Stucco is only permitted a minimum of nine feet above grade.

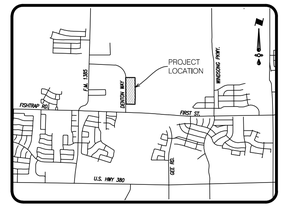
4. Properties adjacent to creeks are required to provide amenities listed in the Town Zoning Ordinance (Section 4.2.6). The following five amenities will be provided with this development:
    a. A minimum 25 percent of the surface area of the walls that face the major creek shall be provided as windows.
    b. Buildings will have the same building materials and architectural elements on all four sides.
    c. Trail head park.
    d. Over 100' visibility corridor.
    e. Common patio (over 750 sq ft) with shade structure.

5. Screening Standards
    a. The screening required along adjacent residential property shall be a living screen in lieu of a masonry wall. The evergreen trees shall be located interior to the property due to the overhead power lines and floodplain. Placement of the evergreen trees may be clustered as shown on the Landscape Exhibit, as long as there is appropriate coverage, as determined by the Director of Development Services.



60 0 30 60 120

1 inch = 60 ft.



LOCATION MAP
NTS

Creek Adjacency Amenities

- A minimum of 25 percent of the surface area of walls that face the major creek to be provided as windows
- Trail Head Park
- Over 100' Visibility Corridor
- Common Patio (Over 750 SF.) with Shade Structure
- Building to have same building materials and architectural elements on all four sides

SITE DATA SUMMARY TABLE

LOT	PROPOSED USE	LOT AREA SF	LOT AREA AC	BUILDING AREA (SF)	BUILDING HEIGHT (ft)	BUILDING HEIGHT (story)	COVERAGE (%)	FLOOR AREA RATIO	REQ. PARKING RATIO	PARKING REQUIRED	PARKING PROVIDED	HANDICAP PARKING	INTERIOR LANDSCAPE REQUIRED (SF)	INTERIOR LANDSCAPE PROVIDED (SF)	OPEN SPACE REQUIRED (SF)	OPEN SPACE PROVIDED (SF)
6	MEDICAL OFFICE	354,593	8.14	62,100	30	1	17.5%	0.175:1	1:250	248	261	7	3,915	15,595	24,822	53,921
5	INDOOR SPORTS FACILITY	424,473	9.75	30,000	36	1	7.1%	0.071:1	1 per 3 Guests	171	171	5	2,565	5,987	29,713	59,313

Note:
1. The conceptual layout provided reflects the general intent: however, the final layout will be determined during the Preliminary Site Plan stage and must comply with all Town requirements. This includes, but is not limited to, adherence to all Fire Code regulations, Engineering Design Standards concerning driveway spacing, throat depth, and turn lane requirements, and the Town's standard landscaping requirements, unless specified otherwise in Exhibit C (Planned Development Standards). Additionally, all development standards outlined in the Town Zoning Ordinance, unless otherwise defined in Exhibit C, must be followed as well as compliance with all applicable local, state and federal regulations, particularly those concerning floodplains and waters of the U.S. The approval of the layout depicted in Exhibit D does not confer any vested rights in this zoning case.
2. All buildings are protected by an approved automatic fire sprinkler system.

ZONE-25-0007
EXHIBIT D

DENTON WAY OFFICE PARK

IN THE TOWN OF PROSPER, DENTON COUNTY, TEXAS
J. MORTON SURVEY ABSTRACT NO. 793
824,982 Sq. Ft./18.939 Acres (GROSS)
779,070 Sq. Ft./17.885 Acres (NET)

ENGINEER / SURVEYOR/ APPLICANT
Spiars Engineering, Inc.
501 W President George Bush Hwy, Suite 200
Richardson, TX 75023
Telephone: (972) 422-0077
TBPE No. F-2121
Contact: Karis Smith

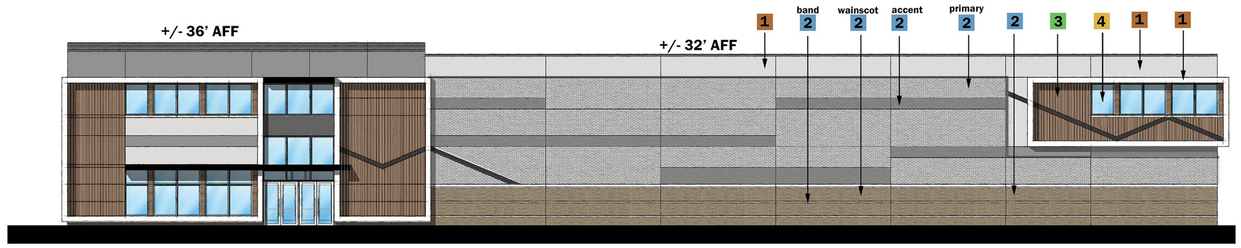
OWNER/DEVELOPER
Prosper Denton Commercial
1720 Lewis Crossing
Keller, TX 76248
Telephone: (210) 452-8025
Contact: Phani Chennupati

Sheet 1 of 1 Scale: 1"=60' Feb-26 SEI Job No. 24-161

Plotted by: scaldwell Plot Date: 2/23/2026 4:13 PM
Saved By: Scaldwell Save Time: 2/23/2026 4:13:22 PM
Drawing: G:\2024 JOBS\24-161 DISD Denton Way\CAD\Exhibits\Exhibit D.dwg

ZONE-25-0007
EXHIBIT E
DEVELOPMENT SCHEDULE
DENTON WAY OFFICE PARK

The phasing and development of this project is dependent upon both market conditions and the individual developers' timing. The anticipated schedule for the buildout will likely include a division of developmental increments. Upon commencement of development, the project construction is expected to require between 12 – 24 months.



05 WEST ELEVATION

NOTE: ALL ELEVATIONS ARE FOR CONCEPTUAL PURPOSES AND TO CONVEY GENERAL ARCHITECTURAL CHARACTER OF THE BUILDING.
ELEVATIONS MAY VARY WITH REGARDS TO OPENING TYPE AND PLACEMENT, BUILDING HEIGHT, MATERIAL PLACEMENT, COLORS, ETC. FINAL ELEVATIONS WILL REMAIN IN SIMILAR ARCHITECTURAL CHARACTER.
HEIGHTS QND MATERIALS NOTED ON ELEVATIONS ARE FOR ESTIMATING PURPOSES AND MY VARY DURING DESIGN DEVELOPMENT

MATERIALS SPORTS FACILITY:

REFERENCE BELOW "MATERIALS LEGEND" FOR MATERIAL DESCRIPTION
TYPE 1 AND TYPE 2 MATERIALS AS NOTED IN MATERIAL LEGEND BELOW

WEST ELEVATION:

	MATERIALS	90%
4	GLASS /OPENINGS	10%
	GROSS (ENTIRE FACADE)	100%
1 2	PRIMARY MATERIALS	85% 40% TYPE 1 45% TYPE 2
3	SECONDARY MATERIALS	15%
	NET (FACADE WITHOUR OPENINGS)	100%

EAST ELEVATION

	MATERIALS	75%
4	GLASS /OPENINGS	25%
	GROSS (ENTIRE FACADE)	100%
1 2	PRIMARY MATERIALS	90% 40% TYPE 1 50% TYPE 2
3	SECONDARY MATERIALS	10%
	NET (FACADE WITHOUR OPENINGS)	100%

SOUTH ELEVATION:

	MATERIALS	75%
4	GLASS /OPENINGS	25%
	GROSS (ENTIRE FACADE)	100%
1 2	PRIMARY MATERIALS	90% 40% TYPE 1 50% TYPE 2
3	SECONDARY MATERIALS	10%
	NET (FACADE WITHOUR OPENINGS)	100%

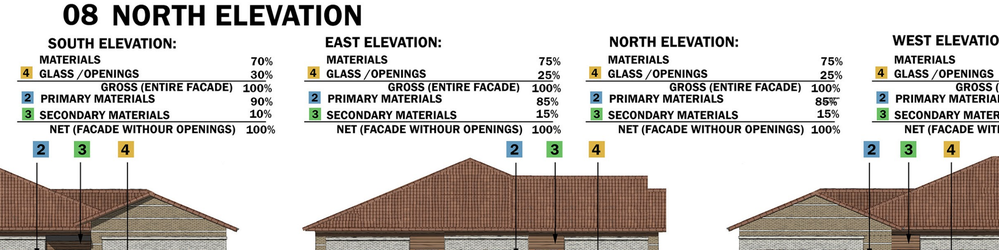
NORTH ELEVATION:

	MATERIALS	90%
4	GLASS /OPENINGS	10%
	GROSS (ENTIRE FACADE)	100%
1 2	PRIMARY MATERIALS	85% 40% TYPE 1 45% TYPE 2
3	SECONDARY MATERIALS	15%
	NET (FACADE WITHOUR OPENINGS)	100%

MATERIAL LEGEND:

PRIMARY MATERIAL 85% MIN.
SECONDARY MATERIAL 15% MAX.

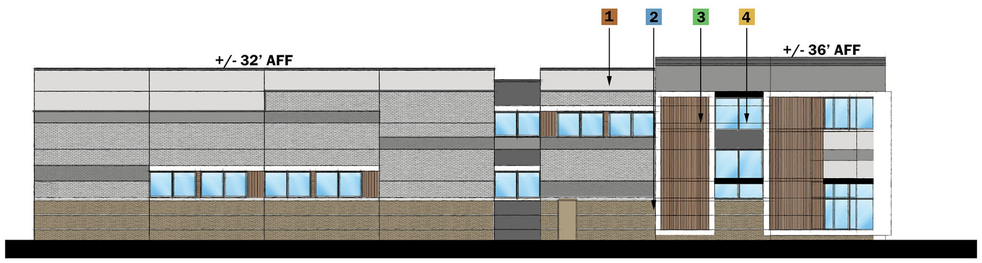
1 - TEXTURE PAINT: CONCRETE TILTWALL (40% MAX), CMU (SPORTS FACILITY ONLY)
2 - MASONRY: BRICK, STONE
3 - ARCHITECTURAL MATERIAL: STUCCO, METAL PANEL, SIMULATED WOOD
4 - OPENINGS: DOORS, WINDOWS, STOREFRONT



06 SOUTH ELEVATION

07 EAST ELEVATION

0 15' 50'
5' 30'
GRAPHIC SCALE



08 NORTH ELEVATION

MATERIALS MEDICAL OFFICE:

SOUTH ELEVATION:

	MATERIALS	70%
4	GLASS /OPENINGS	30%
	GROSS (ENTIRE FACADE)	100%
2	PRIMARY MATERIALS	90%
3	SECONDARY MATERIALS	10%
	NET (FACADE WITHOUR OPENINGS)	100%

EAST ELEVATION:

	MATERIALS	75%
4	GLASS /OPENINGS	25%
	GROSS (ENTIRE FACADE)	100%
2	PRIMARY MATERIALS	85%
3	SECONDARY MATERIALS	15%
	NET (FACADE WITHOUR OPENINGS)	100%

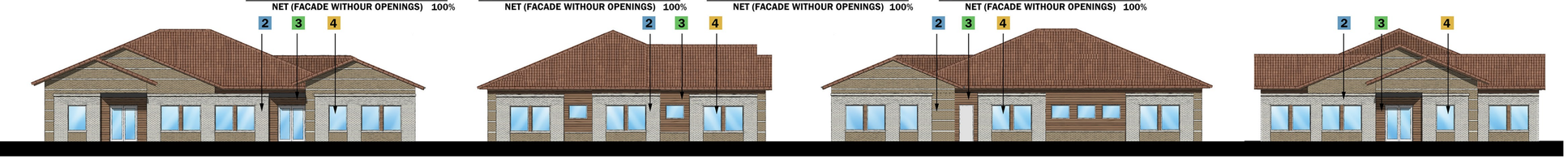
NORTH ELEVATION:

	MATERIALS	75%
4	GLASS /OPENINGS	25%
	GROSS (ENTIRE FACADE)	100%
2	PRIMARY MATERIALS	85%
3	SECONDARY MATERIALS	15%
	NET (FACADE WITHOUR OPENINGS)	100%

WEST ELEVATION:

	MATERIALS	70%
4	GLASS /OPENINGS	30%
	GROSS (ENTIRE FACADE)	100%
2	PRIMARY MATERIALS	90%
3	SECONDARY MATERIALS	10%
	NET (FACADE WITHOUR OPENINGS)	100%

NOTE: MATERIAL CALCULATIONS ARE TO ESTIMATE EAVE HEIGHT AND DO NOT INCLUDE ROOFING

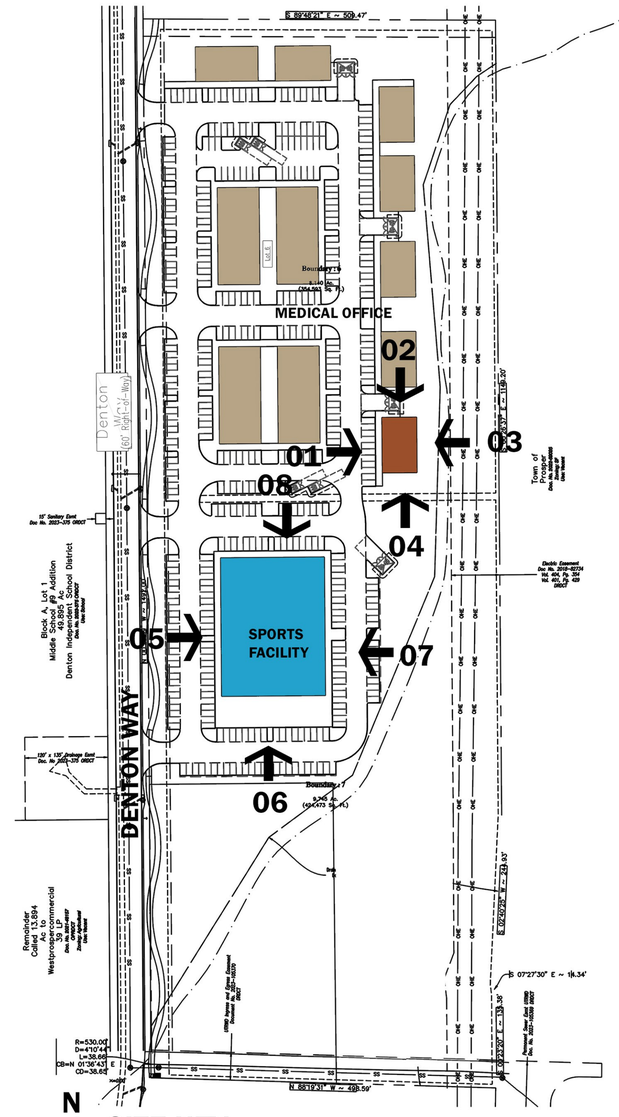


01 WEST ELEVATION
02 NORTH ELEVATION
03 EAST ELEVATION
04 SOUTH ELEVATION

MATERIAL LEGEND:

PRIMARY MATERIAL 85% MIN.
SECONDARY MATERIAL 15% MAX.

2 - MASONRY: BRICK, STONE
3 - ARCHITECTURAL MATERIAL: STUCCO, METAL PANEL, SIMULATED WOOD
4 - OPENING: DOORS, WINDOWS, STOREFRONT



TOWN CASE NO. ZONE-25-0007
EXHIBIT F

DENTON WAY OFFICE PARK

IN THE TOWN OF PROSPER, DENTON COUNTY, TEXAS
J. MORTON SURVEY ABSTRACT NO. 793
779,070 Sq. Ft./17.885 Acres

ENGINEER / SURVEYOR/ APPLICANT
Spiars Engineering, Inc.
501 W President George Bush Hwy, Suite 200
Richardson, TX 75023
Telephone: (972) 422-0077
TBPE No. F-2121
Contact: Karis Smith

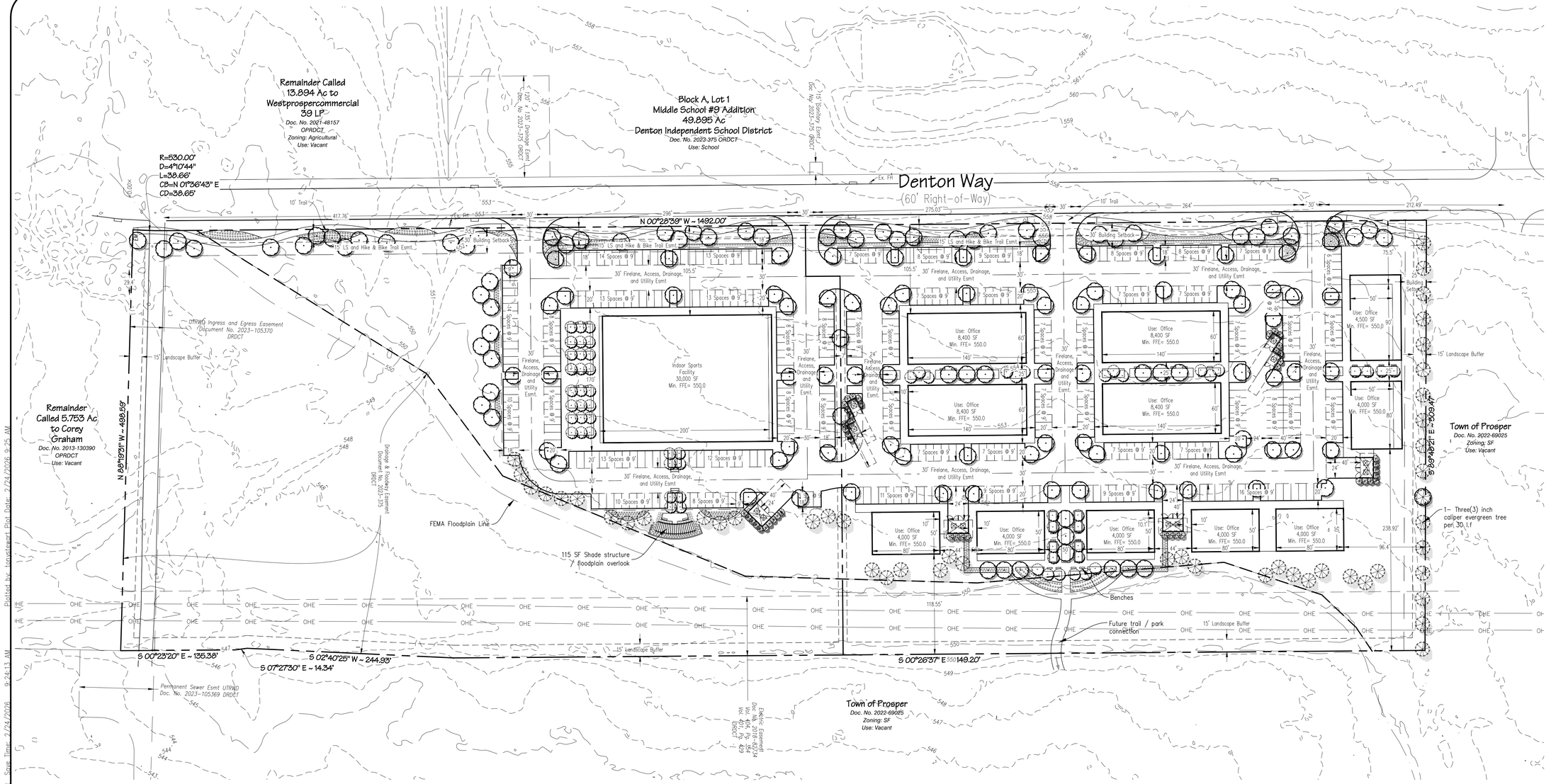
ARCHITECT
Hodges Architecture
13642 Omega Rd
Dallas, TX 75244
Telephone: (972) 387-1000
Contact: Trey Swindle

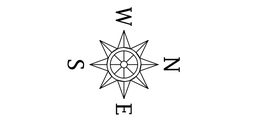
OWNER/DEVELOPER
Prosper Denton Commercial
1720 Lewis Crossing
Keller, TX 76248
Telephone: (210) 452-8025
Contact: Phani Chennupati

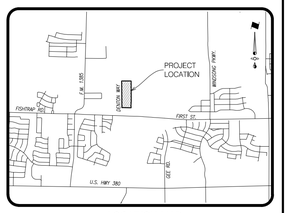
DENTON WAY OFFICE PARK
CONCEPT ELEVATION

HODGES Architecture

25006 tws 02/20/26







LOCATION MAP
NTS

Perimeter and interior landscaping shall comply with Zoning Ordinance Requirements.

LANDSCAPE LEGEND				
	KEY	TYPE	COMMON NAME	SIZE
		LARGE TREES	Bald Cypress Cedar Elm Lacebark Elm Live Oak Shumard Oak	3" cal.
		EVERGREEN TREES	Southern Magnolia Southern Live Oak Arizona Cypress Leyland Cypress	3" cal.
		SMALL TREES	Crepe Myrtle (tree form) Desert Willow Redbud Vitex Wax Myrtle	6' ht.
		SHRUBS	Compact Nandina Crimson Pygmy Barberry Dwarf Burford Holly Dwarf Glossy Abelia Dwarf Yaupon Holly Glossy Abelia Indian Hawthorn Red Yucca Texas Sage	3-5 gal.

Note: All proposed planting to be watered by a fully automatic underground irrigation system with rain and freeze sensor.
All proposed planting is from the Town of Prosper's drought tolerant and/or native plants lists and all plant material to meet the requirements of the Town of Prosper.

REGISTERED LANDSCAPE ARCHITECT ANTHONY STEWART 2986 STATE OF TEXAS

2-24-2026

ZONE-25-0007
EXHIBIT G

DENTON WAY OFFICE PARK

IN THE TOWN OF PROSPER, DENTON COUNTY, TEXAS
J. MORTON SURVEY ABSTRACT NO. 793
779,070 Sq. Ft./17.885 Acres

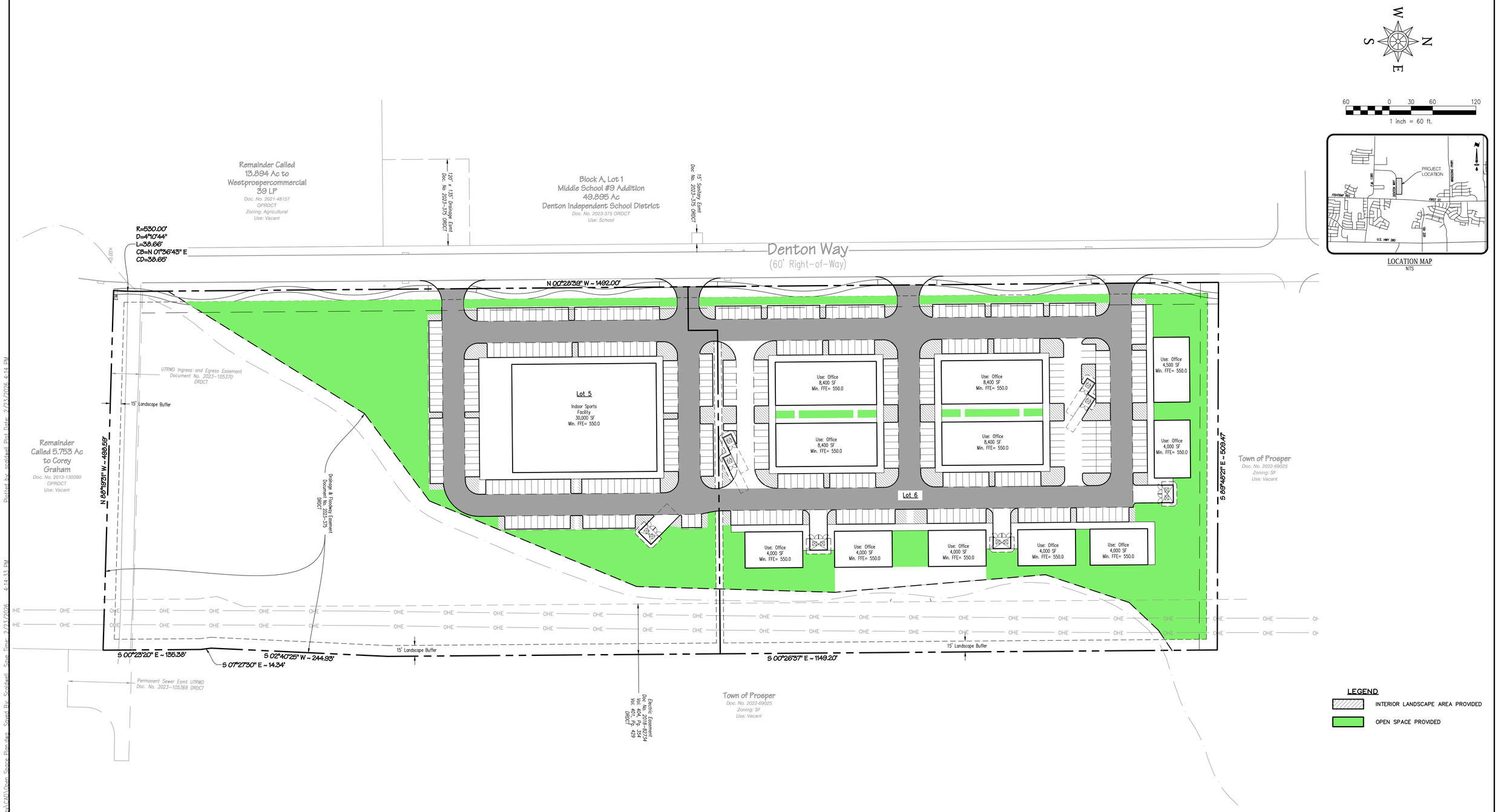
LANDSCAPE ARCHITECT
Spiars Engineering, Inc.
765 Custer Road, Suite 100
Plano, TX 75075
Telephone: (972) 422-0077
TBAE No. 2986
Contact: Anthony Stewart, RLA

ENGINEER / SURVEYOR/ APPLICANT
Spiars Engineering, Inc.
501 W President George Bush Hwy, Suite 200
Richardson, TX 75023
Telephone: (972) 422-0077
TBPE No. F-2121
Contact: Karis Smith

OWNER/DEVELOPER
Prosper Denton Commercial
1720 Lewis Crossing
Keller, TX 76248
Telephone: (210) 452-8025
Contact: Phani Chennupati

Sheet 1 of 1 Scale: 1"=60' Jan 26 SEI Job No. 24-161

Plotted by: Tarvisstewart Plot Date: 2/24/2026 9:25 AM
Drawing: G:\2024 JOBS\24-161 DISD Denton Way\LANDSCAPE\CAD\Exhibit G.dwg Saved By: Tarvisstewart Save Time: 2/24/2026 9:24:13 AM



SITE DATA SUMMARY TABLE

LOT	PROPOSED USE	LOT AREA SF	LOT AREA AC	BUILDING AREA (SF)	INTERIOR LANDSCAPE REQUIRED (SF)	INTERIOR LANDSCAPE PROVIDED (SF)	OPEN SPACE REQUIRED (SF)	OPEN SPACE PROVIDED (SF)
6	MEDICAL OFFICE	354,593	8.14	62,100	3,915	15,595	24,822	53,921
5	COMMERCIAL AMUSEMENT, INDOOR (SPORTS FACILITY)	424,473	9.75	30,000	2,565	5,987	29,713	59,313

Note:
The conceptual layout provided reflects the general intent: however, the final layout will be determined during the Preliminary Site Plan stage and must comply with all Town requirement. This includes, but is not limited to, adherence to all Fire Code regulations, Engineering Design Standards concerning driveway spacing, throat depth, and turn lane requirements, and the Town's standard landscaping requirements, unless specified otherwise in Exhibit C (planned Development Standards). Additionally, all development standards outlined in the Town Zoning Ordinance, unless otherwise defined in Exhibit C, must be followed as well as compliance with all applicable local, state and federal regulations, particularly those concerning floodplain's and waters of the U.S. The approval of the layout depicted in exhibit D does not confer any vested rights in this zoning case.

ZONE-25-0007
OPEN SPACE PLAN

DENTON WAY OFFICE PARK

IN THE TOWN OF PROSPER, DENTON COUNTY, TEXAS
J. MORTON SURVEY ABSTRACT NO. 793
779,070 Sq. Ft./17.885 Acres

ENGINEER / SURVEYOR/ APPLICANT
Spiars Engineering, Inc.
501 W President George Bush Hwy, Suite 200
Richardson, TX 75023
Telephone: (972) 422-0077
TBPE No. F-2121
Contact: Karis Smith

OWNER/DEVELOPER
Prosper Denton Commercial
1720 Lewis Crossing
Keller, TX 76248
Telephone: (210) 452-8025
Contact: Phani Chennupati

Sheet 1 of 1 Scale: 1"=60' Feb-26 SEI Job No. 24-161

Plotted by: scaldwell Plot Date: 2/23/2026 4:14 PM
Drawings: G:\2024 JOBS\24-161 DISD Denton Way\CAD\Open Space Plan.dwg Saved By: Scaldwell Save Time: 2/23/2026 4:14:33 PM

TOWN OF PROSPER
A Place Where Everyone Matters

PLANNING

To: **Mayor and Town Council**

From: **David Hoover, AICP, Director of Development Services**

Through: **Mario Canizares, Town Manager**
Chuck Ewings, Assistant Town Manager

Re: **Development Agreement for Denton Way Office Park**

Town Council Meeting – April 28, 2026

Strategic Visioning Priority: Ensure the Town's Commercial Corridors are Ready for Development

---

Agenda Item:
Consider and act upon authorizing the Town Manager to execute a Development Agreement between Prosper Denton Commercial LP and the Town of Prosper relative to Denton Way Office Park. (DEVAGRE-26-0003)

Description of Agenda Item:
On March 24, 2026, the Town Council approved the proposed rezoning request by a vote of 7-0. A Development Agreement has been prepared accordingly.

Budget Impact:
There is no budgetary impact affiliated with this item.

Legal Obligations and Review:
Terrence Welch of Brown & Hofmeister, L.L.P., has approved the attached documents as to form and legality.

Attached Documents:
1. Development Agreement

Town Staff Recommendation:
Town Staff recommend the Town Council authorize the Town Manager to execute a Development Agreement between Prosper Denton Commercial LP and the Town of Prosper relative to Denton Way Office Park.

Proposed Motion:
I move to authorize/not authorize the Town Manager to execute a Development Agreement between Prosper Denton Commercial LP and the Town of Prosper relative to Denton Way Office Park.

DENTON WAY OFFICE PARK DEVELOPMENT AGREEMENT

THIS DENTON WAY OFFICE PARK DEVELOPMENT AGREEMENT ("Agreement") is entered into by and between the Town of Prosper, Texas ("Town"), and Prosper Denton Commercial LP ("Developer"), individually, a "Party" and collectively, the "Parties," to be effective (the "Effective Date") on the latest date executed by a Party.

WHEREAS, the Town is a home-rule municipal corporation, located in Collin County and Denton County, Texas, organized and existing under the laws of the State of Texas; and

WHEREAS, Developer is developing a project in the Town known as Denton Way Office Park ("Property"), a legal description of which Property is attached hereto as Exhibit A and incorporated by reference; and

WHEREAS, the Property was rezoned by the Town Council on or about April 28, 2026, and this Agreement seeks to incorporate, in part, the negotiated and agreed upon development standards contained in the underlying zoning ordinance, as may be amended, and/or this Development Agreement, to recognize Developer's reasonable investment-backed expectations in said development, as may be amended, and as more fully described herein.

NOW, THEREFORE, in consideration of the foregoing premises, and for other good and valuable consideration the receipt and adequacy of which are hereby acknowledged, the Parties to this Agreement agree as follows:

1. Development Standards. For any structure built on the Property following the Effective Date, it shall comply with the requirements contained in Exhibit B, "Building Materials," attached hereto and incorporated herein. The Parties agree and acknowledge that the provisions of this Paragraph shall apply to any structure constructed subsequent to the execution of this Agreement. Nothing in this Agreement shall be deemed to modify or otherwise amend any zoning regulation duly adopted by the Town, previously or in the future.

2. Covenant Running with the Land. The terms, conditions, rights, obligations, benefits, covenants and restrictions of the provisions of this Agreement shall be deemed covenants running with the land, and shall be binding upon and inure to the benefit of the Developer and its heirs, representatives, successors and assigns. This Agreement shall be deemed to be incorporated into each deed and conveyance of the Property or any portion thereof hereafter made by any other Developers of the Property, regardless of whether this Agreement is expressly referenced therein.

3. Maintenance of Landscape Areas.

A. Developer agrees to maintain all Landscape Areas (including all vegetation) on the Property, as referenced and/or depicted in the applicable zoning ordinance, as amended, free of weeds, tall grass, rubbish, brush and other objectionable, unsightly or unsanitary matter, as defined in Article 6.03 of Chapter 6 of the Town's Code of Ordinances, as amended. Further, Developer agrees that landscape maintenance obligations referenced herein include mulching of Landscape Areas, prompt replacement of dead or dying vegetation with new vegetation, mowing of Landscape Areas, where required, and other routine and regular maintenance of plants and other vegetation.

B. In the event that any Landscape Area or plants or vegetation is/are not properly maintained in accordance with this Agreement, the Town may give written notice to Developer of such failure to maintain and Developer shall promptly address such failure, taking into account the type(s) and species of such plants and vegetation and applicable planting cycles of same. After such notice, and Developer's failure to address same, Developer agrees and acknowledges that the Town shall have the right to go onto Developer's property and replace, replant or otherwise address such failure to maintain any Landscape Area or plants or vegetation, with an invoice of costs incurred by the Town being promptly provided by the Town to Developer. In the event Developer does not pay such invoice within thirty (30) days of receipt by Developer, the Town may file a lien on the Property for the costs it incurred for the work done, including a reasonable administrative fee. Any failure to maintain any Landscape Area, plants or vegetation shall not be considered a default in accordance with Paragraph 7 of this Agreement, and any obligations referenced in said Paragraph shall not be applicable to this Paragraph 2.

C. Notwithstanding any provision in this Paragraph to the contrary, the Town specifically reserves the right to take enforcement action and/or file a complaint against Developer in the Town's municipal court (or other appropriate forum) relative to weeds, tall grass, rubbish, brush and other objectionable, unsightly or unsanitary matter on the Property, in accordance with Article 6.03 of Chapter 6 of the Town's Code of Ordinances, as amended.

4. Periodic Review of the Property's Zoning by the Town Council. The Town Council reserves the right to periodically review the progress and/or scope of development of the Property pursuant to the terms of any zoning regulations applicable to the Property, and in the event any amendment(s) or revision(s) to said zoning regulations are deemed reasonably appropriate and have the written approval of the Developer, the Town may provide appropriate notices for Town consideration of same, pursuant to the provisions of Chapter 211 of the Texas Local Government Code, as amended, and the Town's Zoning Ordinance, as amended.

5. **Certain Business Establishments Prohibited**. Developer agrees and acknowledges that it will not lease, sell or otherwise permit or authorize on the Property any of the following business establishments: (1) credit access businesses, as defined in Texas Finance Code § 393.601, as amended, including but not limited to payday lending businesses, "cash for title" lenders, and credit services businesses, as defined in Texas Finance Code § 393.001, as amended); (2) body art facilities; (3) smoke or vape shops; (4) any business entity that sells drug paraphernalia; (5) any business establishment offering gaming or slot machines; (6) sex shops, including but not limited to business entities whose primary purpose is the sale of lewd merchandise; (7) pawn shops; and (8) business entities which primarily utilize outdoor storage or displays. Additionally, Developer agrees and acknowledges that it will not lease, sell or otherwise permit or authorize on the Property a package liquor store, which for purposes of this Agreement is defined as any business entity that is required to obtain a Package Store Permit (P) from the Texas Alcoholic Beverage Commission for the off-premises consumption of alcohol.

6. **Applicability of Town Ordinances**. Developer shall develop the Property, and construct all structures on the Property, in accordance with all applicable Town ordinances and building/construction codes.

7. **Default**. No Party shall be in default under this Agreement until notice of the alleged failure of such Party to perform has been given (which notice shall set forth in reasonable detail the nature of the alleged failure) and until such Party has been given a reasonable time to cure the alleged failure (such reasonable time determined based on the nature of the alleged failure, but in no event less than thirty (30) days after written notice of the alleged failure has been given). In addition, no Party shall be in default under this Agreement if, within the applicable cure period, the Party to whom the notice was given begins performance and thereafter diligently and continuously pursues performance until the alleged failure has been cured. If either Party is in default under this Agreement, the other Party shall have the right to enforce the Agreement in accordance with applicable law, provided, however, in no event shall any Party be liable for consequential or punitive damages

8. **Venue**. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Denton County, Texas. Exclusive venue for any action arising under this Agreement shall lie in Denton County, Texas.

9. **Notice**. Any notices required or permitted to be given hereunder (each, a "Notice") shall be given by certified or registered mail, return receipt requested, to the addresses set forth below or to such other single address as either party hereto shall notify the other:

If to the Town: The Town of Prosper
250 W. First Street
Prosper, Texas 75078
Attention: Town Manager

If to Developer: Prosper Denton Commercial LP
c/o Phani Chennupati
1720 Lewis Crossing Drive
Keller, TX 76248-8754

10. Prevailing Party. In the event any person initiates or defends any legal action or proceeding to enforce or interpret any of the terms of this Agreement, the prevailing party in any such action or proceeding shall be entitled to recover its reasonable costs and attorney's fees (including its reasonable costs and attorney's fees on any appeal).

11. Entire Agreement. This Agreement contains the entire agreement between the Parties hereto with respect to development of the Property and supersedes all prior agreements, oral or written, with respect to the subject matter hereof. The provisions of this Agreement shall be construed as a whole and not strictly for or against any Party.

12. Savings/Severability. In the event any provision of this Agreement shall be determined by any court of competent jurisdiction to be invalid or unenforceable, the Agreement shall, to the extent reasonably possible, remain in force as to the balance of its provisions as if such invalid provision were not a part hereof.

13. Binding Agreement. A telecopied facsimile of a duly executed counterpart of this Agreement shall be sufficient to evidence the binding agreement of each party to the terms herein, including without limitation a scanned copy sent via electronic mail by either Party.

14. Authority to Execute. This Agreement shall become a binding obligation on the Parties upon execution by all Parties hereto. The Town warrants and represents that the individual executing this Agreement on behalf of the Town has full authority to execute this Agreement and bind the Town to the same. Developer warrants and represents that the individual executing this Agreement on behalf of Developer has full authority to execute this Agreement and bind Developer to the same. The Town Council hereby authorizes the Town Manager of the Town to execute this Agreement on behalf of the Town.

15. Filing in Deed Records. This Agreement, and any and all subsequent amendments to this Agreement, shall be filed in the deed records of Denton County, Texas.

16. Mediation. In the event of any disagreement or conflict concerning the interpretation of this Agreement, and such disagreement cannot be resolved by the signatories hereto, the signatories agree to submit such disagreement to nonbinding mediation.

17. Notification of Sale or Transfer; Assignment of Agreement. Developer shall notify the Town in writing of any sale or transfer of all or any portion of the Property, within ten (10) business days of such sale or transfer. Developer has the right (from time to time without the consent of the Town, but upon written notice to the Town) to assign this Agreement, in whole or in part, and including any obligation, right, title, or interest of Developer under this Agreement, to any person or entity (an "Assignee") that is or will become a Developer of any portion of the Property or that is an entity that is controlled by or under common control with Developer. Each assignment shall be in writing executed by Developer and the Assignee and shall obligate the Assignee to be bound by this Agreement. A copy of each assignment shall be provided to the Town within ten (10) business days after execution. Provided that the successor Developer assumes the liabilities, responsibilities, and obligations of the assignor under this Agreement, the assigning party will be released from any rights and obligations under this Agreement as to the Property that is the subject of such assignment, effective upon receipt of the assignment by the Town. No assignment by Developer shall release Developer from any liability that resulted from an act or omission by Developer that occurred prior to the effective date of the assignment. Developer shall maintain true and correct copies of all assignments made by Developer to Assignees, including a copy of each executed assignment and the Assignee's Notice information.

18. Sovereign Immunity. The Parties agree that the Town has not waived its sovereign immunity from suit by entering into and performing its obligations under this Agreement.

19. Effect of Recitals. The recitals contained in this Agreement: (a) are true and correct as of the Effective Date; (b) form the basis upon which the Parties negotiated and entered into this Agreement; (c) are legislative findings of the Town Council; and (d) reflect the final intent of the Parties with regard to the subject matter of this Agreement. In the event it becomes necessary to interpret any provision of this Agreement, the intent of the Parties, as evidenced by the recitals, shall be taken into consideration and, to the maximum extent possible, given full effect. The Parties have relied upon the recitals as part of the consideration for entering into this Agreement and, but for the intent of the Parties reflected by the recitals, would not have entered into this Agreement.

20. **Consideration**. This Agreement is executed by the Parties hereto without coercion or duress and for substantial consideration, the sufficiency of which is forever confessed.

21. **Counterparts**. This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes. A facsimile signature will also be deemed to constitute an original.

22. **Amendment**. This Agreement shall not be modified or amended except in writing signed by the Parties. A copy of each amendment to this Agreement, when fully executed and recorded, shall be provided to each Party, Assignee and successor Developer of all or any part of the Property; however, the failure to provide such copies shall not affect the validity of any amendment.

23. **Miscellaneous Drafting Provisions**. This Agreement shall be deemed drafted equally by all Parties hereto. The language of all parts of this Agreement shall be construed as a whole according to its fair meaning, and any presumption or principle that the language herein is to be construed against any Party shall not apply.

24. **Waiver of Texas Government Code § 3000.001 *et seq.*** With respect to any and all Structures to be constructed on the Property pursuant to this Agreement, Developer hereby waives any right, requirement or enforcement of Texas Government Code §§ 3000.001-3000.005, as amended.

25. **Third-Party Beneficiaries.** Nothing in this Agreement shall be construed to create any right in any Third-Party not a signatory to this Agreement, and the Parties do not intend to create any third-party beneficiaries by entering into this Agreement.

26. **Rough Proportionality.** Developer hereby agrees that any land or property donated and/or dedicated pursuant to this Agreement, whether in fee simple or otherwise, to the Town relative to any development on the Property is roughly proportional to the need for such land and Developer hereby waives any claim therefor that it may have. Developer further acknowledges and agrees that all prerequisites to such a determination of rough proportionality have been met, and that any costs incurred relative to said donation are related both in nature and extent to the impact of the development referenced herein. Both Developer and the Town further agree to waive and release all claims one may have against the other related to any and all rough proportionality and individual determination requirements mandated by the United States Supreme Court in *Dolan v. City of Tigard*, 512 U.S. 374 (1994), and its progeny, as well as any other requirements of a nexus between development conditions and the provision of roadway services to the Property.

27. **Exactions/Infrastructure Costs**. Developer has been represented by legal counsel in the negotiation of this Agreement and been advised or has had the

opportunity to have legal counsel review this Agreement and advise Developer, regarding Developer's rights under Texas and federal law. Developer hereby waives any requirement that the Town retain a professional engineer, licensed pursuant to Chapter 1001 of the Texas Occupations Code, to review and determine that the exactions required by the Town are roughly proportional or roughly proportionate to the proposed development's anticipated impact. Developer specifically reserves its right to appeal the apportionment of municipal infrastructure costs in accordance with § 212.904 of the Texas Local Government Code; however, notwithstanding the foregoing, Developer hereby releases the Town from any and all liability under § 212.904 of the Texas Local Government Code, as amended, regarding or related to the cost of those municipal infrastructure requirements imposed by this Agreement.

(REMINDER OF PAGE INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, the parties hereto have caused this document to be executed as of the date referenced herein.

TOWN:

THE TOWN OF PROSPER, TEXAS

By: _____
Name: Mario Canizares
Title: Town Manager, Town of Prosper

STATE OF TEXAS)
)
COUNTY OF COLLIN)

This instrument was acknowledged before me on the ___ day of _____, 2026, by Mario Canizares, Town Manager of the Town of Prosper, Texas, on behalf of the Town of Prosper, Texas.

_____
Notary Public, State of Texas
My Commission Expires:

_____

DEVELOPER:

Prosper Denton Commercial, LP

By: _____
Name: Phani Chennupati

Title: _____

STATE OF TEXAS)
)
COUNTY OF _____)

This instrument was acknowledged before me on the ___ day of _____, 2026, by Phani Chennupati on behalf of Prosper Denton Commercial, LP, known to be the person whose name is subscribed to the foregoing instrument, and that he executed the same on behalf of and as the act of Developer.

_____
Notary Public, State of Texas
My Commission Expires:

_____

DEVELOPER:

Prosper Denton Commercial, LP

By: Phani Kumar. CH
Name: Phani Chennupati

Title: Manager

STATE OF TEXAS)
)
COUNTY OF Tarrant)

This instrument was acknowledged before me on the 16 day of April, 2026, by Phani Chennupati on behalf of Prosper Denton Commercial, LP, known to be the person whose name is subscribed to the foregoing instrument, and that he executed the same on behalf of and as the act of Developer.

Haritha Potla
My Commission Expires
03/31/2029
Notary ID 135505190

Notary Public, State of Texas
My Commission Expires:

P. Haritha
04/16/2026

ZONE-25-0007
EXHIBIT A-1
METES AND BOUNDS DESCRIPTION

BEING a tract of land situated in the J. Morton Survey, Abstract No. 793, Town of Prosper, Denton County, Texas, being all of Lot 5, Block A, Middle School #9 Addition, according to the plat recorded in Document Number 2023-375, Official Records, Denton County, Texas, (ORDCT), being all of a tract conveyed to Prosper Denton Commercia, LP, according to the deed recorded in Document Number 20204-138175, ORDCT, and also being a portion of Denton Way, a Called 60' Right-of-Way, according to the Plat recorded in Document Number 2023-375, with the subject tract being more particularly described as follows:

BEGINNING at a 5/8 inch capped iron rod found for the southeast corner of said Lot 5, and also being the north east corner of the remainder of a tract conveyed to Corey Graham, according to the deed recorded in Document Number 2013-130390, ORDCT, and also being in the west line of a tract conveyed to Town of Prosper, according to the deed recorded in Document Number 2022-69025. ORDCT;

THENCE N 88°19'31" W, passing at 498.59 feet a 1/2" iron rod found on the east line of Denton Way, a 60' right-of-way, and also being the southwest corner of said Lot 5, continuing on for a total distance of 528.59 feet;

THENCE around a non-tangent curve to the left having a central angle of 04°10'44", a radius of 514.55 feet, a chord of N 01°38'32" E - 37.52 feet, an arc length of 37.53 feet;

THENCE N 00°28'39" W, 1492.35 feet;

THENCE S 89°48'21" E, passing at 30.00 feet a 1/2" capped iron rod found for the northwest corner of said Lot 5, continuing for a total distance of 539.47 feet to a 5/8" capped iron rod found for the northeast corner of the subject tract;

THENCE S 00°26'37" E, 1149.20 feet to a 1/2" iron rod found;

THENCE S 02°40'25" W, 244.93 feet to a Brass USACE Monument Found;

THENCE S 07°27'30" E, 14.34 feet to a Brass USACE Monument Found;

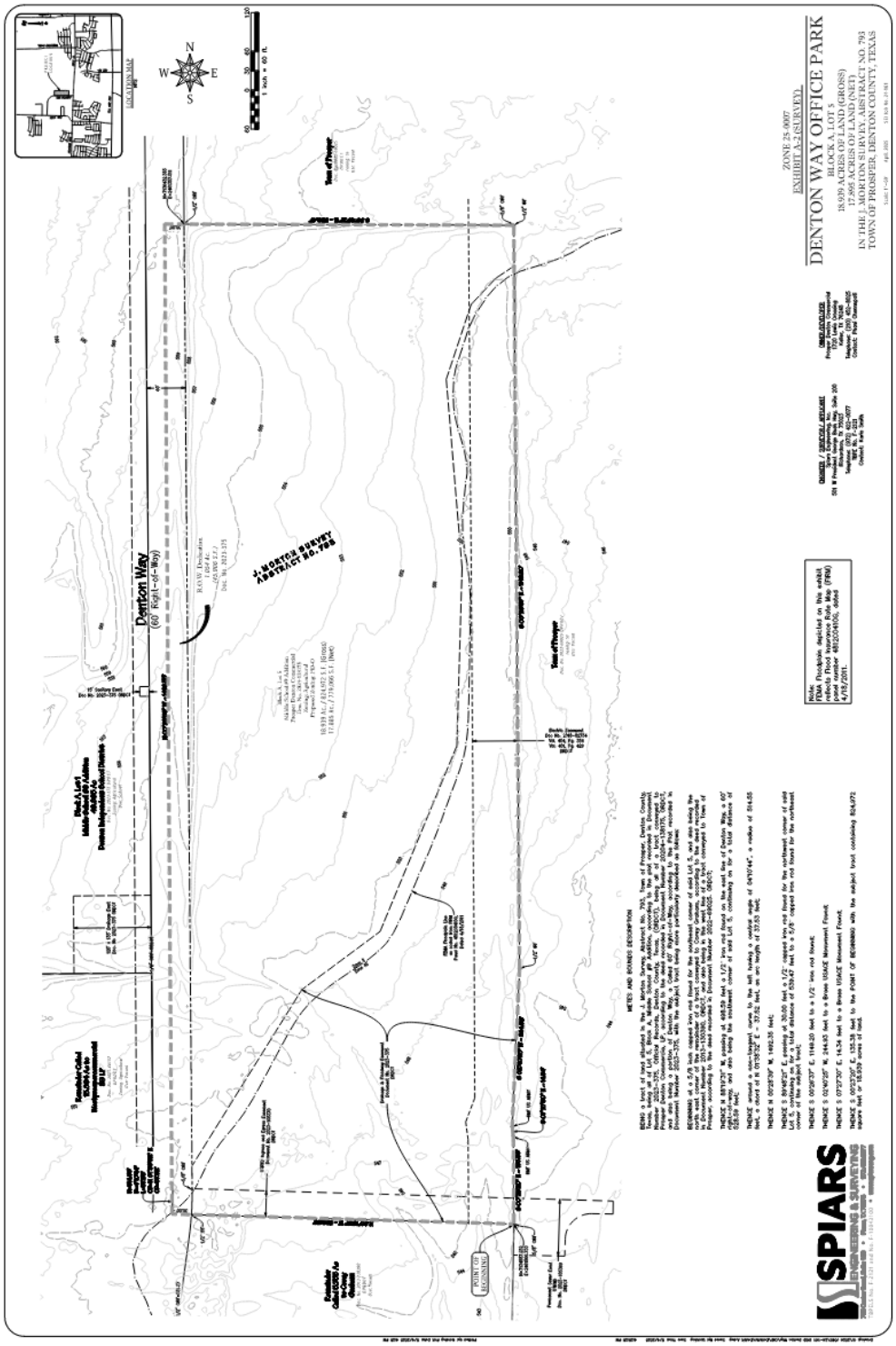
THENCE S 00°23'20" E, 135.38 feet to the POINT OF BEGINNING with the subject tract containing 824,972 square feet or 18.939 acres of land.



August 5, 2025

ZONE-25-0007

EXHIBIT A-2



ZONE-25-0007

EXHIBIT B

STATEMENT OF INTENT AND PURPOSE

DENTON WAY OFFICE PARK

EXTERIOR APPEARANCE OF BUILDINGS:

A. Architectural Standards (as shown in Exhibit F)

1. Architectural style and building material requirements to be provided in accordance with the Office District of the Town of Prosper's Zoning Ordinance, Chapter 4, Section 8.2, except as listed below:

    a. Permitted primary exterior materials shall constitute a minimum 85% of an elevation and are defined as clay fired brick, natural and manufactured stone, granite and marble. Commercial Amusement (indoor) uses, such as a sports complex, may include split-faced concrete masonry units, stucco (3-step application process), and/or concrete tilt-wall construction with decorative patterns. The maximum combined amount of these materials on an elevation is 40%.

    b. Secondary materials used on the façade of a building are those that comprise a total of fifteen percent or less of an elevation area. Permitted secondary materials are aluminum or other metal, cedar or similar quality decorative wood and stucco (3-step application process). Stucco is only permitted a minimum of nine feet above grade.

MATERIALS SPORTS FACILITY:

REFERENCE BELOW "MATERIALS LEGEND" FOR MATERIAL DESCRIPTION
TYPE 1 AND TYPE 2 MATERIALS AS NOTED IN MATERIAL LEGEND BELOW

WEST ELEVATION:

	MATERIALS	90%
4	GLASS /OPENINGS	10%
	GROSS (ENTIRE FACADE)	100%
1 2	PRIMARY MATERIALS	85% (40% TYPE 1, 45% TYPE 2)
3	SECONDARY MATERIALS	15%
	NET (FACADE WITHOUR OPENINGS)	100%

EAST ELEVATION

	MATERIALS	75%
4	GLASS /OPENINGS	25%
	GROSS (ENTIRE FACADE)	100%
1 2	PRIMARY MATERIALS	90% (40% TYPE 1, 50% TYPE 2)
3	SECONDARY MATERIALS	10%
	NET (FACADE WITHOUR OPENINGS)	100%

SOUTH ELEVATION:

	MATERIALS	75%
4	GLASS /OPENINGS	25%
	GROSS (ENTIRE FACADE)	100%
1 2	PRIMARY MATERIALS	90% (40% TYPE 1, 50% TYPE 2)
3	SECONDARY MATERIALS	10%
	NET (FACADE WITHOUR OPENINGS)	100%

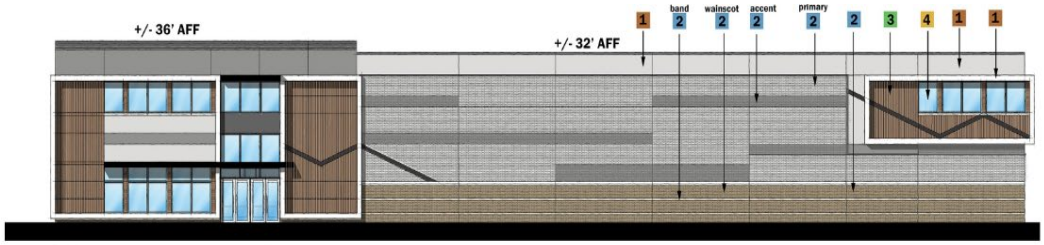
NORTH ELEVATION:

	MATERIALS	90%
4	GLASS /OPENINGS	10%
	GROSS (ENTIRE FACADE)	100%
1 2	PRIMARY MATERIALS	85% (40% TYPE 1, 45% TYPE 2)
3	SECONDARY MATERIALS	15%
	NET (FACADE WITHOUR OPENINGS)	100%

MATERIAL LEGEND:

PRIMARY MATERIAL 85% MIN.
SECONDARY MATERIAL 15% MAX.

1 - TEXTURE PAINT: CONCRETE TILTWALL (40% MAX), CMU (SPORTS FACILITY ONLY)
2 - MASONRY: BRICK, STONE
3 - ARCHITECTURAL MATERIAL: STUCCO, METAL PANEL, SIMULATED WOOD
4 - OPENINGS: DOORS, WINDOWS, STOREFRONT



05 WEST ELEVATION

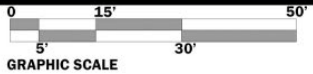
NOTE: ALL ELEVATIONS ARE FOR CONCEPTUAL PURPOSES AND TO CONVEY GENERAL ARCHITECTURAL CHARACTER OF THE BUILDING.
ELEVATIONS MAY VARY WITH REGARDS TO OPENING TYPE AND PLACEMENT, BUILDING HEIGHT, MATERIAL PLACEMENT, COLORS, ETC. FINAL ELEVATIONS WILL REMAIN IN SIMILAR ARCHITECTURAL CHARACTER.
HEIGHTS QND MATERIALS NOTED ON ELEVATIONS ARE FOR ESTIMATING PURPOSES AND MY VARY DURING DESIGN DEVELOPMENT



06 SOUTH ELEVATION



07 EAST ELEVATION





08 NORTH ELEVATION

MATERIALS
MEDICAL OFFICE:

SOUTH ELEVATION:

	MATERIALS	70%
4	GLASS /OPENINGS	30%
	GROSS (ENTIRE FACADE)	100%
2	PRIMARY MATERIALS	90%
3	SECONDARY MATERIALS	10%
	NET (FACADE WITHOUR OPENINGS)	100%

EAST ELEVATION:

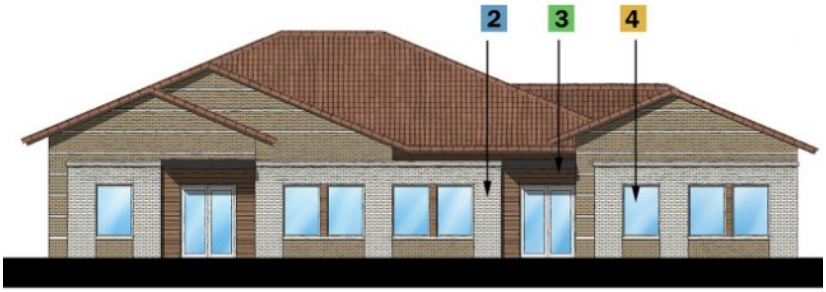
	MATERIALS	75%
4	GLASS /OPENINGS	25%
	GROSS (ENTIRE FACADE)	100%
2	PRIMARY MATERIALS	85%
3	SECONDARY MATERIALS	15%
	NET (FACADE WITHOUR OPENINGS)	100%

NORTH ELEVATION:

	MATERIALS	75%
4	GLASS /OPENINGS	25%
	GROSS (ENTIRE FACADE)	100%
2	PRIMARY MATERIALS	85%
3	SECONDARY MATERIALS	15%
	NET (FACADE WITHOUR OPENINGS)	100%

WEST ELEVATION:

	MATERIALS	70%
4	GLASS /OPENINGS	30%
	GROSS (ENTIRE FACADE)	100%
2	PRIMARY MATERIALS	90%
3	SECONDARY MATERIALS	10%
	NET (FACADE WITHOUR OPENINGS)	100%



01 WEST ELEVATION



02 NORTH ELEVATION



03 EAST ELEVATION



04 SOUTH ELEVATION

TOWN OF PROSPER
A Place Where Everyone Matters

PLANNING

To: **Mayor and Town Council**

From: **David Hoover, AICP, Director of Development Services**

Through: **Mario Canizares, Town Manager**
Chuck Ewings, Assistant Town Manager

Re: **Ordinance for the Unified Development Code**

Town Council Meeting – April 28, 2026

Strategic Visioning Priority: Provide Excellent Municipal Services

---

Agenda Item:
Consider and act upon an Ordinance adopting the Unified Development Code.

Description of Agenda Item:
Consider and act upon an Ordinance adopting the Unified Development Code.

Background:
On November 11, 2025, the Town Council held a public hearing and approved the adoption of a Unified Development Code by a vote of 7-0. Staff and the consultant, Freese and Nichols, have been working to finalize the document. It will replace the Zoning Ordinance and Subdivision Ordinance currently within the Code of Ordinances.

Budget Impact:
There is no budgetary impact affiliated with this item.

Legal Obligations and Review:
Terrence Welch of Brown & Hofmeister, L.L.P., has approved the attached documents as to form and legality.

Attached Documents:
1. Ordinance
2. Unified Development Code

Town Staff Recommendation:
Town Staff recommend the Town Council adopt the Unified Development Code.

Proposed Motion:
I move to approve/deny the adoption of the Unified Development Code.

TOWN OF PROSPER, TEXAS **ORDINANCE NO. 2026-__**

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

TOWN OF PROSPER

Town of Prosper

UNIFIED DEVELOPMENT CODE

Draft April 21, 2026



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Article 1. General Provisions

1.01. Establishment

A. Title

This Unified Development Code of the Town of Prosper, Texas ("Town") shall be known as, and may be cited and referred to as, the "UDC".

B. Purpose

The purpose of this UDC is to unify the Town's land development regulations into a single document and to reduce repetition and conflict among various ordinances. Additionally, this UDC is intended to implement the Town of Prosper Comprehensive Plan, and all other Town-adopted plans and policies.

C. Authority

These regulations are adopted pursuant to the authority granted by the U.S. Constitution, the Texas Constitution, and the laws of the State of Texas, specifically Chapter 211 and Chapter 212 of the Texas Local Government Code. These regulations are the minimum requirements for the promotion of public safety, health, convenience, comfort, prosperity, and general welfare.

D. Effective Date

The effective date of this UDC shall be xxxx, 2026.

E. Conflicting Provisions

1. Conflict with State or Federal Regulations

   If the provisions of this UDC are inconsistent with state or federal law, state or federal law shall apply.

2. Conflict with Private Agreements and Covenants

   The UDC does not interfere with, abrogate, or annul any easement, covenant, deed restriction or other agreement between private parties. The Town is not responsible for monitoring or enforcing agreements or covenants among private parties.

F. Enforcement and Violations

In accordance with Chapter 54 of the Texas Local Government Code, the Town is authorized to enforce this UDC and may issue a fine or penalty for the violation of a rule, ordinance, or police regulation.

1. Violations Related to the UDC

   Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this UDC shall be fined not more than $2,000 for each violation. Each day (or part of a day) that a violation is permitted to exist shall constitute a separate offense.

2. All Other Violations

   Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of all other aspects of this UDC shall be fined not more than $500 for each violation. Each day (or part of a day) that a violation is permitted to exist shall constitute a separate offense.

G. Vested Rights Request

1. Vested Rights Request

   a. Any property owner who believes that they have obtained a vested right under Chapter 245 of the Texas Local Government Code shall submit to the Town Secretary a letter explaining the factual and legal bases upon which the property owner relies in their contention that they have a particular vested right and, consequently, is exempt or not subject to a particular Town order, regulation, ordinance, rule, expiration date, or other properly adopted requirement (hereinafter referred to collectively as "regulations").

   b. Such written submission shall include, at a minimum, the following:

      i. The name, mailing address, phone number, and email address of the property owner (or the property owner's duly authorized agent);

      ii. Identification of the property for which the property owner claims a vested right;

      iii. Identification of the "project," as that term is defined in Chapter 245 (Sec. 245.001 (3)) of the Texas Local Government Code;

      iv. Identification of the original application for the first permit in the series of permits required for the project, as described in Chapter 245 (Sec. 245.001(1) and 245.002(a) and (b)) of the Texas Local Government Code;

      v. The date that the first permit in the series of permits required for the project was filed with the Town;

      vi. A chronology of the history of the project, with special emphasis on facts establishing that the project was in progress on or commenced after September 1, 1997, as required by Chapter 245 (Sec. 245.003) of the Texas Local Government Code;

      vii. Identification of all Town regulations in effect at the time the original application for the permit was filed that the owner contends are vested and the owner contends controls the approval, disapproval, or conditional approval of an application for a permit, pursuant to Chapter 245 (Sec. 245.002(a) and (b)) of the Texas Local Government Code;

      viii. Identification of all Town regulations that the property owner contends do not apply to the project due to the vested rights provided the property owner by Chapter 245 of the Texas Local Government Code; and

      ix. Identification of all Town regulations that the property owner contends would apply to the project that predates the regulations the property owner contends do not apply.

   c. If a property owner contends that certain Town regulations do not apply to the project, the property owner is expected to identify, with particularity, all requirements that the property owner contends do not apply. Global references to a particular ordinance, or set of criteria, may be deemed insufficient and the Town may consider the request for a vested rights determination to be incomplete and, hence, not subject to a staff determination at that time.

2. Vested Rights Determination

   a. The decision-maker for a vested rights determination is the same as the currently assigned decision-maker for the original application type.

   b. The Town Manager and Town Attorney shall also be notified of the request and shall provide a recommendation to the decision-maker.

   c. The decision-maker shall determine whether the relief requested shall be granted as a whole or in part. The decision-maker's decision may be appealed in accordance with the provisions for the original application type.

   d. Prior to rendering their final determination, the decision-maker may request a pre-determination conference with the owner to discuss the owner's vested rights claim and to ensure that the nature of the

claim is fully and completely understood by the decision-maker prior to a final determination being rendered.

3. Binding Determination

   a. The decision-maker's determination, if not appealed in accordance with the procedures outlined within the UDC, shall be immediately filed in the Town's files related to the project and the determination shall be considered binding upon the Town and the property owner for the duration of the project.

   b. Notwithstanding the binding nature of the Town's final determination, the Town and the property owner may, at any time, enter into a development agreement that, to the extent authorized by law, modifies the final determination and the applicable development regulations to be applied to the project.

H. Severability

If any section, paragraph, subdivision, clause, phrase, or provision of this UDC shall be adjudged invalid or held unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this UDC shall remain in full force and effect. The same shall not affect the validity of this UDC as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

I. Savings/Repealing

By the passage of this UDC, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a zoning district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. Should any part of this UDC be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this UDC shall remain in full force and effect. All provisions of any ordinance in conflict with this UDC are hereby repealed; 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.

J. Estoppel/Waiver

The failure of the Town of Prosper to enforce any term or condition of this UDC shall not constitute a waiver or estoppel or any subsequent violation of this UDC.

1.02. Development Review Bodies

A. Town Council

1. Establishment

   The Prosper Town Charter establishes the standards governing the Town Council within Article III. The Town Council.

2. Responsibilities

   An exhibit representing a Summary of Major Roles and Responsibilities that provides a summary of the Town Council's major responsibilities within the UDC is provided within the Development Manual.

B. Planning and Zoning Commission

1. Establishment

   The Prosper Town Charter establishes the standards governing the **Planning and Zoning Commission** within Article IX. Planning and Zoning Commission.

2. An exhibit representing a Summary of Major Roles and Responsibilities that provides a summary of the Planning and Zoning Commission's major responsibilities within the UDC is provided within the Development Manual.

C. Board of Adjustment

1. Establishment

   There is hereby created a **Board of Adjustment**, hereafter sometimes referred to as the Board, for the purpose, in appropriate cases and subject to appropriate conditions and safeguards, of making special exceptions and zoning variances to the terms of **Article 2. Zoning Regulations** that are consistent with the general purpose and intent of this UDC or rules and regulations adopted by the Board and approved by the Town Council. The Board shall be composed of members who are resident citizens of the Town.

2. Responsibilities

   An exhibit representing a Summary of Major Roles and Responsibilities that provides a summary of the **Board of Adjustment** major responsibilities within the UDC is provided within the Development Manual.

3. Members and Terms of Appointment

   a. The **Board of Adjustment** shall consist of five regular members, who shall be appointed by a simple majority vote of the full Town Council, and shall operate in accordance with Sec. 211.008 through Sec. 211.011 of the Texas Local Government Code.

   b. The Board shall consist of five members, to be appointed by the Town Council for a term of two years; provided, however, that of the first five appointments made under this UDC, three shall be appointed to serve a two-year term and two shall be appointed to serve a one-year term; and, thereafter, three shall be appointed during odd-numbered years and two shall be appointed during even-numbered years, for said two-year term. No board member shall serve for more than three consecutive terms or six consecutive years (whichever is less).

   c. When vacancies occur on the Board, the Town Council shall appoint, by majority vote, a replacement to serve the remainder of that term.

   d. Each board member may be removed by the Town Council for cause on a written charge after a public hearing. By way of example, any board member who is absent from three consecutive regular meetings without explanation acceptable to a majority of the other board members is good cause for removal.

   e. Each board member shall serve without compensation but may be reimbursed for actual expenses approved in advance by the Town Council.

f. The Board shall keep and maintain minutes of any and all proceedings held and shall submit a written report of such proceedings to the Town Council not more than three weeks following each such meeting.

g. A quorum of four (4) members is required for the Board to hear a case.

h. The Board shall have two alternate board members appointed by the Town Council to serve in the absence of one or more regular board members when requested to do so by the Mayor or Town Manager. Each alternate board member serves for the same period as a regular board member and is subject to removal in the same manner as a regular board member. A vacancy among the alternate board members is filled in the same manner as a vacancy among the regular board members. An alternate board member serves upon the same terms and conditions as a regular board member.

4. Officers

a. The Board shall have a Chair and Vice-Chair whose terms shall be one year. At the first scheduled meeting of the Board in October of each year, or as soon as practicable, the first item of business shall be the selection of the Board's Chair and Vice-Chair. The Chair and Vice-Chair shall be appointed by a majority vote of the Board.

b. The Chair shall preside over meetings and shall be entitled to vote upon each issue.

c. The Vice-Chair shall assist the Chair in directing the affairs of the Board. In the absence of the Chair, the Vice-Chair shall assume all duties of the Chair.

5. By-laws

The Board shall have the power to develop and revise by-laws for its own governance, which shall be subject to approval by the Town Council. The by-laws shall include provisions for:

a. Establishment of meeting dates; and

b. Establishment of an appointment to certain committees made up of board members and other lay persons to assist the Board in the conduct of its responsibilities; and

c. Board members' attendance requirements, not inconsistent with this UDC.

d. Duties and Responsibilities

The Board may:

i. Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this UDC or Sec. 211.007, Texas Local Government Code, as it exists or may be amended.

In exercising the Board's authority herein, the Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the Board has the same authority as the administrative official; and

ii. Hear and decide special exceptions to the terms of the UDC when the ordinance requires the Board to do so; and

iii. Permit the reconstruction, extension or enlargement of a building occupancy by non-conforming uses, on the lot or tract occupancy by such building, provided such reconstruction, extension or enlargement does not prevent the return of such property to a conforming use; and

iv. Authorize, in specific cases, a variance of height, yard, area, exterior structure, lot coverage, off-street parking and loading requirements from the terms of the zoning regulations, if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in an undue or unnecessary hardship, and so that the spirit of the UDC is observed and substantial justice is done. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it permit any person a privilege in developing a parcel of land not permitted by the UDC to

other parcels of land in the Town or the district. No variance may be granted if it results in an unnecessary hardship, as herein defined, on another parcel of land.

v. The Board may consider the following as grounds to determine whether compliance as applied to a structure that is the subject of a variance request would result in unnecessary hardship:

(a) The financial costs of compliance are greater than 50% of the appraised value of the structure as shown on the most recent appraised roll certified to the assessor for the municipality under Section 26.01, Tax Code;

(b) Compliance would result in a loss to the lot on which the structure is located of at least 25% of the area on which development may physically occur;

(c) Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;

(d) Compliance would result in the unreasonable encroachment on an adjacent property or easement; or

(e) The municipality considers the structure to be a nonconforming structure.

In order to make a finding of hardship and to grant a variance, the Board of Adjustment must determine that:

(f) The requested variance does not violate the intent of the UDC; and

(g) Special conditions of restricted area, shape, topography, or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district; and

(h) The hardship is in no way the result of the applicant's own actions; and

(i) The interpretation of the provisions in the UDC or its amendments would deprive the applicant of rights commonly enjoyed by other properties, in the same zoning district, that comply with the same provisions.

No variance may authorize a use other than those uses permitted in the zoning district for which the variance is sought. Also, an application or request for a variance shall not be heard or granted with regard to any parcel of property or portion thereof upon which a Preliminary Site Plan, Site Plan, Preliminary Plat or Final Plat, when required by the UDC, and any amendments thereto, for any parcel of property or portion thereof, has not been finally acted upon by both the Planning and Zoning Commission and, where required, by the Town Council. The administrative procedures and requirements of the UDC, and any amendments thereto, with regard to both the Planning and Zoning Commission and Town Council consideration and action, on Preliminary Site Plans, Site Plans, Preliminary Plats, and Final Plats, must be exhausted prior to requesting a variance.

e. The concurring vote of four members of the Board is necessary to:

i. Reverse an order, requirement, decision, or determination of an administrative official;

ii. Decide in favor of an applicant on a matter on which the Board is required to pass under the UDC; or

iii. Authorize a variation from the terms of the UDC.

6. Appeal of Board Decisions

Any person or persons, jointly or severally, aggrieved by any decision of the Board, or any taxpayer, or any officer, department or board of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 10 days after the filing of the decision in the Office of the Board and not thereafter. The date of filing of the decision in the Office of the Board shall be the date the Board announces its decision either orally or in writing to the applicant.

7. Power to Obligate and Finance

   The Board shall have no power to obligate the Town in any manner whatsoever. The Board's finances shall be handled in the same manner as any section of the Town government.

D. Construction Board of Appeals

1. Establishment

   The Construction Board of Appeals is hereby created and established within the Town.

2. Members and Terms of Appointment

   a. The members of the Board shall consist of seven members, to be appointed by the Town Council for staggered terms of two years. Two members of the Board shall be designated as alternates and shall serve in the event regular members are unavailable for a meeting. No board member shall serve for more than three consecutive terms or six consecutive years (whichever is less). In addition to the seven board members, the Building Official shall serve as an ex officio member of the Board but shall have no right to vote on any matter before the Board. Each board member shall serve without compensation but may be reimbursed for actual expenses approved in advance by the Town Council.

   b. When vacancies occur on the Board, the Town Council shall appoint, by majority vote, a replacement to serve the remainder of that term.

   c. Each board member may be removed by way of a majority vote by the Town Council. Any board member who is absent from three consecutive regular meetings without explanation acceptable to a majority of the other board members is good cause for removal.

   d. The Board shall have two alternate board members appointed by the Town Council to serve in the absence of one or more regular board members when requested to do so by the Mayor or Town Manager. Each alternate board member serves for the same period as a regular board member and is subject to removal in the same manner as a regular board member. A vacancy among the alternate board members is filled in the same manner as a vacancy among the regular board members. An alternate board member serves upon the same terms and conditions as a regular board member.

   e. The Board shall have a Chair and a Vice-Chair whose terms shall be one year. The Chair and Vice Chair shall be selected by a majority vote of the Construction Board of Appeals. The Chair shall preside over meetings and shall be entitled to vote upon each issue. The Vice-Chair shall assist the Chair in directing the affairs of the Board. In the absence of the Chair, the Vice-Chair shall assume the duties of the chair. The Chair and/or Vice-Chair shall keep the minutes of all meetings and may accept the assistance of Town personnel in taking and transcribing minutes.

   f. Four board members shall constitute a quorum of the Board for the purpose of conducting its business, exercising its powers and for all other purposes.

3. Member Qualifications

   Each board member shall reside within the Town limits. Each board member shall also be qualified by experience and/or training to consider and vote on matters within the jurisdiction of the Board and shall not be an employee of the Town. Each board member shall have any other qualification(s) as the Town Council deems necessary and appropriate. If possible, dependent upon the pool of applicants and their specific qualifications, the Board should be made up of persons with the following credentials:

   a. One master electrician.

   b. One representative from an electric power utility.

   c. One registered design professional.

   d. One professional engineer.

   e. One master plumber.

f. Two alternates with architectural, building superintendent, or fire protection experience, or with any of the above credentials.

4. Meetings

The Board shall have regular meetings once a month, as needed, and other meetings as the Board, Town Council, and/or Building Official deem necessary and appropriate. The Town shall endeavor to prepare and post a regular meeting calendar for each calendar year, a minimum of 30 days prior to January 1 of that year. The notice of a meeting of a governmental body must be posted in a place readily accessible to the general public at all times for at least three business days before the scheduled date of the meeting.

5. Powers and Duties

a. Authority

The Board may hear and decide an appeal that alleges error in an order, requirement, decision or determination made by the Building Official in the enforcement of the codes and this article, as it exists or may be amended. In exercising the Board's authority herein, the Board may reverse or affirm, in whole or in part, or modify the Building Official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose the Board has the same authority as the Building Official. The Board shall have no power to obligate the Town in any manner whatsoever. The Board's finances shall be handled in the same manner as any other board of the Town. The Board shall have no authority to waive any requirement contained in any of the codes.

b. Basis of Board's Decision

In order to make a finding for the appellant, the Board must make a determination that the true intent of any of the codes has been incorrectly interpreted by the Building Official; that a provision(s) of the code(s), made the subject of the appeal, does/do not fully apply; or an equally good or better form of construction of the specific code, made the subject of the appeal, is proposed. The concurring vote of four members of the Board is necessary to reverse an order, requirement, decision or determination of the Building Official.

c. Minutes

The Board shall keep and maintain minutes of any and all proceedings held and shall submit a written report of such proceedings to the Town Council not more than three weeks following each such meeting.

d. Adoption of Rules and Regulations

The Board shall have the power to develop and revise rules and regulations for its own governance. All rules and regulations adopted by the Board shall be reviewed and approved by the Town Council. The rules and regulations shall be consistent with and not in conflict with this article, the codes and/or other rules and regulations prescribed by the Town Council. The Board shall function according to the laws of the state, the codes, and the provisions of this article.

e. Written Decision

The Board shall render all decisions in writing to the appellant with a copy to the Building Official.

6. Appeals

a. Building Official's Order, Requirement, Decision or Determination

Appeals from an order, requirement, decision or determination of the Building Official shall be made in writing to the Director of Development Services within seven working days of the order, requirement, decision or determination of the Building Official. The Director of Development Services shall notify the Building Official and the appellant of the placement of the appeal on the first available board agenda in compliance with the Texas Open Meetings Law.

b. Board's Decision

Appeals from a decision of the Board shall be made in writing to the Town Council within seven working days of the written decision of the Board. The Town Secretary shall notify the Building Official and the

appellant of the placement of the appeal on the first available Town Council agenda in compliance with the Texas Open Meetings Law. The decision of the Town Council is final.

E. Summary of Approval Authorities

An exhibit representing a Summary of Major Roles and Responsibilities that provides an overview of the primary approval responsibilities outlined in this UDC is provided within the Development Manual.

1.03. Universal Procedures and Provisions

A. Development Process Overview

This section provides a general overview of a typical development process, as well as references to the appropriate sections for more information.

Step 1: Pre-application Meeting

Before submitting an application, applicants are encouraged to attend a pre-application meeting with Town staff to become familiar with the Town's development process and regulations applicable to the proposed development. See **Article 1.03.B. Pre-application Meeting** for more information.

Step 2: Zoning Review

A property's zoning designation (such as the permitted uses and dimensional standards) must align with the proposed development prior to the approval of a plat or any other development application. If a rezoning is necessary, see **Article 2.03.B. Authority to Amend Ordinance** for more information about the rezoning process.

Step 3: Subdivision and Site Plan Review

A plat is required when an applicant desires to split lots, combine lots, or move a lot line. See the flow chart in **Article 3.02.B General Overview of the Platting Process** to determine the appropriate approval process. Site work and infrastructure installation may begin during this stage. See **Article 3.01.B Applicability** for more information. For nonresidential development, the applicant may submit an application for a Preliminary Site Plan and/or Site Plan. See **Article 2.03.H Preliminary Site Plan** and **Article 2.03.I Site Plans** for more information.

Step 4: Inspection Filing, and Acceptance

Once the development is complete and all improvements are installed (or adequate security provided in accordance with **Article 3.03 Construction Plans and Procedures**, the site will be inspected by the Town for compliance with regulations and submitted plans. Upon passing inspection, the Final Plat will be filed, lots may be sold, and the Town may formally accept public improvements for maintenance, following a two-year guarantee of the improvements. See **Article 3.03 Construction Plans and Procedures** for more information.

Step 5: Building Permit and Certificate of Occupancy

At this stage, building permits are issued and construction of the development occurs. Upon completion and determination of compliance, the Building Official shall issue a Certificate of Occupancy authorizing that the building may be occupied. See **Article 2.03.J Building Permit Plans and Building Permits** for more information.

B. Pre-application Meeting

1. Purpose

   a. The pre-application meeting is intended to allow for the exchange of non-binding information between the applicant and Town staff to ensure that the applicant is informed of pertinent Town development regulations and processes.

   b. The pre-application meeting provides an opportunity for the applicant and Town staff to discuss major development considerations such as utilities, roadways/traffic, drainage concerns, Comprehensive Plan conformance, specific neighborhood characteristics, and historical information.

c. This exchange of information is intended to promote an efficient and orderly review process.

2. Meeting

a. Prior to formal application for approval of any required plan, the applicant may wish to consult with the Director of Development Services, the Building Official, the Director of Engineering Services, and any other pertinent Town officials in order to become familiar with the Town's development regulations and the development process.

b. At the pre-application meeting, the developer may be represented by their land planner, engineer, surveyor, or other qualified professional.

c. The applicant is encouraged to bring any relevant site development information, such as a Site Plan, plat, or other documents to the meeting.

C. Application Processing

1. Initiation of Application

a. Initiation by Owner or Owner's Agent

i. Unless provided by this UDC, an application may be initiated only by the property owner, owner of an interest in the land, or by the owner's designated agent.

ii. If the applicant is a designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on the owner's behalf.

iii. The Director of Development Services may require submission of documents, such as an affidavit from the owner, to provide evidence of ownership or agency.

b. Initiation by Town Manager

The Town Manager can initiate any application authorized under this UDC.

2. Application Requirements

a. Application Contents

i. The Town is authorized to prepare application forms that include information requirements, checklists, architectural or engineering drawing sizes, applicant contact information, and any other information necessary to show compliance with Town codes. All application forms are available from the Development Services Department and/or on the Town's website.

ii. Applications shall be signed by all property owners (including all parties having an equitable interest, trustees of an estate or all persons having a specific power of attorney) for the subject property, as recorded in the County Clerk's Office.

iii. Any pending litigation of any final order entered by any court of law regarding the ownership of the subject property shall be disclosed by the applicant at the time that the application is submitted.

b. Application Fees

i. The Town Council shall adopt a Fee Schedule, which may be amended from time to time for the purpose of recovering the administrative costs associated with development requests.

ii. Every application shall be accompanied by the prescribed fees set forth in the adopted Fee Schedule.

iii. Unless waived by the Town Council or permitted by the Fee Schedule, the prescribed fee shall not be refundable unless it was submitted in error.

c. Applications shall be submitted to the Director of Development Services, in accordance with the instructions indicated on the Town's website.

3. Official Filing Date, Completeness of Application, and Expiration of Application

The following shall apply to any application (e.g., Preliminary Site Plan, Building Permit Plan, Site Plan, plat) submitted in accordance with this UDC:

a. Official Filing Date

The time period established by state law or this UDC for processing or deciding an application shall commence on the official filing date. The official filing date is the date that a complete application is received by the Town.

b. Determination of Completeness

Every plan application shall be subject to a determination of completeness within 10 business days by the Director of Development Services for processing the application.

i. No required plan application shall be accepted by the Director of Development Services for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of this UDC.

ii. The incompleteness of the plan application shall be grounds for denial of the application.

iii. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this UDC.

iv. A determination of completeness shall be made by the Director of Development Services in writing and delivered to the applicant no later than the tenth business day after the official filing date that the required plan application is submitted to the Town.

(a) The applicant shall be notified within that 10-business-day period of the determination of completeness.

(b) If the required plan application is determined to be complete, the application shall be acted upon in the proper manner as prescribed by this UDC.

(c) If the required plan application is determined to be incomplete, the notification shall specify the documents or other information needed to complete the application and shall state the date the application will expire (see **Subsection c. Expiration of Application** below) if the documents or other information is not provided.

(d) A required plan application shall be deemed complete on the eleventh business day after the application has been received if the applicant has not otherwise been notified that the application is incomplete.

c. Expiration of Application

The required plan application shall expire on the forty-fifth calendar day after the date the application is filed if:

i. The applicant fails to provide documents or other information necessary to comply with the Town's requirements relating to the required plan application;

ii. The Town provides to the applicant, not later than the tenth business day after the date the application is filed, written notice that specifies the necessary documents or other information, and the date the application will expire if the documents or other information is not provided; and

iii. The applicant fails to provide the specified documents or other information within the time provided in the notification. If the required plan application is not completed by the 45th calendar day after the application is submitted to the responsible official, the required plan application will be deemed to have expired, and it will be returned to the applicant together with any accompanying applications.

d. Resubmittal

If the required plan application is resubmitted after a notification of incompleteness, the time frame for a determination of completeness described in **Article 1.03.C.3.b.iv** above shall begin on the date of the resubmittal of the required plan application.

4. 30-Day Time Frame for Plat Approvals

a. Right to 30-day action for a completed plat application begins on the official submission date.

The statutory 30-day time frame for plat approvals, established by Texas Local Government Code, Chapter 212, shall commence on the filing date.

b. Extension of Right to 30-day Action

Pursuant to Texas Local Government Code, § 212.009(b-2), as amended, upon application in writing by the applicant, the Planning and Zoning Commission may approve one or more extensions of right to 30-day action, each such extension not to exceed 30 additional days.

5. Payment of All Indebtedness Attributable to the Subject Property

a. No person who owes delinquent taxes, delinquent paving assessments, or any other fees, delinquent debts or obligations or is otherwise indebted to the Town, and which are directly attributable to a piece of property shall be allowed to submit any application for any type of rezoning, building permit, or plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the Town shall have been first fully discharged by payment, or until an arrangement satisfactory to the Town has been made for the payment of such debts or obligations.

b. It shall be the applicant's responsibility to provide evidence or proof that all taxes and fees have been paid, or that other arrangements satisfactory to the Town have been made for payment of said taxes and fees.

D. Amendments to the UDC

1. Petitions for Amendments

a. Any person or corporation having a proprietary interest in any property may petition the Town for an amendment to this UDC's text.

b. The Planning and Zoning Commission may, on its own motion or on request from the Town Council, study and propose amendments for the Town Council's consideration.

2. Planning and Zoning Commission Recommendation

The Planning and Zoning Commission shall provide a recommendation regarding proposed UDC amendments following a recommendation by the Director of Development Services and a public hearing.

3. Town Council Decision

Following Planning and Zoning Commission recommendation, the Town Council shall decide on proposed UDC amendments following a public hearing held in accordance with the Town Secretary's typical time frames and processes. If the Planning and Zoning Commission recommends a denial, the approval from the Town Council shall require a supermajority vote to overrule it.

E. Plan or Permit Validity and Expiration

1. Generally

a. A Preliminary Site Plan, Site Plan, or Building Permit Plan shall be considered a "permit" as described in Texas Local Government Code Sec. 245.005.

b. Any approved plan or permit shall be deemed expired one year from the date on which the plan or permit was originally approved if no progress has been made toward completion of the project.

2. Progress Benchmarks

   The term "progress" shall be as defined based on Texas Local Government Code Sec. 245.005 as follows:

   a. Plans for construction and an application for a Building Permit for at least one of the buildings on the approved plan or permit are submitted within one year following approval of the plan or permit;

   b. A good-faith attempt is made to file with the Town an application for a permit necessary to begin or continue towards completion of the project;

   c. Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of 5% of the most recent appraised market value of the real property on which the project is located;

   d. Fiscal security is posted with the Town to ensure the performance of an obligation required by the Town; or

   e. Utility connection fees or impact fees for the project have been paid to the Town.

3. Expiration

   If one of the items listed in **Article 1.03.E.2.** is not accomplished within the one-year period, then the approved plan or permit shall expire and shall become null and void.

4. Extension and Reinstatement Procedure

   a. Prior to the lapse of approval for a plan or permit, the applicant may petition the Town (in writing) to extend the plan or permit approval.

   b. Such petition shall be granted approval or denial by the Director of Development Services.

   c. If no petition is submitted, then the plan or permit shall be deemed to have expired and shall become null and void. Any new request for plan or permit approval shall be deemed a new permit, and shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this section. The new request shall also be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.

   d. In determining whether to grant a request for extension, the Director of Development Services shall take into account:

      i. The reasons for the lapse;

      ii. The ability of the property owner to comply with any conditions attached to the original approval; and

      iii. The extent to which development regulations would apply to the plan or permit at that point in time.

Article 2. Zoning Regulations

2.01. Town Zoning Regulations

A. Purpose

As authorized by Texas Local Government Code Chapter 211, the zoning regulations and districts as established in this article have been made in accordance with an adopted comprehensive plan for the purpose of promoting the public health, safety, morals, and general welfare of the Town. They have been designed to:

1. Lessen the congestion in the streets;
2. Secure safety from fire, panic, and other dangers;
3. Ensure adequate light and air;
4. Prevent the overcrowding of land and thus avoid undue concentration of population; and
5. Facilitate the adequate provision of transportation, water, wastewater treatment, schools, parks and other public requirements.

They have been made with reasonable consideration, among other things, for the character of each zoning district and its peculiar suitability for the particular uses specified, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.

B. Applicability

The zoning provisions within this article are applicable within the Town limits of the Town of Prosper. The zoning provisions are not applicable in Prosper's Extraterritorial Jurisdiction (ETJ).

C. Compliance Required

1. All land, buildings, structures or accessories located within the Town that are occupied, used, erected, altered, graded, developed, removed, placed, demolished, or converted shall be occupied, used, erected, altered, graded, developed, removed, placed, demolished or converted in conformance with the zoning regulations prescribed herein provided or be subject to penalties as per **Article 1.01**.
2. No land, buildings, structures or accessories located shall be occupied, used, erected, altered, graded, developed, removed, placed, demolished or converted without first receiving all necessary approvals, releases, and/or permits, including, but not limited to Site Plan approval, Plat approval, Landscape Plan approval, Engineering Plan approval, Grading Release, Preconstruction Conference, Paving Permit, Plumbing Permit, Electric Permit, or Building Permit.

2.02. Nonconformities

A. Purpose and General Provisions

1. Purpose

   The purpose of this section is to establish provisions for the allowance, potential alteration or discontinuation of uses and/or structures which do not conform to currently applicable zoning standards or regulations, but which were in conformance with standards in place at the time of their inception and have been rendered nonconforming due to a change in the applicable standards and regulations.

2. Intent

   It is the declared intent of this article that any modification to nonconforming uses and structures result in greater conformance with the UDC such that nonconforming uses and structures eventually come into full compliance with this UDC.

3. General Provisions

   Notwithstanding anything to the contrary, nonconforming uses are hereby declared incompatible with the permitted uses in the districts involved.

4. Nonconforming Lots

   a. A legal nonconforming lot is a recorded, platted lot that does not meet the current dimensional requirements established in this UDC document.

   b. Legally nonconforming lots are deemed conforming and may be developed.

B. Status

1. For purposes of interpretation, any uses, structures and/or lots, which in whole or part are not in conformance with current zoning standards, shall be considered as follows:

   a. Legal Nonconforming

      Those uses, structures, or lots, which in whole or part are not in conformance with current zoning standards but were legally established at a prior date at which time they were in conformance with applicable standards. Such uses, structures, or lots may be maintained or potentially altered subject to the provisions of this article.

   b. Illegal Status

      Those uses, structures, or lots which in whole or part are not in conformance with current zoning standards and were not in conformance with applicable standards at the time of their inception shall not be considered nonconforming, but shall be considered illegal uses, structures, or lots and shall not be approved for any alteration or expansion and shall undertake necessary remedial measures to reach conformance with current standards or be discontinued.

C. Time of Adoption

1. Any use, platted lot, and/or structure that is a lawful use at the time of the adoption of any amendment to the zoning regulations but by such amendment is placed in a district wherein such use, platted lot, and/or structure is not otherwise permitted shall be deemed legal nonconforming.

2. Annexation

   If a nonconforming use, platted lot and/or structure was in existence at the time of annexation to the Town and has since been in regular and continuous use, it shall be deemed legal nonconforming.

D. Burden of Demonstration

The burden of establishing that any nonconformity is a legal nonconformity as defined in this Subsection shall be borne by the owner or proponent of such nonconformity.

E. Continuing Lawful Use of Property

1. Abandonment of Nonconforming Use

   If a nonconforming use on a particular parcel of land ceases operations for a continuous period of more than six months, then such nonconforming use shall be deemed to be permanently abandoned. Any nonconforming use which does not involve a permanent type of structure or operation and which is moved from the premises shall be considered to have been abandoned.

2. Reinstatement of Nonconforming Use Rights

   An owner or operator of a nonconforming use that has been deemed permanently abandoned pursuant to **Article 2.02.E.1** above, may request that the nonconforming rights to the use be reinstated pursuant to **Article 2.02.J.**

3. Prohibited Expansion or Reoccupation

   A nonconforming use shall not be expanded, reoccupied with another nonconforming use, or increased as of the effective date of the zoning ordinance, except as provided in **Article 2.02.G.**

F. Changing Uses and Nonconforming Right

1. Nonconforming Use to Conforming Use

   Any nonconforming use may be changed to a conforming use, and once such change is made, the use shall not be changed back to a nonconforming use.

2. Nonconforming Use to Another Nonconforming Use

   A nonconforming use may not be changed to another nonconforming use, when the new nonconforming use is a more intense land use in terms of generating additional traffic, parking, noise, light, or providing additional outdoor uses in comparison to the current nonconforming use.

3. Conforming Use in a Nonconforming Structure

   Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use as outlined in **Article 2.02.G,** below.

G. Nonconforming Uses

1. Registration of Nonconforming Uses

   The operator, owner, or occupant of any nonconforming uses of land or buildings shall, within 12 months after the date on which the same became nonconforming, register such nonconforming use by obtaining a Certificate of Occupancy from the Building Official. The Certificate of Occupancy (nonconforming) shall be considered as evidence of the legal existence of a nonconforming use, as contrasted to an illegal use or violation of this UDC. The Building Official shall maintain a register of all Certificates of Occupancy issued for nonconforming uses.

2. An expansion of a nonconforming use is allowed in accordance with the following:

   a. Nonconforming Use Expansion in Existing Building

      A nonconforming use located within a building may be extended throughout the existing building, provided:

      i. No structural alteration, except as provided in **Article 2.02.G** may be made on or in the building except those required by law to preserve such building in a structurally sound condition.

ii. The number of dwelling units or rooms in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units or rooms existing at the time said use became a nonconforming use.

3. Nonconforming Use Prohibited from Expansion beyond Existing Building

A nonconforming use within a building shall not be extended to occupy any land outside the building except where the rights are fully or partially re-instated by the Board of Adjustment pursuant to **Article 2.02.J**. Any expansion of a nonconforming use shall obtain a building permit prior to usage. Any expansion of a nonconforming use must obtain a building permit prior to usage.

4. Off-street Loading and Parking

A nonconforming use of land or building shall not be enlarged, increased, or extended to occupy a greater area of land than was occupied at the time the land became a nonconforming use, except to provide off-street loading or off-street parking space when the additional parking complies with **Article 2.10 Parking, Circulation, and Access.**

H. Nonconforming Structures

1. Enlargement

A nonconforming structure used for a conforming use may be enlarged by a maximum of 10% of the total floor area or 1,000 square feet, whichever is less. The enlargement of the floor area is only permitted once.

2. Reuse of Abandoned or Vacant Buildings by Conforming Uses Allowed

Buildings or structures which have been vacant or abandoned for more than three months and do not meet the current area regulations or development standards shall be allowed to be re-occupied by a conforming use. The conforming use shall be required to meet all current building code regulations and development standards.

3. Relocation

No nonconforming structure shall be relocated in whole or in part to any other location on the same or any other lot unless the entire structure conforms to the regulations of the district to which such structure is relocated.

4. Restoration of Nonconforming Structures

a. Total Destruction

If a nonconforming structure is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of the current building code regulations, development standards, and zoning ordinance guidelines unless the rights are fully or partially re-instated by the Board of Adjustment pursuant to **Article 2.02.J.**

b. Partial Destruction

In the event that a nonconforming structure that is devoted in whole or in part to a conforming use is damaged or destroyed, by any means other than voluntary demolition, to the extent of 60% or less the replacement cost of the structure immediately prior to such damage, such structure may be repaired and reconstructed and used for the same purposes and degree as it was before the damage or destruction, provided that such repair or reconstruction is commenced with a valid building permit within six months of the date of such damage or destruction unless the rights are fully or partially re-instated by the Board of Adjustment pursuant to **Article 2.02.J.** The nonconforming structure shall follow the provisions of the current Building Code.

I. Completion of Structures

1. Nothing herein contained shall require any change in the plans, construction, or designated use of the following:

    a. Building in the Approval Process

    A building or structure for which a complete application for a building permit was accepted by the Building Official on or before the effective date of this UDC or applicable amendments thereto; provided however, that such building permit shall comply with all applicable ordinances in effect on the date such application was filed.

J. Reinstatement of Nonconforming Rights

1. Applicability

    A property owner may apply to the Board of Adjustment for a change in the status of a nonconforming use or nonconforming structure for the following matters:

    a. Resumption of a nonconforming use previously deemed abandoned;

    b. Expansion of the land area of a nonconforming use;

    c. Expansion of the gross floor area of a nonconforming structure beyond 25%; or

    d. Reconstruction of a nonconforming structure that has been totally destroyed.

2. Effect

    If the Board of Adjustment grants the application for a change in nonconforming status, modifications made in the nonconforming use, structure or lot that are consistent with the approved application shall enjoy the same status and shall be subject to the same limitations as the original nonconformity under this UDC.

3. Application Requirements

    a. An application for a change in nonconforming status shall be filed by the property owner on forms provided by the Department of Development Services.

    b. An application for a change in nonconforming status shall contain a detailed written statement of the reasons why the nonconforming rights should be reinstated.

4. Review and Determination Process

    a. Upon receipt of an application for a change in nonconforming status, the Director of Development Services or their representative shall transmit the application to the Board of Adjustment for processing and determination in accordance with this UDC.

    b. The Board of Adjustment shall hold a public hearing with notification of the hearing provided as follows:

        i. Written notice being mailed to each property owner, as indicated by the most recently approved tax roll, within 200 feet of the subject property, prior to the tenth day before the hearing, and

        ii. Publication in the official newspaper of the Town prior to the fifteenth day before the hearing.

5. Burden of Proof

    The applicant bears the burden of proof to demonstrate that an application for a change in nonconforming status should be granted.

6. Criteria for Considering Application

    The Board of Adjustment shall consider the following criteria:

    a. The proposed change in nonconforming status results in greater conformance with the Comprehensive Plan;

b. The proposed change in nonconforming status results in greater conformance with this UDC such that the nonconforming use or structure can eventually come into full compliance with this UDC;

c. The degree of the proposed request is the minimum amount necessary; and

d. Granting the application shall not result in greater harm to adjacent and neighboring land uses than the original nonconformity.

7. The Board of Adjustment shall approve, approve subject to conditions, or deny the request for a change in nonconforming status.

K. Amortization of Nonconforming Uses or Structures

1. First Public Hearing

   Upon direction by the Town Council, the Board of Adjustment shall hold a public hearing to determine whether the continued operation of the nonconforming use will have an adverse effect on nearby properties or the community welfare. Notice of the public hearing shall be conducted in the manner established in **Article 2.03.C**.

2. In determining whether the continued operation will have an adverse effect on nearby properties or the community welfare, the Board of Adjustment shall consider the following factors:

   a. The Comprehensive Plan;

   b. The character of the surrounding neighborhood;

   c. The degree of incompatibility of the use with the zoning district, in which it is located;

   d. The manner in which the use is being conducted;

   e. The hours of operation of the use;

   f. The extent to which continued operation of the use may threaten public health or safety;

   g. The environmental impacts of the use's operation, including but not limited to the impacts of noise, glare, dust, and odor;

   h. The extent to which public disturbances and nuisances may be created or perpetuated by continued operation of the use;

   i. The extent to which traffic or parking problems may be created or perpetuated by continued operation of the use; and

   j. Any other factors relevant to the issue of whether continued operation of the use will adversely affect nearby properties.

3. If the Board of Adjustment determines that the nonconforming use has an adverse effect on nearby properties or the community welfare, it shall hold a second public hearing to set a date for compliance. The Board of Adjustment shall have the authority to request the owner to produce financial documentation and/or records to the factors listed in **Article 2.02.K.5,** below. The owner shall provide said documents and/or records at least 30 days before the second public hearing. If the owner does not provide said documentation, the Board of Adjustment is authorized to make its determination of a compliance date based upon any reasonably available public records as well as public or expert testimony at the hearing. Failure by owner to provide the requested financial documents and records shall not prevent the Board of Adjustment from setting a compliance date.

4. Second Public Hearing

   Notice of the public hearing shall be conducted in the manner established in **Article 2.02.J.4.b.**

5. Board of Adjustment shall, in accordance with §1.211.019 of the Texas Local Government Code, as amended, utilize the procedures and owner or lessee compensation criteria contained in said section in the event the Town determines that a nonconforming use of property shall cease.

6. Ceasing Operations

If the Board of Adjustment establishes a compliance date for a nonconforming use, the use must cease operations on that date, and it may not operate thereafter unless it becomes a conforming use.

7. Decisions that Cannot be Immediately Appealed

   The decision by the Board of Adjustment that the continued operation of a nonconforming use will have an adverse effect on neighboring property or the community welfare and the Board of Adjustment's decision to schedule a second public hearing to establish a compliance date are not final decisions and cannot be immediately appealed.

8. Decision to Deny a Request to Establish a Compliance Date

   A decision by the Board of Adjustment to deny a request to establish a compliance date is final unless appealed to state court within ten calendar days in accordance with Article 211 of the Texas Local Government Code.

9. Decision Setting a Compliance Date

   A decision by the Board of Adjustment setting a compliance date is final unless appealed to state court within 10 calendar days in accordance with Article 211 of the Texas Local Government Code.

10. Nothing in this UDC shall prohibit the Town and the property owner(s) of such nonconforming use from mutually agreeing upon a compliance date and memorialize such agreement in writing, to be approved by the Town Council and said property owner(s) and filed in the real property records of the County in which the property is located.

2.03. Zoning and Development Procedures

A. Zoning Process Overview

Prior to submitting an application, applicants are encouraged to attend a pre-application meeting with Town staff to become familiar with the Town's development process and zoning regulations applicable to the proposed development (See **Article 1.03.B Pre-application Meeting** for more information). Next the applicant will submit a zoning map amendment, if applicable, and a zoning application. Following zoning the property, either a Preliminary Plat will be submitted or residential property or a Preliminary Site Plan application will be submitted for nonresidential development. The Final Plat is then submitted, along with a Site Plan application for nonresidential properties. Construction occurs after the Final Plat is recorded and the Site Plan is approved. An exhibit representing the Zoning and Development Process Overview is provided within the Development Manual.

B. Authority to Amend Ordinance

1. Generally

    a. The Town Council shall as needed, after holding public hearings, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the zoning map. Any UDC regulations may be ordered for consideration by the Planning and Zoning Commission or Town Council. Any zoning district boundary amendment may be ordered for consideration by the:

        i. Town Council;

        ii. Planning and Zoning Commission; or

        iii. The owner of the real property (or the authorized representative of an owner of real property).

2. In no case shall the Town Council act upon any zoning request prior to recommendation by the Planning and Zoning Commission.

3. Each applicant for zoning or for an amendment to the existing provisions of the UDC shall submit a zoning application (available from the Department of Development Services) to the Planning Division on or before a scheduled submission date and shall be accompanied by payment of the appropriate fee as established by the Town. All applications received on a date after an official submittal date shall be dated received on the next official submittal date. Applications must be complete for acceptance.

4. Consideration for Change

    Consideration for a change in any district boundary line or special zoning regulation may be initiated only with written consent of the property owner or owners, by the Planning and Zoning Commission, or by the Town Council on its own motion when it finds that public benefit will be derived from consideration of such matter. In the event the ownership stated on an application and that shown on the Town records are different, the applicant shall submit written proof of ownership acceptable to the Town.

5. Zoning Application Details

    To ensure the submission of adequate information, the Planning staff is hereby empowered to maintain and distribute a list of specific requirements for zoning applications. Upon periodic review, the Planning staff shall have the authority to update such requirements for zoning application details.

C. Public Hearing and Notice

1. Zoning Changes

    a. Prior to making its report to the Town Council, the Planning and Zoning Commission shall hold at least one public hearing on each application. Prior to the tenth day before the hearing date before the Planning and Zoning Commission, written notice of each public hearing before the Planning and Zoning Commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of property within 200 feet of the property in which the change in classification

is proposed. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail. Notice of Town Council hearing shall be given by publication in the official newspaper of the Town, stating the time and place of such hearing, a minimum of 15 days prior to the date of the public hearing. Notice of zoning changes shall be published on the Town website not less than 10 days prior to both the Planning and Zoning Commission and Town Council Hearings.

b. In addition to the foregoing notice, the Town shall provide written notice of each public hearing regarding any proposed adoption of or change to a zoning regulation or boundary under which a current conforming use of a property is a nonconforming use if the regulation or boundary is adopted or changed. The notice shall:

   i. Be mailed by United States mail to each owner of real or business property where the proposed nonconforming use is located as indicated by the most recently approved municipal tax roll and each occupant of the property not later than the tenth day before the hearing date;

   ii. Contain the time and place of the hearing; and

   iii. Include the following text in bold 14-point type or larger: "THE TOWN OF PROSPER IS HOLDING A HEARING THAT WILL DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO CONTINUE USING YOUR PROPERTY FOR ITS CURRENT USE. PLEASE READ THIS NOTICE CAREFULLY."

2. Text Amendments

Notice of hearings on proposed changes in the text of the zoning ordinance shall be accomplished by one publication not less than 15 days prior to both the Planning and Zoning Commission and Town Council meetings thereto in the official newspaper of the Town. Notice of hearings on proposed changes in the text of the zoning ordinance shall also be published on the Town website not less than 15 days prior to both the Planning and Zoning Commission and Town Council hearings. Changes in ordinance text that do not change zoning district boundaries do not require written notification to individual property owners.

3. Zoning Signs

A zoning sign is a sign erected to publicize the request for zoning or rezoning of a property. Zoning signs are permissible subject to the following conditions:

a. Time

   i. The property owner or their representative shall erect the sign on the property 10 days prior to the first public hearing scheduled to discuss the applicable zoning case. The property owner shall be responsible for maintaining the sign on the property throughout the entire zoning case.

   ii. The property owner or their representative must provide verification with a photograph that the zoning sign is in place 10 days prior to the first public hearing meeting date.

   iii. The property owner or their representative must remove the sign within three days after the Town's approval of the ordinance rezoning the property or after the Town denies the request.

b. Place

   i. Zoning sign(s) shall be placed in a location visible from all streets adjacent to the property included in the zoning request. If the subject property does not have existing street adjacency, no zoning sign shall be required.

   ii. Zoning or rezoning requests for single properties shall place zoning signs on the subject property.

   iii. Zoning or rezoning requests pertaining to multiple properties may place zoning signs in the right-of-way.

   iv. Signs shall be located no greater than 20 feet from the front property line, unless otherwise directed by the **Director of Development Services** or their designee.

c. Manner

i. One zoning sign shall be erected adjacent to each existing street frontage of the property. For properties under 3 acres and located at the intersection of two streets, one zoning sign may be provided at the intersection.

ii. The area of a zoning sign shall be a minimum of 16 square feet.

iii. The width of a zoning sign shall be a minimum of 4 feet.

iv. The sign shall be constructed in accordance with Prosper's design standards for zoning signs, located in the Development Manual.

D. Failure to Appear

The Planning and Zoning Commission and/or Town Council may deny a zoning application if the applicant or representative fails to appear at one or more hearings before the Planning and Zoning Commission and/or Town Council. If the applicant or their representative does not appear at the scheduled public hearing, the Planning and Zoning Commission and/or Town Council can also table the item until the next meeting. If the applicant or their representative does not appear at the next meeting, the item will automatically be denied, and the applicant shall start the zoning change process over.

E. Commission Consideration and Report

1. The Planning and Zoning Commission, after the public hearing is closed, may vote to approve, approve with amendments and conditions, table, or deny in whole or in part the application. The Planning and Zoning Commission may table for not more than 90 days from the time it is posted on the agenda until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. Should the applicant wish to submit a request to table prior to the public hearing, the request shall be submitted in writing to the Planning Department a minimum of seven days prior to the meeting. In making their determination, the Planning and Zoning Commission shall consider, among other things, the following factors:

   a. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the Town as a whole.

   b. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.

   c. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the Town, and any special circumstances that may make a substantial part of such vacant land unavailable for development.

   d. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

   e. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

   f. Any other factors which will substantially affect health, safety, morals, or general welfare.

2. Proposal Recommended for Denial by the Commission

   The affirmative vote of a supermajority of the Town Council members present is required to overrule a recommendation of the Commission that a proposed zoning amendment, supplement, or change be denied, as it currently exists or may be amended.

F. Town Council Consideration

1. Proposal Recommended for Approval by the Commission

   Every proposal which is recommended favorable by the Planning and Zoning Commission shall be automatically forwarded to the Town Council for setting and holding of public hearing thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.

2. Town Council Consideration and Action

   Town Council, after the public hearing is closed, may vote to approve, approve with amendments and conditions, table, or deny in whole or in part the application. Should the applicant wish to submit a request to table, the request shall be submitted in writing to the Planning Division a minimum of seven days prior to the meeting.

3. Zoning Change Protests

   a. In accordance with § 211.0061 Texas Local Government Code, certain types of proposed zoning changes may be protested by property owners. There are two types of proposed changes identified in § 211.0011 Texas Local Government Code:

      i. Comprehensive Zoning Changes

         A proposed "comprehensive zoning change" means a proposal to:

         (a) Change an existing zoning regulation that will have the effect of allowing more residential development than the previous regulation and will apply uniformly to each parcel in one or more zoning districts; or

         (b) Adopt a new zoning code or zoning map that would apply to the entire municipality.

      In accordance with § 211.0061 Texas Local Government Code, comprehensive zoning changes are not subject to protest procedures.

      ii. Noncomprehensive Zoning Changes

         A proposed "noncomprehensive zoning change" means a proposed change to a zoning boundary or regulation that does not meet the criteria of **Articles 2.03.F.3.a.i** - **2.03.F.3.a.ii** above.

   b. A protest against a proposed noncomprehensive change to a zoning regulation or boundary, as described in **Article 2.03.F.3.a.ii**, must be written and signed by the owners of:

      i. At least 20% of the area of the lots or land covered by the proposed change;

      ii. Except as provided by **Article 2.03.F.3.b.iii** below, at least 20% of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area; or

      iii. At least 60% of the area of the lots or land immediately adjoining the area covered by the proposed change and extends 200 feet from that area if the proposed change:

         (a) Has the effect of allowing more residential development than the existing zoning regulation or district boundary, and

         (b) Does not have the effect of allowing additional commercial or industrial uses, unless the additional use is limited to the first floor of any residential development and does not exceed 35% of the overall development.

   c. If a proposed change to a zoning regulation or boundary is protested in accordance with **Article 2.03.F.3.b**, the proposed change must receive, in order to take effect, the affirmative vote of at least:

      i. Three-fourths of all members of the Town Council, for a protest relating to a proposed change meeting the criteria of **Article 2.03.F.3.a.ii**; or

ii. A majority of all members of the Town Council for a protest relating to a proposed change meeting the criteria of **Article 2.03.F.3.a.i.**

d. A written protest against a proposed amendment, supplement, or change to a zoning regulation or boundary may be signed, acknowledged, and filed with the Planning Division by the owners of property encompassed within or adjacent to the area of the proposed change, in accordance with **Article 2.03.F.3.b** above.

e. Written protests shall be subject to the following requirements:

i. All protests must be submitted to the Planning Division in writing. Such written protest(s) shall include the zoning case number, the name of the protesting property owner, the address(es) or property description(s) of the property for which the property owner is asserting a protest, the reasons for the property owner's protest such as the zoning classifications or uses to which the property owner is opposed, and the signature of the protesting property owner(s).

ii. The protest must be filed with the Planning Division before 5:00 p.m. of the fourth working day immediately preceding the date advertised for the Town Council public hearing in the statutory notice published in the official newspaper and website of the Town. For example, a written protest must be received by 5:00 p.m. on the Wednesday prior to a regularly scheduled Tuesday Town Council meeting. A protest sent through the mail must be received by the Planning Division before the deadline.

iii. In all cases where a protest has been properly signed pursuant to this, the Town shall presume that the signatures appearing on the protest are authentic and that the persons whose signatures appear on the protest are either owners of the property or authorized to sign on behalf of one or more owners as represented. Upon the advice of the Town Attorney, this presumption shall not be followed in a specific case based on evidence presented.

iv. A person may by written request withdraw his or her signature from the protest at any time prior to the close of the public hearing for the zoning case. If the withdrawal of an owner's signature from a protest reduces the percentage of land area ownership protesting the zoning change to less than the percentage of the total area of land required under **Article 2.03.F.3.b**, a modified vote of the Town Council shall not be required for approval of the zoning change.

v. In the event that multiple protests and withdrawals are filed on behalf of the same owner, the instrument with the latest date and time of execution controls.

vi. At any time before Town Council action on a zoning case, the filing deadline for a protest is automatically extended whenever the zoning case is postponed or continued to a later date.

4. Denial by Town Council

If the Town Council denies any request, that denial shall normally be with prejudice. If a request has been denied with prejudice, the same or similar request may not be resubmitted to the Town for one year from the original date of denial.

5. Final Approval and Ordinance Adoption

Approval of any zoning change, amendment, or supplement by the Town Council at the scheduled public hearing shall constitute instruction to Town staff to prepare the appropriate ordinance for final formal passage at a subsequent time. If finally approved by the required number of votes, the ordinance shall be executed by the Mayor.

G. Zoning Upon Annexation

1. All territory herein annexed into the Town shall be classified as Agricultural (A) District, until permanent zoning is established by the Town Council. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure set forth.

2. In the Agricultural (A) District

a. No person shall erect, construct, proceed or continue with the erection or construction of any building or structure or cause the same to be done in any newly annexed territory to the Town without first applying for and obtaining a Building Permit or Certificate of Occupancy from the Building Official.

b. No permit for the construction of a building or use of land shall be issued by the Building Official other than a permit which will allow the construction of a building or use permitted in the A District, unless and until such territory has been classified in a zoning district other than the A District, by the Town Council in the manner prescribed by law, except as provided in **Item c** below.

c. An application for a Building Permit for any proposed use other than those specified in **Item b**. above must be made to the Building Official within three months after annexation and referred to the Town Council for consideration. The applicant shall show that plans and other preparation for developing the property commenced prior to annexation into the Town. The action of the Town Council concerning any such permit shall take into consideration the appropriate land use for the area. The Town Council may, by majority vote, authorize the issuance of a Building Permit or Certificate of Occupancy or may disapprove the application pending permanent zoning.

H. Preliminary Site Plan

1. Purpose

A Preliminary Site Plan is the first plan in the site plan approval process. The purpose of the plan is to:

a. Ensure compliance with applicable development regulations and previously approved, valid plans affecting development of the property.

b. Determine the placement, configuration, coverage, size, and height of buildings.

c. Determine the design of public street improvements and right-of-way, the design and location of drives, aisles, and parking.

d. Determine the location and preliminary design of open space, landscaping, walls, screens, and amenities.

e. Determine the preliminary design of drainage facilities and utilities.

2. Applicability

Except as provided in **Article 2.03.I.2 Applicability**, an approved, valid Preliminary Site Plan shall be required prior to the consideration of a Site Plan.

3. Effect of Review/Approval

Approval of a Preliminary Site Plan by the Planning and Zoning Commission shall constitute authorization by the Town for the land owner(s) to submit an application for Site Plan approval for development of the entire site or a portion thereof provided that the site plan conforms to the Preliminary Site Plan and any conditions attached to its approval. During the time the Preliminary Site Plan remains valid, the location of buildings, landscaped areas, open space, streets, drives, fire lanes, median breaks, curb cuts, and parking shall remain fixed except as to permit minor adjustments resulting from subsequent engineering of improvements or to prevent a condition affecting public health or safety which was not known at the time of approval. Except where authorized by ordinance, a Preliminary Site Plan may not be used to approve an exception to development regulations. Where an approved plan conflicts with an adopted regulation and no variance or exception is expressly approved, the regulation shall apply.

4. Extent of Area to be Included in a Preliminary Site Plan

The plan must include all contiguous property of common ownership, except that approved platted lots that are not part of the intended development may be shown for informational purposes only. When the overall development project is to be developed in phases, the area included within the Preliminary Site Plan shall include the overall area to be developed.

5. Procedures and Submission Requirements for Preliminary Site Plan Approval

   All Preliminary Site Plans shall be prepared by a qualified civil engineer, land planner, architect, or surveyor. The Preliminary Site Plan shall clearly show in detail how the site will be constructed (such as paving, buildings, landscaped areas, utilities). To ensure the submission of adequate information, the Town is hereby empowered to maintain and distribute a separate list of specific requirements for the review of Preliminary Site Plan applications.

6. Review and Approval of a Preliminary Site Plan

   The approval process for a Preliminary Site Plan shall generally include review by the Town staff and approval by the Planning and Zoning Commission. The Planning and Zoning Commission may approve, conditionally approve, table, or deny a Preliminary Site Plan based on:

   a. Conformance with the Comprehensive Plan and adopted design guidelines.

   b. Compliance with the zoning ordinance and other applicable regulations and previously approved, valid plans for the property.

   c. Impact on the site's natural resources.

   d. Affect on adjacent and area property and land use.

   e. Safety and efficiency of vehicular and pedestrian circulation, traffic control and congestion mitigation.

   f. Safety and convenience of off-street parking and loading facilities.

   g. Access for firefighting and emergency equipment to buildings.

   h. Use of landscaping and screening to shield lights, noise, movement, or activities from adjacent properties and to complement the design and location of buildings and parking.

   i. The location, size, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.

7. Lapse

   The approval of a Preliminary Site Plan shall be effective for a period of one year from the date it is approved by the Planning and Zoning Commission, at the end of which time the applicant must have submitted and received approval of a Site Plan. If a Site Plan is not approved within such a one-year period, the Preliminary Site Plan approval is null and void. If the Site Plan approval is only for a portion of the property, the approval of the Preliminary Site Plan for the remaining property shall be null and void. The applicant shall be required to submit a new Preliminary Site Plan for review and approval subject to the existing regulations.

   The applicant may request a maximum of two six-month extensions. A request for extension shall be submitted to the Director of Development Services in writing at least 30 calendar days prior to the expiration date and shall include an explanation why the Preliminary Site Plan should be extended.

8. Appeal

   The applicant, Director of Development Services, or a simple majority of the Town Council may appeal the decision of the Planning and Zoning Commission by submitting a written notice of appeal to the Planning Division. The applicant or Director of Development Services must submit said written notice of appeal no later than 14 days from the date of such decision. The Town Council shall consider and act on whether it will appeal the Commission's decision no later than 14 days from the date of such decision or at its first regular meeting (for which there is time to post an agenda as required by law) that occurs after the Commission meeting at which the decision was made, whichever is later. Written notice of the Town's Council's vote to appeal shall be submitted to the Planning Division within seven days of the Town Council's vote. The Town Council shall consider the appeal at a public meeting no later than 45 days after the date on which the notice of appeal is submitted to the Planning Division. The Town Council may affirm, modify, or reverse the decision of the Planning and Zoning Commission.

I. Site Plans

1. Purpose

   The purpose of a Site Plan is to ensure that a development project is in compliance with all applicable Town ordinances and guidelines prior to the commencement of construction. The Site Plan is a detailed plan of the public and private improvements to be constructed. The purpose of the plan is to:

   a. Ensure compliance with applicable development regulations and previously approved, valid plans affecting development of the property.

   b. Coordinate and document the design of public and private improvements to be constructed.

   c. Coordinate the subdivision of land, including the granting of easements, development agreements and provision of surety.

2. Applicability

   An approved and valid Site Plan shall be required prior to the approval of any construction plan and permit for any development defined in the guidelines of this chapter. An approved, valid preliminary Site Plan is required prior to the consideration of a Site Plan except as provided below:

   a. Development of a single building on one lot not exceeding 3 net acres and where the lot is not being subdivided from a larger property.

   b. Development of property proposed to occur in a single phase.

   c. Development of parking or outside storage areas.

   d. Development of utilities and non-occupied structures.

   e. Development of outdoor recreation structures and amenities.

3. Application Procedure and Requirements

   a. Pre-application

      Before preparing a Site Plan, the applicant shall meet with the Planning Division staff to discuss the procedures for approval and to review the general concept of the proposed development.

   b. General Application

      The property owner shall submit an application for the approval of a Site Plan. This application shall include the information listed in the Development Manual.

   c. Additional Requirements

      The following plans shall be submitted with a Site Plan application and approval is necessary prior to final authorization for development:

      i. Final Plat or Replat.

      ii. Engineering Plans.

      iii. Landscape Plans.

      iv. Facade Plan, if applicable.

      v. Open Space Plan, if applicable.

      vi. Detailed Tree Survey, if applicable.

      vii. Other approvals as required by ordinance or resolution.

   d. Standards of Approval

      Where application for Site Plan approval is made for development defined on an approved, valid Preliminary Site Plan, Planning staff shall approve, conditionally approve or deny the Site Plan. If the Site

Plan does not conform to the approved Preliminary Site Plan, it shall be rejected by staff. If the applicant wants to move forward with the nonconforming Site Plan, it shall go back to the Planning and Zoning Commission for Preliminary Site Plan approval. The Site Plan approval shall be based upon the criteria listed below:

i. Conformance with the Comprehensive Plan and adopted design guidelines.

ii. Compliance with the UDC and other applicable regulations and previously approved, valid plans for the property.

iii. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.

iv. The width, grade and location of streets designed to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.

v. The use of landscaping and screening to:

(a) Provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary; and

(b) Complement the design and location of buildings and be integrated into the overall site design.

vi. The location, size and configuration of usable open space areas to ensure that such areas are suitable for intended recreation and conservation uses.

vii. Protection and conservation of soils from erosion by wind or water or from excavation or grading.

viii. Protection and conservation of water courses and areas subject to flooding.

The adequacy of streets, water, drainage, sewerage facilities, garbage disposal and other utilities necessary for essential services to residents and occupants.

e. Effect

Approval of a Site Plan is the Town's authorization to apply for approval of building permits and to receive approval of engineering plans. During the time the Site Plan remains valid the Town shall not apply any additional requirements concerning building placement, streets, drives, parking, landscaping or screening. Site Plan approval is separate and distinct from other permits and approvals as may be required by the Town and other regulatory agencies. Approval of a Site Plan shall not affect other applicable regulations concerning development and land use. Except where authorized by ordinance, a Site Plan may not be used to approve a variance to development regulations. Where an approved plan conflicts with an adopted regulation and no variance or exception is expressly approved, the regulation shall apply.

f. Lapse

The approval of a Site Plan shall be effective for a period of one year from the date of approval by Prosper staff, at the end of which time the applicant must have submitted and received approval of engineering plans and building permits. If the engineering plans and building permits are not approved, the Site Plan approval, together with any Preliminary Site Plan for the property, is null and void. If engineering plans and permits have been approved only for a portion of the property and for improvements, the Site Plan for the remaining property and/or improvements, together with any Preliminary Site Plan for the property, shall be null and void. The applicant shall be required to submit a new Preliminary Site Plan and, subsequently, a new Site Plan consistent therewith, for review and approval by the Planning and Zoning Commission subject to the existing regulations. Site plan approval shall expire upon completion of the improvements shown on the plan. Subsequent additional development, site modifications and redevelopment shall be permitted in accordance with the guidelines within this UDC.

g. Appeal

The applicant may appeal the decision of the **Director of Development Services**, to the Planning and Zoning Commission by submitting a written notice of appeal to the Planning Division. The applicant must submit said written notice of appeal no later than 14 days from the date of such decision. The Planning and Zoning Commission shall consider and act on whether it will appeal the Director of Development Services decision no later than 14 days from the date of such decision or at its first regular meeting (for which there is time to post an agenda as required by law) that occurs after the decision was made, whichever is later. Written notice of the Planning and Zoning Commission's vote to appeal shall be submitted to the Planning Division within seven days of the Planning and Zoning Commission's vote. The Planning and Zoning Commission shall consider the appeal at a public meeting no later than 45 days after the date on which the notice of appeal is submitted to the Planning Division. The Planning and Zoning Commission may affirm, modify, or reverse the decision of the Director of Development Services.

A simple majority of the Town Council may appeal the decision of the Planning and Zoning Commission by submitting a written notice of appeal to the Planning Division. The applicant must submit said written notice of appeal no later than 14 days from the date of such decision. The Town Council shall consider and act on whether it will appeal the Commission's decision no later than 14 days from the date of such decision or at its first regular meeting (for which there is time to post an agenda as required by law) that occurs after the Commission meeting at which the decision was made, whichever is later. Written notice of the Town Council's vote to appeal shall be submitted to the Planning Division within seven days of the Town Council's vote. The Town Council shall consider the appeal at a public meeting no later than 45 days after the date on which the notice of appeal is submitted to the Planning Division. The Town Council may affirm, modify, or reverse the decision of the Planning and Zoning Commission. When the overall development project is to be developed in phases, the area included within the Site Plan shall include only the portion of the overall property that is to be developed/constructed. The **Director of Development Services** may require a concept of the future phases to be submitted in conjunction with the site plan, but such plans are not part of the approval process and only to determine if the initial phases will work.

h. Amendments

At any time following the approval of a Preliminary Site Plan or Site Plan, and before the lapse of such approval, the property owner(s) may request an amendment. Amendments shall be classified as major and minor. Minor amendments shall include corrections of distances and dimensions, adjustments of building configuration and placement, realignment of drives and aisles, layout of parking, adjustments to open space, landscaping and screening, changes to utilities and service locations which do not substantially change the original plan. Any increase in building height or proximity to adjacent (off-site) residential uses shall not be considered a minor amendment. Any increase or decrease in the Site Plan that would trigger the Site Plan to be nonconforming would be required to go before the Planning and Zoning Commission for approval. The **Director of Development Services** or their designee may approve or disapprove a minor amendment. Disapproval may be appealed to the Planning and Zoning Commission. All other amendments shall be considered major amendments and will be considered by the Planning and Zoning Commission at a public meeting in accordance with the same procedures and requirements for the approval of a plan.

i. Revocation of Approval

The Planning and Zoning Commission may revoke approval of a Preliminary Site Plan or Site Plan if it determines that the conditions of the approval have not been met or if the plan contains incorrect information. The Town shall notify an applicant within 14 days of such revocation of approval via the U.S. Postal Service.

j. Additional Development and Redevelopment

Following the completion of improvements shown on an approved Site Plan, additional development, site modifications or redevelopment of the site shall be permitted subject to the approval of a revised Site Plan. Minor expansions and redevelopment may be approved by the **Director of Development Services** or their designee under the terms of this chapter. All other expansions or redevelopment shall require submittal of

a revised Site Plan and the approval of the Planning and Zoning Commission under the requirements and procedures then in effect.

J. Building Permit Plans and Building Permits

1. Purpose

   The purpose of a Building Permit is to ensure that development projects are in compliance with all applicable Town ordinances and building codes prior to commencement of construction.

2. Applicability

   a. No building or other structure shall be erected, moved, added to, or structurally altered without a Building Permit issued by the Building Official.

   b. Building Permits are required for all structures in all zoning districts.

      i. Exception: No Building Permit is required for construction of an accessory structure under 200 square feet in area.

3. Conformance with Regulations

   a. A Building Permit shall not be issued except in conformity with the provisions of this article, unless otherwise authorized by the **Board of Adjustment** in the form of a Variance or Special Exception as provided in this article, or authorized to replace or expand a nonconforming structure in accordance with this UDC.

   b. A Building Permit shall not be issued until the property is properly zoned for the intended use, the property is platted in accordance with **Article 3.**, all appropriate plans have been approved by the Town, all applicable building codes and ordinances have been met, and all fees have been paid.

4. Building Permit Plan

   a. Building Permit Plans shall be submitted in conjunction with a Building Permit application.

   b. If a Site Plan is required, it shall be submitted and approved before issuance of a Building Permit.

   c. Building Permit and Certificate of Occupancy

      i. No Building Permit shall be issued until a Building Permit Plan, as required, and all other required Engineering/Construction Plans are first approved by the Town.

      ii. No Certificate of Occupancy shall be issued until all construction and development conforms to the Building Permit Plan and Engineering/Construction Plans, as approved by the Town.

   d. Extent of Area that Should Be Included in a Building Permit Plan

      When the overall development project is to be developed in phases, the area included within the Building Permit Plan shall include only the portion of the overall property that is to be developed/constructed.

   e. Procedures and Submission Requirements for Building Permit Plan Approval

      i. All Building Permit Plans shall be prepared in accordance with the adopted building codes by a qualified civil engineer, land planner, architect, and/or surveyor, if required, and shall clearly show in detail how the site will be constructed (such as paving, buildings, landscaped areas, utilities).

      ii. To ensure the submission of adequate information, the Town is hereby empowered to maintain and distribute a separate list of specific requirements for the review of applications.

   f. Review and Approval of a Building Permit Plan

      i. Town Staff Review and Approval of Building Permit Plans

         (a) Upon official submission of a Building Permit Plan and a complete application for a Building Permit, the **Director of Development Services**, **Town Engineer**, and the **Building Official** or their designees shall review the submittal. Determination of application completeness,

notice in writing to the applicant of missing documents and information within 10 business days, and expiration of application within 45 calendar days due to incompleteness shall be in accordance with **Article 1.03.C.3.c.**

(b) Building Permit Plans shall be evaluated to ensure that all developments are constructed according to the Town's codes and ordinances.

(c) Following Town staff review, the **Building Official** shall approve, approve subject to certain conditions, or deny approval of the Building Permit.

ii. Building Permit Plan Appeal Process for Zoning Reasons

(a) The applicant or property owner may appeal the denial of a Building Permit Plan for not meeting the regulations contained in this article to the Planning and Zoning Commission by filing a written notice of appeal in the office of the **Building Official** no later than 10 calendar days after the date upon which the **Building Official** denied the Building Permit. Appeals of denials of permits for not meeting the regulations contained in the adopted building codes shall be processed in accordance with the procedures contained in those codes.

(b) The notice of appeal shall set forth in clear and concise fashion the basis for the appeal. The Planning and Zoning Commission shall consider the appeal at a public meeting not later than 60 calendar days after the date upon which the notice of appeal was filed.

(c) The Planning and Zoning Commission may affirm or may change the decision of the **Building Official** by a simple majority vote.

(d) The Planning and Zoning Commission may also, where appropriate, remand the Building Permit application back to the **Building Official** for reconsideration if it believes that there is a compelling reason to do so (such as the introduction of significant new facts or testimony).

g. Revisions to the Approved Building Permit

i. Minor Revisions/Amendments

(a) It is recognized that final architectural and engineering design may necessitate minor changes in the approved Building Permit. In such cases, the **Building Official** shall have the authority to approve minor modifications to an approved Building Permit. Such minor modifications shall be submitted on an amended Building Permit Plan, which shall substantially conform to the previously approved Building Permit Plan.

(b) Submission materials and requirements for approval of an amended Building Permit shall be as determined by the **Building Official**.

ii. Major Revisions

In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments in **Item i.** above), a revised Building Permit must be resubmitted, reviewed, and approved by the **Building Official**. The **Building Official** shall have the authority to determine whether the proposed revisions constitute a minor or major revision.

h. Effect of Review/Approval

The Building Permit Plan shall be considered authorization to proceed with construction of the site provided all other required Town approvals are obtained (such as Final Plat, Engineering Plans).

5. Cancellation of Building Permit

If an applicant or their representatives fail to comply with an approved Building Permit and do not correct the issue after notice, the Building Permit will be void. The **Building Official** is authorized to revoke the permit with written notice, halting all work until compliance is achieved. Expiration of Building Permits shall be in accordance with the building codes of the Town.

K. Alternative Compliance

1. Purpose and Applicability

   a. Alternative Compliance allows Town staff to approve pre-authorized deviations to the requirements established within **Article 2.05.** This tool reduces the need for variances or Planned Developments by allowing for different standards that conform to the intent of the UDC and the Comprehensive Plan.

   b. Only the pre-authorized deviations contained within Zoning Development Standards are eligible.

   c. A request for Alternative Compliance may be submitted for review and approval with a Site Plan application (see **Article 2.03.I**) or in a narrative format as part of the application submittal.

   d. Alternative Compliance requests must include references to specific sections within the UDC that allow for consideration of Alternative Compliance. Alternative Compliance requests shall not be granted unless the UDC identifies the standard as qualifying for Alternative Compliance.

2. Alternative Compliance Evaluation Criteria

   The designated Town staff member may approve an Alternative Compliance standard if it meets all of the following:

   a. The proposed Alternative Compliance standard is in agreement with and promotes the recommendations and policies of the Comprehensive Plan;

   b. The proposed Alternative Compliance standard does not reduce a standard unless it is, to the greatest extent practical, equally mitigated or improved by increasing standards of other comparable requirements; and

   c. The proposed Alternative Compliance standard does not modify the land uses allowed in the zoning district in which the subject property is located.

L. Zoning Appeals

1. Appeals

   a. Authority

      In addition to the authorization of variances and special exceptions from the terms of this article, the Board of Adjustment shall have the authority to hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this article. The Board of Adjustment may reverse or affirm, in whole or in part, or may modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose, the Board of Adjustment has the same authority as the Director of Development Services or their designee.

   b. Who May Appeal

      Any of the following persons may appeal to the Board of Adjustment a decision made by an administrative official:

      i. A person directly aggrieved by the decision; or

      ii. Any officer, department, board, or bureau of the Town affected by the decision.

   c. Procedure for Appeal

      i. The appellant must file with the **Director of Development Services** or their designee and the official from whom the appeal is taken a written notice of appeal specifying the grounds for the appeal. The notice of appeal shall be filed within 15 calendar days after the decision has been rendered. Upon receiving the notice, the official from whom the appeal is taken shall immediately transmit to the Board of Adjustment all papers constituting the record of action that is appealed.

ii. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the Board of Adjustment facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board of Adjustment or a court of appropriate jurisdiction on application, after notice to the official, if due cause is shown.

iii. The appellant party may appear at the appeal hearing in person or by agent or attorney. The Board of Adjustment shall decide on the appeal within 30 calendar days after the written request (i.e., notice of appeal) was received.

iv. The Board of Adjustment may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken, and may make the correct order, requirement, decision, or determination.

2.04. Zoning Districts

A. Establishment of Zoning Districts and Map

1. The Town is hereby divided into zones, or districts, and the boundaries of zoning districts set out in this article are delineated upon the Official Zoning Map of the Town, which may also be cited as the zoning map, said map being adopted as a part of this article as fully as if the same were set forth herein in detail.
2. The Official Zoning Map shall be labeled the "Official Zoning Map of the Town of Prosper, Texas" and shall be maintained as an electronic file in the office of the Director of Development Services. The "Official Adoption Date" and the "Last Amended Date" shall be shown on the Official Zoning Map.
3. The Director of Development Services shall be responsible for the maintenance of the map.
4. Zoning Districts Established
   a. The Town is hereby divided into the following zoning districts. The use, height, area regulations, and other standards as set out in this article apply to each district. The districts established herein shall be known as:

Figure 2.04-1. Zoning Districts

Abbreviation	Zoning District Name
Residential Districts	
A	Agricultural
SF-E	Single Family-Estate
SF-15	Single Family-15
SF-10	Single Family-10
TH	Townhome
MF	Multifamily
Nonresidential Districts	
O	Office
C	Commercial
I	Industrial
Special Districts	
PD	Planned Development
SUP	Specific Use Permit

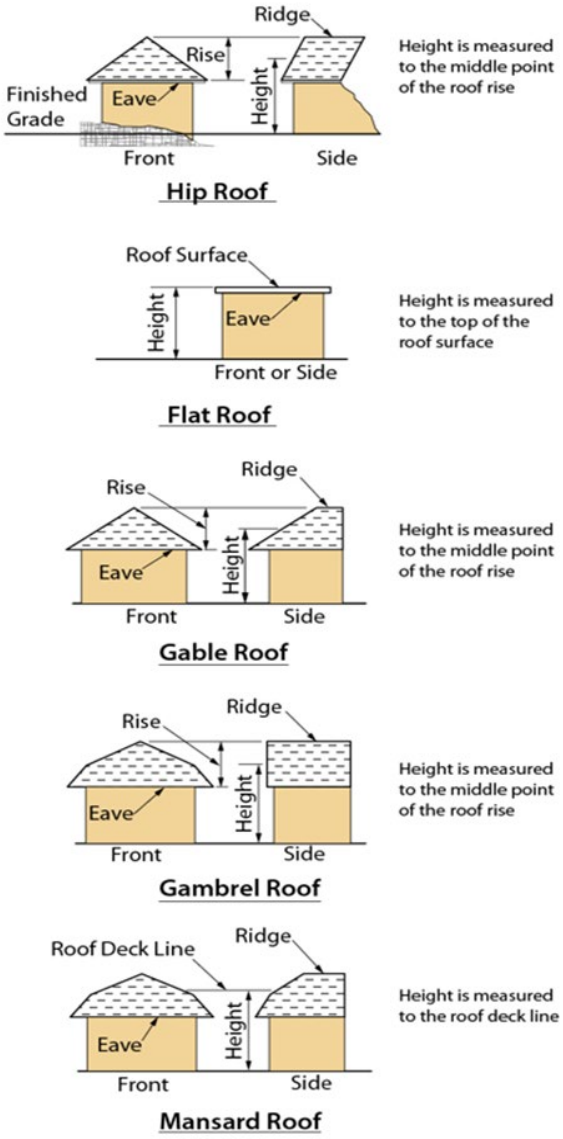
   b. A summary of the area regulations for the foregoing zoning districts is included in each district section.
   c. Certain terms and definitions used within this article can be found in **Article 4**.

B. Zoning District Boundaries

The boundaries of the zoning districts set out herein are delineated upon a zoning district map of the Town, adopted as a part of this UDC as fully as if the same were set forth herein in detail.

C. Dimensional Standards

Figure 2.04-2. Measuring Building Height



Note: Subject to Fire and Building Code compliance.

Figure 2.04-2. Typical Front, Side, and Rear Yard Locations

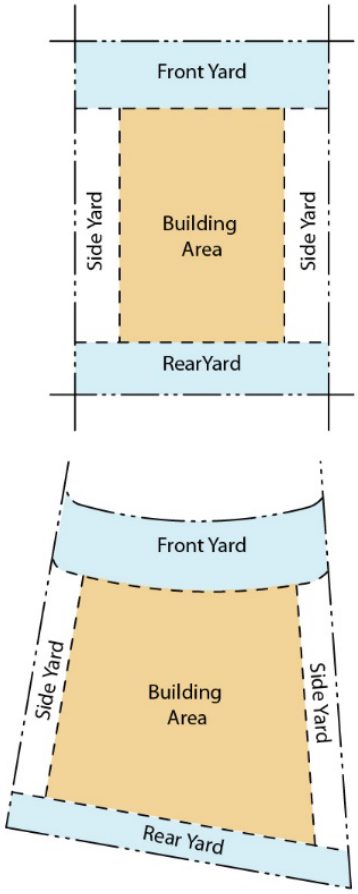


Figure 2.04-3. Setbacks on Corner Lots

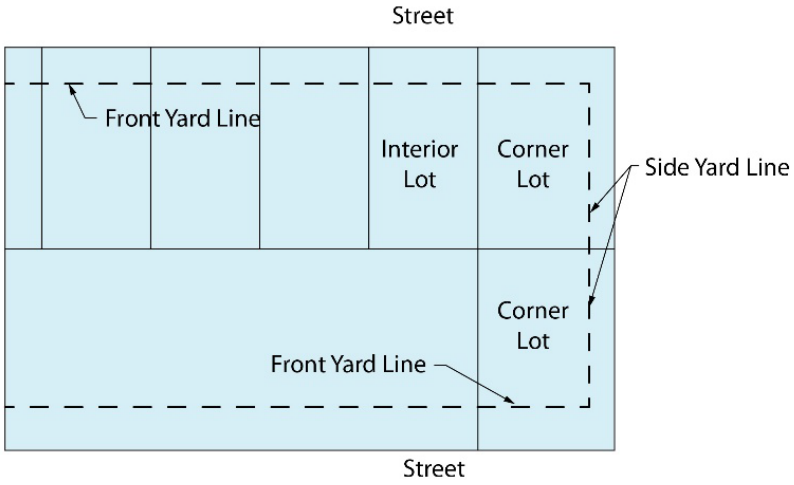
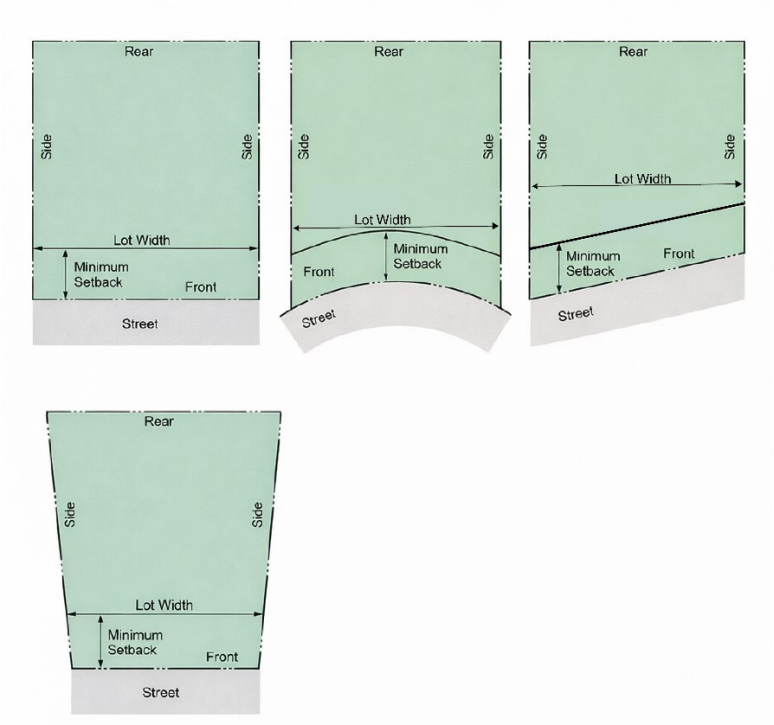


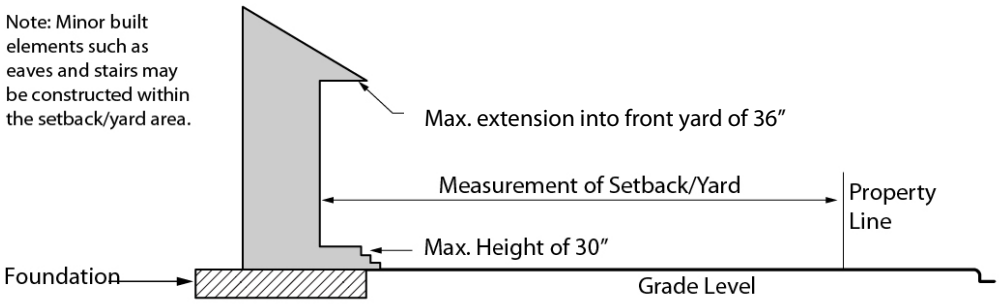
Figure 2.04-5. Lot Widths



Source: City of Walker, Michigan

Irregular shaped lots shall be determined on a case-by-case situation by the Director of Development Services.

Figure 2.04-6. Measuring Front Yard



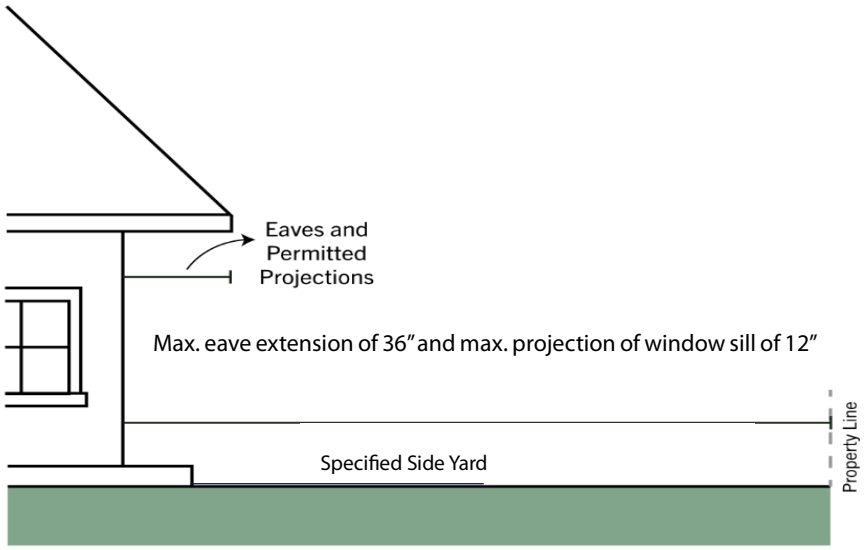


Figure 2.04-7. Key Lot Setbacks

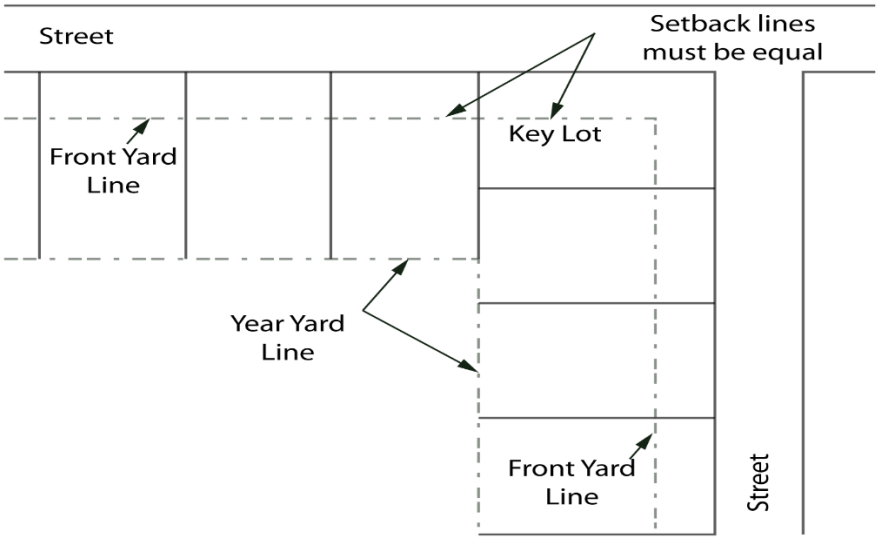


Figure 2.04-8. Lot Depth and Area

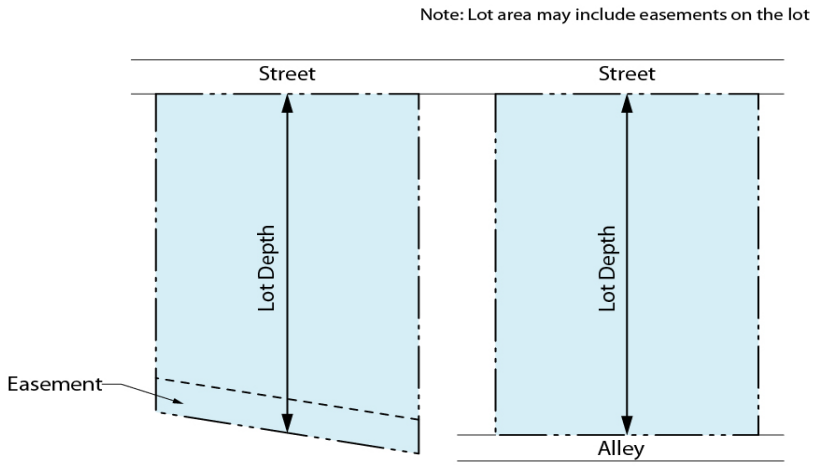
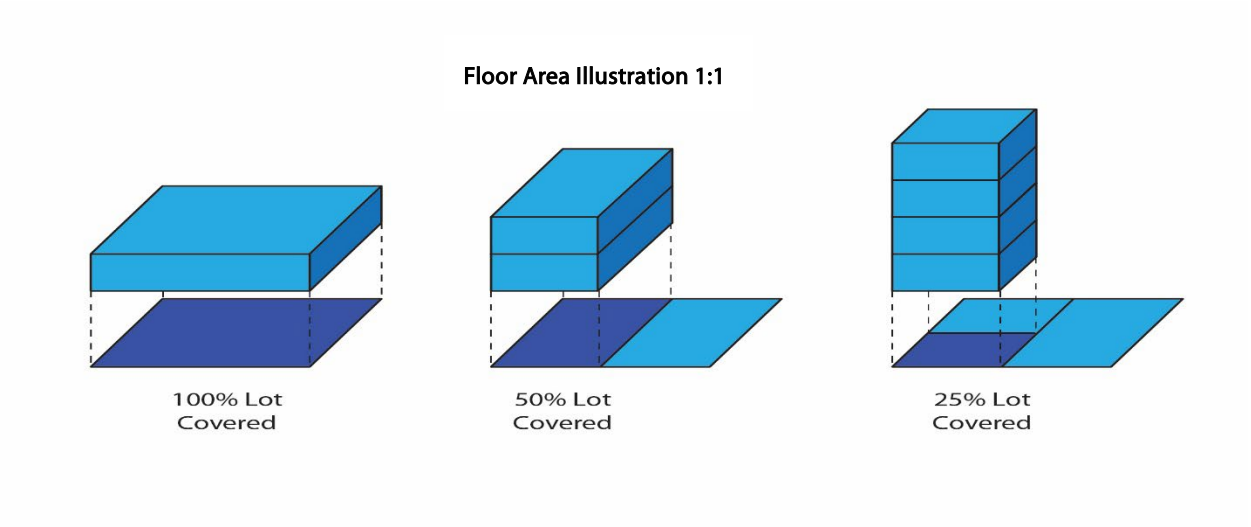


Figure 2.04-9. Measurements-Floor Area Ratio



D. Residential Zoning Districts

1. Agricultural (A) District

a. General Purpose and Description

The Agricultural District primarily provides estate-style single family dwellings and agricultural uses, including farming, ranching, and crop cultivation. This District is also appropriate for areas where utilities or Town services are not readily available. Generally, the Agricultural District will be near development; therefore, the agricultural activities conducted in this district should not be detrimental to urban land uses. The types of uses and the area and intensity of uses permitted in this district shall encourage and protect agricultural uses until urbanization is warranted, and the appropriate change in district classification is made. The Agricultural District is also intended to protect areas that may be unsuitable for development because of physical problems, lack of infrastructure, constraints, or potential health or safety hazards such as flooding, as well as providing for preservation of natural open space areas.

b. Dimensional Standards

Agricultural District	
Height	
Maximum Height	Two and a half stories, no greater than 40 feet
Size of Lots	
Minimum Lot Area	Two acres (87,120 square feet)
Minimum Lot Width	200 feet
Minimum Lot Depth	200 feet
Size of Yards	
Minimum Front Yard	40 feet
Minimum Side Yard	20 feet Exception: Where a lot sides on a street, the side yard shall not be less than 25 feet.
Minimum Rear Yard	20 feet
Other Dimensional Requirements	
Minimum Dwelling Area	1,800 square feet
Maximum Lot Coverage	20%

c. Other Regulations

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

ii. Livestock and domesticated animals shall only be allowed in accordance with the adopted ordinances of the Town.

iii. Non-occupancy storage buildings may be allowed without a main structure for as long as a valid permit for the construction of a main structure is valid.

2. Single Family-Estate (SF-E) District

a. General Purpose and Description

The Single Family-Estate District is intended to accommodate low-density, single family residential development with detached dwellings on at least one acre in size. It is also appropriate for places of worship, schools, and public parks to provide a balanced, orderly, convenient, and attractive residential area.

b. Dimensional Standards

Single Family-Estate District	
Height	
Maximum Height	Two and a half stories, no greater than 40 feet
Size of Lots	
Minimum Lot Area	One acre (43,560 square feet)
Minimum Lot Width	150 feet
Minimum Lot Depth	200 feet
Size of Yards	
Minimum Front Yard	40 feet
Minimum Side Yard	15 feet; including on corner adjacent to side street
Minimum Rear Yard	25 feet
Other Dimensional Requirements	
Minimum Dwelling Area	1,800 square feet
Maximum Lot Coverage	45% The cumulative area of any driveway plus any other impervious surface area located between the front property line and any front building wall shall not exceed 50 percent of the area between the front property line and any front building wall.
Minimum Enclosed Garage Area	400 square feet

c. Other Regulations

See **Article 2.07** for permitted uses.

3. Single Family-15 (SF-15) District

a. General Purpose and Description

The Single Family-15 District is intended to provide for the development of low-density, detached single family detached dwelling units on a minimum lot size of 15,000 square feet. Other uses, such as religious

and educational facilities, parks, and open spaces will be provided to maintain a balanced, orderly, convenient, and attractive residential area.

b. Dimensional Standards

Single Family-15 District	
Height	
Maximum Height	Two stories, no greater than 40 feet
Size of Lots	
Minimum Lot Area	15,000 square feet
Minimum Lot Width	100 feet
Minimum Lot Depth	150 feet
Size of Yards	
Minimum Front Yard	35 feet
Minimum Side Yard	10 feet
Minimum Corner Lot Side Yard	15 feet Exception: Where a lot sides on a street, the side yard shall not be less than 25 feet
Minimum Rear Yard	25 feet
Other Dimensional Requirements	
Minimum Dwelling Area	1,800 square feet
Maximum Lot Coverage	45% The cumulative area of any driveway plus any other impervious surface area located between the front property line and any front building wall shall not exceed 50% of the area between the front property line and any front building wall.
Minimum Enclosed Parking (Garage) Area	400 square feet

c. Other Regulations

See **Article 2.07** for permitted uses.

4. Single Family-10 (SF-10) District

a. General Purpose Description

The Single Family-10 District is intended to provide for development of primarily detached, single family detached dwelling units on a minimum lot size of 10,000 square feet. Other uses, such as religious and educational facilities, parks, and open spaces will be provided to maintain a balanced, orderly, convenient, and attractive residential area.

b. Dimensional Standards

Single Family-10 District	
Height	
Maximum Height	Two stories, no greater than 40 feet
Size of Lots	
Minimum Lot Area	10,000 square feet
Minimum Lot Width	80 feet
Minimum Lot Depth	125 feet
Size of Yards	
Minimum Front Yard	25 feet
Minimum Side Yard	8 feet
Minimum Corner Lot Side Yard	15 feet Exception: Where a lot sides on a street, the side yard shall not be less than 25 feet
Minimum Rear Yard	25 feet
Other Dimensional Requirements	
Minimum Dwelling Area	1,800 square feet
Maximum Lot Coverage	45% The cumulative area of any driveway plus any other impervious surface area located between the front property line and any front building wall shall not exceed 50% of the area between the front property line and any front building wall.
Minimum Enclosed Parking (Garage) Area	400 square feet

c. Other Regulations

See **Article 2.07** for permitted uses.

5. Townhome District

a. General Purpose and Description

The Townhome District is intended to provide for the development of attached residential dwelling units in structures accommodating three to six units built on adjacent individual lots. This district is a high-density district, not exceeding ten units per acre. The standards in this district are intended to promote stable, quality multiple occupancy residential development at increased densities. Individual ownership of the townhome units is highly encouraged, and each townhome development is required to have an operating Homeowners' Association. Other uses, such as religious and educational facilities, parks, and open spaces will be provided to maintain a balanced, orderly, convenient, and attractive residential area. This zoning district is appropriate in areas designated as High Density Residential on the Future Land Use Plan. Limited amounts of this district may also be appropriate in areas designated as the Dallas North Tollway District or US Highway 380 District on the Future Land Use Plan.

b. Dimensional Standards

Townhome District	
Height	
Maximum Height	No greater than 40 feet
Size of Lots	
Maximum Density Permitted	Ten Units per acre
Minimum Lot Area	2,500 square feet
Minimum Lot Width	20 feet per dwelling unit
Minimum Lot Depth	100 feet
Size of Yards	
Minimum Front Yard	25 feet
Minimum Side Yard	0 feet for the side of a unit that is attached to another one, 10 feet for the side of a unit at the end of a structure, 15 feet on corner lots adjacent to a side street Multiple townhome structures constructed on the same lot shall maintain a minimum separation of 20 feet
Minimum Rear Yard	20 feet
Other Dimensional Requirements	
Maximum Lot Coverage	55%
Minimum Open Space	20%
Buildings	Minimum of 3 Units, Maximum of 6 units

c. Other Regulations

See **Article 2.07** for permitted uses.

6. Multifamily District

a. General Purpose and Description

The Multifamily District shall be limited to the areas designated in the Comprehensive Plan, as identified on the Future Land Use Plan, and must be in a Planned Development District. The Multifamily District will provide for the development of high density attached residential dwelling units. The standards in this district are intended to promote stable, quality multiple occupancy residential development at high densities. The principal permitted land uses will include apartment complexes. Development shall comply with the Dallas North Tollway Design Guidelines, as it exists or may be amended.

b. Dimensional Standards

Multifamily District	
Height	
Maximum Height	No greater than 110 feet
Size of Lots	
Minimum Lot Area	The size of lots shall be determined at the time of development.
Density	Maximum of 10 units per acre
Minimum Lot Width	80 feet
Minimum Lot Depth	125 feet
Size of Yards	
Minimum Front Yard, Side Yard, Rear Yard	The size of Front, Side, and Rear Yards shall be determined at the time of development.
Other Dimensional Requirements	
Maximum Lot Coverage	45%
Minimum Usable Open Space	30%
Minimum Dwelling Area	One or Two Bedrooms-850 square feet Additional Bedrooms-150 square feet per additional bedroom

c. Other Regulations

See **Article 2.07** for permitted uses.

i. Building Configuration:

Multifamily structures shall have a wrap-around configuration that consists of central garage surrounded by the residential units on the exterior of the building. In cases where the residential units do not fully wrap the exterior or are constructed above the garage, the garage shall be cladded to match the appearance of the residential structure.

ii. First Floor:

The ceiling height of the first floor shall be a minimum fourteen feet (14') in height. The first floor of the building may be used for residential use or retail uses that are specified in the Planned Development ordinance.

iii. Garage Height:

The height of the garage shall not exceed the height of the exterior building and all associated appurtenances, such as an elevator shaft or mechanical equipment, shall be screened.

iv. Previously Approved Planned Development Districts:

For any Planned Development District approved by the Town prior to the adoption of this Ordinance, and for which there is no number of multifamily units stated therein, then the permitted number of multifamily units is the number of multifamily units authorized by the Town's Zoning Ordinance on the date of adoption of said Planned Development District.

E. Nonresidential Zoning Districts

1. Office (O) District

a. General Purpose and Description

The Office District accommodates a variety of office developments providing professional, financial, medical, and similar services for local residents; corporate offices for regional and national operations; major employment centers for Town, County, and State governmental entities; and service uses necessary to support such office uses. Such uses do require accessibility to major thoroughfares. This zoning district may be appropriate in areas designated as Dallas North Tollway District, U.S. 380 Highway District, or Retail and Neighborhood Services, on the Future Land Use Plan.

b. Dimensional Standards

Office District	
Height	
Maximum Height: Main Building	40 feet
Size of Lots	
Minimum Lot Area	7,000 square feet
Minimum Lot Width	70 feet
Minimum Lot Depth	100 feet
Size of Yards	
Minimum Front Yard	30 feet
Minimum Side Yard	10 feet adjacent to any nonresidential district 25 feet for a one-story building adjacent to any residential district, 40 feet for a two-story building adjacent to any residential district
Minimum Side Yard (F, see Figure 2.04-29)	25 feet adjacent to a street
Minimum Rear Yard	15 feet Exception: If adjacent to residential use, 60 feet; unless separated by an alley, 20 feet. When adjacent to an arterial street, 25 feet
Other Dimensional Requirements	
Maximum Lot Coverage	40%
Maximum Floor Area Ratio	0.5:1
Maximum Floor Area	10,000 square feet; the maximum floor area may exceed 10,000 square feet only if the entire structure is in excess of 200 feet from a residential use or zone

c. Other Regulations

See **Article 2.07** for permitted uses.

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

c. Other Regulations

See **Article 2.07** for permitted uses.

3. Industrial (I) District

a. General Purpose and Description

The Industrial District is intended primarily for the conduct of light manufacturing, self-storage facilities, recycling operations, assembling, and for warehousing, wholesaling and service operations that do not depend upon frequent customer or client visits. These uses will be indoor operations that will not create significant noise, odor, or pollution. Such uses do require accessibility to major highways, rail lines or other means of transportation. This zoning district is appropriate in areas designated as Business Park on the Future Land Use Plan.

b. Dimensional Standards

Industrial District	
Height	
Maximum Height	Not greater than 100 feet. Where buildings or structures exceed 40 feet in height, such buildings or structures shall not be located closer to any residential district boundary line than a distance equal to the sum of the required side or rear yard specified plus twice the height of the building above 40 feet
Size of Lots	
Minimum Lot Area	15,000 square feet
Minimum Lot Width	100 feet
Minimum Lot Depth	150 feet
Size of Yards	
Minimum Front Yard	50 feet Exception: Where a lot fronts on a designated arterial street, such front yard shall not be less than 35 feet
Minimum Side and Yards	30 feet adjacent to a nonresidential district 60 feet adjacent to a residential district 50 feet adjacent to a street
Minimum Rear Yards	30 feet adjacent to a nonresidential district 60 feet adjacent to a residential district
Additional Setback	For structures requiring railroad access, setback requirements from the centerline of the railroad right-of-way shall be in accordance with applicable state law
Other Dimensional Requirements	
Floor Area Ratio	Maximum 1:1

c. Other Regulations

See **Article 2.07** for permitted uses.

2.05. Planned Development District

A. General Purpose and Description

The Planned Development (PD) District is a district that accommodates planned associations of uses developed as integral land use units such as offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing (including attached single family dwellings), or any appropriate combination of uses that may be planned, developed, or operated as integral land use units either by a single owner or a combination of owners. A PD District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this chapter. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established herein to insure against misuse of increased flexibility.

No request for establishment or amendment of a zoning district, including a request to establish or amend a Planned Development District, or a conceptual plan or development plan incorporated therein, nor application for a site plan or other permit authorized by these zoning regulations shall be accepted for filing or processing unless such request is accompanied by a completed application and all documents required by and prepared in accordance with the requirements of the UDC. The acceptance or processing by any Town Official of a zoning request or zoning permit application prior to the time a complete application is submitted hereby is deemed to be null and void and, upon discovery, shall be grounds for denial or revocation of such application. A typographical error shall not constitute an incomplete application. The applicant will be notified of, and the reasons for, such denial or revocation within ten business days of the official application date. If an application has been submitted but is incomplete and no revisions have been made and resubmitted within six (6) months of the original submission date, it will be closed and the applicant shall submit a new application

B. Planned Development Regulations

1. Development requirements for each PD District shall be set forth in the amending ordinance granting that PD District and shall include, but may not be limited to; base district(s), uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, architectural standards, project phasing or scheduling, management associations, and other requirements as the Town Council and/or Planning and Zoning Commission may deem appropriate.
2. PD Districts will have standards and regulations unique to the specific development being proposed. Said standards and regulations should be specified in the application.
3. The ordinance granting a PD District shall include a statement as to the purpose and intent of the PD granted therein, including a general statement citing the reason for the PD request. The ordinance granting a PD District shall also include a proposed development schedule for the PD District.
4. The PD District shall conform to all sections of the UDC unless specifically addressed in the granting ordinance.

C. Conceptual Development Plan

In establishing a PD District in accordance with this UDC, the Town Council shall approve and file as part of the amending ordinance appropriate exhibits and standards for each PD District. To facilitate understanding of the request during the review and public hearing process, the Planning and Zoning Commission and/or Town Council may require a Conceptual Development Plan that illustrates graphically the standards contained therein.

1. Any applicant requesting approval of a PD District shall schedule a pre-submittal meeting with the Director of Development Services, or their designee, to determine whether a conceptual development plan is to be submitted with the PD zoning request.
2. If it is determined that a conceptual development plan is necessary, this plan shall be submitted by the applicant at the time of the PD zoning request. The plan shall show the applicant's intent for the use(s) of the land within the proposed PD District in a graphic manner and supported by written documentation of proposals and standards for development. Dependent on the nature of the PD request, this plan may be submitted as a

residential plan, nonresidential plan, or a mixed-use combination of the two. For a mixed-use development, the plan shall comply with requirements for both the residential and nonresidential plans.

a. Residential Conceptual Development Plan

A conceptual development plan for residential land use shall show in a graphic format the proposed general land use, streets, thoroughfares and preliminary lot arrangements. The applicant shall submit text material to further explain the characteristics of the plan, including but not limited to, the size, type and location of buildings and building sites, access, density, building height, screening, parking areas, landscaped areas, useable open space, project scheduling, and other pertinent development data.

b. Nonresidential Conceptual Development Plan

A conceptual development plan for non-residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. The plan may include, but is not limited to, the types of use(s), topography and boundary of PD area, proposed ingress and egress, physical features of the site, existing streets, alleys and easements, location of future public facilities, building height and location, parking ratios, project scheduling and other information to adequately describe the proposed development and to provide data for approval that is to be used in preparing the final development plan(s).

D. Conformance to the Conceptual Development Plan

Plats and/or Site Plans submitted for the development of the PD District shall conform to the data presented and approved on the conceptual development plan. Changes of detail on these final development plan(s) that differ from the conceptual development plan may be authorized by the Planning and Zoning Commission, with their approval of the final development plan(s) and without public hearing, if the proposed changes do not:

1. Alter the basic relationship of the proposed development to adjacent property;
2. Alter the uses permitted;
3. Increase the density;
4. Increase the building height;
5. Increase the coverage of the site;
6. Reduce the off-street parking ratio;
7. Reduce the building lines provided at the boundary of the site; or
8. Significantly alter any open space plans.

If the Planning and Zoning Commission determines that the proposed change(s) violates one or more of the above eight criteria, then a public hearing must be held to adequately amend the PD District's granting ordinance prior to the Planning and Zoning Commission's approval of the final development plan(s).

E. Procedure

1. The procedure for establishing a PD District shall follow the procedure for zoning amendments as set forth in **Article 2.05.A.**
2. If no development has occurred in the PD District within five (5) years from the date of adoption of the granting ordinance, the Planning and Zoning Commission and Town Council may review the original conceptual development plan to ensure its continued validity. If the Town determines the concept is not valid, a new conceptual development plan shall be approved prior to the Town issuing a building permit for any portion of the PD District.
3. All PD Districts approved in accordance with the provisions of this chapter in its original form, or by subsequent amendments thereto, shall be referenced on the Zoning District Map, and a list of such PD Districts, together with the category of uses permitted therein, shall be maintained by the Planning Division.

4. Owners of property within a PD District may request rezoning for only the portion of the PD District they own. Notice of such rezoning will be based on the boundary of the portion of the PD District being rezoned rather than the entire PD District. In considering the request, the Planning and Zoning Commission and Town Council shall evaluate the effect of the rezoning on the remaining property within the PD District. If the Planning and Zoning Commission or Town Council determine that the rezoning necessitates adjustments to the terms and conditions of the original PD District, the zoning case to rezone the portion of the PD District will be tabled so that the Town can initiate a zoning case for the remainder of the PD District and first consider amendments to the terms and conditions of the original PD District.

2.06. Specific Use Permits

A. General Purpose and Description

This provides the Town with an opportunity to approve, conditionally approve, or deny identified specific uses that may be permitted in specified zoning districts. These uses generally have, among other things, unusual nuisance characteristics or are of a public or semi-public character and are often essential or desirable for the general convenience and welfare of the community. However, because of the nature of the use, the importance of the use's relationship to the Comprehensive Plan, and possible adverse impacts on neighboring properties review, evaluation, and exercise of sound planning judgment relative to the location and Site Plan are required.

B. Procedure

1. All SUP applications shall be accompanied by a Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings and the uses to be permitted; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of 200 feet.
2. The Planning and Zoning Commission or Town Council may require additional information or drawings (such as, among other things, building floor plans), operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed.

C. Specific Use Permit Regulations

1. In recommending that a SUP for the premises under consideration be granted, the Planning and Zoning Commission shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to, among other things, requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, area or security lighting, heights of structures, and compatibility of buildings. The Planning and Zoning Commission and Town Council shall consider the following criteria in determining the validity of the SUP request:
    a. Is the use harmonious and compatible with its surrounding existing uses or proposed uses?
    b. Are the activities requested by the applicant normally associated with the requested use?
    c. Is the nature of the use reasonable?
    d. Has any impact on the surrounding area been mitigated?
2. In granting an SUP, the Town Council may impose conditions that shall be complied with by the owner or grantee before a Certificate of Occupancy (CO) may be issued by the Building Official for use of the building on such property pursuant to such SUP and such conditions precedent to the granting of the CO. Any special conditions shall be set forth in writing by the Town Council prior to the issuance of the CO.
3. No SUP shall be granted unless the applicant, owner and grantee of the SUP shall be willing to accept and agree to be bound by and comply with the written requirements of the SUP as attached to the Site Plan drawing(s) and approved by the Planning and Zoning Commission and Town Council.
4. If required, a building permit shall be applied for and secured within twelve months of approval of the SUP. If the Site Plan has not been approved and a permit not received within the 12-month time frame, the Town Council may authorize an extension of six (6) months upon recommendation by the Planning and Zoning Commission. If the six-month extension period lapses, the Planning and Zoning Commission and Town Council may review the Site Plan for continued validity. If the Site Plan is determined to be invalid, the property owner(s) must submit a new or revised Site Plan for approval prior to any construction or application for building permits for the area designated for the SUP.

5. A building, premises, or land used under a SUP may be enlarged, modified, structurally altered, or otherwise changed. provided the changes do not:
    a. Increase the height of structures, including, without limitation, antenna support structures.
    b. Increase building square footage from its size at the time the original SUP was granted by greater than 10%;
    c. Reduce the distance between a building or noise-generating activity on the property and an adjacent, off-site residential use. This provision shall not apply should the property and the residential use be separated by a major thoroughfare depicted on the Town's Thoroughfare Plan; or
    d. Reduce the amount of open space as indicated on the previously approved zoning exhibit.

    All other enlargements, modifications, structural alterations, or changes shall require the approval of a new SUP.
6. The Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any SUP.
7. When the Town Council authorizes granting of a SUP, the zoning map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the appropriate zoning district for the approved use and prefixed by an "S" designation. SUPs granted shall be indicated by numerical designation on the zoning district map.
8. Upon holding a properly notified public hearing, the Town Council may amend, change, or rescind a SUP if:
    a. There is a violation and conviction of any of the provisions of this chapter or any ordinance of the Town that occurs on the property for which the SUP is granted.
    b. The building, premise, or land used under a SUP is enlarged, modified, structurally altered, or otherwise significantly changed without approval of a separate SUP for such enlargement, modification, structural alteration, or change.
    c. Violation of any provision of the terms or conditions of a SUP.
    d. Ad valorem taxes on the property are delinquent by more than six (6) months.
    e. The SUP was obtained by fraud or with deception.

2.07. Permitted Uses and Use-Based Standards

A. Permitted Uses By District

1. Land and buildings in each of the zoning districts may be used for any of the indicated uses but no land shall hereafter be used, and no building or structure shall hereafter be erected, altered, or converted, which is arranged or designed or used for other than those uses specified as permitted uses in the district in which it is located, according to **Article 2.07.C** and in accordance with **Article 1.03** and the provisions of this UDC.

2. Legend

   The use of land and/or buildings shall be in accordance with those listed in the following use chart. No land or building shall hereafter be used, and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located. The legend for interpreting the permitted uses in the use chart are:

•	Designates use permitted in the zoning district indicated
(Blank)	Designates use prohibited (i.e., not allowed) in the zoning district indicated
S	Designates use is permitted upon approval of a Specific Use Permit
1	Designates use is permitted in the zoning district indicated if conditional development standards or limitations in the corresponding numeric end notes in **Article 2.07.D** are complied

3. Unlisted Uses

   If a use is not listed (or is blank) on the Schedule of Uses charts, it is not allowed in any zoning district (see **Article 2.07.B** below.

B. Classification of New and Unlisted Uses

It is recognized that new types of land use will develop, and forms of land use not presently anticipated may seek to locate in the Town. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

1. The Director of Development Services shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting an interpretation to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing, among other things, the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.

2. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and recommend to the Town Council the zoning district(s), use, and classification.

3. The Planning and Zoning Commission shall transmit its recommendations to the Town Council as to the zoning district(s), use, and classification proposed for any new or unlisted use. The Town Council shall make such a determination concerning the zoning district(s) and classification of such use as it determines appropriate.

4. Standards for new and unlisted uses may be interpreted as those of a similar use. When determination of the minimum requirements cannot be readily ascertained, the same process outlined in this Article? shall be followed for determination of the new standard.

C. Schedule of Uses

The Schedule of Uses appears on the following chart.

Key | | • = Allowed | S = Specific Use Permit	Base Zoning Districts ↓							Conditional Development Standards Art. 2.07.C.	Required Parking
Land Use ↓	**A**	**SF**	**TH**	**MF**	**O**	**C**	**I**		
Residential Uses									
Manufactured Home	•								4/DU
Model Home		•	•						4/DU
Multifamily Dwelling				•					2 spaces for one- and two-bedroom units, plus one-half additional space for each additional room.
Private Street Development		34	34					34	
Retirement Housing				S					1/5 beds
Single Family Dwelling, Detached	•	•	41	41				41	2/DU
Townhome (Attached Single Family Dwelling)			•						2/DU
Accessory and Incidental Uses									
Accessory Building	•	•	•	•					N/A (refer to primary use)
Caretaker's/Guard's Residence					•	•	•		1 | 1 + 1/GR
Construction Yard and Field Office, Temporary	**TEMPORARY BLDG PERMIT ISSUED BY BLDG OFFICIAL**								
Guest House	23	23						23	N/A (refer to primary use)
Helistop					S	S	S		N/A (refer to primary use)
Home-Based Business	24	24	24	24				24	
Mobile Food Vendor						S		28	
Outdoor Merchandise Display, Incidental						S			
Outdoor Merchandise Display, Temporary						31		31	
Outside Storage, Incidental						S			
Residential Garage Loft	37	37						37	
Retail/Service Incidental Use					•	•	•		
Temporary Building	42	42	42	42	42	42	42	42	

Key | | • = Allowed | S = Specific Use Permit	Base Zoning Districts ↓							Conditional Development Standards Art. 2.07.C.	Required Parking
Land Use ↓	**A**	**SF**	**TH**	**MF**	**O**	**C**	**I**		
Educational, Institutional, Public, and Special Uses									
Airport/Heliport							S		N/A
Assisted Care or Living Facility				•	S	S	•		1/5 beds
Athletic Stadium/ Field or Sports Arena, Private	5	5	5	5	5	5	•	5	1/4 seats or bench seating spaces
Athletic Stadium/Field or Sports Arena, Public	S	S	S	S	S	S	S		
Cemetery or Mausoleum	S	S	S	S	S	S			Min. 1/Acre and Max. 1/1000 SF Indoor Space
Civic/Convention Center					•	•	•		
College, University, Trade, or Private Boarding School					•	•	•		1/each day student
Community Center					•	•	•		10 spaces plus 1/300 SF of GFA exceeding 2,000 SF
Community Home	17	17	17	17				17	1 per guest room
Farm, Ranch, Stable, Garden, or Orchard	•	S	S	S	S	S	S		N/A (refer to other categories for accessory uses like event space)
Food Pantry	19							19	Max 1/500 SF
Fraternal Organization, Lodge, Civic Club, Fraternity, or Sorority					S	S			1/200 SF

Key | | • = Allowed | S = Specific Use Permit	Base Zoning Districts ↓							Conditional Development Standards Art. 2.07.C.	Required Parking
Land Use ↓	**A**	**SF**	**TH**	**MF**	**O**	**C**	**I**		
Hospital					S	S			1/employee on the largest shift, plus 1.5/bed
Household Care Facility		•	•	•					Max. 1/1,000 SF
House of Worship	•	•	•	•	•	•	•		1/3 seats in the main auditorium
Municipal Uses Operated by the Town of Prosper	•	•	•	•	•	•	•		Approval by Director
Museum/Art Gallery/Community Center/Library					•	•	•		10 parking spaces plus 1/300 SF of floor area in excess of 2,000 SF. If an auditorium is part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of 1/4 seats
Park or Playground	•	•	•	•	•	•	•		Min. 2/acre
Private Amenity Center		•	•	•					1 per 300 SF Indoor Space and 1 per 3,000 SF Outdoor Space
Rehabilitation Care Facility	36	36	36	36				36	1/500 SF | 1/250 SF
Rehabilitation Care Institution					S	S	S		1 per 1,000 SF
School, Elementary, Middle, Public	•	•	•	•	•	•			1.5/classroom or 1/200 SF, whichever is greater
School, High School, Public	•	•	•	•	•	•			1.5/classroom plus 1/5 students or 1/200 SF, whichever is greater
School, Private or Parochial	S	S	S	S	S	S			1.5/classroom or 1/200 SF, whichever is greater (Elementary, Middle) 1.5/classroom plus 1/5 students or 1/200 SF, whichever is greater (High School)

Key | | • = Allowed | S = Specific Use Permit	Base Zoning Districts ↓							Conditional Development Standards Art. 2.07.C.	Required Parking
Land Use ↓	**A**	**SF**	**TH**	**MF**	**O**	**C**	**I**		
Transportation, Utility, and Communications Uses									
Antenna and/or Antenna Support Structure, Non-Commercial	3	3	3	3	3	3	3	3	N/A
Stealth Antenna, Commercial	4	4	4	4	4	4	4	4	
Bus Terminal						11	11	11	1/employee | 1/1000 SF
Commercial Drone Delivery Hubs						16	16	16	
Electric Power Generating Plant							S		Min. 3 spaces
Landfill							S		
Office and Storage Area for Public/Private Utility						•	•		
Private Utility, Other Than Listed	•	•	•	•	•	•	•		
School District Bus Yard	40	40	40	40	40	40	40	40	Min 1/1,000 SF Indoor Space
Sewage Treatment Plant/Pumping Station	S	S	S	S	S	S	S		Min. 1/1,000 SF
Telephone Exchange	S	S	S	S	•	•	•		
Transit Center						•	•		
Utility Distribution or Transmission Facility	S	S	S	S	S	S	S		
Water Treatment Plant	S	S	S	S	S	S	S		
Wind Energy System	**PROHIBITED IN ALL DISTRICTS**								
Wireless Communications and Support Structures	48	48	48	48	48	48	48	48	1/employee
Office and Professional Uses									
Administrative					•	•	•		1/350SF
Governmental Office					•	•	•		1/350 SF
Medical					•	•	•		1/250 SF
Professional					•	•	•		1/350 SF
Research and Development Center						38	38	38	1/employee but no less than 1/1,1000 SF

Key | | • = Allowed | S = Specific Use Permit	Base Zoning Districts ↓							Conditional Development Standards Art. 2.07.C.	Required Parking
Land Use ↓	**A**	**SF**	**TH**	**MF**	**O**	**C**	**I**		
Retail Uses									
Antique Shop and Used Furniture						•			2 plus 1/300 SF of GFA exceeding 1,000 SF
Alcoholic Beverage Sales						2	2	2	1/250 SF
Big Box						S			Min. 1/250 SF
Building Material and Hardware Sales, Major						S	•		2 + 1/300 SF of GFA exceeding 1,000 SF
Building Material and Hardware Sales, Minor						•	•		
Convenience Store with Gas Pumps						18, 22		18, 22	3 spaces plus 1/250 SF.
Convenience Store without Gas Pumps						S			1/250 SF
Equipment and Machinery Sales and Rental, Major						S	•		2 plus 1/300 SF of GFA exceeding 1,000 SF
Equipment and Machinery Sales and Rental, Minor						•			
Farmer's Market						•			1/500 SF
Feed Store						S	S		1/250 SF
Flea Market, Inside						S			1/500 SF
Furniture, Home Furnishings, Appliance Store						•			2 plus 1/300 SF of GFA exceeding 1,000 SF
Nursery, Major	30							30	1/250 SF
Nursery, Minor						•			
Pawn Shop							•		
Repair/Service, Clothing or Shoe						•			2 plus 1/300 SF of GFA exceeding 1,000 SF
Retail Stores and Shops						•			

Key | | • = Allowed | S = Specific Use Permit	Base Zoning Districts ↓							Conditional Development Standards Art. 2.07.C.	Required Parking
Land Use ↓	**A**	**SF**	**TH**	**MF**	**O**	**C**	**I**		
Service Uses									
Alcoholic Beverage Establishment						1		1	1/500 SF
Artisan's Workshop						•			1/250 SF
Bank, Savings and Loan, or Credit Union					•	•	•		1/350 SF
Beauty Salon/Barber Shop						•			1/250 SF
Bed and Breakfast Inn	S	S			S	•			1/GR plus 4/DU
Body Art Studio							10	10	1/250 SF
Business Service					•	•	•		
Cabinet/Upholstery Shop						•	•		2 + 1/300 of GFA exceeding 1,000 SF
Campground or Recreational Vehicle Park	S								1/camping or RV space, the max number of spaces shall not exceed 25 units per acre
Catering						•			1/350 SF
Child Care Center, Licensed	15	15	15	15	15	15		15	1/10 Students plus 1 per Teacher
Child Care Center, Home	14	14						14	1/employee plus 1/1,000 SF
Child Care Center, Incidental					S	S			1/10 Students plus 1 per Teacher
Commercial Amusement, Indoor					S	•	S		1/3 Guests at max. capacity
Commercial Amusement, Outdoor						S	S		
Contractor's Shop and/or Storage Yard						S	•		1/500 SF
Day Care Center, Adult	S	S	S	S	S	S			
Dry Cleaning, Major						S	•		
Dry Cleaning, Minor					•	•	•		
Fairgrounds or Exhibition Area						S	S		1/500 SF of outdoor or exhibition area
Food Truck Park						20		20	1Min. 1/200 SF
Fortune Teller/Psychic							•		1/300 SF
Funeral Home						21	21	21	1/50 SF of GFA in Slumber Rooms, Parlors, or Individual Funeral Service Rooms

Key | | • = Allowed | S = Specific Use Permit	Base Zoning Districts ↓							Conditional Development Standards Art. 2.07.C.	Required Parking
Land Use ↓	**A**	**SF**	**TH**	**MF**	**O**	**C**	**I**		
Furniture Restoration						•	•		2 plus 1/300 SF of GFA exceeding 1,000 SF
Golf Course and/or Country Club	•	•	•	•	•	•	•		5/Hole plus 1/150 SF or 1/5 members, whichever is greater
Gymnastics/Dance Studio						•			1/200 SF of exercise area
Health/Fitness Center					S	•	S		
Hotel, Full Service						25		25	1/GR plus 1/200 SF of commercial area
Hotel, Limited Service						26		26	
Hotel, Residence/Extended Stay						27		27	
Indoor Gun Range						S	•		1/250 SF
Laundromat						S			
Locksmith/Security System Company						•	•		
Massage Therapy, Licensed						•	•		
Massage Therapy, Unlicensed							S		
Meeting, Banquet, or Reception Facility						S			1/200 SF
Pet Day Care						32		32	1/250 SF
Print Shop, Major						•	•		1/Employee on Max. Shift but no less than 1/1,000 SF of GFA
Print Shop, Minor					•	•	•		1/Employee on Max. Shift but no less than 1/1,000 SF of GFA
Private Club	33	33	33	33	33	33		33	1/75 SF
Repair Service, Indoor						•	•		1/250 SF
Restaurant					39	39		39	1/75 SF for stand-alone building, 1/100 SF if located within a multi-tenant building or stand-alone building with a drive-through
Sexually Oriented Uses									Min .1/500 SF
Small Engine Repair Shop						•	S		
Stable, Commercial							•		
Taxidermist						•	•		
Theater, Drive In							•		Min. 1/1000 SF
Theater, Neighborhood						•	S		1/4 seats
Theater, Regional						•			

Key | | • = Allowed | S = Specific Use Permit	Base Zoning Districts ↓							Conditional Development Standards Art. 2.07.C.	Required Parking
Land Use ↓	**A**	**SF**	**TH**	**MF**	**O**	**C**	**I**		
Trailer Rental						S	•		Min.1/250 SF
Veterinarian Clinic and/or Kennel, Indoor or Outdoor						46	46	46	
Automobile and Related Uses									
Auto Parts Sales, Inside						•	•		Min. 1/1000 SF of Showroom, Waiting, or Office area and 1/4,000 SF of Storage and Display area and 2/Work Bay
Auto Parts Sales, Outside							•		1/1000 SF
Automobile Parking Lot/Garage (secondary use only)					•	•	•		1/500 SF
Automobile Paid Parking Lot/Garage (secondary use only)					S	•	•		
Automobile Repair, Major						6	6	6	3/service bay plus 1 per max number of employees on a shift
Automobile Repair, Minor						7	7	7	1/service bay plus 1 per max number of employees on a shift
Automobile Sales/Leasing, New						8	8	8	1/500 SF, these required spaces may not be used to store or display automobiles for sale
Automobile Sales, Used						9	9	9	
Automobile Storage						S	•		
Car Wash, Automatic						12	12	12	1/500 SF or 1 per employee, whichever is greater
Car Wash, Self-Serve						13		13	1/500 SF of gross floor area or 1/employee, whichever is greater, Stacking and/or self-service areas shall not count toward required parking
Motorcycle Sales/Service						29	29	29	1/500 SF, these required spaces may not be used to store or display motorcycles for sale
Recreational Vehicle/Truck Parking Lot or Garage						S	•		Office area and 1/4,000 SF of Storage
Recreational Vehicle Sales and Service, New/Used						35	35	35	1/500 SF, these required spaces may not be used to store or display RVs for sale
Salvage Yard							S		Office area and 1/4,000 SF of Storage

Key | | • = Allowed | S = Specific Use Permit	Base Zoning Districts ↓							Conditional Development Standards Art. 2.07.C.	Required Parking
Land Use ↓	**A**	**SF**	**TH**	**MF**	**O**	**C**	**I**		
Truck/Bus Repair							43	43	Office area and 1/4,000 SF of Storage and Display area and 2/Work Bay
Truck Sales, Heavy Trucks						44	44	44	1/500 SF, these required spaces may not be used to store or display trucks for sale
Truck Terminal/Truck Stop							45	45	1 truck parking space/10,000 SF of site area plus 1 vehicle parking space per 200 SF of building area
Wholesale Uses									
Office/Showroom						•	•		1/350 SF (Office), 1/1,000 SF (Warehouse)
Office/Warehouse or Distribution Center						S	•		
Storage or Wholesale Warehouse						S	•		
Winery	47					•	•	47	
Manufacturing and Industrial Uses									
Concrete/Asphalt Batching Plant, Permanent							S		1/1000 SF
Concrete/Asphalt Batching Plant, Temporary	**TEMPORARY BLDG PERMIT ISSUED BY BLDG OFFICIAL**								
General Manufacturing and Industrial Use Complying with Performance Standards						S	•		1/employee on the max working shift but not less than 1/1,000 SF
Limited Assembly and Manufacturing Use Complying with Performance Standards						S	•		
Machine Shop						S	•		
Mineral Extraction							S		
Mini-Warehouse/Public Storage							•		1/1,000 SF or 1/max number of employees on a shift
Miscellaneous Hazardous Industrial Uses							S		1/employee on the max working shift but not less than 1/1,000 SF
Portable Building Sales							S		
Recycling Center						S	•		1/employee on the max working shift but not less than 1/1,000 SF
Recycling Collection Point					S	S	S		
Recycling Plant							•		

Key | | • = Allowed | S = Specific Use Permit	Base Zoning Districts ↓							Conditional Development Standards Art. 2.07.C.	Required Parking
Land Use ↓	**A**	**SF**	**TH**	**MF**	**O**	**C**	**I**		
Trailer/Mobile Home Display and Sales							S		

DU = Dwelling Unit

GR = Guest Bedroom

Max. = Maximum

GFA = Gross Floor Area

Min. = Minimum

SF = Square Feet

D. Conditional Development Standards

1. Alcoholic Beverage Establishment

   a. Alcoholic Beverage Establishments shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended, and any applicable local option elections.

   b. The Alcoholic Beverage Establishment rules apply to wine bars, tasting rooms, and breweries.

   c. An Alcoholic Beverage Establishment is permitted only by Specific Use Permit in the Commercial zoning district.

   d. The regulations herein applicable to a public school shall also apply to a day-care center or a child-care center as provided in § 1.109.331, Texas Alcoholic Beverage Code, as amended.

   e. An Alcoholic Beverage Establishment shall not be located within:

      i. 800 feet from a church, public hospital, public school, private school, and/or residential zoning district. For this purpose, residential zoning districts shall include, but are not limited to, properties that are zoned Single Family, Townhome, Multifamily, and Residential Planned Development Districts;

      ii. 1,000 feet from a public school if the Town Council receives a request for this additional spacing requirement from the school district, and the Town Council adopts such additional spacing requirements by resolution; or

      iii. 1,000 feet from a private school if the Town Council receives a request for this additional spacing requirement from the board of the private school, and the Town Council adopts the additional spacing requirements by resolution.

   f. Measurement for the distance between an Alcoholic Beverage Establishment and the uses listed above or the nearest residential zoning district shall be in a direct line from the Property Line of the applicable use listed above or the nearest residential zoning district to the Property Line of the Alcoholic Beverage Establishment, and in a direct line across intersections.

   g. There shall be no variances considered with regard to the regulations set forth herein.

2. Alcoholic Beverage Sales

   Alcoholic Beverage Sales, as defined by the Prosper UDC, as amended, shall mean any establishment, place of business or person engaged in the selling of Alcoholic Beverages, as defined in the Texas Alcoholic Beverage Code, as amended, to the general public for off-premise personal or household consumption.

   a. Alcoholic Beverage Sales shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended, and any applicable local option elections.

   b. Alcoholic Beverage Sales are permitted only in the Commercial and Industrial zoning districts.

   c. Beer sales are not permitted in residential zoning districts.

   d. Pursuant to the Town Charter, the sale of liquor, as defined in the Texas Alcoholic Beverage Code, as amended, shall be prohibited by a person or entity holding a package store permit, as described in the Texas Alcoholic Beverage Code, as amended, in any zoning district which allows, in whole or in part, residential development in the Town.

   e. Alcoholic Beverage Sales shall not be located within the following:

      i. 300 feet from a church, public school, private school, and/or public hospital. However, Alcoholic Beverage Sales may be located within 300 feet of a private school if minors are prohibited from entering the place of business, as required by § 1.109.53, Texas Alcoholic Beverage Code, as amended; or

      ii. 1,000 feet from a private school if the Town Council receives a request for this additional spacing requirement from the board of the private school, and the Town Council adopts the additional spacing requirements by resolution. But, the Town Council may not adopt this additional spacing requirement

if: (i.) minors are prohibited from entering the place of business engaged in Alcoholic Beverage Sales, pursuant to § 1.109.53, Texas Alcoholic Beverage Code, as amended; (ii.) the holder of a retail off-premise consumption permit or license if less than 50% of the gross receipt for the premises, excluding the sale of items subject to the motor fuels are from the sale or service of alcoholic beverages; or (iii.) the holder of a license or permit issued under Article 27, 31 or 72, Texas Alcoholic Beverage Code, as amended, who is operating on the premises of a private school.

f. Measurement of the distance between the place of business engaged in Alcoholic Beverage Sales and the church or public hospital shall be along the property line of the street fronts, from front door to front door, and in a direct line across intersections. Measurement for the distance between the place of business engaged in Alcoholic Beverage Sales and a public or private school shall be:

   i. In a direct line from the Property Line of the public or private school to the Property Line of the place of business, and in a direct line across intersections; or

   ii. If Alcoholic Beverage Sales are located on or above the fifth story of a multistory building, in a direct line from the Property Line of the public or private school to the Property Line of the place of business, in a direct line across intersections, and vertically up the building at the Property Line to the base floor on which Alcoholic Beverage Sales are located.

g. In accordance with § 1.109.33, Texas Alcoholic Beverage Code, as amended, in this section, "private school" means a private school, including a parochial school, that:

   i. Offers a course of instruction for students in one or more grades from kindergarten through grade 12; and

   ii. Has more than 100 students enrolled and attending courses at a single location.

h. If at any time an original Alcoholic Beverage permit or license is granted by the Texas Alcoholic Beverage Commission to an establishment, place of business, or person and the establishment, place of business or person satisfies the requirements regarding the distance requirements in this section, then the same shall be deemed to satisfy the distance requirements for all subject renewals of the license or permit. This shall not be the case if the Texas Alcoholic Beverage Commission revokes the license or permit.

3. Antenna, Non-Commercial

   a. Satellite Dishes and Wireless Broadband Antennas

      i. In the A and SF districts, satellite dishes and wireless broadband antennas are permitted only on the back half of a residential structure or in the back yard of a residential lot unless a signal cannot be received in these areas. Should a satellite dish or wireless broadband antenna be placed somewhere other than on the back half of a residential structure or in the back yard of a residential lot, it shall be limited to not more than two feet in diameter. Only three satellite dishes and/or wireless broadband antennas shall be permitted per lot or primary structure. One of the three satellite dishes and/or wireless broadband antennas on a residential structure and/or lot may be up to 12 feet in diameter. The other two satellite dishes and/or wireless broadband antennas shall not exceed two feet in diameter.

      ii. In the TH and MF districts, satellite dishes and wireless broadband antennas are permitted only on the back half of a residential structure or in the back yard of a residential lot unless a signal cannot be received in these areas. Should a satellite dish or wireless broadband antenna be placed somewhere other than on the back half of a residential structure or in the back yard of a residential lot, it shall be limited to not more than two feet in diameter. Only three satellite dishes and/or wireless broadband antennas on a residential unit may be up to 12 feet in diameter. The other two satellite dishes and/or wireless broadband antennas shall not exceed two feet in diameter.

   b. Non-commercial antennas shall not interfere with radio or television reception of adjoining property owners and shall comply with all regulations of the Federal Communications Commission (FCC). In no case shall the height of such antennas exceed 45 feet, unless located on property owned or leased by the Town of Prosper, and proper guy wire securement shall be followed. In no manner shall the use of such equipment

infringe upon adjoining property owners. Roof mounted satellite dishes in excess of 50 pounds shall be approved by a registered architect or professional engineer by written letter to the building official, prior to installation, stating the antenna's stability and support and shall not extend more than 6 feet above the first story.

c. Antennas on existing structures like water towers and light poles shall require a Specific Use Permit if ground equipment is proposed. If ground equipment is not proposed, no Specific Use Permit is required.

4. Antenna, Stealth

   a. All Stealth antennas shall require a SUP regardless of if they are a primary or secondary use in residential districts.

   b. Stealth antennas are required to have a SUP the nonresidential districts.

   c. The Director of Development Services, or their designee, may approve a request to install a stealth antenna when the proposed stealth antenna is of a type that is specifically listed in the definition of Antenna, Stealth.

   d. For stealth antenna requests of a type that are not specifically listed in this definition, the Planning and Zoning Commission may determine if a proposed commercial antenna is a stealth antenna or not when considering Site Plan approval for the proposal.

   e. Antennas on existing structures like water towers and light poles shall require a Specific Use Permit if ground equipment is proposed. If ground equipment is not proposed, no Specific Use Permit is required.

5. Athletic Stadium/Field or Sports Arena, Private

   Permitted by Specific Use Permit when developed in conjunction with a School, Private or Parochial.

6. Automobile Repair, Major

   a. A Specific Use Permit is required in the Commercial District

   b. The distance requirement from any residential zoning district as established in **Article 2.04.D** shall apply.

   c. Shall not orient bay doors towards the right-of-way or a single family zoning district, unless setback a minimum of 250 feet from the right-of-way or residentially zoned property.

7. Automobile Repair, Minor

   a. A Specific Use Permit is required in the Commercial and Industrial Districts.

   b. The distance requirement from any residential zoning district as established in **Article 2.04.D** shall apply.

   c. Shall not orient bay doors toward right-of-way or a single family district, unless setback a minimum of 250 feet from the right-of-way or residentially zoned property.

8. Automobile Sales/Leasing, New

   a. A Specific Use Permit is required in the Commercial District.

   b. The distance requirement from any residential zoning district as established in **Article 2.04.D** shall apply.

9. Automobile Sales/Leasing, Used

   a. A Specific Use Permit is required in the Commercial District.

   b. The distance requirement from any residential zoning district as established in **Article 2.04.D** shall apply.

   c. Used vehicle sales are only permitted as an accessory use to new vehicle sales. (Used vehicle sales are not allowed in association with car rental agencies.)

10. Body Art Studio

    The studio must be at least 1,000 feet from any other body art studio, residential zoning district, church, public, private, or parochial school, and day care.

11. Bus Terminal

    Permitted by Specific Use Permit in the Commercial and Industrial districts. Bus parking and storage areas will be screened with a six-foot ornamental metal fence, 3-inch caliper evergreen trees on 20-foot centers, and 5-gallon evergreen shrubs on three-foot centers located within a 15-foot landscape edge.

12. Car Wash, Automatic

    a. The distance requirement from any residential zoning district as established in **Article 2.04.D** shall apply. The car wash bay shall be required to be parallel to the street and not perpendicular.

13. Car Wash, Self-Serve

    a. A Specific Use Permit is required in the Commercial District.

    b. The distance requirement from any residential zoning district as established in **Article 2.04.D** shall apply.

14. Child Care Center, Home

    Permitted by right as a home occupation in the designated zoning districts and is subject to the regulations of Home Occupation.

15. Child Care Center, Licensed, Day Care Center, and Similar Facilities

    Notwithstanding anything to the contrary herein, a public independent school district is not required to obtain a SUP for the operation of a Licensed Child Care in a public school. A Licensed Child Care Center not operated by a public independent school district is permitted by SUP in all districts except the Industrial District. All childcare centers shall provide outdoor play space at a rate of 65 square feet per child. This requirement shall be based on the maximum licensed capacity of the facility. The outdoor play space shall have no dimension of less than 30 feet. If the facility provides care to all children for less than four hours per day, this requirement may be waived by the Town Council. Outdoor play space is defined as the area used for outside recreational purposes for children. The outdoor play area must be enclosed by a fence of at least 4 feet in height with at least two emergency exits. One exit may be an entrance to the building. The adequacy of the emergency exits shall be determined by the Fire Chief or their designee.

16. Commercial Drone Delivery Hubs

    These regulations apply to a commercial drone delivery hub use.

    a. Commercial Drone Delivery Hubs:

        i. A commercial drone delivery hub is allowed with a Specific Use Permit in the Commercial and Industrial districts when the requirements of this section are met.

        ii. When a detached accessory building is occupied or intended to be occupied for an accessory commercial drone delivery hub, the floor area is limited to a maximum of 10% of the total floor area of the building containing the primary use.

    b. Drone Staging Areas:

        i. The drone staging area must be designated on an approved Site Plan.

        ii. The drone staging area must not be placed:

            (1) Within any required building setbacks;

            (2) Within any required landscape buffer;

            (3) Within fire lanes, easements, maneuvering aisles, customer pick-up lanes, or required loading zones and parking spaces; or

            (4) So as to obstruct visibility or interfere with pedestrian or vehicle circulation.

        iii. When located at grade, any goods, materials, containers, trailers, or other equipment must be screened according to the requirements for open storage contained in this UDC. Landing pads are exempt from

this screening requirement. The Planning and Zoning Commission may waive these requirements with approval of a Site Plan.

iv. When a drone staging area is located on top of a building:

(1) Any roof-mounted mechanical equipment, excluding landing pads, is subject to the mechanical screening requirements of this UDC; and

(2) Any additional structure, parapet wall, screening, safety railing, or other appurtenance associated with the commercial drone delivery hub is subject to the maximum height requirement of the zoning district, except a single mast up to 10 feet in height for a windsock may exceed the maximum height requirement.

v. Antennas and antenna support structures are subject to the requirements of this UDC.

vi. Proximity to Noise-Sensitive Uses

(1) The drone staging area for a commercial drone delivery hub shall not be located within 300 feet of any property upon which a dwelling, retirement housing facility, or public park is located. The 300-foot buffer requirement may be reduced to 150 feet if the Town Council finds that issuance of the Specific Use Permit would not be detrimental or injurious to the public health, safety, or general welfare of the neighborhood.

(2) The measurement of the required buffer is to be made in a straight horizontal line from the edge of the drone staging area to the closest property line of a property containing a dwelling, retirement housing facility use, or public park.

c. Parking and Loading

i. Parking is not required for an accessory commercial drone delivery hub use.

ii. Loading spaces shall be provided for a commercial drone delivery hub pursuant to the requirements in the UDC for commercial, commercial corridor, and industrial uses. Loading spaces are not required for an accessory commercial drone delivery hub use.

iii. The Planning and Zoning Commission may decrease the amount of required parking for a site by up to 10% to accommodate the drone staging area for a commercial drone delivery hub with approval of a Site Plan. The parking reduction is revoked if the commercial drone delivery hub use is removed.

d. Nothing herein shall prohibit the inclusion of site-specific standards or requirements, including those related to safety.

e. In the event of any conflict between this UDC and any state or federal law or regulation, the state or federal law or regulation shall apply.

17. Community Home

Community Homes are permitted in any residential zoning district but may not be located within one-half mile of an existing Community Home. That distance is to be measured in a straight line. The number of motor vehicles permitted on the site or on a public right-of-way adjacent to the site shall not exceed the number of bedrooms in the home.

18. Convenience Store with Gas Pumps

Convenience Stores with Gas Pumps shall require approval of an SUP and subject to the following development standards:

a. Permitted in the designated districts only within 200 feet of the right-of-way lines of intersecting major thoroughfares. When the Convenience Store with Gas Pumps is associated with a minimum 50,000 square foot grocery store or Big Box, the gas pumps may be a distance greater than 200 feet from the right-of-way lines of intersecting major thoroughfares;

b. Gas pumps are permitted at a maximum of two corners at an intersection of two major thoroughfares;

c. The distance requirement from any residential zoning district as established in **Article 2.04.D** shall apply;

d. Canopies shall have pitched roofs and shall be built of materials compliant with International Building Code standards and which demonstrate durability and resistance to weathering, fading, and corrosion;

e. Canopy support columns shall be made of materials compliant with International Building Code standards and which demonstrate durability and resistance to weathering, fading, and corrosion;

f. Canopy structures shall be at least 14 feet tall and a maximum of 25 feet tall.

g. The canopy band face shall be a color consistent with the main structure or an accent color and may not be backlit; and

h. Use shall be removed if closed for more than six months.

19. Food Pantry

A food pantry shall be subject to the following development standards:

a. All food in storage must meet Town public health regulations.

b. Food must be distributed in its original packaging, except fresh produce may be distributed unpackaged.

c. Hours of operation must be clearly displayed on or near its entrance.

d. It is not allowed for money or services to be required as a condition of receiving food.

e. No food shall be stored on the exterior of the facility.

20. Food Truck Park

Permitted by Specific Use Permit in the referenced districts, subject to the following standards:

a. Mobile food vendors may be located on public property other than public street travel lanes;

b. Mobile food vendors may be located on private property with the written consent of the owner and an application including a Site Plan from the owner that identifies permitted locations;

c. Mobile food vendors shall not operate in driveways or fire lanes;

d. Prior to issuance of a permit, an application shall be submitted to the Development Services Department and contain any information required by staff to evaluate the impacts including but limited to location, parking and accessibility.

21. Funeral Home

On-site cremation services shall require a Specific Use Permit.

22. Gas Pumps

Gas pumps shall be subject to the following development standards:

a. Gas pumps are permitted only within 200 feet of the right-of-way lines of intersecting major thoroughfares. When Gas Pumps are associated with a minimum 50,000 square foot grocery store or Big Box, the gas pumps may be a distance greater than 200 feet from the right-of-way lines of intersecting major thoroughfares;

b. Gas pumps are permitted at a maximum of two corners at an intersection of two major thoroughfares;

c. Canopies shall have pitched roofs and shall be built of materials compliant with International Building Code standards and which demonstrate durability and resistance to weathering, fading, and corrosion;

d. Canopy support columns shall be built of materials compliant with International Building Code standards and which demonstrate durability and resistance to weathering, fading, and corrosion;

e. Canopy structures shall be at least 14 feet tall and a maximum of 25 feet tall;

f. Use shall be removed if closed for more than six months; and

g. The canopy band face shall be of a color consistent with the main structure or an accent color and may not be backlit.

23. Guest House

A guest house shall be subject to the following development standards:

a. The guest house, if detached, shall be located on a lot or tract containing a minimum of 1 acre and shall be permitted in the Agricultural and Single Family Districts as an accessory residential use.

b. To be classified as an attached guest house, the second living quarters shall be integral to primary dwelling and be accessed through conditioned interior corridors. A guest house that is connected to the primary dwelling by a covered or enclosed walkway shall meet all conditions of a detached guest house.

c. The guest house shall be located on the same lot or tract as the existing primary dwelling and shall be constructed only upon issuance of a building permit.

d. If detached, the guest house shall be located behind the primary structure at a point no closer than ten feet from the rear wall line of the primary dwelling.

e. If detached, the guest house shall meet all rear yard and side yard setbacks that are required of the primary dwelling.

f. If detached, the height of the guest house shall not exceed the height of the primary dwelling.

g. If detached, a guest house shall not be approved for occupancy prior to the final/approval for occupancy of the primary dwelling.

h. No more than one guest house per lot or tract shall be permitted.

i. The guest house shall not be rented or leased or offered for rent or lease, independently of the primary dwelling. The guest house shall not be sold separately from the sale of the entire property; it shall be included with the sale of the primary dwelling.

j. Setback requirements shall be the same as for the main structure. The guest house shall not be located within the required setbacks of the primary dwelling.

k. The guest house shall be serviced by the same electric and natural gas utility meters as the primary dwelling.

l. The exterior building materials shall be consistent with the exterior materials of the primary dwelling.

m. The maximum total area of a detached guest house, including garages, covered patios and any enclosed storage areas shall not exceed 50% of the dwelling area of the primary dwelling. However, in no instance, shall the maximum total area of a detached guest house, including garages, covered patios and any enclosed storage areas exceed 2,000 square feet.

n. In no case shall the combined area of the primary dwelling, guest house and/or other accessory buildings exceed the maximum percentage of lot coverage permitted for the zoning district in which the structures are located.

24. Home-Based Business

In accordance with HB2464, 2025, Section 229.902 of the TLGC, a "no-impact home-based business" means:

a. Has at any time on the property where the business is operated a total number of employees and clients or patrons of the business that does not exceed the municipal occupancy limit for the property;

b. Does not generate on-street parking or a substantial increase in traffic through the area;

c. Operates in a manner in which none of its activities are visible from a street; and

d. Does not substantially increase noise in the area or violate a municipal noise ordinance, regulation, or rule.;

e. The governing body of a municipality may not adopt or enforce an ordinance, regulation, or other measures that:

   i. Prohibits the operation of a no-impact home-based business;

   ii. Requires a person that operates a no-impact home-based business or that owns the property where the business is operated to obtain a license, permit, or other approval to operate the business; or

   iii. Requires a person that operates a home-based business or that owns the property where the business is operated to:

      (a) Rezone the property for a non-residential use; or

      (b) Install a fire sprinkler protection system if the residence where the business is operated consists only of:

         (i) A single family detached residential structure; or

         (ii) A multifamily residential structure with not more than two residential units.

f. The home-based business shall be clearly incidental and secondary to the use of the premises for residential purposes.

g. The governing body of a municipality may:

   i. Require that a home-based business be:

      (a) In compliance with federal, state, and local law, including:

         (i) A municipal fire and building code; and

         (ii) A municipal regulation related to:

         (A) Health and sanitation;

         (B) Transportation or traffic control;

         (C) Solid or hazardous waste; or

         (D) Pollution and noise control;

      (b) Compatible with the residential use of the property where the business is located; and

      (c) Secondary to the use of the property as a residential dwelling; and

   ii. Limit or prohibit the operation of a home-based business that:

      (a) Sells alcohol or illegal drugs;

      (b) Is a structured sober living home; or

      (c) Is a sexually oriented business as defined by Section 243.002.

In addition to the regulations of HB2464, 2025, Section 229.902, the following guidelines below are required of "no impact home-based occupations."

h. No storage of hazardous materials for business purposes shall be allowed on the premises.

i. Not more than two patron-or business-related vehicles shall be present at any one time, and the proprietor shall provide adequate off-street parking for such vehicles. A business-related vehicle is one with a sign relating to the home-based business displayed on the exterior of the vehicle.

j. No traffic shall be generated by a home-based business in greater volumes than normally expected in a residential neighborhood, and any need for parking must be accommodated within the off- street parking provided for the residence (i.e. the driveway or garage) and along the street frontage of the lot.

k. Outdoor activities are not allowed, unless the activities are screened from neighboring property and public rights-of-way.

l. Uses permitted as home-based business, with no impact, shall include the following:

i. Office of an accountant, architect, attorney, engineer, realtor, minister, rabbi, clergyman, or similar profession;

ii. Office of a salesman or manufacturer's representative, provided that no retail or wholesale transactions or provision of services may be personally and physically made on premises;

iii. Author, artist, sculptor;

iv. Dressmaker, seamstress, tailor, milliner;

v. Music/dance teacher, tutoring, or similar instruction, provided that no more than three pupils may be present at any one time;

vi. Swimming lessons or water safety instruction provided that a maximum of six (6) pupils may be present at any one time;

vii. Home crafts, such as weaving, model making.

viii. Child Care: Licensed Child Care Home and Registered Child Care Home. Homes with seven or more children shall meet the Town's building and/or fire codes;

ix. Community home and other residential care facility that qualifies as a community home under the Community Homes for Disabled Persons Location Act, Article 123 of the Texas Human Resources Code and as amended, provided such facilities meet the requirements set out within this UDC;

x. Internet based businesses; and

xi. Food Production Operations that produce non-potentially hazardous food. Examples of non-potentially hazardous foods include; bread, rolls, biscuits, sweet breads, muffins, cakes, pastries, cookies, fruit pies, jams, jellies, dried fruit and vegetables, pickles, and dry herbs.

m. Uses prohibited as home-based business, with no impact shall include, but are not limited to the following:

i. Animal hospital, commercial stable, kennel;

ii. Hair or Nail Salon/Barbershop;

iii. Boarding house or rooming house;

iv. Schooling or instruction with more than five pupils;

v. Restaurant or the sale of on-premise food/beverage consumption of any kind;

vi. Automobile, boat, or trailer repair, small engine or motorcycle repair, large appliance repair, repair of any items with internal combustion engines, or other repairs shops;

vii. Cabinetry, metal work, or welding shop;

viii. Office for doctor, dentist, veterinarian, or other medical-related profession for the purpose of providing care to patients;

ix. On-premise retail or wholesale sale of any kind, except cottage food items produced entirely on premises;

x. Commercial clothing laundering or cleaning;

xi. Mortuary or funeral home;

xii. Trailer, vehicle, tool, or equipment rental;

xiii. Antique, gift, or specialty shop;

xiv. Office or storage facility for a vehicle fleet operation; and

xv. Any use defined by the building code as assembly, factory/industrial, hazardous, institutional, or mercantile occupancy.

n. Determination of a Home-Based Business Use not specifically listed. The Director of Development Services, or their designee, shall determine whether a proposed use not specifically listed is appropriate as a home-based business. The Director shall evaluate the proposed home-based business in terms of its impact on neighboring property, its similarity to other allowed and prohibited uses, and its conformance with the regulations herein.

o. Appeal of the Director's Home-Based Business Determination

If the applicant disagrees with the determination of the Director of Development Services, the applicant may appeal to the Planning and Zoning Commission.

p. Any home-based business that was legally in existence as of the effective date of this UDC and that is not in full conformity with these provisions shall be deemed a legal nonconforming use.

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

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.

26. Hotel, Limited Service

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

a. A Specific Use Permit is required.

b. Access to guest rooms shall be restricted to exclusively to interior corridors.

c. External balconies and walkways shall be set back 200 feet from any residential zoning district.

d. Shall provide management staff on-site 24 hours a day.

e. 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. Conference Room (1,000 square foot minimum)

f. Shall provide daily housekeeping.

g. The guest rooms shall not contain any cooking facility that includes a conventional oven, convection oven, stove top burner, grill, hibachi or hotplate.

27. Hotel, Residence/Extended Stay

Residence/Extended Stay Hotel developments shall be subject to the following development standards:

a. A Specific Use Permit is required.

b. External balconies and walkways shall be set back 200 feet from any residential zoning district.

c. Shall provide laundry facilities on-site for guest use.

d. Access to guest rooms shall be restricted exclusively to interior corridors.

e. Shall provide management staff on-site 24 hours a day.

f. Shall provide at least five 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. Conference Room (1,000 square foot minimum)

g. Shall be set back a minimum of 100 feet from any residential district.

h. Shall maintain 15% of the lot area as outdoor open space, exclusive of required setbacks and parking areas, but including amenities from the above list except for the indoor pool and conference room(s) shall not count toward meeting the open space requirement. The minimum 15% open space may be reduced by the Town Council upon approval of a Specific Use Permit providing evidence of other amenities meeting the intent of the open space requirement.

i. Shall provide daily housekeeping.

j. Any guest room indoor cooking facility shall not include a grill, hibachi or hotplate.

k. Shall provide a restaurant offering a minimum of one meal per day.

l. Shall be permitted only with frontage along US 380, Preston Road, or the Dallas Parkway.

28. Mobile Food Vendor

Mobile food vendors are subject to the following regulations:

a. Mobile food vendors are permitted by a Specific Use Permit in the Commercial zoning district;

b. Mobile food vendors shall be located on private property where an existing, permanent business operates in a building with a Certificate of Occupancy;

c. Mobile food vendors shall provide the Town with a copy of written permission from the property owner on an annual basis to allow the operation of a mobile vendor and to allow the mobile vendor and their customers access to a commercially plumbed public restroom on-site;

d. A mobile food vendor shall submit a Site Plan depicting the location of the mobile food vendor on the property, shall secure a health permit from the Town, and a permit from Building Inspections prior to the operation of such use;

e. Temporary connections to potable water are prohibited. Water shall be from an internal tank, and electricity shall be from a generator or an electrical outlet via a portable cord that is in conformance with the Electrical Code as adopted by the Town, including amendments thereto;

f. Mobile food vendors shall be located within 50 feet of an entrance of a primary building that holds the Certificate of Occupancy;

g. Mobile food vendors shall be setback a minimum of 100 feet from major thoroughfares, as designated on the Town's Thoroughfare Plan, as it exists or may be amended;

h. Mobile food vendors may operate only during the business hours of the primary business on the property;

i. The operator shall possess a Town tax certificate shown as paid;

j. A drive through is not permitted in conjunction with the mobile food vendor;

k. Mobile food vendors shall not operate in required parking spaces, driveways, fire lanes or public roads;

l. Sales of food from a stationary vehicle excludes catering trucks; and

m. Mobile food vendors are prohibited in a temporary building.

29. Motorcycle Sales/Service

a. A Specific Use Permit is required in the Commercial District.

b. The distance requirement from any residential zoning district as established in **Article 2.04.D** shall apply.

30. Nursery, Major

Permitted by Specific Use Permit in an Agricultural zoning district if designated as nonresidential on the Future Land Use Plan.

31. Outdoor Merchandise Display, Temporary

a. The outdoor display of merchandise shall be associated with the merchandise offered for sale on the same premise.

b. The outdoor display of merchandise shall not exceed 72 consecutive hours with a minimum of 28 days between each occurrence.

c. The outdoor display of merchandise shall not block or impede required accessibility.

32. Pet Day Care

Permitted by right subject to the following standards:

a. Hours of operation are limited to 6:00 a.m. to 8:00 p.m.

b. A Pet Day Care must be located a minimum of 100 feet from restaurants and food preparation establishments (property line to property line).

c. Overnight boarding of animals and outdoor kennels are prohibited.

d. Provisions must be made for the sanitary disposal of all animal waste in accordance with the Animal Control ordinance and Building Codes, as they exist or may be amended.

33. Private Club

Private Clubs shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended, and any applicable local option elections.

a. A Private Club is permitted only by Specific Use Permit in the Commercial zoning district. A Private Club is also permitted by a Specific Use Permit as an accessory use in any zoning district only when in conjunction with the operation of a golf course.

b. The regulations herein applicable to a public school shall also apply to a day-care center or a child-care center as provided in § 1.109.331, Texas Alcoholic Beverage Code, as amended.

c. A Private Club shall not be located within:

i. Eight hundred feet from a church, public hospital, public school, private school, and/or residential zoning district. For this purpose, residential zoning districts shall include, but are not limited to, properties that are zoned Single Family, Townhome, Multifamily, and residential Planned Development Districts;

ii. 1,000 feet from a public school if the Town Council receives a request for this additional spacing requirement from the school district, and the Town Council adopts such additional spacing requirements by resolution; or

iii. 1,000 feet from a private school if the Town Council receives a request for this additional spacing requirement from the board of the private school, and the Town Council adopts the additional spacing requirements by resolution.

d. Measurement for the distance between a Private Club and the uses listed above or the nearest residential zoning district shall be in a direct line from the Property Line of the applicable use listed above or the nearest residential zoning district to the Property Line of the Private Club, and in a direct line across intersections.

e. There shall be no variances considered with regard to the regulations set forth herein however, a variance from the distances referenced herein may be approved by the Town Council for any property annexed by the Town after May 13, 2006, and upon which a restaurant is, or is proposed to be, located. In considering a distance variance, the following shall apply:

i. An application shall be submitted to the Town on a form provided by the Department of Development Services.

ii. The application shall contain all required information on the form.

iii. The Director of Development Services or their designee shall set a date for consideration of the application by the Town Council at a public hearing.

iv. No less than ten days before the date of consideration by the Town Council, the Director of Development Services or their designee shall provide notice to each owner, as indicated by the most recently approved municipal tax roll, of property within 200 feet of the property on which the distance variance is proposed. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail.

v. In considering the application for a variance to any distance requirement, the Town Council shall consider if the distance requirement in the particular instance:

(a) Is not in the best interest of the public;

(b) Constitutes waste or inefficient use of land or other resources;

(c) Creates an undue hardship on an applicant for a private club permit;

(d) Does not serve its intended purpose;

(e) Is not effective or necessary; or

(f) For any other reason that the town council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

vi. The Town Council may impose reasonable conditions on the granting of a distance variance.

vii. A variance granted pursuant to this section is valid for any subsequent renewals for the state-issued alcohol permit. A distance variance granted pursuant to this section may not be transferred to another location.

34. Private Street Development

Private Street Developments are subject to provisions of the Thoroughfare and Circulation Design Requirements ordinance, as it exists or may be amended. Private Street Developments are permitted by Specific Use Permit in the referenced districts. Private Street Developments that exist as of the adoption of the Thoroughfare and Circulation Design Requirements ordinance (May 10, 2005), and properties that are zoned by a planned development that permits Private Street Developments are excluded from the requirement for a Specific Use Permit. In considering a request for a Specific Use Permit for a Private Street Development, the Town Council shall use any of the following criteria:

a. New Development

i. Non-disruption of planned public roadways or facilities/projects (thoroughfares, parks, park trails, public pedestrian pathways);

ii. Non-disruption to and from properties of future developments either on-site or off-site to the proposed subdivision;

iii. No negative effect on traffic circulation on public streets;

iv. No impairment of access to and from public facilities including schools or parks;

v. Adequate and timely provision of essential municipal services (emergency services, water/ sewer improvements or maintenance);

vi. Existence of natural and/or man-made boundaries around the development (creeks, floodplain, golf courses, parks); and/or

vii. Absence of a concentration of Private Street Developments in the vicinity of the requested Private Street Development.

viii. And any other criteria deemed appropriate by the Town Council.

b. Conversion of Existing Subdivision to Private Streets

i. Criteria would include all the issues and procedures involved with new developments;

ii. Petition signed by 100% of the owners in the existing subdivision requesting approval to convert to private streets;

iii. Formation of a property owners' association, if none exists, that would be responsible for owning and maintaining the converted streets and rights-of-way;

iv. Replatting of existing subdivision to reflect changes; and/or

v. Applicant agreeing to contract with the Town for purchase of the converted infrastructure and rights-of-way from the Town.

35. Recreational Vehicle Sales and Service, New/Used

a. A Specific Use Permit is required in the Commercial District.

b. The distance requirement from any residential zoning district as established in **Article 2.04.D** shall apply.

36. Rehabilitation Care Facility

    Shall maintain a minimum separation of 1,500 feet measured linearly from property line to property line from any other Rehabilitation Care Facility.

37. Residential Garage Loft

    A residential garage loft shall be subject to the following development standards:

    a. The residential garage loft shall be located on the same lot or tract as the primary dwelling unit.

    b. The residential garage loft shall be located above the garage, and the total area of the unit shall not exceed 800 square feet.

    c. The height of the residential garage loft shall not exceed the height of the primary dwelling.

    d. No more than one residential garage loft per lot or tract shall be permitted.

    e. The residential garage loft shall not be rented or leased or offered for rent or lease, independently of the primary dwelling.

    f. The residential garage loft shall not be sold separately from the sale of the entire property, including the primary dwelling.

    g. The residential garage loft shall be serviced by the same electric and natural gas utility meters as the primary dwelling.

    h. The exterior building materials shall be consistent with the exterior materials of the primary dwelling.

38. Research and Development Center

    Any Research and Development Center that includes animal or biological testing will be permitted by Specific Use Permit in the designated districts; otherwise, they are permitted by right.

39. Restaurant

    a. A Restaurant is permitted by right in the Office and Commercial Zoning Districts subject to the following conditions.

    b. Restaurants with a drive-through are only permitted in the Commercial Zoning District upon approval of a Specific Use Permit. There shall not be two or more restaurant buildings with drive-throughs built directly adjacent to each other. Drive-through requirements for restaurants in multi-tenant buildings shall apply to the entire lot.

    c. Restaurants are only permitted in the Office Zoning District, if the subject property is located along a roadway classified as a major or minor thoroughfare as defined by the Thoroughfare Plan.

    d. The distance requirement from any residential zoning district as established in **Article 2.04.D** applies to restaurants with a drive-through.

    e. Restaurants that sell Alcoholic Beverages for on-premises consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended, and any applicable local option elections.

    f. A Restaurant that sells Alcoholic Beverages for on-premises consumption shall not be located within the following:

        i. 300 feet from a church, public hospital, public school and/or private school. However, Alcoholic Beverage Sales may be located within 300 feet of a private school if the holder of a license or permit holds a food and beverage certificate covering a premises that is located within 300 feet of a private school; or

        ii. 1,000 feet from a private school if the Town Council receives a request for this additional spacing requirement from the board of the private school, and the Town Council adopts such additional spacing requirements by resolution. Measurement for the distance between a Restaurant or Cafeteria where Alcoholic Beverages for on-premises consumption are sold and a church or public hospital shall

be along the property lines of the street fronts, from front door to front door, and in a direct line across intersections.

g. Measurement for the distance between a Restaurant where Alcoholic Beverages for on-premises consumption are sold and a public and/or private school shall be:

i. In a direct line from the Property Line of the public and/or private school to the Property Line of the place of business, and in a direct line across intersections; or

ii. If the Restaurant that sells Alcoholic Beverages for on-premises consumption is located on or above the fifth story of a multistory building, in a direct line from the Property Line of the public and/or private school to the Property Line of the place of business, in a direct line across intersections, and vertically up the building at the Property Line to the base of the floor on which the Restaurant or Cafeteria is located.

h. If a Restaurant receives 75% or more of its gross revenue on a quarterly basis from the sale or service of Alcoholic Beverages for on-premises consumption, the use will no longer qualify as a Restaurant and will be classified and regulated by the Town as an Alcoholic Beverage Establishment under the UDC.

i. There shall be no variances considered with regard to the regulations set forth herein.

40. School District Bus Yard

A School District Bus Yard shall be owned and/or operated by a public Independent School District. Unless otherwise approved by the Planning and Zoning Commission, School District Bus Yards shall be screened using one of the following methods:

Option 1:	
a)	A 6-foot ornamental metal fence;
b)	3-inch caliper evergreen trees on 20-foot centers; and
c)	5-gallon evergreen shrubs on three-foot centers.
Option 2:	
a)	A 6-foot clay-fired brick wall; and
b)	3-inch caliper evergreen trees on 20-foot centers.

41. Single Family Dwelling, Detached

Single family dwellings detached may be developed in the referenced districts using the minimum development standards for the SF residential districts. The district standards selected shall be indicated on the Preliminary and Final Plats for the property to be developed as single family dwellings, detached.

42. Temporary Building

a. Temporary buildings are permitted by right for public schools (kindergarten through twelfth grade only) and government agencies.

b. Temporary buildings for private enterprises and houses of worship are permitted by Specific Use Permit.

c. A permit to erect a temporary building for a house of worship may be issued for an initial period of three years.

d. The application for temporary building(s) shall be submitted to the Development Services Department in the form of a Preliminary Site Plan or Site Plan application with the accompanying material and exhibits:

i. Written report documenting the following:

(a) Capacity of the permanent building(s), which is located or planned to be located on the same property for which the temporary building permit is being sought, compared to the

enrollment, employment, and/or number of people attending the permanent building(s) at one time;

(b) Total enrollment, employment, and/or membership size;

(c) Documentation of growth records depicting the number of people in the congregation, school and/or office;

(d) Whether the facility is a start-up or new facility;

(e) Indication of alternative options that were explored before a temporary building application was considered;

(f) Acts of nature; and/or

(g) Any other evidence which is reasonably related to the immediate need for additional space;

ii. A Preliminary Site Plan or Site Plan depicting the following:

(a) A permanent solution to the immediate need for a new temporary building(s) showing the permanent building(s),

(b) The temporary building(s), and

(c) The required parking.

iii. Where an approved Preliminary Site Plan or Site Plan is in effect on the property, the applicant may note the location of the proposed temporary building(s) on the approved plan in lieu of submitting a new plan.

e. The temporary building(s) shall be removed within 30 days of the date:

i. A Certificate of Occupancy is issued for the permanent building; or

ii. The permit for the temporary building expires, whichever occurs first.

f. After the initial three-year period, a request for a one-year extension of the temporary building permit for a house of worship may be granted by the Planning and Zoning Commission provided the applicant:

i. Has an approved and valid preliminary Site Plan or Site Plan for the permanent building(s).

ii. Has a specific plan of how an additional year would allow the applicant to construct the permanent building(s) by providing:

(a) Evidence of numeric growth, beyond that which was specifically anticipated by the applicant;

(b) Membership, enrollment, and/or employment growth records;

(c) Evidence that alternative options were explored before an extension of the temporary building permit was requested; and

(d) Any other criteria reasonably deemed appropriate by the Planning and Zoning Commission.

43. Truck/Bus Repair

The distance requirement from any residential zoning district as established in **Article 2.04.D** shall apply.

44. Truck Sales, Heavy Trucks

a. A Specific Use Permit is required in the Commercial District.

b. The distance requirement from any residential zoning district as established in **Article 2.04.D** shall apply.

45. Truck Terminal/Truck Stop

The distance requirement from any residential zoning district as established in **Article 2.04.D** shall apply.

46. Veterinary Clinic and/or Kennel, Indoor or Outdoor

    Permitted by right where shown in the tables above but shall not be permitted adjacent to any single family parcel. All Veterinary Clinics and/or Kennels shall provide the following:

    a. A play area of at least 70 feet by 70 feet or an area equivalent to 4,900 square feet with shade and water; and

    b. An opaque fence at least five (5) feet in height around all outdoor areas.

47. Winery

    A winery is permitted by right in the Agricultural District only when located on the same lot as a vineyard. The vineyard shall occupy a minimum of 80% of the lot, and the winery may not exceed 20% of the lot.

48. Wireless Communications and Support Structures

    Permitted by Specific Use Permit in the referenced districts subject to the following standards:

    a. The distance of a wireless communications support structure from an adjacent property line shall be determined by the Specific Use Permit. All new wireless communications support structures must be a minimum of 1,000 feet from an existing single family residential lot line.

    b. Wireless communications support structures shall not be permitted along any street frontage within a residential subdivision or subdivision entrance area.

    c. The height of the support structure shall be determined by the Specific Use Permit.

    d. Additional antennas may be placed on a wireless communications support structure with an existing Specific Use Permit without approval of a separate Specific Use Permit subject to approval of a Site Plan as necessary for the property.

    e. Antennas on existing structures like water towers and light poles shall require a Specific Use Permit if ground equipment is proposed. If ground equipment is not proposed, no Specific Use Permit is required.

    f. Screening of the ground-mounted equipment shall be determined by the Specific Use Permit.

    g. Temporary Wireless Communications and Support Structures shall be subject to the above- noted conditions; however, wireless communications and support structures and related equipment used on a temporary basis in conjunction with a special event, emergency situation, or equipment failure are not required to obtain a Specific Use Permit nor subject to the above- noted requirements but shall be required to obtain any and all permits as required by the Town. In no event shall any temporary wireless communications and support structures related to a special event, emergency situation, or equipment failure be maintained for more than 60 days except with the express written approval of the Director of Development Services or designee, for any extension of time.

2.08. Landscaping

A. Purpose

1. The purpose of this section is to provide for the orderly and aesthetic development of the Town and to promote the health, safety, and general welfare of the community. It is the intent of this section to achieve the following:

   a. A balance between the need for landscape treatments and the need for commercial growth in the Town;

   b. Promote a flexible attitude of enforcement sufficient to meet the spirit and intent of these requirements;

   c. To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, ground-water recharge, storm water runoff retardation and erosion control;

   d. Provide for the separation and buffering of incongruous uses and intensity of activities; and provide for the visual softening of building masses;

   e. Reduce glare from paved surfaces, dust nuisances and the impact of noise;

   f. Protect and promote the value of residential and commercial properties within the Town;

   g. Promote a positive image for the attraction of new business enterprises within the Town; and

   h. Encourage the protection of healthy trees and vegetation and promote the natural ecological environmental and aesthetic qualities of the Town.

   Therefore, landscaping is required of new developments and altered or repaired construction on all developments. Construction of the developments shall conform to the standards in this section (the "Landscape Standards").

B. Scope

The standards and criteria contained in this section are the minimum standards for all new development and existing developments that are expanding or redeveloping 30% or more of that development. For the purposes of this section, expanding or redeveloping shall be based on an increase of the overall building area. All construction in these developments shall conform to this section. In addition, any use requiring a Specific Use Permit or any property having a Planned Development (PD) zoning designation must comply with these landscape standards or the standards set forth in the SUP or PD zoning designation, whichever is more restrictive. The provisions of this section shall be administered and enforced by the Director of Development Services, or their designee. For new construction, landscape standards shall be shown on a landscape plan as required in this section.

1. Permits

   No permits will be issued for building, paving, utilities or construction until a landscape plan is submitted and approved by the Town. A Certificate of Occupancy will not be issued until the landscape plan approved by the Town has been installed in accordance with that plan and approved by the Town.

   If a Certificate of Occupancy is sought during a season of the year in which the Town determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, the developer/owner will deposit with the Town a sum of money equal to the cost of installing all or the remaining portion of the approved landscape plan. In lieu of paying cash, the developer/owner may provide financial assurance of payment of the cost of installing the Landscape Plan acceptable to the Town, which will remain in effect until the landscape plan is installed and accepted by the Town. The landscape plan will be installed within six months of final acceptance of the development by the Town or issuance of the first Certificate of Occupancy within the development. Failure to do so will be a violation of this UDC and subject to the penalties contained herein.

2. Enforcement

   If at any time after the issuance of a Certificate of Occupancy, the landscaping that was installed does not conform to the Landscape Plan or the landscape standards, the Town will issue notice to the property owner,

tenant and/or agent, citing the violation and describing the action required to comply with this section. The owner, tenant, or agent shall have 30 days from date of said notice to comply with the approved landscape plan. If the landscaping is not installed within the allotted time, the property owner, tenant, and agent shall be in violation of this UDC. In addition to any other remedy available to the Town, the Certificate of Occupancy for that property may be revoked.

C. Landscape Plan

1. A landscape plan shall be submitted in conjunction with a Site Plan and/or Final Plat for all developments. A landscape plan is not required for individual single family lots. With the exception of properties consisting of less than two acres, the landscape plans shall be prepared by a landscape architect licensed in the State of Texas and shall contain the information outlined in the development manual.

D. Maintenance

1. The owner, tenant, and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping required by this UDC. All plant material shall be perpetually maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials that die shall be replaced by property owner, tenant, or agent with plant material of a similar variety, within 30 days of notification by the Town or a date approved by the Town.
2. All trees located on Town property shall be cared for by the Town unless that responsibility is transferred to another entity through a Town Council-approved agreement. Trees on private property are not maintained by the Town Parks Department unless a Town Council-approved agreement to that effect is established. The Director of the Parks and Recreation Department shall ensure that the Town or its contractor monitors and cares for trees in a way that promotes a healthy and growing urban forest, is performed according to ANSI A300, "Standards for Tree Care Operations," and tree care best management practices published by the International Society of Arboriculture. It shall be unlawful to remove, prune, damage, or otherwise harm trees on Town property without permission from the Director of the Parks and Recreation Department. The Parks and Recreation Department shall be responsible for developing and updating an annual work plan. This work plan shall document what maintenance activities are being performed and scheduled each year. The Parks and Recreation Board may appoint an advisory committee to focus on issues and initiatives that pertain to any urban forest that is located on public lands.

E. General Standards

The following criteria and standards shall apply to landscape materials and installation:

1. All required landscaped open areas shall be completely covered with living plant material. Mulch and other materials can be used around required shrub, tree plantings, parking islands, or where vehicles may overhang. Supplemental plantings or design elements that are beyond requirements can be submitted for Town review and approval at any time. Landscape plans must meet the minimum requirements of this section prior to approval by the Town.
2. Developments will construct trails in accordance to the Town's adopted Hike & Bike Trails Master Plan, and landscaping shall be designed to accommodate and compliment the trail.
3. Plant materials shall conform to the standards of the approved plant lists in this section, and substitutions of plant material may be approved by the Town. The quantity of plant material required by this section must equal or exceed the minimum number of plants required. Unless otherwise noted on the approved landscape plan, required plant material can be placed in groupings or utilized in appropriate planting designs that are proposed by the applicant and approved by the Town.
4. Trees shall have an average spread of crown of greater than 15 feet at maturity. Trees having a lesser average mature crown of 15 feet may be substituted by grouping the same so as to create the equivalent of 15 feet crown of spread. Unless otherwise specified herein, trees shall be of a minimum of 3 inches in caliper as measured 12 inches above natural soil level and 7 feet in height at time of planting.

5. Shrubs other than dwarf variety shall be a minimum of two feet in height when measured immediately after planting. A screening hedge, where required, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen that will be 3 feet in height within one year after planting. Any parking area abutting the landscape perimeter will be screened from the adjacent street as approved by the Town. Parking areas that are beyond 60 feet from the property line do not require screening unless adjacent to a residential zoning district or a residential development.
6. Ground covers used in lieu of grass must provide complete coverage within one year of planting. Ground cover planting must provide and maintain adequate coverage as approved by the Town.
7. Earthen berms shall not exceed a 3:1 slope (3 feet of horizontal distance for each 1 foot of height). All berms will contain adequate drainage and preventive erosion measures as may be required by the Town. Berms shall not include construction debris. Slippage or damage to the smooth finish grade of the berm must be corrected prior to acceptance by Town.
8. Trees which have a mature trunk size greater than 2 feet caliper at 12 inches above the ground level must be planted 4 feet or greater from curbs. Such large trees shall be placed a minimum of 4 feet from sidewalks, utility lines, screening walls and/or other structures. Ornamental trees can be placed closer than four feet with approval from the Town. Any reduction in spacing requires a root barrier approved by the Town. Utility installation that includes common trench and conduit banks is exempt from the large tree planting distance requirements. The Town has final approval for all tree placements. The landscape plan will show the size and location of duct banks.
9. Evergreen trees such as conifers intended for screening will have a minimum height of 6 feet at the time of planting. Evergreen shrubs intended for required screening shall be a minimum of 7 gallons and be capable of attaining 6 feet in height in two growing seasons.
10. A Tree Permit, in accordance with **Article 2.09.D**, and/or grading permit is required for all clear-cutting and/or mass removal of under-story or wooded areas.
11. All driveways will maintain visibility as approved by the Town. Landscaping shall not impede visibility affecting the health, safety, and welfare of the public.
12. All plantings intended for erosion control will be maintained by the landowner, applicant, or tenant. The Town may require re-vegetation to prevent erosion or slippage.
13. If any required plantings cannot be properly located due to easements or other encumbrances, such plantings may be located elsewhere on site upon approval of the Town.
14. Small trees may be substituted for large trees at the rate of three small trees for each one large tree (3:1) with approval of the Town. Unless otherwise specified herein, small trees will have a minimum size of 3-inch caliper.
15. New or proposed plant materials will be measured and sized according to the American Standard for Nursery Stock standards at the time of planting.
16. Other plant materials in excess of the quantities required in this UDC may be smaller than the required material. All shrubs intended for public, nonresidential, or multifamily developments should be at least 2 gallons or larger.
17. Where landscaping islands are required in parking areas; light poles, grease traps, ground equipment, and other utility-related installations shall not be located within the required islands. Space in excess of that required by these standards and for the health of the landscaping may be provided attached to the side of the landscape island.
18. Alternate designs may be considered by the Town to conform to the intent of this UDC. Any alternative design requires Town approval. The alternate method of utilizing large quantities of small material may include, but are not limited to:
    a. One 5-gallon shrub = Two 3-gallon or four 2-gallon shrubs
    b. One 3-inch caliper large tree = Three 3-inch caliper ornamental trees
    c. All substitutions are subject to Town approval and must be specified on the approved landscape plan.

19. The right-of-way adjacent to required landscape areas shall be maintained by the adjacent property owner in the same manner as the required landscape area.

20. Existing trees on a property that are preserved may be used to meet the requirements of this section of the UDC upon approval by the Town.

    a. Existing trees approved by the Town for credit are to remain in a living and growing condition. Any existing tree for which credit was given that dies shall be replaced on the same basis as set forth in this section.

    b. Large groups of small or under-story trees are eligible for tree preservation credits with approval from the Town. Credits shall be indicated on the landscape plan.

    c. Credit will be revoked where trees intended for preservation credits are damaged due to, among other things, construction, broken branches, soil compaction or soil cut/fill.

F. Landscape Area Requirements

1. Single Family and Townhome Landscape Area and Open Space Requirements

    a. Trees from the large tree list in **Article 2.09.G** below shall be planted on all single family detached and townhome lots. A minimum of 10% of the total gross lot area must be dedicated to open space. Trees shall be planted to meet the total number of caliper inches referenced in the table below. Required trees shall not be smaller than 3-caliper inches. A minimum of one 4-caliper inch tree(s) shall be located in the front yard of all residential lots less than 7,000 square feet in size. A minimum of two 4-caliper inch trees shall be located in the front yard of all residential lots 7,000 square feet in size and larger. The remaining required large trees may be placed in the front or rear of the residential lot. The total caliper inches of large trees and number of shrubs are required as shown in the table below.

Size of Lot (sq. ft.)	Caliper Inches	Number of Shrubs
2,500—6,999	4	12
7,000—8,999	8	15
9,000—19,999	11	20
20,000+	14	25

    b. A minimum of one tree from the large tree list in **Article 2.09.G** below shall be planted in the side yard area adjacent to the street on a corner lot. When more than two trees are required per lot, the corner lot and side yard tree may count toward the requirement. Street trees (trees located in the parkway area between the curb and the sidewalk) adjacent to the side yard of a corner lot may count toward the requirement.

    c. Ground cover shall be planted in the front, side, and rear yards of all residential lots. Ground cover includes, but is not limited to grasses, shrubs, mulched planter beds, and hardscape.

    d. Required shrubs shall be a minimum of 3 gallons in size when planted and shall be planted in the front yard of all residential lots.

    e. All landscaping required above shall be planted prior to issuance of the Certificate of Occupancy on the dwelling.

    f. Single Family Open Space Requirements

    Each single family subdivision parcel shall provide usable open space totaling 10% of the area being developed.

g. Townhome Open Space Requirements

Each parcel of land developed under the TH standards shall provide usable open space totaling 20% of the area being developed. The open space shall be computed on the percentage of total platted area in the subdivision, excluding right-of-way dedicated major thoroughfares. This open space shall be owned and maintained by a Homeowners' Association. Areas provided as usable open space shall meet the following criteria:

i. All residential lots must be located within 1,400 feet of a usable open space area as measured along a street. To preserve existing trees or if a property has unique topography, size, or configuration, this distance may be increased by the Planning and Zoning Commission with approval of the plat.

ii. All open space areas shall be a minimum of 20,000 square feet with no slope greater than 10% and no width less than 50 feet. The Planning and Zoning Commission may give full or partial credit with approval of the plat for open areas that exceed the maximum slope or that are otherwise unusable, if it is determined that such areas are environmentally or aesthetically significant.

iii. Open space areas must be easily viewed from adjacent streets and homes. Open space areas must abut a street a minimum of 40% of the perimeter of the open space. However, the perimeter street requirement may be reduced to 30% with Planning and Zoning Commission approval of the Preliminary Plat when:

(a) Preserving existing trees;

(b) Preserving natural geographic features; or

(c) Physical constraints such as overall property size, configuration, or topography exist.

iv. Landscaping, sidewalks, and amenities such as tennis courts and swimming or wading pools may be located within usable open space areas. Detention ponds that contain a constant water level, landscaped, or otherwise treated as an amenity for the development, as determined by the Director of Development Services or their designee, may be calculated toward the required open space.

v. Open space shall contain one minimum 3-inch caliper large tree for every 1,000 square feet of required open space. The trees shall be maintained in a healthy and growing condition and must be replaced with trees of similar variety and size if damaged, destroyed, or removed. A landscape plan must be approved prior to the approval of the Final Plat.

2. Multifamily Landscape Area Requirements

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

a. General Requirements

i. Landscaped areas will be of varying depths intended to separate and screen incompatible land uses from one another and to provide green areas along major thoroughfares.

ii. Foundation plantings of a single row of shrubs are required along the front façade of all buildings adjacent to a public street.

iii. Trees required by the open space planting requirements are encouraged to be placed along the south and west sides of the residential building(s) to increase energy efficiency.

iv. A summary of tabulations for all required plantings, preservation credits, tree mitigation, and/or other data as necessary to document the landscape requirements shall be shown on the landscape plan.

b. Perimeter Requirements

i. A landscaped area at least 25 feet wide shall be located between multifamily developments and public street(s) unless otherwise stated in another ordinance. One large tree, 3-inch caliper minimum, will be planted on 30-foot centers within the required landscaped area (or quantity for size substitution can be approved by the Town). All landscaping shown on the approved landscape plan will be installed in

the vicinity of the building and its adjoining parking prior to the issuance of a Certificate of Occupancy for units in said building. Required landscape areas adjacent to public streets shall be exclusive of easements or other restrictions which could inhibit planting, growth, or permanence of landscaping.

ii. Where multifamily development is adjacent to the property line of single family zoned property or areas shown as single family on the future land use plan, a double row of 3-inch caliper trees on 50-foot offset centers shall be located adjacent to single family zoning districts with one row being shade trees and the other row being evergreen trees in a 25-foot-wide landscape perimeter area, unless otherwise approved by the Director of Development Services or their designee.

iii. Where a multifamily development is adjacent to the property line of property zoned for uses other than single family or parcels not shown as single family on the future land use plan, a 15-foot-wide landscape area is required. In addition, one large tree of 3-inch caliper minimum, will be required for each 50 linear feet that abuts the adjacent property line. Trees will be located within the 15-foot perimeter area or within the area located between the property line and the side or rear building line. Trees required under this section that are planted in parking areas may not be credited towards meeting the number of required trees as outlined in the interior parking requirements listed below.

iv. Berms ranging in height from 3 feet to 6 feet, and an overall minimum average of 4.5 feet, shall be required along US 380, Frontier Parkway/FM 1461/Parvin Road, Custer Road/FM 2478, Preston Road, Dallas Parkway, and FM 1385.

c. Interior Parking Requirements

i. 20 square feet of landscaping for each parking space shall be provided within the paved boundaries of the parking lot, exclusive of the required perimeter landscape requirements stated above.

ii. One large tree, 3-inch caliper minimum at the time of planting, must be provided for every 10 parking spaces, in addition to the perimeter trees required in **Article 2.08.F.2.b**. In addition, the trees required in this section may not be planted in the required perimeter landscaped areas to receive credit for the perimeter landscape area. Three small trees, a minimum of 6 feet in height and 3 inches in diameter, may be substituted for one required large tree for up to 25% of the required large trees.

iii. Landscaped islands within the parking lot shall be a minimum of 160 square feet, not less than 9 feet wide, and a length equal to the abutting space.

iv. There shall be at least one large tree, 3-inch caliper minimum, within 50 feet of every parking space. Only trees located in parking areas are available to meet this requirement.

v. At least one large tree, with no more than 12 parking spaces permitted in a continuous row without being interrupted by a landscaped island. Areas where parking is located between the public street and the buildings, trees will be placed every five parking spaces.

vi. Landscape islands in parking areas may be grouped to form one large island subject to Town approval, provided however, grouping for large islands is prohibited adjacent to public street frontage.

vii. All landscaped areas will be protected by a raised 6-inch concrete curb or wheel stop where curbs are not provided. Pavement will not be placed closer than 4 feet from the trunk of a tree unless a Town approved root barrier is utilized.

viii. A solid living screen using evergreen trees shall be placed around any RV/trailer parking areas.

d. Irrigation Requirements

Permanent irrigation shall be provided for all required landscaping as follows:

i. Irrigation lines shall be placed a minimum of 2.5 feet from a Town sidewalk. Reduction of this requirement is subject to review and approval by the Town Engineer.

ii. Trees and shrubs shall be irrigated by bubbler irrigation lines only. Other landscaping may be irrigated by spray irrigation. Separate valves shall be provided to turn off the spray irrigation line during periods of drought or water conservation.

iii. Rain and freeze detectors shall be installed on all irrigation lines.

e. Open Space

i. Each parcel of land developed under the MF standards shall provide usable open space totaling 30% of the area being developed. The open space shall be computed on the percentage of total platted area in the subdivision, excluding right-of-way dedicated major thoroughfares. Areas provided as usable open space shall meet the following criteria:

(a) The open space shall have a maximum slope not exceeding 10%.

(b) The open space shall have a minimum dimension of not less than 50 feet.

(c) Of the required open space, 15% or 20,000 square feet, whichever is greater, shall be arranged or located in a contiguous mass. Flood plains used for open space may receive full credit for that portion that is maintained in its natural state. Floodplain that is reclaimed and used for open space shall receive a 50% credit toward open space.

(d) At the time of Preliminary Site Plan approval, the Planning and Zoning Commission may give full or partial credit for open areas that exceed the maximum slope, that are otherwise unusable, or that are less than the 15% or 20,000 square feet required in **Article 2.08.F.2.e.i(c).** These areas must be determined to be environmentally or aesthetically significant and/or an enhancement to the development or the area.

(e) Landscaping, sidewalks, and amenities such as tennis courts, swimming or wading pools, and clubhouses may be located within usable open space areas. Detention ponds that contain a constant water level, are landscaped, or otherwise treated as an amenity for the development, as determined by the Director of Development Services or their designee, may be calculated toward the required open space.

(f) Open space shall contain one minimum 3-inch caliper large tree for every 500 square feet of required open space. The trees shall be maintained in a healthy and growing condition and must be replaced with trees of similar variety and size if damaged, destroyed, or removed. A landscape plan must be approved prior to approval of the Final Plat.

3. Nonresidential Landscaped 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 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.

ii. Where a nonresidential development is adjacent to the property line of residential zoned parcels or areas shown as residential on the future land use plan, one large tree, 3-inch caliper minimum, will be planted on 30-foot centers in a 15-foot landscape area, with the following exceptions:

(a) Evergreen trees as denoted in Subsection **G**, of a minimum 3-inch caliper at time of planting and that will reach a minimum of 15 feet in height, shall be planted on 20 foot centers within the 15 foot landscape area where truck docks or loading spaces are adjacent to residentially zoned property or areas shown as residential on the future land use plan.

(b) Evergreen trees as denoted in Subsection **G**, of a minimum 3-inch caliper at time of planting and that will reach a minimum of 15 feet in height, shall be planted on 20 foot centers within the 15 foot landscape area on any lot containing a drive-through restaurant, drive-in restaurant, and/or automotive use as defined in **Article 2.14.K.1** that is adjacent to a residential zoning district or area shown as residential on the future land use plan. All landscape screening materials shall be maintained in a manner to provide the intended screening.

(c) In Downtown Prosper, regardless of the adjacent use, zoning, or future land use designation; the width of perimeter landscape area adjacent to the property line may be reduced to a minimum of 5 feet.

(d) In Downtown Prosper, in lieu of the required large trees, small (ornamental) trees shall be planted on 30-foot centers along the adjacent property lines.

iii. Where a nonresidential development is adjacent to the property line of parcels zoned for uses other than residential or parcels not shown as residential on the future land use plan:

(a) A 5-foot-wide landscape area is required.

(b) If the property line is the centerline of a fire lane or drive aisle, the 5-foot-wide landscape area will begin at the edge of the lane/aisle. If the drive aisle or fire lane only allows access to parking spaces, the landscape area may be eliminated or moved at the discretion of the Town.

(c) The 5-foot-wide landscape area may be eliminated for a building where the building is attached to another building, and the attached buildings are shown on an approved Site Plan.

(d) One small tree and one 5-gallon shrub shall be planted every 15 linear feet. These trees and shrubs may be clustered in lieu of placing them every 15 feet, if approved by the Director of Development Services.

(e) All uses containing a drive-in, drive-through, or that require stacking shall provide a 10-foot-wide landscape area along the perimeter of the property. If the property line is the centerline of a fire lane or drive aisle, the 10-foot-wide landscape area will begin at the edge of the lane/aisle and cannot be waived or replaced by parking. The landscape area shall contain a minimum 3-inch caliper evergreen trees planted 15 feet on-center with minimum 5-gallon shrubs planted three feet on center.

b. Interior Parking Requirements

Any nonresidential parking area that contains 15 or more parking spaces shall provide interior landscaping, in addition to the required landscaped edge, as follows:

i. Fifteen square feet of landscaping for each parking space shall be provided within the paved boundaries of the parking lot area.

ii. Where an existing parking lot area is altered or expanded to increase the number of spaces to 15 or more, interior landscaping shall be provided on the new portion of the lot in accordance with this section.

iii. All landscaped areas shall be protected by a raised 6-inch concrete curb. Pavement shall not be placed closer than 4 feet from the trunk of a tree unless a Town approved root barrier is utilized.

iv. Landscaped islands shall be located at the terminus of all parking rows, and shall contain at least one large tree, 3-inch caliper at the time of planting minimum, with no more than 15 parking spaces permitted in a continuous row without being interrupted by a landscaped island. Where there is a minimum eight-foot-wide landscaped median between two rows of head-in parking, landscaped islands are required every 15 spaces.

v. Landscaped islands shall be a minimum of 160 square feet, not less than 9 feet wide from back of curb and a length equal to the abutting space.

vi. Subject to approval by the Town, islands may be grouped to form one large island.

vii. There shall be at least one large tree of 3-inch caliper minimum, within 150 feet of every parking space. This minimum distance may be expanded with Town approval in the event that required islands are grouped to form larger islands.

viii. Required parking lot trees may be consolidated into groups under the following conditions:

(a) The number of required trees is one per 10 parking spaces.

(b) Consolidated tree islands require 180 square feet per tree.

(c) The maximum run of parking spaces is increased from 15 to 30.

(d) This consolidation does not include the tree islands at the end of a row of parking or along perimeter parking rows that face a drive aisle or street.

(e) A consolidated tree island shall not be located closer than five parking spaces from an end of row tree island.

ix. All uses containing a drive-in, drive-through, or that require stacking shall be subject to the following standards:

(a) A minimum 5-foot-wide landscape island shall be constructed around the outer edge of the drive-through lane(s) along the outer edge of the escape lane, extending from the point entry to the exit.

(b) The landscape island shall contain minimum 3-inch caliper evergreen trees planted 15 feet on-center with minimum 5-gallon shrubs planted three feet on center. Ornamental trees may be used in place of a portion of shrubs to create a mixture of species and types of vegetation. If the landscape island is located on the perimeter of the property, perimeter landscaping requirements may be applied towards this requirement.

c. Building Landscaping

i. Foundation plantings are required for buildings or groups of contiguous buildings that are 50,000 square feet or larger. One large tree, 3-inch caliper, shall be required for every 10,000 square feet of gross building area. These trees shall be located within 30 feet of the face of the building. These plantings are intended to provide pedestrian areas while breaking up the large areas of impervious surface. Trees required by other sections of this UDC will not meet this requirement. Trees may be planted within the building landscape area described above or within tree grates. Trees can be grouped or planted in singular form. These tree plantings should be placed so as not to impede sign visibility. Trees intended for foundation plantings shall meet the following criteria:

(a) Planted within 30 feet of the front building face.

(b) Trees planted less than 4 feet from the back of curb shall be located in a tree grate with a minimum dimension of 4 feet.

(c) Small trees may be substituted for large tree foundation plantings at the rate of five ornamentals for each requirement of a large tree (5:1) with Town approval. Small trees shall have a minimum size of 3-inch caliper. Multi-trunk trees will be required to meet a 3-inch requirement based on standard nursery trade specifications.

(d) Trees may be placed in groups with appropriate spacing for species.

(e) The above requirements may be reduced if approved by the Town and additional pedestrian features such as plazas, seating areas, fountains, and outdoor recreation facilities are provided. These facilities must occupy an area equal to or greater than 5% of the total building area.

d. Irrigation Requirements

Permanent irrigation shall be provided for all required landscaping as follows:

i. Irrigation lines shall be placed at a minimum of two and one-half feet from a Town sidewalk or alley. Reduction of this requirement is subject to review and approval by the Town Engineer.

ii. Trees and shrubs shall be irrigated by bubbler irrigation lines only. Other landscaping may be irrigated by spray irrigation. Separate valves shall be provided to turn off the spray irrigation line during periods of drought or water conservation.

iii. Rain and freeze detectors shall be installed on all irrigation lines.

e. Median Planting Requirements

Nonresidential developments having frontage on a divided thoroughfare are required to plant or to escrow funds in an amount sufficient for the Town to hire a licensed landscape contractor to install a full landscape and irrigation system for one 3-inch caliper large tree per 70 linear feet of frontage. The purpose of this requirement is to establish trees in the medians as development of properties adjacent to divided thoroughfares occurs. The Town will be responsible for maintenance of the trees and medians following the initial installation. The Town is responsible for the installation of trees and irrigation where funds are escrowed, or a bond is provided. The Town will have the sole authority to approve any alternate methods of meeting median obligations. Right-of-way median plantings shall meet the following criteria:

i. Median plantings within the public right-of-way are to be a minimum of 60 feet from the back of curb at the median nose.

ii. Median plantings shall be a minimum of 5 feet from the back of curb.

iii. Visibility corridors are to be shown on landscape plans.

iv. Trees shall be a minimum of 5 feet from utility lines.

v. Six inches of topsoil shall be provided in the medians.

f. Open Space Requirements

i. A final open space plan shall be submitted with the final Site Plan application for all nonresidential uses. Open space plans will be used only to ensure minimum standards are met. Open space plans shall be reviewed and approved by the Director of Development Services or their designee. The applicant may appeal the decision to the Planning and Zoning Commission. For nonresidential development, 12% of the net lot area is required to be provided as open space. The open space may consist of any element that is not one of the following:

(a) Vehicular paving

(b) Required parking lot landscape islands

(c) Building footprint

(d) Utility yards

(e) Required landscape setbacks and landscape buffers (i.e. around dumpsters, loading areas)

(f) Sidewalks

(g) Detention ponds. Detention ponds that are located between the building and street and contain a constant water level, are landscaped, or otherwise treated as an amenity for the development, as determined by the Director of Development Services or their designee, may be calculated toward the required open space.

ii. The Town wants to attract the public to open space areas for nonresidential developments. The open space area must be usable and/or include functional elements in the open space and generally shall be at least 40 feet wide and consists on at least one major amenity listed below, or as determined by the Director of Development Services or their designee:

(a) Major Amenities

(i) A pergola or gazebo area

(ii) Shaded seating area which can include picnic tables

(iii) Enhanced walking trails

(iv) Water features such as walls, fountains, plaza pools, wishing wells, bodies of water, or splash pads

(v) Displays of public art, statues, or structures

(vi) Other options to be considered by the Town

(b) Minor Amenities

(i) Educational and/or historical materials; signage/boards

(ii) Masonry seating walls

(iii) Planter beds, pollinator gardens, rock gardens, or water gardens

(iv) Dog/pet park area

(v) Turf Recreational area for activities such as yoga and a play area for children

(vi) Fire pit area with outdoor lighting

(vii) Other options to be considered by the Town

4. Nonresidential and Multifamily Development adjacent to a Major Creek

a. Major creeks within the Town of Prosper shall be defined as:

i. Button Branch

ii. Doe Branch

iii. Gentle Creek

iv. Rutherford Branch

v. Wilson Creek

Each major creek begins at its headwater (as determined by the Federal Emergency Management Agency and/or the U.S. Army Corps of Engineers) as is generally depicted on Flood Insurance Rate Maps (FIRM) as provided by the Federal Emergency Management Agency.

b. All nonresidential and multifamily lots developing adjacent to the 100-year floodplain of a major creek shall comply with the requirements listed below. Multifamily-zoned property that develops as single family is not subject to these requirements but shall comply with **Article 3.04.N**. Multifamily-zoned property that develops as single family is not subject to these requirements, but shall comply with **Article 3.04.N**. of this UDC, as it exists or may be amended.

i. Retaining walls, where provided, shall be constructed of clay-fired brick, stone, patterned concrete, modular concrete block, or split faced concrete masonry units. This requirement does not apply to walls constructed within the channel of the creek to control water flow.

ii. Three-inch caliper trees planted on 30-foot centers and 3-gallon shrubs planted on 5-foot centers shall be provided between parking and the flood plain when parking is located directly adjacent to the flood plain. The trees and shrubs are not required to be planted in a single row; they may be planted in groups. Existing trees in healthy growing condition and of a species from the list of recommended plant materials in **Article 2.08** of this UDC, as it exists or may be amended, may be counted toward this requirement.

iii. Maintenance access, as required by the Town Engineer, or their designee, shall be provided to the flood plain, hike and bike trail, and creek.

iv. The development shall incorporate a connection to a hike and bike trail along the major creek by way of a sidewalk, stairs, and/or ramps. The connection shall comply with ADA and TAS accessibility requirements. The Director of Development Services or their designee may waive this

requirement if he/she determines that a connection is not needed due to the property size, configuration and constraints, or land use.

v. Open space areas adjacent to the floodplain that have been improved with patios, courtyards, or additional landscaping listed in **Article 2.08.F.4.c** below may be used to meet minimum open space requirements.

vi. Loading areas located adjacent to the major creek shall be screened from the flood plain by a solid living screen to reach a minimum of 14 feet tall within two years. Existing trees in healthy growing condition and of an evergreen species from the list of Plant Materials in **Subsection G**, as it exists or may be amended, may be counted toward this requirement. For industrial development, this requirement may be waived by the Planning and Zoning Commission upon Site Plan approval if the adjacent property on the opposite side of the creek is zoned Industrial or designated on the future land use plan as industrial, unless zoned other than industrial.

c. Multifamily, except those multifamily properties that are developed as single family, and office development adjacent to a major creek shall provide four of the amenities listed below. Retail and commercial development adjacent to a major creek shall provide three of the amenities listed below. Industrial development adjacent to a major creek shall provide two of the amenities listed below. Amenity selection is subject to approval by the Planning and Zoning Commission upon preliminary Site Plan or Site Plan approval.

i. A 30-foot landscape edge adjacent to the floodplain of the major creek with a double row of three- inch caliper trees planted on 30-foot centers. Existing trees in healthy growing condition and of a species from the list of plant materials in **Subsection G**, as it exists or may be amended, may be counted toward this requirement.

ii. A minimum of 25% of the surface area of walls that face the major creek to be provided as windows.

iii. Construction of a hike and bike trail along the creek up to 12 feet in width and in accordance with the design considerations published in the North Central Texas Council of Governments 2045 Regional Mobility plan.

iv. A visibility corridor of at least 100 feet shall be required between and/or adjacent to buildings adjacent to the flood plain. This visibility corridor can include parking, landscape medians or areas, amenities, and drive aisles.

v. Trail Head Park. A trailhead park shall have minimum dimensions of 50 feet and be located adjacent to the hike and bike trail. Park benches shall be provided. Trailhead parks are subject to review and approval by the Director of Parks and Recreation or their designee.

vi. A common patio, balcony, courtyard, or terrace with a minimum of 750 square feet located between the building and the major creek.

vii. Building orientation such that the entire side of the building adjacent to the flood plain is not the back of the building.

viii. Building to have the same building materials and architectural elements on all four sides.

ix. Creek restoration (plan shall be designed and implemented according to USACOE standards and approved by Army Corps of Engineers).

x. Other amenities not listed may be approved by the Planning and Zoning Commission in conjunction with a preliminary Site Plan if they determine that the proposed amenity meets the intent of these requirements.

d. The Planning and Zoning Commission may grant variances to the requirements of this section, as it exists or may be amended, upon Preliminary Site Plan or Site Plan approval only if they determine that conforming to these requirements is not possible due to the property size, configuration, topography, constraints, or

land use and that no other alternative is available. The decision by the Planning and Zoning Commission shall be final.

G. Required Plant Materials

1. Artificial turf is permitted in downtown and nonresidential zoning districts upon Town staff approval. Artificial turf shall be detailed on the required landscape plan for Town review.

   Drought tolerant and/or native plants from the lists below are required for compliance to this section. Other species may be utilized with approval from the Town.

Large Trees (Shade)	Small Trees (Ornamental)	Shrubs
Afghan Pine (Evergreen)	Birds of Paradise	American Beautyberry
American Elm	Buckeye, Mexican	Agarita
Arizona Cypress (Evergreen)	Buckeye, Red	Aromatic Sumac
Bald Cypress	Buckeye, Texas	Bridal Wreath Spirea
Bigelow Oak	Carolina Buckthorn	Burford Holly
Bur Oak	Crepe Myrtle (tree form)	Chinese Photinia
Caddo Maple	Desert Willow	Cleyera
Cedar Elm	Eastern Red Cedar	Compact Nandina
Chinquapin Oak	Eve's Necklace	Coral Berry
Durand Oak	Hawthorne	Crimson Pygmy Barberry
Lacebark Elm	Hollywood Juniper	Dwarf Burford Holly
Lacy Oak	Japanese Black Pine	Dwarf Burning bush
Live Oak (Evergreen)	Juniper, Blue Point	Dwarf Chinese Holly
Pecan	Juniper, Wichita Blue	Dwarf Crepe Myrtle
Shumard Oak	Mesquite	Dwarf Glossy Abelia
Southern Live Oak (Evergreen)	Mexican Plum	Dwarf Pomegranate
Southern Magnolia (Evergreen)	Ornamental Pear*	Dwarf Spirea
Texas Ash	Pomegranate	Dwarf Wax Myrtle
Texas Red Oak	Possumhaw Holly	Dwarf Yaupon Holly
Western Soapberry	Redbud	Elaeagnus
	Roughleaf Dogwood	Flowering Quince
	Texas Persimmon	Forsythia
	Vitex	Foster Holly
	Wax Myrtle	Glossy Abelia
	Winter/Bush Honeysuckle	Harbor Dwarf Nandina
	Yaupon Holly (evergreen)	Indian Hawthorn
		Italian Jasmine
		Leatherleaf Mahonia
		Miniature Crepe Myrtle

Large Trees (Shade)	Small Trees (Ornamental)	Shrubs
		Nellie R. Stevens Holly
		Oakleaf Hydrangea
		Purple leaf Japanese
		Barberry
		Red Yucca
		Rose of Sharon (Althea)
		Semi-Dwarf Crepe Myrtle
		Smooth Sumac
		Spiraea
		Standard Nandina
		Texas Sage

*** Ornamental Pear does not include Bradford Pears**

Groundcover	Ornamental Grass
Asiatic Jasmine	Autumn Blush Muhly
Avens, White	Big Bluestem
Frog Fruit	Black Fountain Grass
Ground Ivy	Blue Grama
Hardy Plumbago	Broomsedge
Horseherb	Bushy Bluestem
Liriope or Lily Turf	Canada Wildrye
Mondo or Monkey Grass	Dwarf Maiden Grass
Pigeonberry	Dwarf Pampas Grass
Purpleleaf Euonymus	Eastern Gamma Grass
Santolina	Feather Reed Grass
Snake Herb	Hamelin's Fountain Grass
Wood Violet	Inland Sea-Oats
	Lindheimer's Muhly
	Little Bluestem
	Maiden Grass
	Morning Light Maiden
	Ravenna Grass
	Sideoats Grama
	Silver Bluestem
	Splitbeard Bluestem
	Standard Fountain Grass

Groundcover	Ornamental Grass
	Switchgrass
	Variegated Japanese Silver Grass
	Zebra Grass

2. Cottonwood trees may not be planted within 25 feet of any public infrastructure.

2.09. Tree Preservation

A. Purpose

The purpose of this section is to promote Site Planning which furthers the preservation of mature trees and natural areas; to protect trees during construction; to facilitate site design and construction which contribute to the long-term viability of existing trees; and to control the removal of trees when necessary. It is the further purpose of this section to achieve the following broader objectives:

1. Prohibit the indiscriminate clearing of property.
2. Protect and increase the value of residential and commercial properties within the Town.
3. Maintain and enhance a positive image for the attraction of new residences and business enterprises to the Town.
4. Protect healthy quality trees and promote the natural ecological environmental and aesthetic qualities of the Town.
5. To reduce the erosive effects of rainfall.

B. Scope

The scope of this section includes the removal and/or transplanting of any tree and mitigation for the removal of protected trees. A permit approved by the Director of Development Services or their designee is required before removing and/or transplanting any tree and mitigation for the removal of protected trees.

C. Tree Permit

A tree permit shall be required for the transplanting and/or removal of all trees within the Town of Prosper, regardless of size or species, except for trees located on a single family lot contained within a plat of record, and as otherwise described in **Article 2.09.G** below.

1. Application for Tree Permit

   An application for a tree permit may be submitted at any time and is not required to be submitted in conjunction with development plans, Final Plat or a building permit. Tree permits shall be obtained by making application to the Director of Development Services, or their designee. The application must include a letter signed by the property owner allowing the Town access to the property for verification of all survey information. The application shall also be accompanied by a written document indicating the reasons for transplanting and/or removal of protected trees and two copies of a legible site or planting plan, and a Detailed Tree Survey and Preservation Plan if required in **Article 2.09.G**.

2. Review of Application for Tree Permit

   Upon receipt of a proper application for a tree permit, the Director of Development Services or their designee shall review the application and may conduct field inspections of the site or development and/or refer the permit application to other departments for review and recommendations as deemed necessary and appropriate by the Town. Protected trees may not be removed or transplanted unless the Director of Development Services or their designee approves the tree permit. The Director of Development Services or their designee shall act on a

tree permit application within ten business days of its submittal. If action has not been taken within this specified time frame, the application shall be deemed approved.

3. Historic Tree Preservation

   No tree removal permit may be issued for a historic tree unless the owner establishes that preserving the historic tree constitutes an unreasonable financial hardship on the owner. Appeals from this determination shall be to the Town Council.

4. Transplanting Protected Trees

   No person(s) or entity, directly or indirectly, shall replant, relocate, transfer or move from one location to another any protected tree within the Town without first obtaining a tree permit as provided in **Article 2.09.C.** All transplanting shall be in accordance with the applicable Texas Association of Nurserymen Grades and Standards shall satisfy the tree replanting requirements of this section.

D. Exceptions

1. A tree permit shall be required to remove and/or transplant a protected tree, except for a protected tree located on a single family lot contained within a plat of record and having a Certificate of Occupancy. The Director of Development Services or their designee may authorize, in writing, the removal of a protected tree provided that the protected tree:

   a. Is determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety;

   b. Hinders or obstructs the construction, maintenance, repair, and/or replacement of Town streets, water and sewer lines, and drainage and storm sewer;

   c. Is located in any major thoroughfare right-of-way dedicated to and accepted by the Town. This does not include trees being removed for proposed neighborhood streets, driveways, right and left turn lanes, and/or median openings. Removal of these trees shall require a permit and mitigation at a rate of 50% of the mitigation requirements contained in **Article 2.09.E**;

   d. Hinders or obstructs the construction, repair, maintenance, and/or replacement of public improvement projects including, but not limited to, major collection lines for sanitary sewer, distribution lines for water, collection and management of storm water runoff and thoroughfares pursuant to the Town's Capital Improvement Project, Water and Sanitary Distribution Line Maps and/or Thoroughfare Plan;

   e. Is damaged or killed by a tornado, ice or windstorms, flooding, or other acts of nature; or

   f. A tree that is determined to be diseased or dead by a certified arborist or landscape architect, regardless of species or size.

2. All retail, commercial, and wholesale nurseries are exempt from the terms and provisions of **Article 2.09** in relation to those trees planted and growing on the premises of said business and that are planted and growing for the sale or intended sale in the ordinary course of business only.

3. Utility companies franchised by the Town in easements or rights-of-way accepted by the Town or otherwise authorized to provide utility service may remove protected tree(s) that endanger public safety and welfare by interfering with utility service. Any trimming and/or removal of protected tree(s) by a utility company requires prior written approval from the Director of Development Services or their designee, except in the case of emergency repairs. A utility company shall notify the Director of Development Services or their designee of any trimming and/or removal of protected trees done while making emergency repairs on the first business day following the emergency.

4. The mowing and clearing of brush located within or under the drip lines of protected trees is allowed, provided such mowing or clearing is accomplished by hand or by mechanical mowers with turf tires.

5. Developments that have submitted a Preliminary Plat for residential development or a Final Plat for nonresidential development prior to the effective date of this ordinance shall be exempt from this UDC.

6. The removal of trees for the development or redevelopment of golf courses and pedestrian trails shall require a permit and mitigation at a rate of 50% of the mitigation requirements contained in **Article 2.09.E** of this chapter.

7. Agricultural users can remove protected tree(s) for agricultural production with prior written permission from the Director of Development Services or their designee. A protected tree inventory summary is required to list tree(s) removed and preserved. Replacement requirements of protected tree(s) being removed for agricultural production will be prorated equally over a period of 10 years. Should the property be developed prior to the full 10 years, the remainder of required trees shall be planted on the property in addition to the required trees.

8. A tree located on a common property line may not be removed without first obtaining a tree permit. Each of the affected property owners must request the tree permit. A single request may be submitted if it is signed by each of the affected property owners.

E. Mitigation and Replacement of Removed Trees

1. It shall be the responsibility of any person obtaining a tree permit for the removal of protected trees to provide replacement tree(s) having a total diameter of inches equivalent to the percentage rates set forth in this Section. The diameter for replacement trees shall be measured as follows:

   a. For single-trunk trees, the width shall be measured at 4.5 feet above ground level.

   b. For multi-trunk trees, combine the diameter of the largest stem or trunk with one-half of the diameter of each additional stem or trunk, all measured at 4.5 feet above ground level.

   An example: If an eight-inch protected tree in the flood plain is removed that tree must be replaced at 150% by trees with a total caliper width of 12 inches. This total caliper width could be satisfied by one 12-inch caliper replacement tree, or two 6-inch caliper width replacement trees, or any other combination providing a total caliper width of 12 inches using a minimum width of 3 inches.

2. Should a transplanted tree die, it shall be removed and replacement trees shall be planted at a rate of 100% of the caliper inches of the transplanted tree(s).

3. If any tree, which was preserved and used as a credit toward mitigation requirements, is later removed for any reason, it shall be replaced by the number of trees for which it was originally credited. Replacement trees shall have a minimum trunk diameter of 3 inches measured 6 inches above the ground.

4. If any replacement tree cannot be properly located on the property being developed or redeveloped, the applicant may plant these replacement tree(s) on property owned by the Town and/or common open space, or provide and deliver trees to the Town to be stored for Town use/needs, or pay a fee, as approved by the Director of Development Services, or their designee. The cash value of replacement trees will be set by the Director of Development Services, or their designee, annually.

5. The person(s) or entity responsible for the developing and or redeveloping property that causes or results in the removal of existing tree(s) in proposed driveways, right turn lanes, and/or in proposed median openings, shall plant replacement tree(s) at a rate of 100% of the total diameter of the tree(s) being removed. The replacement tree(s) will be planted on public property according to a written plan approved by the Director of Development Services or their designee.

6. Replacement Requirements

   a. Removal of Protected Trees

      Protected trees shall be replaced by planting trees on the property equal to the total caliper inches as calculated using the following replacement rate:

	Size of Tree	Percentage of Replacement (caliper inches)
Within 100-year flood plain	Less than 6" (unprotected)	0
	6"—12"	150
	Greater than 12"—24"	200
	Greater than 24"—40"	300
	Greater than 40" (Historic)	Town Council Approval and 500
Outside of 100-year flood plain	Less than 6" (unprotected)	0
	6"—12"	100
	Greater than 12"—24"	150
	Greater than 24"—40"	300
	Greater than 40" (Historic)	Town Council Approval and 500
*	All existing tree measurements are in caliper inches measured four and one-half feet above the natural ground level.	
**	All replacement tree measurements are in caliper inches as measured twelve inches above natural ground level.	

b. Transplanted Trees

Protected trees on a property may be transplanted to another location on the same property without being subject to the above replacement rates.

7. Tree Credits

If any protected tree is preserved within an area that would otherwise be considered a buildable area, credit for preservation shall be given that will be counted toward the mitigation requirements for the removal of protected trees within the buildable area on a site or project. Such mitigation credits shall be given only for those trees whose critical root zones are left predominately in their natural state. No cutting, filling, or other construction related activities are allowed within the critical root zones of trees eligible for mitigation credit unless otherwise approved in writing and in advance by the Town. The following is a list of credits available for the preservation of protected trees on a site or project. Trees eligible for credits and a total count shall be depicted on the landscape plan; credits will be awarded using the following table:

Caliper Size Tree	Positive Credits*
6"—12"	1
>12"—18"	3
>18"—24"	4
>24"	5

*(One credit is equal to one 3-inch caliper tree. Healthy, protected trees only.)

8. Any tree that is preserved and receives positive credit towards mitigation is exempt from being used to fulfill required landscaping as described in **Article 4.02** of this UDC.

9. Any tree preserved within a floodplain is exempt from receiving positive credit towards mitigation.

F. Tree Protection Measures

Prior to construction, the contractor or subcontractor shall construct and maintain, for each protected tree on a construction site, a protective fence and where necessary, bark protection (See **Figure 2.09-1 Bark Protection**). All protective measures shall be in place prior to commencement of any site work and remain in place until all exterior work has been completed.

During any construction or land development, the developer shall clearly mark all trees to be maintained. The developer shall not allow the movement of heavy equipment or the storage of equipment, materials, debris, or fill to be placed within the dripline of any trees. This is not intended to prohibit the normal construction required within parking lots. All protected tree(s) shall be protected by the owner as follows, unless otherwise directed by the Director of Development Services or their designee:

1. Before development or redevelopment, the owner shall install a minimum 3-foot-tall protective barricade made of wood, fencing or solid material. These barricades will be installed a minimum of 10 feet from protected trees or a minimum of 2 feet outside the designated protective root zone, whichever is the greater distance.

2. Vertical posts no less than 3 feet in height and no more than 6 feet apart. Horizontal members consisting of wood no less than three feet above existing grade and securely attached to the vertical posts.

3. Before development or redevelopment, the owner shall establish and maintain a construction entrance that avoids protected trees.

4. During the construction stage of development, the developer shall not allow cleaning of equipment or material under the canopy of any tree or group of trees to remain, nor shall the developer allow the disposal of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, under the canopy of any tree or groups of trees to remain. No attachment or wires of any kind, other than those of a protective nature, shall be attached to any tree.

5. No parking or storing of vehicles, equipment or materials allowed within the protective root zone.

6. Attachments or wires are prohibited from being attached to any protected tree. Cables, tree rods, and similar hardware installation that aid structural integrity of a protected tree are exempt from this section as approved in writing by the Director of Development Services or their designee.

7. Fill or excavation may not occur within the canopy or drip line of a protected tree. Major changes of grade (i.e., 3 inches or greater) within the canopy or drip line will require additional measures to maintain proper oxygen and water exchange with the roots.

8. Unless otherwise approved in writing by the Town, construction or construction-related activity is prohibited under the canopy or drip line of protected trees.

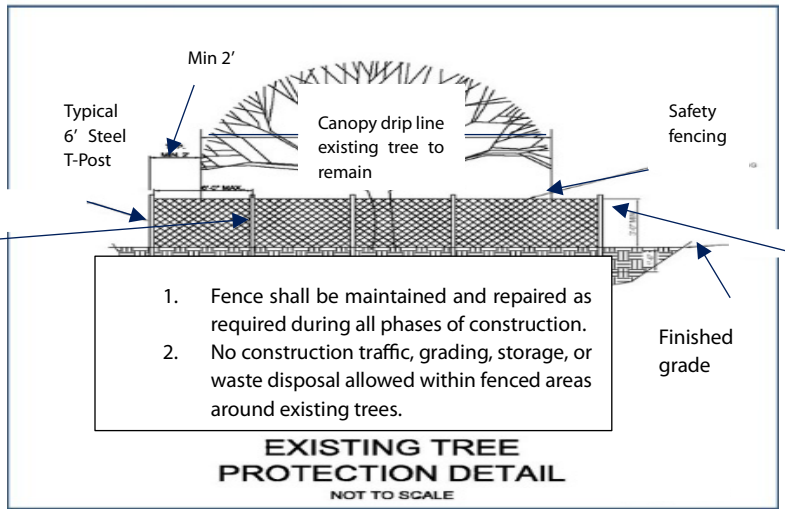
9. Any trees removed shall be chipped and used for mulch on site or hauled off-site. Burning of removed trees, stumps, or foliage requires written approval by the Fire Department.

10. Root pruning will be required when disturbance occurs under the drip line of protected trees. This root pruning shall be completed a minimum of two weeks prior to any construction activity within the dripline.

11. All tree maintenance techniques shall be in conformance with industry-identified standards. Alternative maintenance techniques may be approved by the Town.

12. No person(s) or entity may use improper or malicious maintenance or pruning techniques which would likely lead to the death of the tree. Improper or malicious techniques include, but are not limited to, topping or other unsymmetrical trimming of trees, trimming trees with a backhoe, or use of fire or poison to cause the death of a tree.

Figure 2.09-1. Tree Protection



13. Protected trees should meet the following requirements:

    a. Any tree, regardless of species, six inches or larger in diameter when measured at a point four and one-half feet above the ground level and which normally attains a height of at least 12 feet at maturity and located within a 100-year floodplain.

    b. Any tree, except those species listed below, six inches or larger in diameter when measured at a point four and one-half feet above the ground level and which normally attains a height of at least 12 feet at maturity and located outside of the 100-year floodplain.

    c. Any protected tree 40 inches or larger in diameter when measured at a point four and one-half feet above ground level and which normally attains a height of least 12 feet at maturity; or any tree deemed to be of historical significance.

14. The following trees shall not be included in Protected Trees:

Silver Leaf Maple	Acer saccharinum
Hackberry, Texas Sugarberry	Celtis laevigata
Honey Locust	Gleditsia triacanthos
Bois d' Arc	Maclura pomifera
Mimosa	Mimosa sp.
Mulberry	Morus rubra
White Poplar	Populus alba
Cottonwood	Populus deltoides
Mesquite	Prosopis glandulosa
Willow	Willow sp.

G. Tree Survey and Preservation Plan

1. Preliminary Plat and Preliminary Site Plans

   A general survey identifying natural vegetation, trees, and anticipated tree losses shall be submitted with all Preliminary Plats for residential developments and all Preliminary Site Plans for nonresidential and multifamily developments if trees are proposed to be removed or replaced. The general Tree Survey can be included on the Preliminary Plat or Preliminary Site Plan. The general survey shall include:

   a. Existing topography at five-foot intervals;

   b. Vegetation groups;

   c. Development plans;

   d. Specific trees that are 20 inches and larger; and

   e. Information on each tree to be removed or replaced, including photographs, a summary table featuring tree species, measured size, and tree credits (if applicable) for remaining trees in the inventory, and an index key identifying species on the map. This information is to accompany submission with sufficient data to convey which trees are to remain as they correspond to the general survey.

2. Final Plats and Site Plans

   A Detailed Tree Survey and Tree Preservation Plan shall be submitted with all Final Plats and Site Plans. The Detailed Tree Survey and Tree Preservation Plan shall include the following:

   a. The location, diameter, height, and common name of all single-trunk trees of 6 inches diameter or greater, measured at four and one-half feet above natural grade level, and at least 12 feet high; and all multi-trunk trees having a total caliper width of 6 inches, measured by combining the diameter of the largest stem or branch with one-half the diameter of each additional stem or branch, all measured at four and one-half feet above natural grade level, and at least 12 feet high.

   b. An index of all surveyed tree species.

   c. The location of the trunk and drip line, diameter, height, estimated age (not to be determined using invasive measures which might damage the tree), a reproducible color photograph, and common name of the protected trees proposed to be removed or transplanted.

   d. Provide existing natural grade elevation and proposed final grade elevation at each location for each protected tree for which a tree permit is requested.

   e. The location and dimensions of all existing or proposed public streets, alleys, rights-of-way, and utility easements.

   f. The location of all existing or proposed property lines, lot lines, building lines, setback and yard requirements, any proposed building footprint or floor plan, and other special relationships or significant features on the proposed Development Plans, Final Plat and Site Plan of the development.

   g. Existing and proposed site elevations, grades and major contours including a table listing all protected trees and their respective locations.

   h. The information required herein shall be summarized in legend or table form on the Tree Survey and note the reason for removal or transplanting of the protected tree(s) and provide supplementary information such as photographs of trees proposed to be removed.

   i. The survey shall bear the stamp or seal of a registered surveyor relative to the location of any protected trees and shall bear the stamp, seal, or signature of a Registered Landscape Architect, Certified Arborist, or Arboriculturist relative to the specie(s) of any protected tree.

   j. A Detailed Tree Survey shall be prepared by or under the supervision of a Landscape Architect, Certified Arborist, or Certified Forester. The following shall be on the Tree Survey:

"I _____ being a landscape architect or arborist attest that the identification and size of trees identified on this survey are correct and that all Protected Trees have been shown.

Signature:_____ Date:_____

k. A Detailed Survey is only required for areas that are intended to be disturbed by the proposed development/redevelopment. A boundary of the area to be included in a detailed survey will be established with the approval of the general survey that is submitted with the Preliminary Plat or Preliminary Site Plan.

3. Field Verification

Prior to written approval of the Detailed Tree Survey and Tree Preservation Plan, the applicant shall mark all trees to be preserved and notify (in writing) the Director of Development Services or their designee of the marking. The Director of Development Services or their designee shall inspect and verify the markings within seven working days of receipt of the applicants' notification. If the Director of Development Services, or their designee, has not contacted the landowner within ten working days from the date of notification, the Detailed Tree Survey and Tree Preservation Plan submitted by the applicant is deemed approved.

4. Preparation

Prior to the preconstruction meeting or obtaining a grading permit, all tree markings and protective fencing and standard erosion control measures (i.e. silt fence) must be installed by the owner and be inspected by the Director of Development Services or their designee. Approved silt fence may serve as protective fencing and must retain in place until the Town accepts the project. A stop work order will be issued at any time if Tree Preservation requirements are not followed.

5. Final Inspections

The owner shall notify the Director of Development Services or their designee for an inspection ten working days prior to receiving a Certificate of Occupancy. Any deficiencies or dead trees shall be replaced prior to receiving the certificate of occupancy.

2.10. Parking, Circulation, and Access

A. Purpose

The purpose of this section is to promote walkability and pedestrian-friendly, viable parking options for residential and nonresidential developments within the Town.

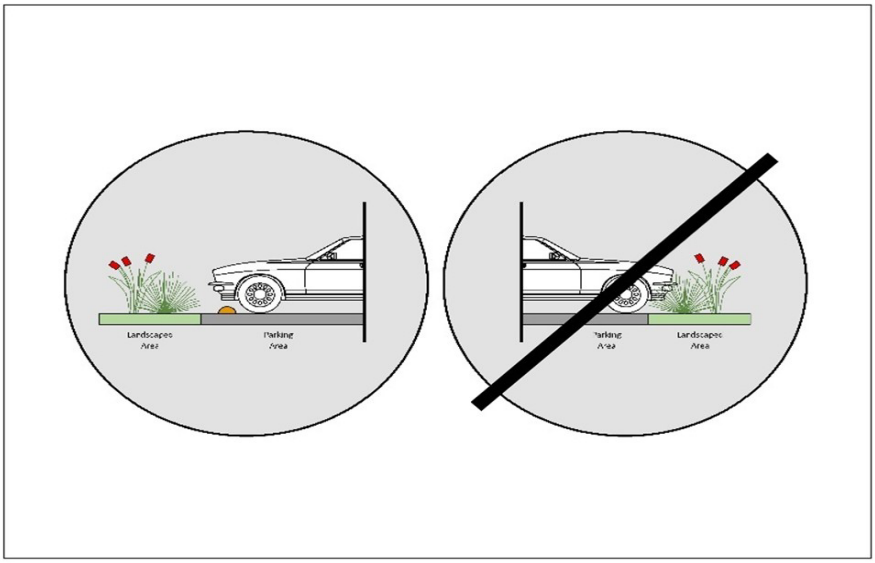
B. Residential Parking Provisions

1. Required parking shall be provided on the same lot as the use it is to serve.
2. All required parking spaces shall be constructed from paved concrete or another similar impervious surface if approved by the Planning and Zoning Commission prior to construction.
3. For agricultural uses in the A District, required parking may be constructed from washed gravel, asphalt, or similar all-weather surface.
4. No required parking space, garage, carport, or other automobile storage space shall be used for the storage of any heavy load vehicle.
5. In the SF and TH Zoning Districts, there shall be a minimum of two parking spaces located behind the front building line and enclosed in the main or an accessory building. In addition, there shall be two paved parking spaces provided behind the front property line only for the purpose of allowing on-site stacking or maneuvering to the enclosed spaces.
6. In the SF and TH Zoning Districts, all required parking spaces shall be a minimum of 9 feet wide and 20 feet long. Required enclosed parking and stacking spaces shall remain clear of any encroachments.
7. Circular driveways shall be designed to accommodate any required parking behind the front building line.

C. Nonresidential and Multifamily Parking Provisions

1. For safety and fire-fighting purposes, free access through to adjacent parking areas shall be provided between adjoining nonresidential parcels or building sites.
2. All required parking spaces shall be constructed from paved concrete or another similar impervious surface if approved by the Planning and Zoning Commission prior to construction. Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.
3. Dead-end parking aisles are not permitted.
4. Each head-in parking space shall be a minimum of 9 feet wide and 20 feet long, exclusive of driveways and maneuvering aisles, and shall be of usable shape and condition). No parking space shall overhang the required landscape areas. Parallel parking spaces must be a minimum of 8 feet wide and 22 feet long. Parking spaces within nonresidential and multifamily structured parking garages shall be a minimum of 9 feet wide and 20 feet long.
5. All parking and loading spaces and vehicle sales areas on private property shall have a vehicle stopping device installed so as to prevent parking of motor vehicles in any required landscaped areas, and to prevent any parked vehicle from overhanging a public right-of-way line, or public sidewalk (See **Figure 2.10-1 Parking Landscaping Stops)**. Parking shall not be permitted to encroach upon the public right-of-way in any case. All vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into a parking space.

Figure 2.10-1. Parking Landscaping Stops



6. Refuse storage facilities placed in a parking lot shall not be located in a designated parking space or loading space. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies and shall be screened according to **Article 2.11** of this UDC.
7. Handicap parking space(s) shall be provided according to State of Texas Program for the Elimination of Architectural Barriers and shall conform to the Americans Disability Act (ADA) of 1991, as may be amended, accessibility guidelines or the Uniform Federal Accessibility Standards.
8. Parking shall be prohibited in required landscape areas and on unimproved surfaces.
9. To the greatest extent possible, internal drive aisles shall be designed to incorporate 90-degree intersections.
10. All parking spaces for a building must be located within 350 feet of walking distance from the building's public entrance. Big Box, Industrial, Wholesale, and Institutional uses are excluded from this provision.
11. Parking spaces that face and are adjacent to a building shall utilize curbs, wheel stops, and/or bollards.
12. Speed bumps, parking spaces, dumpsters, landscaping, fencing, and other permanent obstructions are not permitted within a fire lane.
13. Drive aisles in front of buildings cannot be longer than 300 feet continuous without an offset equal to the width of the drive aisle, traffic circle, or other acceptable traffic-calming feature approved by the Director of Engineering Services or their designee.
14. Restaurants shall receive a 50% reduction to the required parking for areas designated as outdoor dining. The reduction in parking only applies to parking spaces that are required due to the square footage of the outdoor dining area.
15. All paved areas, which includes, but is not limited to, parking areas, fire lanes, drive aisles, driveways, turn-arounds, and loading areas, shall be paved with concrete or a comparable surface (masonry pavers, stone, brick), constructed to standards approved by the Director of Development Services or their designee. Pervious concrete or other alternative permeable paving surfaces may be used if approved by the Planning and Zoning Commission. The use of asphalt, gravel, and crushed rock are strictly prohibited, unless approved as a temporary paving surface by the Director of Development Services or their designee.
16. Cart returns shall be constructed of metal and be permanently affixed to pavement.

17. For industrial, wholesale, and institutional uses, no more than 10% of the required parking can be located in the service/loading area of a building except for buildings located on the street.
18. Multifamily parking shall be in a structured garage that is wrapped by the residential units or cladded to match the exterior of the attached residential units. All parking in a structured garage shall be in spaces with dimensions of 9 feet by 20 feet. Any surface parking associated with a Multifamily development for leasing area, guest parking, retail uses. is only allowed between the building and a public street when located at or beyond the required landscape setback and screened with a headlight screen of earthen berms and/or a row of shrubs.
19. Multifamily access to a public street in a single family neighborhood will be limited access and will not function as a primary access point for the complex. Access to single family alleys is prohibited. Direct or indirect access to a median opening where located on divided thoroughfare is required.
20. Drive aisles within multifamily developments cannot be longer than 500 feet continuous without an offset equal to the width of the drive aisle, traffic circle, or other acceptable traffic-calming feature approved by the Director of Development Services or their designee.

Figure 2.10-3. Examples of Traffic Calming Devices




ONE WAY
YIELD


LEASING SPRING 2017

D. Parking Access From a Public Street—All Districts

1. In the approval of a development plan, consideration shall be given to providing entrance/exit drives which extend into the site to provide adequate queuing of vehicles on the site.
2. In all districts (except all SF Districts) building plans shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the Building Official or designated representative.
    a. Where based upon analysis by the Town, projected volumes of traffic entering or leaving the planned developments are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and paving in the form of a deceleration lane or turn lane may be required to be furnished by the land owner in order to reduce such interference.
    b. The determination of additional right-of-way or paving requirements shall be made at the submittal and approval of a Preliminary Site Plan for multifamily and nonresidential developments and Preliminary Plat for all other residential developments.
3. Vehicular access to nonresidential uses shall not be permitted from alleys serving residential.
4. All retail/commercial driveways served by a median opening shall be divided.
    a. Driveway medians located along major thoroughfares shall be a minimum of 6 feet wide, and a depth equivalent to the required throat depth, as determined by the Engineering Department. Medians are required to be comprised of natural turf and/or landscaping that does not obstruct visibility, as determined by the Parks and Recreation Department.
    b. Driveway medians located along minor thoroughfares shall be a minimum of 4 feet wide, and a depth equivalent to the required throat depth, as determined by the Engineering Department. Medians are required to be comprised of natural turf and/or landscaping that does not obstruct visibility, as determined by the Parks and Recreation Department.
5. All nonresidential properties shall have access to a median opening either directly, or through cross access.
6. All nonresidential lots shall provide cross access drive aisles to adjacent nonresidential properties.
    a. If used as a fire lane, the cross-access drive aisle shall meet all the criteria for a fire lane.
    b. A shared driveway located along a common property line is encouraged and satisfies the requirement for cross access.

E. Parking Requirements Based on Use

In all zoning districts, at the time any building or structure is erected or structurally altered, parking spaces shall be provided in accordance with the requirements listed in the Schedule of Uses in **Article 2.07.C.**

F. Rules for Computing Number of Parking Spaces

In computing the number of parking spaces required for each of the uses listed in **Article 2.07.C.**, the following rules shall govern:

1. "Floor area" shall mean the gross floor area of the specific use.
2. Where fractional spaces result, the parking spaces required shall be constructed to be the next whole number.
3. The parking space requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the Director of Development Services.
4. The Planning and Zoning Commission may approve alternative parking space requirements and/or ratios, subject to consideration of detailed comparable data/studies in conjunction with a Site Plan.
5. Whenever a building or use constructed or established after the effective date of this UDC is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for

an increase of 10% or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this UDC is enlarged to the extent of 50% or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

6. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately. Up to 50% of the parking spaces required for a theater or other place of evening entertainment (after 6:00 p.m.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours if specifically approved by the Planning and Zoning Commission. Shared parking must be on the same site. Such approval may be rescinded by the Planning and Zoning Commission and additional parking shall be obtained by the owners in the event that the Planning and Zoning Commission determines that such joint use is resulting in a public nuisance by providing an inadequate number of parking spaces or otherwise adversely affecting the public health, safety, or welfare. A decision by the Planning and Zoning Commission to rescind a shared parking approval may be appealed to the Town Council in writing.

G. Location of Parking Spaces

All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:

1. Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not to exceed 300 feet from an institutional building served and not to exceed 600 feet from any other nonresidential building served.

2. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a notarized written agreement thereby assuring their retention for such purpose, shall be properly drawn and executed by the parties concerned, approved as to form by the Town Attorney and shall be filed with the application for a preliminary Site Plan, Site Plan, building permit, or Certificate of Occupancy (CO) whichever occurs first. Parking spaces can be allowed to serve a building that is not on the same lot if the property owner owns both lots and they are adjacent to each other. The parking plan shall be approved by the Director of Development Services.

3. If it is determined that due to existing site constraints, the requirements of this UDC cannot be met, the Director of Development Services may approve the use of parallel or head-in parking located within the street right-of-way, if sufficient right-of-way exists, to satisfy parking requirements.

H. Use of Required Parking Spaces in Nonresidential Districts

Required parking and loading spaces shall be used only for these respective purposes and not for the storage or permanent display of boats, trailers, campers, motor vehicles or other goods, materials, products for sale.

I. Loading Space Requirements

1. A minimum of one loading space shall be required for big box uses. Loading spaces for other nonresidential uses may be required as determined by the Director of Development Services, if it is determined the use or configuration of the site warrants such.

2. All nonresidential uses providing loading spaces shall provide such loading spaces in accordance with the following requirements:

   a. A loading space shall consist of an area of a minimum of 12 feet wide and 30 feet long. Loading bays/doors cannot face or be visible from residential uses, unless they are 500 feet away.

   b. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks. Each site shall provide a designated maneuvering area for trucks.

J. Stacking Requirements

1. Stacking space definition:

   Stacking spaces provide the ability for vehicles to queue on site prior to receiving a service.

2. Stacking space size and location:

   a. A stacking space shall be a minimum of 9 feet wide and 20 feet long and shall not be located within or interfere with any other circulation driveway, parking space, or maneuvering aisle.

   b. Stacking spaces shall be provided behind the vehicle bay door, middle of the service window, or middle of the service island, whichever is applicable.

   c. The stacking/drive-through lanes shall not be placed between the building and the adjacent public right-of-way.

3. Number of required stacking spaces (all districts). In all zoning districts, at the time any building or structure is erected or altered, stacking spaces shall be provided in the number and manner set forth in the following list of property uses:

   a. Automated Teller Machine (ATM): Three stacking spaces.

   b. Automobile oil change and similar establishments: Three stacking spaces per bay.

   c. Car wash: Three stacking spaces for drive-through, or one stacking space per bay.

   d. Dry cleaning, pharmacy, or other retail establishments with a drive-through: Three stacking spaces for first service window.

   e. Financial institution: Five tacking spaces per window or service lane.

   f. Kiosk (with food service): Five stacking spaces for first window, order board, or other stopping point.

   g. Kiosk (without food service): Two stacking spaces for first window, order board, or other stopping point.

   h. Restaurant with drive-through: Five stacking spaces for first window, order board, or other stopping point.

4. Single stacking space required after the final window, order board, or stopping point.

   A single stacking space shall be provided after the final window, order board, or stopping point to allow vehicles to pull clear of the transaction area prior to entering an intersecting on-site driveway or maneuvering aisle.

5. Setback requirement:

   Buildings and other structures shall be setback a minimum of 10 feet from the back of the curb of the intersecting driveway or maneuvering aisle to provide adequate visibility and to allow vehicles to safely exit drive-through lanes and escape lanes prior to merging into intersecting driveways or maneuvering aisles.

6. Escape lane requirement for drive-through facilities.

   a. An escape lane shall be provided for any use containing a drive-through facility.

   b. An escape lane shall be provided in proximity to the first stopping point for any use containing a drive-through facility.

   c. An escape lane shall be 9 feet in width and shall provide access around the entirety of the drive-through facility from the point of entry, around the stacking lane, and to the exit.

7. Landscape requirements:

   Landscaping shall comply with the requirements set forth in **Article 2.08.F.**

2.11. Screening Fences and Walls

A. Purpose

Standards set forth in this section are intended to encourage the appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this section in accordance with the following standards.

B. Location of Required Screening

1. When a boundary of a multifamily, institutional, or nonresidential use (excluding parks) sides or backs to a property that is zoned or designated on the future land use plan for residential (non-multifamily) uses, or when any institutional or nonresidential use sides or backs to a MF District, a solid masonry screening wall or fence of at least eight foot in height shall be erected on the property line separating these uses. The purpose of the screening wall or fence is to provide a visual barrier between the properties.

   Any lot containing drive-through restaurant, and/or automotive use, as defined in **Article 2.14.K,** and that is adjacent to a residentially zoned property or areas shown as residential on the future land use plan, shall have a masonry screening wall 8 feet in height and shall be maintained in a manner to provide the intended screening.

   The owner of such property of the less restrictive use shall be responsible for and shall build the required wall or fence on his property line dividing his property from the more restrictive zoning district. In cases where the Planning and Zoning Commission finds this requirement to be better met by an irrigated living screen, the same may be substituted for the screening wall after a landscape plan has been prepared to demonstrate equal visual screening.

   A screening wall or fence required under the provisions of this section, under a Specific Use Permit, a Planned Development District, or other requirement shall be constructed of clay-fired brick masonry units or other suitable permanent materials which do not contain openings constituting more than 40 square inches in each one square foot of wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence. Concrete masonry units, poured in place concrete, tilt-up concrete, or concrete panels may be used upon approval by the Planning and Zoning Commission.

   Properties located within Downtown Prosper are only required to provide screening along property lines that are adjacent to properties shown as residential on the Future Land Use Plan and zoned as residential. The screening shall consist of an 8- foot cedar board-on-board wooden fence constructed in accordance with the fence ordinance as it exists or may be amended.

2. All required screening walls shall be equally finished on both sides of the wall.

3. All loading and service areas shall be screened from view from adjacent public streets and adjacent property that is zoned or designated on the Future Land Use Plan for residential uses. Screening shall be by walls with complimentary landscaping that is compatible with the project design.

   a. Screening walls shall be 14 feet tall with one row of 8-foot minimum evergreen trees adjacent to the loading area.

   b. A screening wall is not required if a double row of perimeter evergreen trees is provided on offset 50-foot centers within a 15-foot landscape edge. 50% of the trees shall be canopy evergreen trees.

4. Trash and recycling collection area requirements are as follows:

   a. Trash and recycling collection areas shall be located in the rear of the property to minimize visibility. For trash collection areas that have regular trash containers and recycling containers, a double enclosure shall be required.

   b. Trash and recycling collection areas shall not be located between a building and street unless approved by the Director of Development Services, or their designee.

c. Collection area enclosures shall contain permanent walls on three sides with the service opening not directly facing any public right-of-way or any residentially zoned property, unless setback a minimum of 250 feet from the right-of-way or residentially zoned property. The fourth side will incorporate a metal gate of a height equal to the height of the wall to visually screen the dumpster or compactor. The metal gate shall be closed at all times unless the container(s) are being serviced.

d. Screening enclosures shall be visually and aesthetically compatible with the overall project.

e. Trash and recycling receptacles shall be screened with a minimum 8-foot clay fired brick or stone wall of sufficient height to entirely screen the container(s) and of a color that is consistent with the color of the primary building.

f. Trash compactors shall be screened with a minimum 8-foot clay fired brick or stone wall of sufficient height to entirely screen the container(s) and of a color that is consistent with the color of the primary building.

g. Enclosure sizes and specifications shall be determined by the Town's trash and recycling contractor, subject to approval by the Director of Development Services or their designee.

h. A row of Nellie R. Stevens Holly, or other evergreen species as approved by the Director of Development Services or their designee that is a minimum 4 feet in height at the time of planting and has a mature height of a minimum 6 feet, shall be planted in a minimum 5-foot-wide landscaped area that borders the three permanent walls of the enclosure. If this required landscape area is located on the perimeter of the property, the perimeter landscape area may be used towards this requirement and will not need to be widened, provided that it is a minimum 5 feet in width and can accommodate the required plantings. The required landscape area shall be irrigated.

i. No trash and recycling collection area shall be located in the corner visibility triangle defined by measuring 15 feet down two intersecting streets' right-of-way lines, then joining the said points to form the hypotenuse of the triangle.

j. The path used from the business door to the collection area enclosure shall remain clear of debris and food residue at all times.

5. Where any alley intersects with a street, no fence or plant taller than two and one-half feet may be placed within a sight visibility triangle defined by measuring 5 feet down the alley right-of-way line and measuring 15 feet down the street right-of-way line, then joining said points to form the hypotenuse of the triangle.

6. In any residential zoning district, or along the common boundary between any residential and nonresidential district where a wall, fence, or screening separation is provided, the following standards for height, location, and design shall be observed:

   a. Any fence or wall located to the rear of the minimum required front yard line shall not exceed 8 feet in height above the grade of the adjacent property. Where a fence intersects a screening wall and the height of the fence exceeds the height of the screening wall, the height of the fence shall transition to the height of the screening wall over a distance of 20 feet.

   b. The maximum height of a fence or wall in a required front yard of a single family shall not exceed 4 feet. Combinations of berms and fences shall not exceed 4 feet in height. Ornamental metal fencing that is attached to required screening walls as defined in this UDC, as it currently exists or may be amended, may be constructed up to 8 feet in height in the front yard of cul-de-sac lots for only the side of the lot that is adjacent to a street with a right-of-way width of 60 feet or greater. The height of this fence shall not exceed the height of the adjacent required screening wall.

   c. The maximum height of a fence in a required front yard of a single family lot that is 1 acre or larger may exceed the 4-foot height limit established above, provided that said fence shall not exceed 8 feet in height and shall be constructed of wrought iron or decorative tubular steel.

7. Screening shall be required between residential lots and adjacent rights-of-way as required by this UDC, as it currently exists or may be amended.

8. Rooftop and ground-mounted mechanical equipment shall be screened with a parapet wall and/or masonry wall to a height taller than 12 inches than the mechanical equipment being screened. Where rooftop-mounted mechanical equipment is not screened from view at a point six feet above ground level at the property line, alternative forms of screening are required, and may be constructed of metal, acrylic, or a similar material, subject to approval by the Director of Development Services. Rooftop-mounted mechanical equipment shall also be screened from adjacent public right-of-way, additionally alternative forms of screening are required, and may be of constructed of metal, acrylic or similar material, subject to approval of the Director of Development Services.
9. A 6-foot high and three-foot wide irrigated living screen shall be required when nonresidential parking is located adjacent to residential within Downtown Prosper. The living screen is not required where a wood fence is required in accordance with **Article 2.11.B.1**above.
10. For residential property, all air conditioning units, trash/recycling containers, and pool equipment shall be entirely screened from view from adjacent public right-of-way by a living screen consisting of evergreen shrubs, a solid privacy fence, or through building orientation.
11. Electric transformers shall be fully screened from view by a minimum 5-foot high masonry wall or solid landscaping screen. Additional height or screening is required to ensure the electric transformer is not visible from adjacent public rights-of-way.

2.12. Outdoor Lighting

A. Purpose

The purpose of this section is to:

1. Reduce the problems created by improperly designed and installed outdoor lighting.
2. Eliminate problems of glare on operators of motor vehicles, pedestrians, and land uses.
3. Minimize light trespass.
4. Reduce the energy and financial costs of outdoor lighting by establishing regulations which limit the area that certain kinds of outdoor lighting fixtures can illuminate.
5. Preserve the night sky as a natural resource and thus people's enjoyment of looking at the sky and stars.

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.
    a. Light sources or luminaires are prohibited in buffer areas and within required setback yard areas except on pedestrian walkways and hike and bike trails.
    b. Light for outdoor advertising shall be designed to function as full cutoff type of luminaire(s). Lighting intended for outdoor advertising shall be directed downward. The temporary use of lasers and spotlights that project light into the sky may be allowed subject to the restrictions of temporary outdoor lighting in **Article 2.12.C** below.
    c. All luminaires located on nonresidential use properties shall be designed so that the light source (bulb or lamp) is completely shielded from direct view of at a point three feet above grade on the lot line abutting a protected residential property. In all other instances, the light source must be completely shielded from direct view of at a point 5 feet above grade on the lot line.
    d. All luminaires located on private property shall be designed or positioned so that the maximum illumination at the property line next to protected residential property shall not exceed ¼ foot- candle and shall not exceed ½ foot-candle adjacent to a street right-of-way.
    e. All luminaries and light sources subject to this section shall be maintained and kept in good working order.
    f. Lighting for canopies covering fueling stations at automobile service stations and drive-through facilities shall not illuminate abutting properties and the luminaires shall be designed so that the light source (bulb or lamp) is completely shielded from direct view at a point 5 feet above the grade on the lot line.
    g. Wall or roof lighting may be used to illuminate the pedestrian walkways, entrance areas, and yard areas within 30 feet of the building. No wall or roof lighting shall be used to illuminate areas for motor vehicle parking or access unless the Building Official finds the following:
        i. That the proposed lighting is not in conflict with the stated purpose;
        ii. That the proposed lighting will not unreasonably harm or restrict public health, safety and welfare or create a nuisance; and
        iii. The proposed lighting will not result in an impairment of vision creating a hazard for vehicular or pedestrian traffic.
    h. Any open area used for motor vehicle parking, storage or access shall be illuminated with freestanding luminaries. Freestanding luminaires are permitted to be a maximum of 30 feet in height. When a luminaire is located within 100 feet of protected residential property, the maximum permitted luminaire's height shall be 20 feet. All luminaires must have a total cutoff angle equal to or less than 90 degrees. The use of exterior

lighting with a cutoff angle greater than 90 degrees shall be permitted only when the Building Official finds the following:

i. That the proposed lighting is not in conflict with the stated purpose;

ii. That the proposed lighting will not unreasonably harm or restrict public health, safety, and welfare or create a nuisance; and

iii. The proposed lighting will not result in an impairment of vision creating a hazard for vehicular or pedestrian traffic.

i. Externally illuminated signs, advertising displays, billboards, building identification, and monument signs shall use top mounted light fixtures which shine light downward and which are fully shielded or upward with pin-pointed light which are fully shielded.

j. Outdoor light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a very narrow cone of light for the purpose of confining the light to the object of interest and minimizing spill-light and glare.

k. Building facades and architectural features of buildings may be floodlighted when the following conditions are met:

i. Floodlight fixtures are equipped with shields and are located so as to limit the fixture's direct light distribution to the façade or feature being illuminated;

ii. The configuration of the floodlight installation shall block all view to the floodlight fixture's lamp from adjacent properties; and

iii. The maximum luminance of any floodlighted surface does not exceed the foot-candles specified in the Illuminating Engineering Society of North America Lighting Handbook for floodlighting surfaces.

C. Temporary Outdoor Lighting

1. Any temporary outdoor lighting that meets the requirements of this section shall be allowed. Nonconforming temporary outdoor lighting may be approved by the Director of Development Services after considering:

a. The nature of the exemption;

b. The public and/or private benefits that would result from the temporary lighting;

c. Placement and height of outdoor light fixtures;

d. Type of outdoor light fixture to be used, including total lumen output and character of shielding, if any;

e. Any annoyance or safety problems that may result from the use of the temporary lighting;

f. The duration of the temporary nonconforming lighting and time that lights will be operating; and

g. Such other data and information as may be required by the Building Official and/or Planning and Zoning Commission to clarify the request.

2. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Town Building Inspector, who shall prepare and forward a report to the Director of Development Services for its consideration.

D. Illumination Levels

The illumination levels contained in the Illuminating Engineering Society of North America Lighting Handbook, as amended from time to time, shall be used as a guide for providing adequate and safe illumination levels. The Planning and Zoning Commission may require conformance with the illumination levels contained in the Lighting Handbook, Illuminating Engineering Society of North America as part of the review and approval of a private and/or public development project.

E. Method of Measurement

The light measuring meter shall have a color and cosine-corrected sensor with multiple scales and shall read within an accuracy of plus or minus 5%. It should have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within one year of its use.

Illumination levels shall be measured in foot-candles with a meter sensor in a horizontal position at an approximate height of 3 feet above grade. Maximum illumination readings are to be taken directly beneath the luminaries. Readings should be taken after a cumulative initial lamp burn for a period of at least 200 hours.

F. Exterior Lighting Plan

1. A lighting plan shall be required anytime exterior lighting is proposed, or modified, that is associated with a use of greater intensity than a single family detached or duplex dwelling. The lighting plan shall be submitted to the Building Inspections Department. The submission shall contain, but not be limited to the following:

    a. Plans indicating the location of the exterior lighting on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;

    b. Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required) and height of the luminaries; and

    c. Photometric plan and data sheets, such as those furnished by manufacturers, or similar to those furnished by manufacturers, showing the angle of cut off or light emissions.

2. A certified engineer, architect, landscape architect, or lighting engineer or designer shall prepare the plan. The plan shall also contain a certification by the property owner or agent and the preparer of the plan that the exterior lighting depicted on the plan complies with the requirements of this ordinance after installation. Once the plan is approved by Building Inspections, the exterior lighting of the property shall conform to the approved plan.

3. Additional Submission

    The above-required plans, descriptions and data shall be sufficiently complete to enable the reviewer to readily determine whether compliance with the requirements of this section will be secured. If such plans, descriptions and data cannot enable this ready determination, by reason of the nature or configuration or the devices, fixtures, or lamps proposed, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.

    Before issuance of a certificate of occupancy, the applicant or their designee shall submit to building inspections a photometric plan, stamped by a certified testing laboratory or engineering firm that the installed lighting is in compliance with this section.

4. Lamp or Fixture Substitution

    Should any outdoor light fixture or the type of light source therein be changed after the issuance of the building permit and/or certificate of occupancy, a change request with adequate information, as required in **Article 2.12.F.1** above, to ensure compliance with this section must be submitted to the Building Official for review and approval prior to the substitution.

G. Prohibited

The following are prohibited by this section:

1. "Cobra head" type lighting fixtures having dished or "drop" lenses or refractors which house other than incandescent light sources.

2. Flickering or flashing lights.

3. Exposed neon lighting, except for open/closed signs hanging inside a building door or window.

H. Exemptions

The following are exempt from the standards contained in this Ordinance:

1. Decorative seasonal lighting. The decorative seasonal lights shall be removed within a reasonable time after any given reason. The Building Official will determine what the "reasonable time" should be.
2. Lighting for single family detached or duplex dwellings, provided that:
    a. The lamps have a power rating of less than or equal to 1,100 lumens;
    b. A cutoff component is incorporated in the design of the luminaries;
    c. The lighting level at the property line shall not exceed the maximum level specified within this section; and
    d. The maximum lighting level at the property line may be exceeded in cases where the lamp is turned on and off by a motion sensor and the lamp is not on for a continuous period exceeding ten minutes.
3. Signs of the type constructed of translucent materials and wholly illuminated from within are exempt from the shielding requirement.
4. Temporary emergency lighting used by police, fire fighters, or other emergency services, as well as all vehicular luminaries.
5. Hazard warning luminaires, which are required by federal and state regulatory agencies.
6. Residential party lights for social gatherings. Such temporary outdoor lighting includes, but is not limited to, strings of lights and lanterns. The party lights shall be removed within a reasonable time after any given reason. The Building Official will determine what the "reasonable time" should be.
7. Because of their unique requirement for nighttime visibility and their limited hours of operations, public and commercial ball diamonds, playing fields, and tennis courts are exempted from the general standards of this section. Private ball diamonds, playing fields, and tennis courts on a single family lot built as an accessory use to the home on that lot are subject to the requirements of this section. Lighting for these public and commercial outdoor recreational uses shall be shielded to minimize light and glare from spilling over onto protected residential properties. The maximum permitted illumination at the property line shall not exceed two foot-candles.
8. Town Council may vary from these requirements as part of the approval of public street or sidewalk projects.

I. Nonconforming Luminaries

1. Exterior lighting luminaires in existence on the effective date of this ordinance shall be considered nonconforming. Such fixtures may be repaired, maintained and replaced. However, the nonconforming lighting luminaires shall be replaced to comply with this section when the property is redeveloped.
2. Exterior lighting luminaires existing on the effective date of this ordinance which are located on private nonresidential used property and are found to direct light or glare to protected residential properties may be declared a public nuisance if the level of illumination on protected residential property, which is caused by the luminaries, is greater than one-quarter foot-candle. Such fixtures shall be altered to reduce the level of illumination in the protected residential property to a one-quarter foot-candle within two months of receiving a written notice of the violation from the Town. Two-foot candles are allowed for public and commercial ball diamonds, playing fields and tennis courts.

J. Enforcement

The Building Official, or their designee, is hereby empowered and directed to administer and enforce the provisions of this section relating to outdoor light control.

2.13. Accessory Buildings and Uses

A. Generally

In a residential zoning district, an accessory building is a secondary or incidental building, attached to or detached from the main building without separate kitchen facilities, and not used for commercial purposes or short-term rentals. A garage apartment and a guest house may include kitchen facilities but shall not be used for commercial purposes or short-term rentals. An accessory building shall be similar to the primary dwelling in appearance and character.

B. Subordinate Building

In other zoning districts, an accessory building is a subordinate building, the use of which is incidental to and used only in conjunction with the main building.

C. Area Regulations for Accessory Buildings in Residential and Multifamily Districts

1. Accessory building yard requirements in the MF District shall be the same as the main building unless approved by the Planning and Zoning Commission on a Preliminary Site Plan for the multifamily development. Accessory building yard requirements for all other residential zoning districts shall be as set forth below.
2. Size of yards:
    a. Front yard: Detached front accessory buildings shall have a front yard not less than the main building or as specified in the particular zoning district.
    b. Side yard: There shall be a side yard not less than three feet from any side lot line, or alley line for any accessory building provided that such building is separated from the main building by a minimum distance of ten feet. In the case of an accessory building being closer than ten feet to the main building, the minimum side yard requirements for the main building shall be observed. Accessory buildings adjacent to a side street shall have a side yard not less than 15 feet.
    c. Garages and carports: Garages and carports located and arranged so as to be entered from the side yard shall have a minimum distance of 20 feet from the side lot line, alley line, or easement line. Carports or garages arranged to be entered from the side yard, facing a public street, shall have a minimum distance equal to the required front yard for the main building.
3. Rear yard: There shall be a rear yard not less than three feet from any lot line or alley line, or easement line, except that:
    a. If no alley exists, the rear yard shall be not less than ten feet as measured from the rear lot line;
    b. Carports, garages, or other accessory buildings, located within the rear portion of a lot as heretofore described, constructed closer than 10 feet to the main building, shall have a rear yard equivalent to the rear yard requirement for the main building;
    c. Accessory buildings constructed ten feet or more from the main building shall have a rear yard of three feet. If an alley exists, accessory buildings may be located within 3 feet of a rear lot line if the height of the building is no greater than 8 feet and a solid fence or wall of the same height shall be built on the rear lot line to screen the building from property located to the rear;
    d. Garages arranged so as to be entered by a motor vehicle from an alley or rear alley easement shall be set back from the rear yard or alley easement line a minimum distance of 20 feet.

2.14. Additional and Supplemental

A. Lot Regulations

1. The minimum lot area for the various zoning districts shall be in accordance with the individual districts except that a lot having less area than herein required which was an official "lot of record" prior to the adoption of this UDC, may be used for a single family dwelling and no lot existing at the time of passage of this UDC shall be reduced in area below the minimum requirements set forth in the respective district.
2. Location of dwellings and buildings. All lots or unplatted tracts may have only one main building for single family use located on them. Additionally, accessory buildings may be permitted in accordance with this UDC.
3. Every means of access shall have a minimum lot width of 25 feet at the property line.
4. Whenever two or more main buildings, or portions thereof, are placed upon a single lot or tract and such buildings do not face upon a public street, the same may be permitted when the Site Plan for such development is approved by the Planning and Zoning Commission so as to comply with the UDC's requirements for platting.
5. No parking area, storage area, or required open space for one building shall be computed as being the open space, yard, or area requirements for any other dwelling or other use.
6. Flag lots may be created if the width of the narrow area of the lot fronting on public right-of-way meets the minimum lot width requirements for the property's zoning district. A lot width of less than 50 feet shall require a variance for approval in special circumstances, but in no case shall a lot width less than 40 feet be approved.
7. Residential density calculations. The maximum permitted residential densities for the TH and MF Districts shall be calculated using the net acreage of the site to be developed.

   Net acreage shall not include the following:

   a. Right-of-way dedicated for major thoroughfares.
   b. Required parkland dedication.
   c. Detention.
   d. Land used for nonresidential purposes.
   e. Non-reclaimed floodplain.

   Net acreage may include the following:

   f. Private open space.
   g. Park dedication in excess of minimum park dedication requirements.
   h. Detention ponds that contain a constant water level, are landscaped, or otherwise treated as an amenity for the development, as determined by the Director of Development Services or their designee.

B. Minimum Dwelling Unit Area

The minimum dwelling unit area of a residential unit shall be as specified in each residential zoning district in Article 2 of this chapter. Dwelling unit area is defined as that area devoted to the living area in a residence or dwelling unit and is exclusive of porches, enclosed or open breezeways, storage areas, garages, or other non-living space. The minimum dwelling unit area will generally be air-conditioned space.

C. Front Yard

1. On corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless shown specifically otherwise on a Final Plat.
2. The minimum front yard in single family and two-family zoning districts may be reduced by ten feet in the following circumstances. In no case shall the reduction cause the minimum front yard to be less than 15 feet.

a. For an outside swing-in garage provided the wall of the garage that faces the street contains a glass pane window with a minimum size of three feet by five feet and the height of the garage does not exceed one story; or

b. For a non-enclosed porch, stoop, or balcony, or an architectural feature, such as bay windows without floor area or chimney; or

c. For a non-enclosed porch and the main structure provided;

i. The height of the main structure does not exceed one story;

ii. The porch has a minimum dimension of seven feet in depth measured from stud to the front edge of the porch floor and a minimum width of 20 feet; and

iii. The minimum front yard for a front entry garage is increased one foot for every one foot the minimum front yard for the main structure is reduced.

3. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive zoning district for the entire frontage.

4. Where a building line has been established by a plat approved by the Town of Prosper or by ordinance prior to the adoption of this UDC, and such line required is a greater or lesser front yard setback than prescribed by this UDC for the zoning district in which the building line is located, the required front yard shall comply with the building line so established by such ordinance or plat provided no such building line shall be set back less than 20 feet.

5. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed three feet, and subsurface structures, platforms or slabs may not project into the front yard to a height greater than 30 inches above the average grade of the ground under the structure

6. Where a lot fronts and backs to two different streets, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance, in which event only one required front yard needs be observed

7. Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding or landscaping 30 inches or higher above the street center line obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection.

a. At a street intersection where one or both of the streets is a major thoroughfare, clear vision must be maintained for a minimum of 25 feet across any lot measured from the corner of the property line in both directions.

b. At an intersection of two neighborhood streets, this clearance must be maintained for 10 feet.

c. At an intersection of a neighborhood street and an alley, this clearance must be maintained 5 feet down the alley and 15 feet down the street.

8. Gasoline, or other hydrocarbon fuel, service station pump islands including their associated unenclosed canopies shall meet the front yard setback requirements when located adjacent to a public street.

9. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front or side yard shall be measured from the future right-of-way line.

D. Side and Rear Yards

1. On a key lot used for Single Family or Townhome dwellings, both street exposures shall be treated as front yards, with the setback on the side without the building frontage matching the front setback of the property to the building's rear. This standard applies to all key lots except where one street exposure is designated as a side yard and separated from the adjacent lot by an alley. In such case, a building line shall be designated on the plat

approved by the Town of Prosper containing a side yard of 15 feet or more. On lots that were official lots of record prior to the effective date of this UDC, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the zoning district.

2. Every part of a required side yard shall be open and unobstructed from the ground upward except for accessory buildings as permitted herein and the ordinary projections of windowsills, belt courses, cornices, and other architectural features not to exceed 12 inches into the required side yard, and roof eaves projecting not to exceed 36 inches into the required side yard. Air conditioning compressors and similar appurtenances are permitted in the side yard.
3. Side yard setbacks in the C District may be waived for a building when attached to an adjacent building and is shown on a Site Plan approved by the Planning and Zoning Commission.
4. The face (meaning garage door) of a garage that faces a side yard (a swing-in garage) must be set back 24 feet from the side property line.
5. Nonresidential uses that are permitted within a single family zoning district (such as a day care, school, or church) shall maintain a 40-foot side and rear building setback when adjacent to a property that is zoned or designated on the future land use plan for residential uses.

E. Special Height Regulations

1. Water stand pipes and tanks (excluding Town owned and/or operated water tanks), church steeples, domes, spires, school buildings, and institutional buildings may be erected to exceed three stories in height, provided that one additional foot shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed three stories.
2. Ornamental features in all nonresidential zoning districts may exceed the maximum building height provided that the ornamental feature does not contain floor area and provided the required setbacks for the ornamental feature are increased by two feet for every one foot that the ornamental feature exceeds the maximum height. Ornamental features include, but are not limited to towers, spires, steeples, and cupolas.

F. Measurements

All measurements of setback requirements shall be made according to **Article 2.04.C, Dimensional Standards**.

G. Modular Homes

A modular home may be permitted in the A, SF-E, SF-15, SF-10, TH, or MF Districts providing that the following requirements are met:

1. The dwelling shall meet or exceed all building code requirements that apply to other dwelling units concerning on-site construction.
2. Conforms to all applicable zoning standards for the respective zoning district.
3. Is affixed to an approved permanent foundation system.
4. The building official is so notified in writing for the purpose of establishing procedures for the inspection, issuing of building permits, and compliance with the Texas Occupations Code chapter 1201.
5. The modular home is placed on an approved platted lot of the Town.

H. Exterior Construction of Residential Buildings

1. The roof pitches of a main building or structure, including garages in the A, SF-E, SF-15, SF-10, and TH Districts shall meet the following roof pitch standards:
    a. A minimum of 65 percent of the surface area of composition roofs shall maintain a minimum roof pitch of 8:12.

b. A minimum of 75 percent of the surface area of clay tile, cement tile, slate or slate products, or metal roofs shall maintain a minimum roof pitch of 3:12.

c. Wood roof shingle are prohibited.

I. Handicap Accessibility

If applicable all nonresidential buildings and parking areas shall conform to the Americans with Disabilities Act (ADA) of 1991, as may be amended, accessibility guidelines, the Uniform Federal Accessibility Standards, and Texas Accessibility Standards (TAS).

J. Personal Storage and Mini-warehouse Facilities

The side building lines of a personal storage or mini-warehouse facility may be reduced by approval of the Planning and Zoning Commission at the time of the preliminary Site Plan approval. The configuration of the storage units shall be with the doors facing into the site with the rear walls of the units serving as the outer boundary.

Self-storage or mini-warehouse facilities must comply with this UDC, and its amendments relating to the construction material used for exterior buildings. Notwithstanding any other provisions to the contrary, a personal storage or mini-warehouse facility constructed adjacent to a residential area, whether separated by a dedicated street or not, shall exclusively use clay fired brick or stone as the exterior construction material.

K. Adjacency of Certain Uses to Residential Zoning

1. All buildings, gasoline pump islands, vacuums, outdoor speakers, gasoline or fuel storage tanks, air and water dispensers, and other structures in conjunction with any automotive use shall be located a minimum of 200 feet from any residential zoning district or areas shown as residential on the future land use plan. No service bay shall face a residential zoning district or areas shown as residential on the future land use plan. Automotive uses shall be defined as the sales, leasing, renting, servicing, repair, or washing of automobiles, boats, motorcycles, trucks, or any other motor vehicle.
2. All buildings, structures, and outdoor speakers used in conjunction with any drive-through restaurant or drive-in restaurant shall be located a minimum of 200 feet from any residential zoning district or areas shown as residential on the future land use plan.
3. Any lot containing a drive-through restaurant, drive-in restaurant, and/or an automotive use as defined in this Subsection and that is adjacent to a residentially zoned property or areas shown as residential on the future land use plan shall comply with the landscape requirements set forth in 2.08.F. Any lot containing a drive-through restaurant, drive-in restaurant, and/or an automotive use as defined in this Subsection and that is adjacent to a residentially zoned property or areas shown as residential on the Future Land Use Plan shall comply with the landscape requirements set forth in **Article 2.08.F** and screening wall requirements set forth in **Article 2.11.B.**
4. The requirements listed in this Subsection shall not apply to a drive-through restaurant, drive-in restaurant, and/or an automotive use within 200 feet of a residential zoning district that is separated from the residential area by an existing or future major thoroughfare identified on the Town's thoroughfare plan.

L. Residential Development Adjacent to Railways

1. Minimum building setback, screening, and landscaping requirements:

   When a boundary of a residential subdivision is adjacent to a railroad right-of-way, one of the two following screening options shall be installed within three months from the date of Town acceptance of public improvements:

   a. Option One

      i. A minimum building setback of 50 feet shall be required from the railroad right-of-way; and

      ii. A 100% clay fired brick or stone wall with a minimum height of 6 feet shall be constructed on the railroad right-of-way line; and

iii. One 3-inch caliper large tree shall be planted a minimum of 30 linear feet on center adjacent to the residential side of the wall. A minimum of 50% of the trees shall be of the evergreen variety. The landscaped area shall be mechanically irrigated. The lot owner shall be responsible for the replacement of required plant materials.

b. Option Two

i. A minimum setback of 80 feet shall be provided from the railroad right-of-way; and

ii. A 6-foot-high earthen berm with a maximum slope of 3:1 shall be constructed adjacent to the railroad right-of-way line.

iii. One 3-inch caliper large tree shall be planted a minimum of 20 linear feet on center along the top or on the residential side of the berm. A minimum of 50% of the trees shall be of the evergreen variety. The landscaped area shall be mechanically irrigated. The lot owner shall be responsible for the replacement of required plant materials.

2. Platting requirements:

a. The setback area shall be designated on the plat as follows: "This setback area is reserved for screening purposes. The placement of structures on this land or the removal of healthy screening plant materials is prohibited."

b. Should the setback area be part of a single family lot, the setback area shall also be recorded on the plat as a building line.

3. This section shall not apply to any residential development with an approved Preliminary Site Plan, Preliminary Plat, and/or Final Plat prior to adoption of this UDC.

M. Alternating Single Family Plan Elevations

1. In the SF Districts, a minimum of four distinctly different home elevations shall be built on the same side of the street. Similar elevations shall not face each other. The same elevation shall not be within three homes of each other on the same side of the street.

2. Different exterior elevations can be developed by means of at least two of the following criteria:

a. Varying roof forms/profiles with distinct pitches, projections, or cupolas;

b. Varying facades with different window, door, and articulation styles and placements;

c. Varying entry treatments such as porches and columns;

d. Varying building heights, stories, or setbacks.

N. Residential Garage Standards

1. In the SF Districts, garages shall meet the following requirements:

a. In no instance shall a garage door directly facing a street be less than 25 feet from the property line.

b. Garage doors directly facing a street shall not occupy more than 50% of the width of the front façade of the house.

c. Where a home has three (3) or more garage/enclosed parking spaces, no more than two single garage doors or one double garage door shall face the street, unless the garage door(s) are located behind the main structure.

O. Accessory Building Construction

1. An accessory building that is larger than 160 square feet may be vinyl, fiber cement board, or factory coated decorative metal if the wall height of the building does not exceed 14 feet and if three of the following six conditions are met:

a. A minimum three-foot-high wainscoting is provided on all sides, excluding windows and doors;

b. Divided light windows are provided on at least two sides of the building;

c. A minimum roof pitch of four in 12 is provided;

d. A cupola is provided;

e. One tree, a minimum size of two caliper inches, is planted every 25 feet, or portion thereof, along the longest two sides of the building, or

f. A minimum 20-foot side yard setback is provided.

2. In no instance shall the height of an accessory building or detached garage exceed the height of the primary dwelling.

3. Accessory buildings in excess of 160 square feet shall be located behind the primary structure at a point no closer than ten feet from the rear wall line of the primary structure.

4. A Specific Use Permit is required for either of the following instances:

a. An accessory building that is greater in size than the primary dwelling. For the purpose of this Subsection, the total size of the primary dwelling includes the size of an attached private garage;

b. The size of the accessory building is greater than seven percent of the size of the lot area; or

c. The size of the accessory structure is greater than 4,000 square feet.

2.15. Nonresidential Design and Development

A. Applicability

The purposes of this Division are to:

1. Establish minimum standards for the appearance of development and corresponding architectural design and site elements that enhance property values, reflecting the interest of the Town's general welfare;
2. Promote variety, visual interest, and pedestrian-oriented streets in new development;
3. Encourage the design of a developed environment that is built to the human scale;
4. Ensure buildings are compatible with the surrounding areas and contribute to the unique community character of the Town; and
5. Encourage high quality design supportive of the Comprehensive Plan vision, goals, objectives, and recommendations by establishing a system to achieve greater regulatory flexibility for development through provision of certain desirable design and performance characteristics. The intent of these provisions is to promote high-quality development that relates to the street, scale of development, and surrounding land uses by incentivizing three properties of good design: massing, use of materials, and attention to detail. No part of these provisions is intended to prohibit or restrict the use of certain building materials or methods. If a property is subject to a development agreement that addresses building materials, those requirements shall be followed.

   The regulations provided in this Article shall apply to all office, retail, restaurant, service, automobile, commercial, mixed uses, industrial, wholesale, and institutional uses. Where the regulations of this section conflict with other sections of this ordinance, the regulations of this division shall apply.

   Unclassified non-residential uses (i.e. amenity centers) which are permitted in residential districts shall develop in accordance with the office, retail, restaurant, service, automobile, and commercial development standards.

B. Process

All buildings within a common development, as shown on a Preliminary Site Plan, shall have similar architectural styles, materials, and colors.

1. Conceptual façade plans and sample boards shall be submitted with the Preliminary Site Plan application for all non-residential uses. The purpose of the conceptual façade plan is to ensure consistency and compatibility for all buildings within a single development. Façade plans will be used only to ensure minimum standards are met.
2. A final façade plan and sample boards shall be submitted with the final site plan application for all non-residential uses. Façade plans will be used only to ensure minimum standards are met. Façade plans shall be reviewed and approved by the Director of Development Services or their designee. The applicant may appeal the decision to the Planning and Zoning Commission and Town Council using the appeal procedure in this UDC.

C. Design Standards for Office, Retail, Restaurant, Service, Automobile, Commercial, and Mixed-Use Development

1. Exterior appearance of buildings and structures
   a. All buildings shall be finished on all four sides with the same materials, detailing, and features and with a higher level of finish on the front facades (as set forth in the requirements below), except the rear façade if two rows of trees are planted on the perimeter behind the building. In this case, the architectural finish must match the remainder of the building in color only. A double row of trees on offset 50-foot centers in a 15-foot landscape edge, where 50 percent of the trees are canopy evergreen trees. This is for facades that are not visible from public streets and apply to anchor buildings and attached in line spaces only. This provision does not apply to "out" buildings or pad sites. The intent of this paragraph is not to limit materials but rather to ensure consistency in their use.

b. Any building visible from a public right-of-way shall either face such right-of-way or shall have a façade facing such a right-of-way consistent with the character of the front façade.

c. All buildings constructed primarily of brick shall incorporate a form of brick patterning (excluding typical traditional brick patterning, i.e. Running Bond). Acceptable patterning may include those represented below, or similar subjects to approval by the Director of Development Services:





d. All retail/commercial buildings with facades greater than 200 feet in length shall incorporate wall plane projections or recesses that are at least six (6) feet deep. Projections/recesses must be at least 25 percent of the length of the facade. No uninterrupted length of facade may exceed 100 feet in length. This requirement does not apply to building developed and occupied entirely for office uses.

e. All primary and secondary exterior building materials (exclusive of glass) shall be of natural texture and shall be neutrals, creams, or other similar, non-reflective earth tone colors. Bright, reflective, pure tone primary or secondary colors, such as red, orange, yellow, blue, violet, or green are not permitted.

f. Corporate identities that conflict with the building design criteria shall be reviewed on a case-by-case basis and approved by the Director of Development Services or their designee. The applicant may appeal the decision to the Planning and Zoning Commission and Town Council using the appeal procedure in this UDC.

g. Exposed conduit, ladders, utility boxes, and drain spouts shall be painted to match the color of the building or an accent color. Natural metal finishes (patina) are an acceptable alternative to paint.

h. Outdoor vending machines, ice machines, and kiosks are not allowed.

i. The Director of Development Services or their designee may approve variations from these design standards which are equivalent to, or exceed, the standards set forth in this Subsection.

j. Downtown development standards are as follows:

   i. An articulated parapet wall or cornice may be used in place of the sloped roof as required in Subsection q below.

   ii. All windows shall include a minimum sill height of 18 inches.

   iii. Roof pitches of a nonresidential main building or structure that is downtown shall meet the following:

      (a) A minimum of 65 percent of the surface area of composition roofs shall maintain a minimum roof pitch of 8:12.

      (b) A minimum of 75 percent of the surface area of clay tile, cement tile, slate or slate products, or metal roofs shall maintain a minimum roof pitch of 3:12.

k. Required Design Element Options

   The following is a list of design elements that, based upon the size of a building (see Subsection l below), must be incorporated into a building's design:

   i. Canopies, awnings, or porticos;

   ii. Overhangs;

   iii. Recesses or projections; (in addition to what is required in Subsection j above)

   iv. Arcades;

v. Peaked roof forms;

vi. Arches;

vii. Display windows;

viii. Architectural details (e.g., tile work or moldings incorporated into the building façade);

ix. Integrated planters or wing walls that incorporate landscape and sitting areas;

x. Offsets, reveals, or projecting ribs used to express architectural or structural bays.

l. Minimum Use of Design Elements

A building's floor area shall determine the minimum number of required design elements generally distributed along each façade as set forth below:

i. A building square footage between 0 and 20,000 square feet shall have at least three (3) design elements listed in Subsection 2 above.

ii. A building square footage between 20,001 and 50,000 square feet shall have at least five (5) design elements listed in Subsection 2 above, and shall be designed to appear as separate but attached buildings through the use of building material changes, wall plane/horizontal articulation, and roofline/vertical articulation.

iii. A building square footage exceeding 50,000 square feet shall have at least seven (7) design elements listed in Subsection k above, and shall be designed to appear as separate but attached buildings through the use of building material changes, wall plane/horizontal articulation, and roofline/vertical articulation.

m. Front Façade Entry Requirements

i. A front façade shall be articulated and designed to present a distinctive entry presence, emphasizing the building's entry point along the façade.

ii. Entry design shall consist of at least three of the following design elements at the primary entrance, so that the primary entrance is architecturally prominent and clearly visible from the abutting street and parking:

(a) Architectural details such as arches, friezes, tile work, murals, or moldings.

(b) Integral planters or wing walls that incorporate landscaping or seating.

(c) Enhanced exterior light fixtures such as wall sconces, light covers with concealed light sources, ground-mounted accent lights, or decorative pedestal lights.

(d) Prominent three-dimensional features, such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets.

(e) A repeating pattern of pilasters projecting from the façade wall by a minimum of eight inches or architectural or decorative columns.

n. Pedestrian Shelter

Facades shall provide shelter integrated into the building form along the side of at least twenty-five percent (25%) of all building frontages adjacent to or facing the principal street or adjacent parking with a maximum shelter height of fifteen (15) feet.

o. Roof Design Standards

All structures except as provided below shall be constructed with a pitched roof, flat roof (pitch less than or equal to 2:12) with a parapet, true mansard roof, or any combination of the preceding.

i. Roofs for stairwells, elevator machine rooms, and other similar spaces shall be exempt from roofing design standards so long as they are not visible from ground level. For the purpose of this paragraph,

visible shall be defined as capable of being seen at a height of six (6) feet while standing at the highest grades on the property line or from adjacent public streets.

ii. All buildings with a footprint of less than 10,000 square feet and located 100 feet or less from a residential zoning district shall incorporate a pitched, gabled, mansard, hipped, or otherwise sloped roof. All sloped roofs shall have a six to 12-inch minimum slope. All buildings with a footprint of less than 10,000 square feet and located 100 feet or greater from a residential zoning district shall incorporate a pitched, gabled, mansard, hipped, or otherwise sloped roof, or a flat roof with an articulated parapet wall or cornice. All roofing types are allowed if they meet IBC standards, provide architectural detail, and have a minimum 30-year life.

p. Windows

i. Reflective glass shall not be permitted; glass shall not have solar reflectance that exceeds twenty percent (20%). The intent of this provision is to prevent the safety hazard of light reflecting from the windows on to adjacent roadways.

ii. Glass shall have a character of transparency. Tinted glass may be used, however, the tinting shall not reduce the light transmission to less than thirty-five percent (35%).

iii. Buildings shall provide glazing on a minimum of thirty-five percent (35%) of the ground floor front façade.

iv. Side elevations shall contain a minimum of ten percent (10%) glazing of the ground floor side façade.

v. Windows shall be individually defined with detail elements such as frames, sills, and lintels, and be placed to visually define the building stories.

vi. All buildings shall be designed to incorporate a form of window articulation. Acceptable articulation may include the following:

(a) Detailed/patterned mullions

(b) Glass depth from wall, minimum eight inches

(c) Projected awnings/sunshades

(d) Water table in lieu of floor to ceiling glass

(e) Articulated lintel (i.e. soldier course in brick or material change EIFS or cast stone with min. ½" projection)

(f) Articulated sill (i.e. soldier course in brick or material change EIFS or cast stone with min. ½" projection)

(g) Cast stone surrounds on entire window

D. Design Standards for Industrial, Wholesale, and Institutional Development

1. Exterior appearance of buildings and structures

a. The front façade, all facades facing public right-of-way, and all facades facing property that is zoned or designated on the future land use plan for residential uses shall be architecturally finished with same materials, detailing, and features. The architectural finish of all other facades must match the remainder of the building in color only.

b. All buildings with a front façade or a facade facing public right-of-way which are greater than 200 feet in length shall incorporate projections or recesses that are at least six feet deep. Projections/recesses must be at least 20 percent of the length of the façade.

c. Windows shall have a maximum exterior visible reflectivity of ten percent. The intent of this provision is to prevent the safety hazard of light reflecting from the windows on to adjacent roadways.

d. All primary and secondary exterior building materials (exclusive of glass) shall be of natural texture and shall be neutrals, creams, or other similar, non-reflective earth tone colors. Bright, reflective, pure tone primary or secondary colors, such as red, orange, yellow, blue, violet, or green are not permitted.

e. Corporate identities that conflict with the building design criteria shall be reviewed on a case-by-case basis and approved by the Director of Development Services or their designee. The applicant may appeal the decision to the Planning and Zoning Commission and Town Council using the appeal procedure in this UDC.

f. Exposed conduit, ladders, utility boxes, and drain spouts shall be painted to match the color of the building or an accent color. Natural metal finishes (patina) are an acceptable alternative to paint.

Article 3. Subdivision Regulations

3.01. Subdivision General Provisions

A. Purpose

As authorized by Texas Local Government Code Sec. 212, the Subdivision Regulations as established in this Article have been established for the purpose of promoting the public health, safety, morals, and general welfare of the Town and its Extraterritorial Jurisdiction (ETJ). They have been designed to:

1. Promote the health, safety and general welfare of the community within the Town's corporate limits and ETJ;
2. Establish orderly policies and procedures to guide development of the Town and ETJ;
3. Provide for the establishment of minimum specifications for construction and engineering design criteria for public infrastructure, reduce inconveniences to residents of the area, and reduce related unnecessary costs to the Town for correction of inadequate facilities that are designed to serve the public;
4. Ensure that development of land and subdivisions shall be of such nature, shape, and location that utilization will not impair the general welfare;
5. Protect against the dangers of fires, floods, erosion, landslides, or other such menaces;
6. Coordinate new development realistically and harmoniously with existing development;
7. Protect and conserve the value of land throughout the Town;
8. Provide the most beneficial circulation of vehicle and pedestrian traffic throughout the Town, and provide for the proper location and width of streets;
9. Establish reasonable standards of design and procedures for the development and redevelopment, provide for the orderly layout and use of land;
10. Ensure proper legal descriptions and documentation of subdivided land;
11. Ensure public facilities with sufficient capacity to serve the proposed subdivision are available for every building site, and provide public facilities for future development;
12. Ensure the adequacy of drainage facilities; and encourage the wise use and management of natural resources throughout the Town to preserve the integrity, stability, and beauty of the community;
13. Preserve natural characteristics of the Town and ensure appropriate development with regard to natural features such as topography, vegetation, and drainageways;
14. Ensure that new development adequately and fairly participates in the dedication and construction of public improvements and infrastructure that are necessitated by or attributable to the development; and
15. Address other needs to ensure the creation and continuance of a healthy, attractive, safe, and efficient community that provides for the conservation, enhancement, and protection of its citizens and natural resources.

B. Applicability

This Article shall apply to all subdivisions of land within the Town of Prosper and its area of Extraterritorial Jurisdiction. It is hereby declared to be the policy of the Town to consider the subdivision and development of land as subject to the control of the Town in order to carry out the purpose of the Comprehensive Plan, other Town codes, and to promote the orderly, planned, efficient and economical development of the Town.

1. The provisions of this Subdivision Ordinance apply to any non-exempt division of land, combination of separate land parcels, and/or development of land within the corporate boundaries of the Town and within its ETJ.
2. No permit shall be issued for any building or structure on a property until a plat has been approved and filed for record unless specifically exempted herein.

C. Compliance Required

1. Plat Approval Required
   a. It shall be unlawful for any person to subdivide any tract, lot, or parcel of land within the Town or within the Extraterritorial Jurisdiction of the Town, unless and until a Final Plat of such subdivision has been approved in accordance with the terms of this article.
   b. Unless and until a Final Plat of a subdivision shall have been first approved in the manner provided in this article, it shall be unlawful for any person to construct or cause to be constructed any street, utility facility, building, structure, or other improvement on any lot, tract, or parcel of land within such subdivision, except as specifically permitted in this article.
2. Improvements Required
   a. Subdivider's Responsibility
      i. The subdivider shall furnish, install, and/or construct the public improvements (water and wastewater systems and the street and drainage facilities) necessary for the proper development of the subdivision.
      ii. All such facilities shall be designed and constructed in accordance with the Town's Design Standards and Specifications, and any other standards, specifications, and drawings as may be hereafter adopted, approved by the Town Council, and placed on file in the office of the Town Secretary.
   b. Facilities Sizing
      i. Where determined to be necessary by the Director of Engineering Services, the facilities shall be sized in excess of that required by this UDC or the design standards and specifications to provide for future growth and expansion.
      ii. The Town Council shall have the authority to participate in the difference between the cost of the facility as sized and the additional cost of the upsized facility as determined by the Director of Engineering Services and in accordance with the requirements of this UDC and/or the design standards and specifications.
      iii. See **Article 3.04.B.3** Rough Proportionality and Fair Share Policy Statement for more details.
3. Streets and Utilities

   The Town shall not repair, maintain, install, or provide any streets or public utility services within a subdivision for which a Final Plat has not been approved and filed of record and in which the standards contained in this article or referred to in this article have not been complied with in full.
4. Phased Development
   a. If a property is to be developed in phases, then it shall be reflected on a Preliminary Plat (and Preliminary Site Plan for nonresidential).
   b. For phased development, the sketch plan shall cover the original property in its entirety and shall clearly show the number of phases. Any neighboring properties under the same ownership shall also be included on the sketch plan.
   c. Phased developments shall coordinate with the surrounding Land Use Plan, any Planned Development concept plan, and existing developments.

d. If the developer elects to include multiple phases on a Preliminary Plat, then an application for a Final Plat of each phase can be submitted only if the Preliminary Plat is still valid.

5. Drainage

If provisions are necessary for drainage facilities on the unplatted future phases of the development, then the plat shall include separate instruments for off-site drainage needs and shall include appropriate notes and descriptions providing the Town the appropriate permissions and approvals needed for access and for maintaining and improving the drainage system.

6. Special Provisions

a. Onsite Sewer Facility (OSSF)

i. No new permit shall be issued by Collin or Denton County or the Town for any septic tank on any lot within 200 feet of an existing or proposed wastewater line without connection to the Town's facilities.

ii. All existing septic tanks must comply with Texas Administrative Code, (Title 30, Part 1, Chapter 285), On-Site Sewage Facilities (OSSF) and/or the current State of Texas rules and regulations regarding private sewage facilities.

iii. No permit shall be issued by the Collin or Denton County Health Department or by the Town for the installation of septic tanks upon any lot in a subdivision for which a Final Plat has not been approved and filed for record, or upon any lot in a subdivision in which the standards are contained herein, referred to herein, or applicable under state or federal law have not been complied with in full.

b. Final Plat required for building permits or certificates of occupancy

i. Residential development: No building permits, except those specifically to be used as model homes, shall be issued by the Town for any structure on a lot in a subdivision for which a Final Plat has not been approved and filed for record, nor for any structure on a lot within a subdivision that the standards contained herein or referred to herein have not been complied with in full. Model permits can only be issued in accordance with the Town's early model home permit policy.

ii. Nonresidential development: No certificates of occupancy shall be issued by the Town for any structure on a lot in a subdivision for which a Final Plat has not been approved and filed for record.

c. Selling or transferring lots prohibited until completion

No lot in any subdivision shall be sold or transferred until the plat is approved and recorded, and all the standards, specifications, or requirements contained or referred to herein have been complied with in full.

d. Services prohibited in subdivision until completion

For a residential subdivision, no person or entity including the Town itself shall sell or supply any utility service such as water, gas, electricity, telephone, cable, communications, or wastewater service within a subdivision for which a plat has not been approved or filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full, unless that utility is being provided to a model home.

e. Compliance with standards required

The Town shall not authorize any other person, nor shall the Town itself be required to repair, maintain, install, or provide any streets or public utility services in any subdivision for which the standards contained herein or referred to herein have not been complied with in full.

f. Dedications

i. Refusal or denial of a plat by the Planning and Zoning Commission shall be deemed a refusal by the Town to accept the offered dedications shown thereon.

ii. Approval of a plat shall not impose any duty upon the Town concerning the maintenance or improvement of any such dedicated until final acceptance by the Town.

7. Exemptions

   The following are exemptions to the platting requirements in **Article 3.02**:

   a. Use of existing cemeteries complying with all state and local laws and regulations; and

   b. Dedication of an easement or right-of-way by a separate document recordable in the County records if approved by the Town.

3.02. Subdivision Procedures

A. Summary of the General Subdivision Procedure

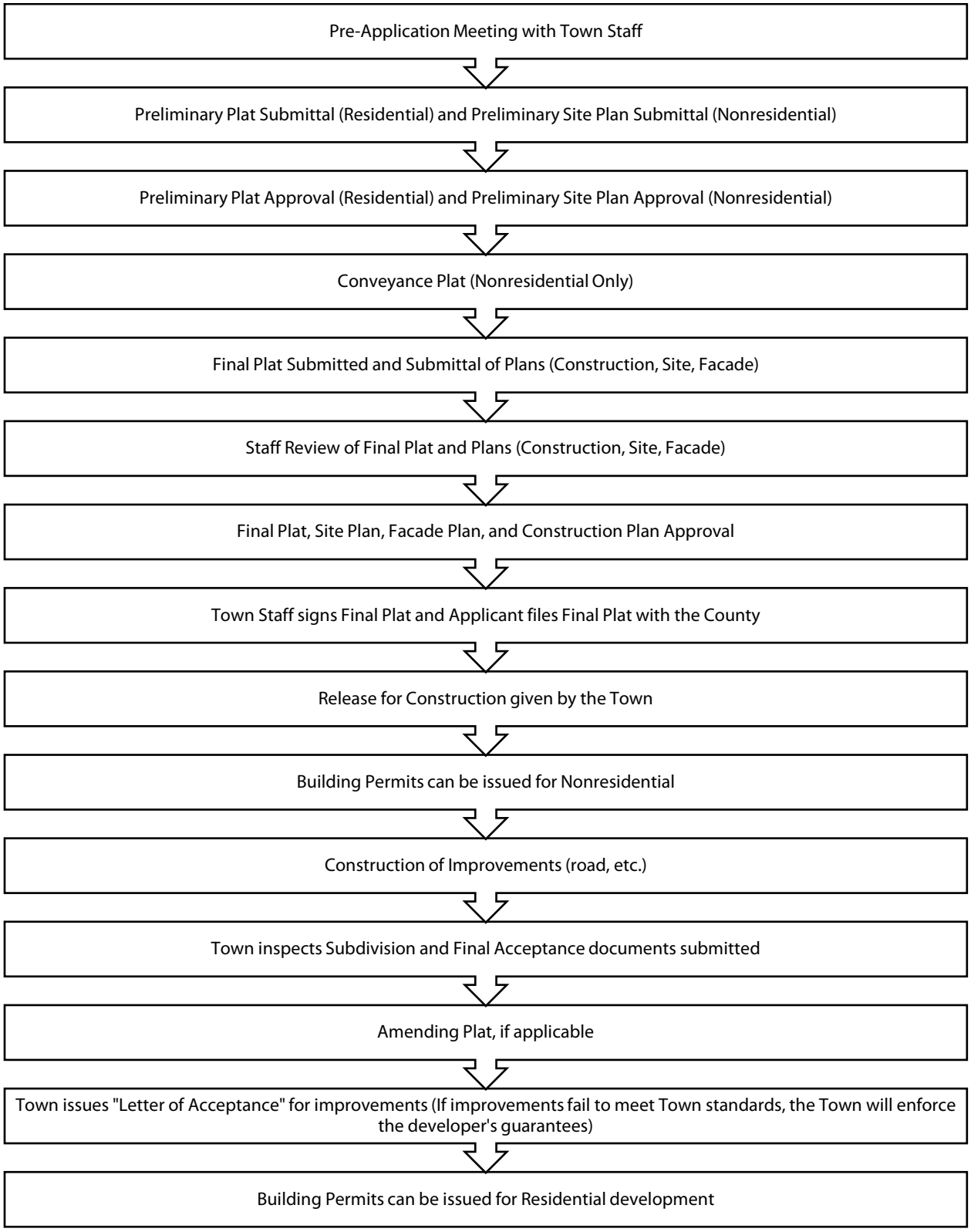
Any owner or developer of any lot, tract, or parcel of land located within the corporate limits of the Town or within its Extraterritorial Jurisdiction (ETJ) who wishes to subdivide such land shall conform to the following procedure.

1. General Overview of the Platting Process
    a. Pre-application meeting;
    b. Preliminary Plat submittal and approval (residential development only);
    c. Final Plat submittal and approval, with Construction Plans submitted concurrently;
    d. Approval of Construction Plans;
    e. Signature and filing of the Final Plat;
    f. Construction of improvements;
    g. Final inspection and submission of final acceptance documents;
    h. Town acceptance of improvements (letter of final acceptance).
2. Detailed Steps

    The detailed steps within each phase of the subdivision development procedure are covered in Article **3.02.B**.

B. General Overview of the Development Review Process

Figure 3.02-1 General Overview of the Platting Process



C. Plat Approval Authority

1. Texas Local Government Code Sec. 212.006 designates the **Planning and Zoning Commission** as the authority responsible for approving plats.
2. Texas Local Government Code Sec. 212.0065 authorizes the **Planning and Zoning Commission** to delegate one or more officers or employees of the Town the ability to approve, approve with conditions, or disapprove a plat. The Town of Prosper **Planning and Zoning Commission** hereby delegates plat approval authority to the **Director of Development Services**(or their designee).
    a. The Director may, for any reason, elect to defer to the **Planning and Zoning Commission.**
    b. **Planning and Zoning Commission** approval is required for any plat that requires a **Petition for Subdivision Waiver**(see **3.02.H**) from the regulations contained within **Article 3.**

D. General Subdivision and Platting Procedures

1. Plats Required for Land Subdivision

    A Final Plat or Minor Plat shall be approved prior to any land subdivision that is subject to these regulations and prior to commencement of any new development.

2. Replats and Amending Plats
    a. Replat

        A Replat, in accordance with state law and the provisions of **Article 3.02.I,** shall be required any time a platted, recorded lot is further divided or expanded, thereby changing the boundary and dimensions of the property.

    b. Amending Plat

        In the case of minor revisions to recorded plats or lots, an amending plat may also be utilized if in accordance with **Article 3.02.J**.

3. Zoning
    a. Conformance with existing zoning

        All applications for land within the Town's corporate limits shall be in conformance with the existing zoning on the property.

    b. Request to rezone prior to platting
        i. If an applicant seeks to amend the zoning for property, the request to rezone the property shall be submitted and approved prior to acceptance of an application for filing of a plat, unless otherwise provided below.
        ii. The applicant may request approval from the Director of Development Services to submit an application simultaneously with the zoning change request, in which case the application for the zoning amendment shall be acted upon first, provided that the application is accompanied by a properly executed waiver of right to 30-day action (due to the additional time frame necessary to advertise and process zoning applications).
    c. Site Plan approval

        The Final Plat and the Site Plan shall be reviewed and approved concurrently.

E. Sketch Plan

1. Purpose

   The purpose of a sketch plan shall be to serve as a non-binding visual aid to the applicant and to the Town during the pre-application meeting. The sketch plan shall be used to identify major development considerations such as utilities, roadways, drainage concerns, Comprehensive Plan elements, specific neighborhood characteristics, and historic information.

2. Sketch Plan for the Pre-Application Meeting

   Applicants shall refer to the Town's Development Manual for required application materials for a pre-application meeting and for standards applicable to the Sketch Plan.

F. Preliminary Plat

1. Purpose

   The purpose of a Preliminary Plat shall be to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land subdivision with applicable requirements of these Subdivision Regulations.

2. Applicability

   Unless listed below as an exception, no subdivision of land shall be allowed without proper submittal, approval, and adoption of a Preliminary Plat.

3. Exceptions

   a. An approved Preliminary Plat is not required when a Minor Plat is submitted (refer to **Article 3.02.H**).

   b. An approved Preliminary Plat is not required for nonresidential development.

4. Accompanying Applications

   a. Preliminary and other types of plans

      An application for a Preliminary Plat shall be accompanied by the following, in accordance with the Town's development manual:

      i. A Preliminary Plat application form, which can be obtained in the development manual;

      ii. Preliminary drainage plan;

      iii. Preliminary utility plan; and

      iv. Other plans, if deemed necessary, for thorough review by the Director of Development Services or the Director of Engineering Services.

      Approval of each plan shall be separate and in accordance with **Article 3.02.F.**

   b. Proof of ownership required

      The applicant shall furnish one of the following with the application to the Town:

      i. A current title commitment dated within the last 60 days issued by a title insurance company authorized to do business in Texas;

      ii. A title opinion letter from an attorney licensed to practice in Texas;

      iii. A tax certificate from the County in which the property is located;

      iv. A deed listing all persons or entities having ownership interest in the property; or

      v. Some other acceptable proof of ownership, identifying all persons or entities having an ownership interest in the property subject to the Preliminary Plat, including all lienholders.

5. Review by Director of Development Services

   The Director of Development Services shall:

   a. Initiate review of the plat and materials submitted as specified in the development manual;

   b. Make available plats and reports to the Planning and Zoning Commission for review; and

   c. Upon determination that the application is ready to be acted upon, schedule the Preliminary Plat for consideration on the Agenda of the next available meeting of the Planning and Zoning Commission.

6. Action by the Planning and Zoning Commission

   The Commission shall:

   a. Review the Preliminary Plat application, the findings of the Director of Development Services, and any other information available. From all such information, the Planning and Zoning Commission shall determine whether the Preliminary Plat conforms to these subdivision regulations.

   b. Act within 30 calendar days following the receipt of a complete application, unless the applicant has submitted a waiver of right to 30-day action, as outlined in **Article 1.03.C.4** and Texas Local Government Code § 212.009(b-2), as amended. If a timely decision is not rendered by the Planning and Zoning Commission, the Preliminary Plat, as submitted, shall be deemed approved by the Planning and Zoning Commission.

   c. Take one of the following actions:

      i. Approve the Preliminary Plat;

      ii. Approve the Preliminary Plat with conditions; or

      iii. Disapprove the Preliminary Plat.

   d. In the event the Planning and Zoning Commission conditionally approves or disapproves a Preliminary Plat, the Planning and Zoning Commission shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval, in accordance with Texas Local Government Code § 212.0091, as amended. After the conditional approval or disapproval of a Preliminary Plat, the applicant may submit to the Planning and Zoning Commission a written response that satisfies each condition for the conditional approval or remedies each reason provided for the disapproval, in accordance with Texas Local Government Code § 212.0093, as amended. In the event the Planning and Zoning Commission receives such a response from the applicant, the Planning and Zoning Commission shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plat not later than the 15th day after the date the response was submitted, in accordance with Texas Local Government Code § 212.0095, as amended.

   e. Criteria for Approval

      The following criteria shall be used by the Planning and Zoning Commission to determine whether the Preliminary Plat shall be approved or denied:

         i. All plats must be drawn to conform to the zoning regulations currently applicable to the property. If a zoning change for the property is proposed, then the zoning change must be completed before the approval of any Preliminary Plats/Final Plats;

         ii. No plat or replat may be approved that leaves a structure located on a remainder subdivided lot;

         iii. The proposed provision and configuration of public improvements including, but not limited to, roads, water, wastewater, storm drainage, electric, park facilities, open spaces, habitat restoration, easements, and right-of-way that are adequate to serve the development, meet applicable standards of these subdivision regulations, and conform to the Town's adopted master plans for those facilities;

         iv. The Preliminary Plat has been duly reviewed by applicable Town staff;

v. The Preliminary Plat conforms to design requirements and construction standards as set forth in the design standards and specifications;

vi. The Preliminary Plat is consistent with the Comprehensive Plan, except where application of the plan may conflict with state law;

vii. The proposed development represented on the Preliminary Plat does not endanger public health, safety, or welfare; and

viii. The Preliminary Plat conforms to the Development Services Department's subdivision application checklists.

7. Effect of Approval

a. Approval of a Preliminary Plat shall allow the applicant to proceed with the development and platting process by submitting Construction Plans (**Article 3.03.A**) and a Final Plat **(Article 3.02.G**).

b. Approval of the Preliminary Plat shall be deemed general approval of the subdivision's layout only and shall not constitute approval or acceptance of Construction Plans or a Final Plat.

8. Expiration

a. Two-year validity

i. The approval of a Preliminary Plat shall remain in effect for a period of two years following the date of approval, during which period the applicant shall submit and receive approval for Construction Plans and a Final Plat for the land area shown on the Preliminary Plat.

ii. If Construction Plans and a Final Plat application have not been approved within the two-year period, the Preliminary Plat shall expire.

b. Relationship to Construction Plans

A Preliminary Plat shall remain valid for the period of time in which approved Construction Plans are valid (**Article 3.03.A.6**).

c. Portion of Preliminary Plat

All portions of the Preliminary Plat that do not have an approved Final Plat prior to expiration, or any extension shall become void. A new Preliminary Plat application shall be submitted and processed.

d. Void if not extended

If the Preliminary Plat is not extended as provided in **Article 3.02.F.9**, it shall expire and shall become null and void.

9. Preliminary Plat Extension

A Preliminary Plat may be extended for a period not to exceed one year beyond the Preliminary Plat's initial expiration date. A request for extension shall be submitted to the Director of Development Services in writing at least 30 calendar days prior to expiration of the Preliminary Plat and shall include reasons why the Preliminary Plat should be extended. The request shall also note the anticipated date for submitting a Final Plat application.

a. Decision by the Director of Development Services

i. The Director of Development Services will review the extension request and shall approve or deny the extension request within 30 calendar days following the date of the request.

ii. Should the Director of Development Services fail to act on an extension request within 30 calendar days, the extension shall be deemed to be approved.

b. Considerations

In considering an extension, the Director of Development Services shall consider whether the following conditions exist:

i. A Final Plat has been submitted and/or approved for any portion of the property shown on the Preliminary Plat;

ii. Construction plans have been submitted and/or approved for any portion of the property shown on the Preliminary Plat;

iii. Construction, which includes the installation of public improvements, is occurring on the subject property;

iv. The Preliminary Plat complies with new ordinances that impact the health, safety, and general welfare of the community; and/or

v. If there is a need for a park, school, or other public facility or improvement on the property.

c. Conditions

i. In granting an extension, the Director of Development Services may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and that the public interest is served.

ii. Any extension may be predicated upon compliance with new development regulations and/or the modification of vested rights.

d. Appeal of the denial of a Preliminary Plat approval extension

i. Appeal of the Director of Development Services' decision on a Preliminary Plat extension.

(a) The denial of an extension by the Director of Development Services may be appealed to the Planning and Zoning Commission.

(b) A written request for such appeal shall be received by the Director of Development Services within 14 calendar days following the denial.

(c) The Planning and Zoning Commission shall hear and consider such an appeal within 30 calendar days following receipt of the appeal request by the Director of Development Services.

ii. Appeal of the Planning and Zoning Commission's decision on a Preliminary Plat extension

(a) The denial of an extension by the Planning and Zoning Commission may be appealed to the Town Council.

(b) A written request for such appeal shall be received by the Director of Development Services within 14 calendar days following the denial.

10. Amendments to Preliminary Plats following Approval

a. Minor amendments to Preliminary Plats

i. Minor amendments to the design of the subdivision may be incorporated into an application for Final Plat approval without the necessity of filing a new application for re-approval of a Preliminary Plat.

ii. Minor amendments may only include minor adjustments in street or alley alignments, lengths, and paving details and minor adjustments to lot lines that:

(1) Do not result in creation of additional lots or any non-conforming lots; and

(2) Are consistent with approved prior applications.

iii. Any increase to the size of a property shown on a Preliminary Plat or increase to the density of single family residential lots shown on a Preliminary Plat shall not be considered minor amendments.

b. Major amendments to Preliminary Plats

All other proposed changes to the design of the subdivision subject to an approved Preliminary Plat shall be deemed major amendments that require submittal and approval of a new application for approval of a Preliminary Plat (including new fees, new reviews) before approval of Construction Plans and/or a Final Plat.

c. Determination of Minor or Major Preliminary Plat amendments

The Director of Development Services shall make a determination of whether proposed amendments are deemed to be minor or major, thereby requiring new submittal of a Preliminary Plat.

G. Final Plat

1. Purpose

The purpose of a Final Plat is to ensure that:

a. The proposed subdivision and development of the land is consistent with all standards of these Subdivision Regulations pertaining to the adequacy of public facilities;

b. Public improvements to serve the subdivision or development have been installed and accepted by the Town, or that provision for such installation has been made; and

c. All other Town requirements and conditions have been satisfied or provided for to allow the Final Plat to be recorded.

2. Applicability

Unless listed below as an exception (**Article 3.02.G.3**), no subdivision of land shall occur without the proper submittal, approval, and recordation of a Final Plat or Conveyance Plat, as applicable. A Conveyance Plat may be used to subdivide land for purposes of transfer of property; however, approval or recordation of a Conveyance Plat shall not authorize issuance of a building permit or commencement of development.

3. Exceptions

A Final Plat is not required when a Minor Plat is submitted (refer to **Article 3.02.H**).

4. Proof of Ownership Required

a. A current title commitment dated within the last 60 days issued by a title insurance company authorized to do business in Texas;

b. A title opinion letter from an attorney licensed to practice in Texas;

c. A tax certificate from the County in which the property is located;

d. A deed listing all persons or entities having ownership interest in the property; or

e. Some other acceptable proof of ownership, identifying all persons or entities having an ownership interest in the property subject to the Preliminary Plat, including all lienholders.

5. Accompanying Applications

a. A Final Plat application form, which can be obtained from the Director of Development Services.

b. For nonresidential development, a Preliminary Site Plan for the entire development and a Site Plan for each lot shall be required with the Final Plat application.

c. An application for a Final Plat shall be accompanied by Construction Plans.

d. Approval of the Final Plat and Construction Plans shall be separate and in accordance with this **Article 3.02.G** and **Article 3.03**.

6. Prior Approved Preliminary Plat

   a. The Final Plat and all accompanying data shall conform to the approved Preliminary Plat, or as the Preliminary Plat may have been amended per **Article 3.02.F.10,** if applicable, incorporating all conditions imposed or required, if applicable.

   b. Final Plats for nonresidential developments are exempt from having an approved Preliminary Plat.

7. Review by Director of Development Services

   The Director of Development Services shall:

   a. Initiate review of the plat and materials submitted;

   b. Make available plats and reports to the Planning and Zoning Commission for review; and

   c. Upon determination that the application is ready to be acted upon, schedule the Final Plat for consideration on the agenda of the next available meeting of the Planning and Zoning Commission.

8. Action by the Planning and Zoning Commission

   The Planning and Zoning Commission shall:

   a. Review the Final Plat application, the findings of the Director of Development Services, and any other information available. From all such information, the Planning and Zoning Commission shall determine whether the Final Plat conforms to this UDC.

   b. Act within 30 calendar days following the filing date, unless the applicant submits a waiver of right to 30-day action, as outlined in **Article 1.03.C.4** and Texas Local Government Code § 212.009(b-2), as amended. If a timely decision is not rendered by the Planning and Zoning Commission, the Final Plat, as submitted, shall be deemed approved by the Planning and Zoning Commission.

   c. Take one of the following actions:

      i. Approve..

      ii. Approve with conditions.

      iii. Disapprove.

   d. In the event the Planning and Zoning Commission conditionally approves or disapproves a Final Plat, the Planning and Zoning Commission shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval, in accordance with Texas Local Government Code, § 212.0091, as amended. After the conditional approval or disapproval of a Final Plat, the applicant may submit to the Planning and Zoning Commission a written response that satisfies each condition for the conditional approval or remedies each reason provided for the disapproval, in accordance with Texas Local Government Code, § 212.0093, as amended. In the event the Planning and Zoning Commission receives such a response from the applicant, the Planning and Zoning Commission shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plat not later than the 15th day after the date the response was submitted, in accordance with Texas Local Government Code, § 212.0095, as amended.

9. Final Plat Criteria for Approval

   The following criteria shall be used by the Planning and Zoning Commission to determine whether the Final Plat shall be approved or denied.

   a. The Final Plat conforms to the approved Preliminary Plat except for minor amendments that are authorized under **Article 3.02.F.10** and that may be approved without the necessity of revising the approved Preliminary Plat;

   b. All conditions imposed at the time of approval of the Preliminary Plat, as applicable, have been satisfied;

c. The final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this UDC;

d. The plat conforms to design requirements and construction standards as set forth in the design standards and specifications; and

e. The plat conforms to the Director of Development Services' subdivision application checklists and subdivision regulations.

10. Procedures for Final Plat Recordation after Approval and Conditional Acceptance of Improvements or Financial Guarantee of Improvements

a. Number of copies of the Final Plat and applicant signatures

Submit the appropriate number of copies required by the County for plat recording and in the format required by the County.

b. Town signatures

After approval of the Final Plat by the Planning and Zoning Commission, the Director of Development Services shall procure the appropriate Town signatures.

11. Effect of Recordation

The recordation of a Final Plat:

a. Supersedes any prior approved Preliminary Plat for the same land.

b. Authorizes the applicant to seek issuance of a building permit and sell or transfer lots.

c. No building permit shall be issued until all public infrastructure has been constructed and final acceptance by the Town.

12. Revisions following Recording/Recordation

Revisions may only be processed and approved as a Replat, Minor Replat, or Amending Plat, as applicable.

13. Signature Blocks

The Director of Development Services shall develop and maintain wording for Final Plat signature blocks. This wording shall be made available to the general public via the Town's development manual or similar type document.

14. Expiration of Approved but not Filed Plat

a. One-year validity

The approval of a Final Plat shall remain in effect for a period of one year following the date of approval, during which period the applicant shall submit and receive approval for Construction Plans for the land area shown on the Final Plat.

b. Relationship to Construction Plans

A Final Plat shall remain valid for the period of time in which approved Construction Plans are valid.

c. Void if not extended

If the Final Plat is not extended as provided in **Article 3.02.G** for approved but not filed plats, it shall expire and shall become null and void.

d. Approved Final Plats that have been filed (recorded with the County) shall not expire.

15. Final Plat Extension for Approved but Not Filed Plats

A Final Plat may be extended for a period not to exceed one year beyond the Final Plat's initial expiration date. A request for extension shall be submitted to the Director of Development Services in writing at least 30 calendar days prior to expiration of the Final Plat and shall include reasons why the Final Plat should be extended.

a. Decision by the Director of Development Services

   i. The Director of Development Services will review the extension request and shall approve or deny the extension request within 30 calendar days following the date of the request.

   ii. Should the Director of Development Services fail to act on an extension request within 30 calendar days, the extension shall be deemed to be approved.

b. Considerations

   In considering an extension, the Director of Development Services shall consider whether the following conditions exist:

   i. Construction Plans have been submitted and/or approved for any portion of the property shown on the Final Plat;

   ii. Construction, including the installation of public improvements, is occurring on the property;

   iii. The Final Plat complies with new ordinances that impact the health, safety, and general welfare of the community; and/or

   iv. If there is a need for a park, school or other public facility or improvement on the property.

c. Conditions

   i. In granting an extension, the Director of Development Services may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and the public interest is served.

   ii. Any extension may be predicated upon compliance with new development regulations and/or the applicant waiving any vested rights.

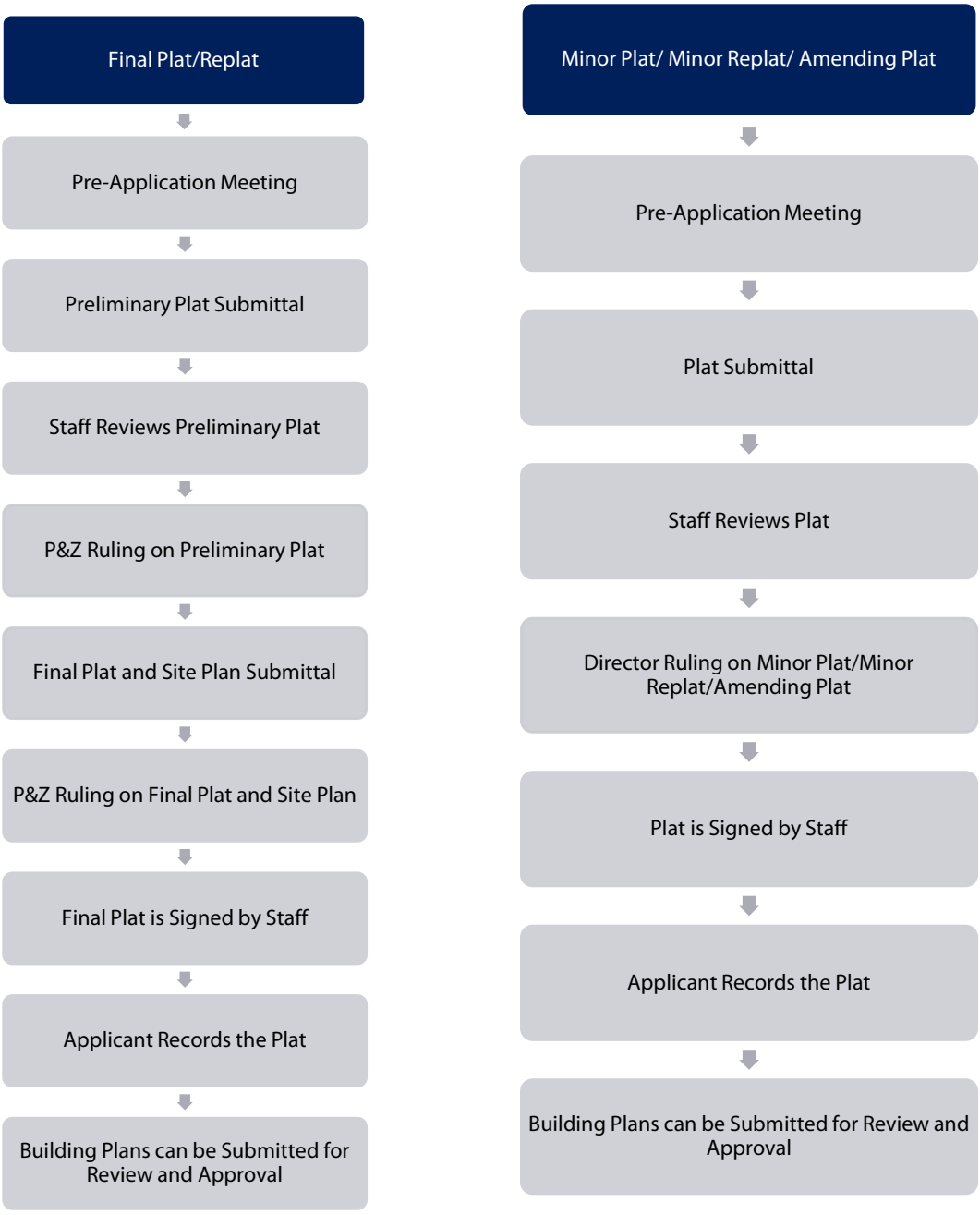
d. Appeal of the denial of a Final Plat approval extension

   i. Appeal of the Director of Development Services' Decision on a Final Plat extension:

      (1) The denial of an extension by the Director of Development Services may be appealed to the Planning and Zoning Commission.

      (2) The Planning and Zoning Commission shall hear and consider an appeal within 30 calendar days following receipt of the appeal request by the Director of Development Services.

Figure 3.02-2. Platting Process from Pre-Application to Recordation of Final Plat, Minor Plat, Replat, and Amending Plat



H. Minor Plat

1. Purpose

   The purpose of a Minor Plat is to simplify subdivisions of land under certain circumstances as outlined in Texas Local Government Code § 212.0045.

2. Applicability

   An application for approval of a Minor Plat may be filed only in accordance with state law, when all of the following circumstances apply:

   a. The proposed subdivision results in four or fewer lots;

   b. All lots in the proposed subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of these subdivision regulations; and

   c. Except for right-of-way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the subdivision.

3. Application Requirements

   The requirements for the submittal of a Minor Plat shall be determined by the Director of Development Services on the application form, which can be obtained in the Development Manual.

4. Additional Requirements

   To be considered a Minor Plat, the following requirements must also be met:

   a. The proposed plat shall be for the subdivision of one tract into four or fewer lots.

   b. The person, firm, or corporation presenting the proposed plat shall dedicate all easements and right-of-way as required elsewhere in these regulations.

   c. Private wells and private wastewater treatment facilities (septic tanks) that meet the current TCEQ health standards shall be considered adequate when existing public water and wastewater lines are not within 200 feet of the proposed plat.

5. Minor Plat Criteria for Approval

   The following criteria shall be used to determine whether the application for a Minor Plat shall be approved or denied:

   a. The Minor Plat is consistent with all zoning requirements for the property (unless a right-of-way dedication causes lot to become nonconforming), any approved development agreement (if applicable), and all other requirements of these subdivision regulations that apply to the plat;

   b. All lots to be created by the plat already are adequately served by improved public street access and by all required Town utilities and services and by alleys, if applicable;

   c. The ownership, maintenance, and allowed uses of all designated easements have been stated on the Minor Plat; and

   d. Except for right-of-way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the subdivision.

6. Review by Director of Development Services

   The Director of Development Services shall initiate review of the plat and materials submitted.

7. Action by Director of Development Services

   Authority to approve a Minor Plat is delegated to the Director of Development Services. The Director of Development Services shall:

   a. Determine whether the Minor Plat meets the subdivision regulations.

b. Act within 30 calendar days following the receipt of a complete application, unless the applicant submits a waiver of right to 30-day action as outlined in **Article 1.03.C.4**.

c. Take one of the following actions:

i. Approve the Minor Plat;

ii. Defer, for any reason, the Minor Plat to the Planning and Zoning Commission for consideration prior to expiration of the required 30-day approval period unless a waiver of right to 30-day action is submitted in accordance with **Article 1.03.C.4**.; or

iii. Defer, due to lack of approval, the Minor Plat to the Planning and Zoning Commission for consideration. The Director of Development Services cannot disapprove the Minor Plat and shall be required to refer any Minor Plat that he or she cannot approve to the Planning and Zoning Commission within the statutory 30-day time frame for plat approvals.

8. Deferral of Decision of a Minor Plat Application

a. Deferral to the Planning and Zoning Commission of a Minor Plat decision.

Per **Article 3.02.H.8.a**. if the Director of Development Services defers the Minor Plat application to the Planning and Zoning Commission, the Planning and Zoning Commission shall consider the application at a regular meeting no later than 30 calendar days after the date on which the Director of Development Services deferred the application to the Planning and Zoning Commission. The Planning and Zoning Commission shall, upon simple majority vote, take one of the following actions:

i. Approve the Minor Plat;

ii. Approve the Minor Plat with conditions; or

iii. Deny the Minor Plat.

9. Procedures for Minor Plat Recordation following Approval

The procedures for recordation of a Minor Plat shall be the same as the procedures for recordation of a Final Plat, as outlined in **Article 3.02.G.10**.

10. Revisions following Approval

Revisions may only be processed and approved as a Replat, Minor Replat, or Amending Plat, as applicable.

I. Replat

1. Purpose

The purpose of a Replat is to re-subdivide any part or all of a recorded plat.

2. Applicability

a. A Replat of all or a portion of a recorded plat may be approved in accordance with state law without vacation of the recorded plat, if the Replat:

i. Is signed and acknowledged by only the owners of the property being replatted;

ii. Is approved by the Planning and Zoning Commission; and

iii. Does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded plat.

3. Public Hearing and Notice

Notice of a public hearing is only required for a residential Replat and shall be given in accordance with **Article 1.03.E** and Texas Local Government Code § 212.015. See specific notice and hearing requirements for certain Replats in **Article 3.02.I.4**.

4. Additional Public Hearing and Notice Requirements for Residential Replats

a. Applicability of Residential Replats

Pursuant to Texas Local Government Code § 212.015, a Replat without vacation of the preceding plat must conform to the requirements of **Article 3.02.I.4.b** if:

i. During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or

ii. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

b. Notice and public hearing requirements for Residential Replats

Notice of the required public hearing shall be given before the 15th calendar day before the date of the hearing by:

i. Publication in an official newspaper or a newspaper of general circulation in the applicable Town or unincorporated area (as applicable) in which the proposed Replat property is located; and

ii. Written notice, with a copy of Texas Local Government Code, § 212.015(c) (as amended) attached, forwarded by the Town to the owners of lots that are in the original subdivision and that are within 200 of the lots to be replatted, as indicated on the most recently published County tax roll upon which the Replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the Town.

c. Protest

i. If the Replat application is accompanied by a waiver petition (per) and is protested in accordance with this **Article 3.02.I.4.c,** approval of the Replat shall require the affirmative vote of at least three-fourths of the voting members of the Planning and Zoning Commission present at the meeting.

ii. For a legal protest, written instruments signed by the owners of at least 20% of the area of the lots or land immediately adjoining the area covered by the Replat application and extending 200 feet from that area, but within the original subdivision, must be filed with the Planning and Zoning Commission prior to the close of the public hearing.

iii. The area of streets and alleys shall be included in the area computations.

5. Application Requirements

The application for a Replat of a subdivision shall meet all application requirements of a Final Plat. The applicant shall acknowledge that the Replat will not amend or remove any covenants or restrictions previously incorporated in the recorded plat.

6. Partial Replat Application

If a Replat is submitted for only a portion of a previously platted subdivision, the Replat must reference the previous subdivision name and recording information and must state on the Replat the specific lots which are being changed along with a detailed "Purpose for Replat" statement.

7. Criteria for Approval

a. The Replat of the subdivision shall meet all review and approval criteria for a Final Plat.

b. The Replat document shall be prepared by a Texas Registered Professional Land Surveyor.

8. Replat Review and Approval

a. Replat

The review and approval processes for a Replat shall be the same as the review and approval processes for a Final Plat (except for the special public hearing and notice requirements described in **Article 3.02.I.3**).

b. Minor Replat

i. Pursuant to Texas Local Government Code § 212.0065, a Replat involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities may be approved by the Director of Development Services in accordance with this **Article 3.02.I**.

ii. Prior to the Director of Development Services taking action on a proposed Minor Replat, the Planning and Zoning Commission shall hold at least one public hearing thereon. Otherwise, the review and approval process shall be the same as **Article 3.02.H**, including:

(a) Deferral to the Planning and Zoning Commission of a Minor Replat decision.

iii. The Director of Development Services cannot disapprove the Minor Replat and shall be required to refer any Minor Replat that the Director of Development Services refuses to approve to the Planning and Zoning Commission within the statutory 30-day time frame for plat approvals.

9. Effect

Upon approval of the application, the Replat may be recorded and is controlling over the previously recorded plat for the portion replatted.

J. Amending Plat

1. Purpose

The purpose of an Amending Plat shall be to provide an expeditious means of making minor revisions to a recorded plat consistent with provisions of state law.

2. Applicability

The procedures for an Amending Plat shall apply only if the sole purpose of the Amending Plat is to achieve one or more of the following purposes:

a. Error corrections or administrative adjustments:

i. Correct an error in a course or distance shown on the preceding plat.

ii. Add a course or distance that was omitted on the preceding plat.

iii. Correct an error in a real property description shown on the preceding plat.

iv. Indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor responsible for setting monuments.

v. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat.

vi. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, lot frontage, and identification of adjacent recorded plats.

vii. Correct an error in courses and distances of lot lines between two adjacent lots if:

(1) Both lot owners join in the application for amending the plat;

(2) Neither lot is abolished;

(3) The amendment does not attempt to remove recorded covenants or restrictions; and

(4) The amendment does not have a material adverse effect on the property rights of the other owners in the plat.

b. Relocate lot lines

i. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement.

ii. Relocate one or more lot lines between one or more adjacent lots if:

(1) The owners of all those lots join in the application for amending the plat;

(2) The amendment does not attempt to remove recorded covenants or restrictions; and

(3) The amendment does not increase the number of lots.

c. Replatting

i. Replat one or more lots fronting on an existing street if:

(1) The owners of all those lots join in the application for amending the plat;

(2) The amendment does not attempt to remove recorded covenants or restrictions;

(3) The amendment does not increase the number of lots; and

(4) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

3. Certificates of Correction

Certificates of Correction are prohibited.

4. Application Requirements

The requirements for the submittal of an Amending Plat shall be determined by the Director of Development Services on the application form.

5. Notice not Required

The approval and issuance of an Amending Plat shall not require notice, hearing, or approval of other lot owners.

6. Review by Director of Development Services

The Director of Development Services shall initiate review of the plat and materials submitted.

7. Action by Director of Development Services

Authority to approve an Amending Plat is delegated to the Director of Development Services. The Director of Development Services shall:

a. Determine whether the Amending Plat meets the subdivision regulations.

b. Act within 30 calendar days following the date of the Town's initial submission of comments to the applicant, unless the applicant submits a waiver of right to 30-day action as outlined in **Article 1.03.C.4**.

c. Take one of the following actions:

i. Approve the Amending Plat;

ii. Defer, for any reason, the Amending Plat to the Planning and Zoning Commission for consideration prior to expiration of the required 30-day approval period unless a waiver of right to 30-day action is submitted in accordance with **Article 1.03.C.4**; or

iii. Defer, due to lack of approval, the amending plat to the Planning and Zoning Commission for consideration. The Director of Development Services cannot disapprove the Amending Plat and shall be required to refer any Amending Plat that he or she refuses to approve to the Planning and Zoning Commission within the statutory 30-day time frame for plat approvals.

8. Deferral of Decision on an Amending Plat Application

    a. Deferral to the Planning and Zoning Commission of an amending plat decision. Per **Article 3.02.J.7**, if the Director of Development Services defers the Amending Plat application to the Planning and Zoning Commission, the Planning and Zoning Commission shall consider the application at a regular meeting no later than 30 calendar days after the date on which the Director of Development Services deferred the application to the Planning and Zoning Commission. The Planning and Zoning Commission shall, upon simple majority vote, take one of the following actions:

        i. Approve the Amending Plat;

        ii. Approve the Amending Plat with conditions; or

        iii. Deny the Amending Plat.

K. Conveyance Plat

1. Purpose

    a. The purpose of a Conveyance Plat is to subdivide land and to provide for recordation of same, for the purpose of conveying (i.e., selling) the property without developing it.

    b. A Conveyance Plat may be used to convey the property or interests therein; however, a Conveyance Plat does not constitute approval for any type of development on the property.

2. Applicability

    A Conveyance Plat may be used in lieu of a Final Plat to record only the subdivision of property in the following instances:

    a. Remainder tract

        i. To record the remainder of a tract that is created by a Final Plat, provided that the remainder is not intended for immediate development; and

        ii. The remainder of a tract that was involved in a Final Plat must be larger than five acres.

    b. Inheritance or holding tract

        To record the subdivision of property into parcels, five acres or smaller in size, which are not intended for immediate development, provided all required public improvements exist to the Town's current standards prior to approval and minimum frontage requirements are met.

        i. All public right-of-way must be dedicated, contingent that alignments have been determined.

        ii. Installation of on-site improvements may be delayed if development of other tracts is not affected. All easements shall be dedicated to allow subdivided lot within the Conveyance Plat access to public infrastructure and/or drainage ways from the parent tract, if applicable.

3. Review and Consideration

    Unless otherwise specified within **Article 3.02.K,** for specific requirements for a Conveyance Plat, a Conveyance Plat shall be processed and approved using the same timing and procedures, including recordation, as specified for a Final Plat; refer to **Article 3.02.G**.

4. Concurrent or Prior Filing of a Final Plat

    No Final Plat processed and approved in association with a Conveyance Plat shall be filed without the concurrent or prior filing of the associated approved Conveyance Plat for the remainder of the subject property.

5. Conveyance Plat Requirements

    a. No building or development permits shall be issued nor permanent utility service provided for land that has only received approval as a Conveyance Plat; a Final Plat must be filed for building and development permits and for utility service.

b. A Conveyance Plat may be superseded by a revised Conveyance Plat or a Final Plat in total or in part through compliance with the procedures and requirements of these regulations.

c. A Preliminary Site Plan or sketch plan may be required by the Town to ensure all Conveyance Plat tracts and remainder tracts have adequate access to public utilities and infrastructure.

6. Standards for Approval

a. Access

i. All lots created by a Conveyance Plat must have frontage and access to an existing or proposed public street, defined in the Comprehensive Plan, or an existing standard street meeting Town construction standards and accessing the existing Town street system.

ii. All lots created by a Conveyance Plat must provide points of access as required by this UDC.

b. Dedication of right-of-way

Dedication of right-of-way shall be required in accordance with the Town requirements.

7. Effect of Approval

a. Development on the property prohibited. The approval of a Conveyance Plat authorizes conveyance of the lot(s) created thereon but does not authorize any type of development on the property.

b. Future development requires compliance. The applicant and future owner(s) of the property remain obligated to comply with all provisions in this UDC upon future development of the property including, but not limited to, all requirements for platting, required public improvements, utility extensions, street improvements or assessments, right-of-way and easement dedications, and all other requirements in these regulations.

L. Plat Vacation

1. Purpose

The purpose of a Plat Vacation is to provide an expeditious means of vacating a recorded plat in its entirety, consistent with provisions of state law.

2. Initiation of a Plat Vacation

a. By property owner

The property owner of the tract covered by a plat may submit an application to vacate the plat at any time before any lot in the plat is sold.

b. By all lot owners

If lots in the plat have been sold, an application to vacate the plat must be submitted by all the owners of lots in the plat.

c. By Planning and Zoning Commission

If the Planning and Zoning Commission, on its own motion, determines that the plat should be vacated in the interest of and to protect the public's health, safety, and welfare; and:

i. No lots within the approved plat have been sold within five years following the date that the Final Plat was approved by the Town; or

ii. The property owner has breached a development agreement, and the Town is unable to obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by the property owner or its successor; or

iii. The plat has been of record for more than five years, and the Planning and Zoning Commission determines that the further sale of lots within the subdivision or addition presents a threat to public

health, safety, and welfare, except that the vacation shall apply only to lots owned by the property owner or its successors.

3. Review and Recommendation by the Director of Development Services

   The Director of Development Services shall:

   a. Initiate review of the plat vacation application and materials submitted, and

   b. Recommend action on plat vacation to the Planning and Zoning Commission.

4. Action by the Planning and Zoning Commission

   The Planning and Zoning Commission shall:

   a. Review the plat vacation application, the findings of the Director of Development Services, and any other information available. From all such information, the Planning and Zoning Commission shall make a finding as to whether or not the plat should be vacated.

   b. Take one of the following actions:

      i. Approve the Plat Vacation, or

      ii. Deny the Plat Vacation.

   c. The Planning and Zoning Commissions decision on a plat vacation shall be final.

5. Procedures for Recordation following Approval

   a. If the Planning and Zoning Commission adopts a resolution vacating a plat in whole, it shall record a copy of the resolution in the County Clerk's Office.

   b. If the Planning and Zoning Commission adopts a resolution vacating a plat in part, it shall cause a revised Final Plat to be recorded along with the resolution that shows the portion of the original plat that has been vacated and the portion that has not been vacated.

6. Effect

   a. On the execution and recording of the vacating instrument, the previously filed plat shall have no effect.

      Regardless of the Planning and Zoning Commission's action on the petition, the property owner(s) or developer will have no right to a refund of any monies, fees or charges paid to the Town nor to the return of any property or consideration dedicated or delivered to the Town except as may have previously been agreed to by the Planning and Zoning Commission .

   b. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

      The Planning and Zoning Commission, at its discretion, shall have the right to retain all or specific portions of road right-of-way or easements shown on the plat being considered for vacation. However, the Planning and Zoning Commission shall consider plat vacation upon satisfactory conveyance of easements and/or right-of-way in a separate legal document using forms provided by the Town Attorney's office.

3.03. Construction Plans and Procedures

A. Construction Plans

1. Purpose

   To require that public improvements be installed to serve a development in accordance with all subdivision regulations.

2. Submitting Plans

   Plans shall be submitted in accordance with Director of Development Services' requirements, as provided in the related application form. Incomplete Construction Plans shall not be accepted, and such plans shall be returned to the applicant.

3. Responsible Official and Decision Authority for Construction Plans

   a. Review and approval action

      The Director of Engineering Services shall be the official responsible for review and approval of Construction Plans.

   b. Outside review

      If an outside consultant is contracted to review Construction Plans, then the applicant shall reimburse the Town for the review fees.

   c. Decision-maker options

      In this capacity, therefore, the Director of Engineering Services shall approve or deny the Construction Plans.

4. Criteria for Approval

   The Director of Engineering Services shall approve construction plans if:

   a. The Construction Plans are consistent with the approved Final Plat; and

   b. The Construction Plans conform to the subject property's zoning and any Planned Development (PD) standards (including zoning development standards), and to the standards for adequate public facilities, contained in these Subdivision Regulations and all other applicable Town codes.

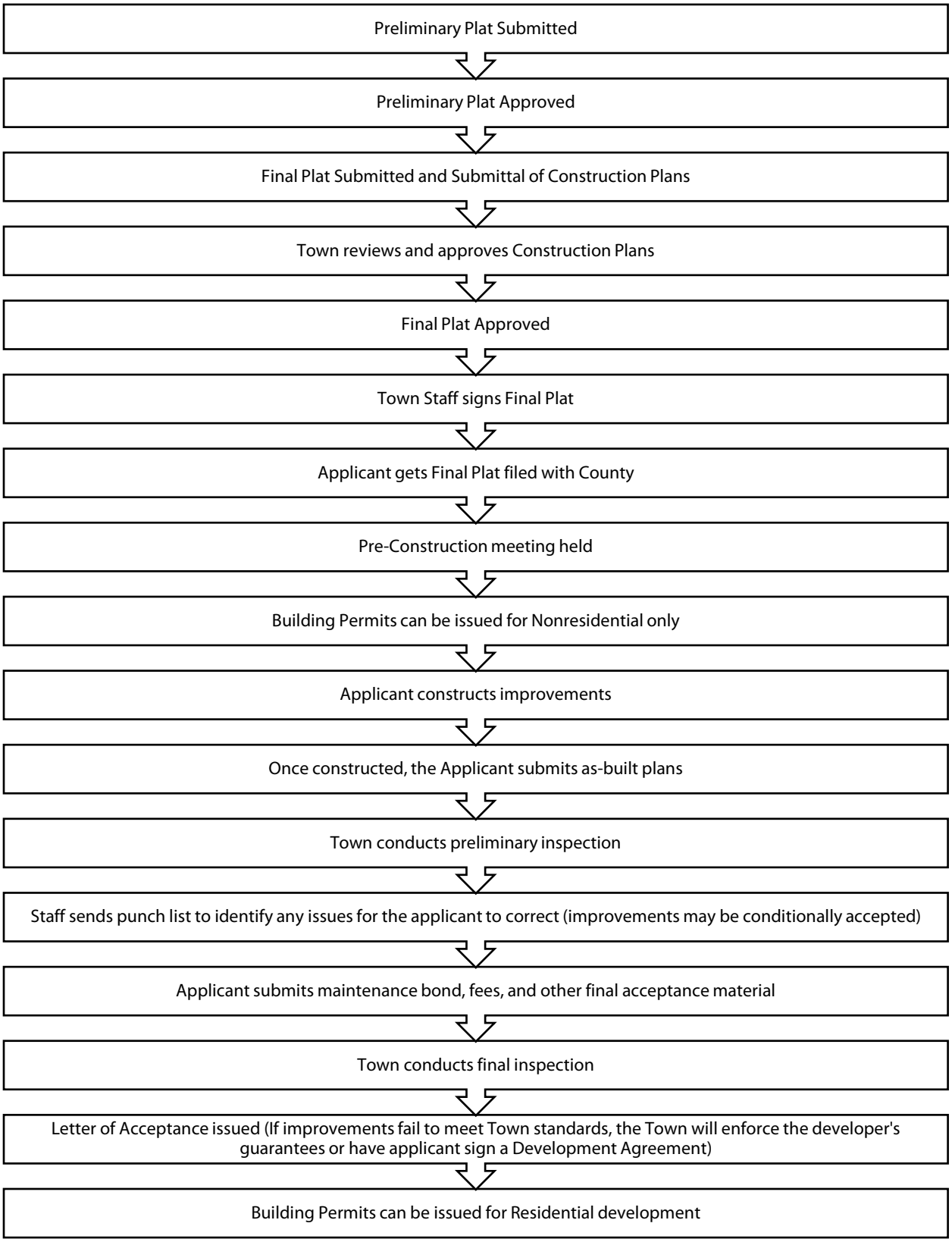
5. Effect

   Approval of Construction Plans authorizes the applicant to:

   a. Schedule a pre-construction meeting **Article 3.03.B**.; and

   b. Apply for construction release **Article 3.03.C**.

Figure 3.03-1. Detailed Overview of the Construction Process



6. Expiration Date for Construction Plans

   The approval of Construction Plans shall remain in effect for a period of one year from the date of approval as determined in writing from the Director of Engineering Services, or the duration in which the Final Plat is valid, or for the duration of construction of the project, provided that progress or development of the project continues to be demonstrated, unless the Construction Plans are extended in accordance with **Article 3.03.A.7**.

7. Extension of Construction Plans beyond Expiration Date

   a. General

      i. Construction Plans may be extended for a period of six additional months beyond the expiration date.

      ii. A request must be made in writing to the Director of Engineering Services for such extension prior to expiration of the plans and shall include reasons why the plans should be extended.

   b. Decision by the Director of Engineering Services

      i. The Director of Engineering Services will review the extension request and shall approve or deny the extension request within 30 calendar days following the date of the extension request.

      ii. Should the Director of Engineering Services fail to act on an extension request within 30 calendar days, the extension shall be deemed to be approved.

   c. Consideration

      The Director of Engineering Services may extend Construction Plans approval for a period of six additional months beyond the expiration date if:

      i. A Final Plat has been submitted, approved or filed of record for any portion of the property shown on the Construction Plans;

      ii. The Construction Plans comply with new ordinances (i.e., ordinances that have been adopted after approval of the original Construction Plans) that impact the health, safety, and general welfare of the Town; or

      iii. Demonstrable forward progress has been made to proceed with construction or required improvements.

   d. Conditions

      In granting an extension, the Director of Engineering Services may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and that the public interest is served. Any extension may be predicated upon compliance with new development regulations and/or the applicant waiving any vested rights.

   e. Total extension

      A second six-month extension may be requested using the same process outlined above.

B. Pre-construction Meeting

1. Notice

   The applicant shall receive written notice from the Director of Engineering Services that Construction Plans have been approved and that the project is eligible for a pre-construction meeting.

2. Requirement

   The applicant shall be responsible for contacting the Engineering Department requesting a pre-construction meeting date and time and notifying all participants of the meeting.

3. Purpose

    a. Discussion of Procedures

        The purpose of the pre-construction meeting is to discuss administrative, communication, and operating procedures for project construction prior to construction release or issuance of building permits.

    b. Review of Criteria

        A list of typical inspection items, procedures, and acceptance criteria for items in public right-of-way and easements will also be furnished to the applicant.

4. Effect

    Following the pre-construction meeting and upon approval of the Construction Plans and full compliance with all pre-construction requirements, the Director of Engineering Services shall authorize a construction release, allowing the applicant to commence construction of the project.

C. Construction Release

1. Requirements for a Construction Release

    a. Upon approval of the Construction Plans, receipt of all required documentation, fees (if applicable), and after the pre-construction meeting with Town staff, the Director of Engineering Services shall release the plans for construction if all Town requirements pertaining to construction have been met.

    b. The construction release shall remain in effect for a period of one year from the date of issuance, or for the duration of construction of the project, provided that progress or development of the project continues to be demonstrated.

2. Construction Release Expiration and Extension

    Expiration, and possible extension, of the construction release shall be the same as for the Construction Plans per **Article 3.03.A.6** and **Article 3.03.A.7**.

D. Construction of Public Improvements

1. Phased Development

If the development is being platted and constructed in phases, improvements shall be completed as platted areas are approved and phases are constructed.

2. Easements for Utility Providers

    a. The applicant is responsible for contacting all utility providers prior to beginning construction, and for securing all necessary easements for same prior to Final Plat recordation.

    b. The applicant's engineer shall provide the Director of Engineering Services with written certification that all necessary easements are secured for the various utility providers, and such easements shall be shown on the Final Plat with the recording information for each.

3. Off-site Easements

    a. All necessary off-site easements required for installation of required off-site public improvements to serve the development shall be acquired by the applicant prior to the pre- construction meeting (see **Article 3.03.B**).

    b. Off-site easements shall be conveyed and recorded at the County by an instrument approved by the Town.

    c. If the property on which the off-site easement is required has been platted, a separate instrument shall be required to dedicate the easement.

    d. The applicant shall be responsible for the acquisition of all required off-site easements. If the applicant is unable to acquire the necessary off-site easements, the applicant may request assistance from the Town.

The applicant shall provide the Town with easements or right-of-way survey documents and exhibits, documentation, including evidence of a reasonable offer made to the affected property owner. Upon receiving a written request for assistance, the Town may, at its option, acquire these easements either through negotiations, or in appropriate situations through eminent domain proceedings.

e. The applicant shall reimburse the Town for the costs of acquiring the necessary easements including, but not limited to, attorney fees and costs.

4. Timing of when Public Improvements are Constructed

a. Public improvements completed after Final Plat recordation

All required public improvements shall occur after Final Plat recordation (see **Figure 3.03-1. Detailed Overview of the Platting Process** for a visual depiction of the platting process).

E. Inspection, Maintenance, and Acceptance of Public Improvements

1. Inspection of Public Improvements

a. Inspection, timing, and contact

i. The Director of Engineering Services shall inspect the construction of improvements while in progress, as well as upon completion.

ii. The applicant, or applicant's contractor, shall maintain contact with the Director of Engineering Servies during construction of improvements.

iii. Inspections shall be conducted during normal business hours, Monday through Friday, except as noted below.

iv. Inspection during non-business hours

(1) Engineering Services works inspections may be conducted at times other than normal working hours with prior approval from the Director of Engineering Services in accordance with the non-business hours inspection policy.

b. Conformance with Construction Plans

i. Construction shall be in accordance with the approved Construction Plans.

ii. Any significant change in design required during construction shall be made by the applicant's engineer and shall be subject to approval by the Director of Engineering Services.

iii. Once construction is complete, preliminary as-built/record plans shall be submitted to the Director of Engineering Services.

c. Corrections to public improvements

i. If the Director of Engineering Services finds, upon inspection, that any of the required public improvements have not been constructed properly and in accordance with the approved Construction Plans, the applicant shall be responsible for completing and/or correcting the public improvements to bring such into compliance.

ii. The Town will provide the applicant with a punch list of any issues the applicant must rectify in order for the public improvements to be in accordance with the approved Construction Plans and Town standards.

d. Final inspection

Once preliminary inspection issues have been rectified, then the applicant may schedule a final inspection with the Director of Engineering Services.

2. Engineering Services Inspection Fees

    a. Fee standards

        i. The developer will be charged an inspection fee. These fees are established in the Town's fee schedule.

        ii. The developer may be charged an additional inspection fee to reimburse the Town the actual inspection cost if the Town is required to have third party inspections of the public infrastructure in each subdivision or development.

    b. Cost for construction

        i. The developer shall submit to the Town an itemized cost for construction of the public improvements to be dedicated to the Town and upon which the maintenance bond and inspection fees will be based. The itemized construction breakdown shall be prepared and sealed by the design engineer of record.

        ii. The cost of construction shall be reviewed and approved by the Director of Engineering Services.

3. Maintenance during Construction

    The applicant shall maintain all required public improvements during construction of the development.

4. Maintenance Bond

    a. Per requirements established and maintained by the Director of Engineering Services, the developer shall furnish, or cause their contractors to furnish, maintenance bonds to the Town for public improvements for a period of two years from the date of acceptance by the Town (see **Article 3.03.E.7**).

    b. The maintenance bond or other surety shall be a good and sufficient bond executed by a corporate surety approved by the Town in an amount equal to the total cost of said improvements and guaranteeing their maintenance for two years from the date of Final Plat approval or acceptance of the related public improvements (if the public improvement is accepted after Final Plat approval).

    c. Maintenance bonds shall be in a form acceptable to the Town Attorney.

5. Submission of Record Drawings

    a. The Town shall not accept the dedication of required public improvements until the applicant's engineer has certified to the Director of Engineering Services, through submission of detailed record drawings of the project, that the public improvements have been built in accordance with the approved Construction Plans.

        i. The submission of detailed record drawings of the project shall be approved by the Town.

        ii. Recorded off-site easements shall be submitted with the record drawings.

            (1) Any off-site easements shall follow Town standard form and shall be submitted to the Director of Engineering Services for review prior to obtaining signatures.

            (2) Off-site easements shall be recorded at the appropriate County prior to filing of plat.

    b. Applicable record drawings shall be submitted to the Town before a plat is recorded.

    c. Each record drawing sheet shall show all changes made in the Construction Plans during construction, and on each sheet, there shall be a "record" stamp bearing the signature of the engineer and date, which shall be maintained by the Director of Engineering Services.

    d. Digital files of all the record drawings shall be submitted by the applicant in AutoCAD and Adobe PDF formats, as required by the Town.

6. Submission of a development agreement if public improvements are to be completed after Final Plat recordation

    If there are any public improvements that the applicant wishes to defer construction until after the Final Plat recordation, then the applicant shall submit a development agreement to the Town for consideration.

7. Acceptance or Rejection of Improvements by the Director of Engineering Services

    a. Responsible Official

    The Director of Engineering Services is responsible for accepting completed subdivision improvements intended for dedication to the Town.

    b. Final inspection

    After completion of all improvements, franchise utilities, grading, and erosion control, the Director of Engineering Services and other designated representatives (as applicable) will perform a final inspection before recommending acceptance to the Director of Engineering Services.

    c. Certificate of final acceptance

    If all improvements are completed, inspected, tested (if applicable), and determined by the Town to be in conformance with subdivision regulations and with the Town's design standards and all inspection fees have been paid, then the Town shall issue a certificate of final acceptance to the applicant, thereby notifying the applicant of the Town's acceptance of any proposed dedications (including right-of-way and public improvements) offered on the Final Plat.

        i. Dedication and acceptance language shall be a separate document and recorded with the Final Plat.

    d. Meaning of Acceptance

    Acceptance of the improvements shall mean that the applicant has transferred all rights to all of the public improvements to the Town for title, use, and maintenance. This shall not release the developer from the Maintenance Bond (see **Article 3.03.E.4** for more information).

    e. Rejection

    The Director of Engineering Services shall reject those improvements that fail to comply with the Town's standards and specifications. The Town shall enforce the guarantee provided by agreement(s) (if applicable) and shall require the applicant to execute a development agreement to ensure the public improvements are built.

8. Acceptance Disclaimer

    a. Approval of a Preliminary Plat or Final Plat by the Planning and Zoning Commission, or Construction Plans by the Director of Engineering Services, shall not constitute acceptance of any of the public improvements required to serve the subdivision or development.

    b. No public improvements shall be accepted for dedication by the Town except in accordance with this section.

F. Security for Completion of Public Improvements

1. Standard Security

    a. Surety, performance, and payment bonds

        i. When any of the required public improvements will be constructed after approval and recordation of the Final Plat, the applicant shall guarantee proper construction of such postponed improvements and payment of all claimants supplying labor and materials for the construction of the improvements, in accordance with the Town's standards and with these subdivision regulations, by a bond executed by a surety company holding a license to do business in the State of Texas, and acceptable to the Town, on the form provided by the Town.

        ii. The surety, performance, and payment bonds shall be approved as to form by the Town Attorney.

2. Alternative Security

    a. Irrevocable letter of credit (ILOC)

An irrevocable letter of credit (ILOC) may be accepted and approved as to form by the Town Attorney.

b. Escrow

At the discretion of the Director of Engineering Services, escrow may be allowed as a security for completion.

3. Estimated Cost and Security Approval

a. Security shall be issued in the amount of 125% of the cost to construct and complete all required public improvements to the Town's standards as estimated by the applicant's professional engineer, and as approved by the Director of Engineering Services.

b. Security shall be subject to the review and approval of the Town Attorney.

c. The applicant shall reimburse the Town for all related legal costs for review (this reimbursement shall be paid in full prior to filing of the Final Plat).

3.04. Subdivision Design Standards

A. General Standards

1. Conformance to Plans and Code

   Design and construction of public improvements must conform to the standards, criteria, and requirements of the following, as they may from time to time be amended by those responsible for their promulgation.

   a. Comprehensive Plan including all associated maps and plans;

   b. Zoning regulations and zoning map;

   c. The transportation and thoroughfare plans;

   d. Platting requirements;

   e. Design standards and specifications;

   f. Parks, Recreation, Open Space Master Plan and Hike and Bike Trail Master Plan;

   g. Federal, state and local environmental regulations;

   h. The Texas Manual on Uniform Traffic Control Devices (TMUTCD);

   i. Approved standard specifications for construction of public works;

   j. American Association of State Highway Transportation Officials Design Manual;

   k. Texas Health Code;

   l. Texas Water Code;

   m. Master drainage plans;

   n. Floodplain ordinance;

   o. Stormwater ordinance;

   p. Stormwater management plan;

   q. All adopted Building and Fire Codes with local amendments; and

   r. All other codes and ordinances of the Town.

2. Observation of Construction Work for Public Improvements

   a. All construction work, such as street grading, street paving, storm sewers, sanitary sewers, or water mains performed by the owner, developer, or contractor, shall be subject to observation during construction by the proper authorities of the Town.

   b. All construction work, as mentioned above, shall be constructed in accordance with the specifications approved by the Town Council and in accordance with the provisions of "Standard Specifications For Public Works Construction" prepared by the North Central Texas Council of Governments, which is on file in the Town Hall.

B. Adequate Public Facilities

1. Services Required

   Land proposed for development in the Town, and in the Town's extraterritorial jurisdiction (ETJ) shall be served adequately by essential public facilities and services, including, but not limited to, water distribution facilities, wastewater collection facilities, roadway and pedestrian facilities, and storm drainage facilities.

2. Approval Timing

   Land shall not be approved for Final Platting or development unless and until adequate public facilities necessary to serve the development exist or provision has been made for such facilities, whether the facilities are to be located within the property being developed or off-site.

3. Rough Proportionality and Fair Share Policy Statement

   a. The Town desires that a new development project contribute its fair and proportional share of such costs.

   b. There is a direct correlation between the increased demand on public facilities that is created by a new development, and the Town's requirements to dedicate right-of-way and easements and to construct a fair and proportional share of public improvements that are necessary to offset such impacts such that new development does not negatively affect the Town as a whole.

   c. A fair and proportional share shall be determined as the level or standard of service that is required to adequately serve a new development.

   d. Standards relating to the dedication or construction requirements shall be roughly proportional (see definition proportionality/proportional share) to the nature and extent of the impacts created by the proposed development on the Town's water, wastewater, storm drainage, parks or roadway system.

   e. See **Article 3.05.B** for proportionality approval procedures.

C. Streets

1. Adequate Streets

   a. The property owner shall ensure that the subdivision is served by adequate streets and shall be responsible for the costs of right-of-way and street improvements, in accordance with the following policies and standards.

   b. Additional right-of-way may be required at some street intersections to accommodate turn lanes, utilities, sidewalks, traffic control devices, and/or sight distances.

2. General Requirements

   a. Streets must be designed in coordination with the Comprehensive Plan, existing and proposed streets, the terrain, streams, and other physical conditions.

      i. The arrangement of streets must provide for the continuation of streets between adjacent properties when the continuation is necessary for the safe and efficient movement of traffic and for utility efficiency.

      ii. The arrangement, character, extent, pavement width, right-of-way width, grade, and location of each street shall be considered in its relationship to the Comprehensive Plan, to existing and planned streets, topographical conditions, public safety and convenience, and its relationship to the proposed uses of land to be served by such street.

      iii. Whenever a tract to be subdivided abuts any part of any street so designated on the Comprehensive Plan, or where a street designated on the Comprehensive Plan crosses any part of the tract to be subdivided, such part of the proposed public street shall be platted, the right-of-way shall be dedicated, consistent with the location as indicated on the Comprehensive Plan and the requirements contained within these regulations.

      iv. The reservation in private ownership of strips of land (e.g., reserve strips) at the end or adjacent to proposed or existing streets and intended solely or primarily for the purpose of controlling access to property not included in the subdivision shall be prohibited.

      v. Half streets shall be prohibited on residential and collector roadways.

      vi. Streets shall be named to provide continuity with existing streets.

vii. Names of new streets shall not duplicate or cause confusion with the names of existing streets.

3. Design and Construction

Design and construction shall conform to specifications included within these subdivision regulations as well as those included within the design standards and specifications.

a. The arrangement and location of all proposed streets shall conform to the Comprehensive Plan.

b. Where streets are not shown within the Comprehensive Plan, the arrangements of streets in a subdivision shall:

i. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas;

ii. Conform to a plan for the neighborhood approved or adopted by the Town to meet a particular situation where topographical or other conditions make continuation of or conformance to an existing street impracticable; and

iii. Be laid out so that they shall intersect, as nearly as possible, at right angles.

c. Street layout shall provide for continuation of collector streets in areas between thoroughfares.

d. Streets should be platted to allow two tiers of lots between streets when possible.

e. Residential streets shall be laid out so that their use by through traffic shall be discouraged.

f. All streets shall be designed to coordinate with existing streets in adjoining subdivisions.

i. Centerline offsets, where unavoidable, shall be no closer than 135 feet.

ii. Greater centerline offsets as may be required by the Director of Engineering Services shall be planned where necessary for traffic safety.

g. To encourage lower motor vehicle speeds through residential neighborhoods, local residential streets shall be designed to avoid straight sections in excess of 800 feet in length and residential collector streets shall be designed to avoid straight sections in excess of 1,200 feet in length unless upon a staff recommendation, the Planning and Zoning Commission finds that there is no other reasonable alternative.

i. Refer to the design standards and specifications for additional design features to encourage lower vehicle speeds (traffic calming).

h. Street grades shall conform to specifications included within the design standards and specifications.

i. To ensure adequate access to each subdivision, there should be at least two points of ingress and egress, except that cul-de-sacs shall be permitted in conformance with **Article 3.04.C.7**.

i. The Planning and Zoning Commission may require that more than two access points be constructed if the configuration, number of lots, or other consideration creates the need for additional access points.

j. Residential lots shall not front thoroughfare or collector streets.

k. Residential roadways shall not directly connect to thoroughfares. Residential roadways must connect to or transition from a collector or a subdivision entry roadway which shall connect to thoroughfares.

i. Collectors, used as residential development connections to thoroughfares, may transition to a residential road section after 100 feet.

ii. No residential driveways may take access off the collector road section within the residential development.

l. Driveways or alley pavement cuts to single family or two family uses shall not be allowed on thoroughfares.

m. Where single family uses abut an existing or proposed thoroughfare, the plat or dedication instrument will provide:

i. Lots to side onto the thoroughfare with a non-access restriction on the thoroughfare side;

ii. Reverse frontage with screening and containing a non-access restriction along the rear property line;

iii. Lots with screened rear alleys; or

iv. Other treatment as may be necessary or required for adequate protection of adjoining properties, after taking into consideration the proposed method of off-street parking and maneuvering that will prevent the necessity of backing into the thoroughfare.

4. Street Right-of-Way Dedication

a. Any subdivider laying out and constructing new streets or whose subdivision includes any portion of or is adjacent to an existing street shall dedicate sufficient right-of-way in accordance with the following conditions:

i. New streets

New streets shall be provided where there is not an existing street, roadway, or passage.

(a) Internal streets

Internal streets shall be designed and provided in accordance with the current Town ordinances and standards and be consistent with the Town's Comprehensive Plan or transportation plan.

(b) Perimeter streets

(i) When a proposed residential or nonresidential subdivision is developed abutting an existing or planned thoroughfare or collector street, the developer shall dedicate sufficient right-of-way within the subdivision.

(ii) If the planned thoroughfare is determined by the Director of Engineering Services to be constructed, then the thoroughfare shall extend to the limits of the subdivision.

(iii) The developer shall enter into a development agreement to outline reimbursement of the planned thoroughfare.

ii. Existing streets

(a) Cases where existing right-of-way does not meet minimum Town standards. Where subdivisions are adjacent to existing streets and the right-of-way widths of those existing streets are less than the minimum right-of-way standards found in **Article 3.04.C.6**, the developer is required to dedicate on the plat the right-of-way width required adjacent to the land being platted to bring the existing street to the right-of-way width as set out in this UDC according to the following:

(i) Both sides of an existing street abut a subdivision: 100% of the right-of-way necessary to bring the street into conformance with requirements in **Article 3.04.C.6** for a local or collector street, whichever is needed to serve the development, when the subdivision abuts both sides of the existing street; or

(ii) One side of an existing street abuts a subdivision: Up to 50% of the right- of-way, after factoring in existing prescriptive right-of-way and ownership limits, necessary to bring the streets into conformance with **Article 3.04.C.6** for a local or collector street, whichever is needed to serve the development, when the subdivision abuts only one side of the existing street.

(b) Cases where additional right-of-way is needed above the minimum standard. Streets may currently exist by reasons of plat, metes and bounds description, general description, or by prescription. If the existing geometrical configuration does not address safety, design, topography, and traffic management considerations, then the Town may require the dedication of additional right-of-way to address such.

(i) Adjacent to a platted subdivision:

(A) The right-of-way dedication shall be based upon the distance from the platted subdivision boundary.

(B) Reasonable geometric adjustments will be made to accommodate safety, design, topography, and traffic management considerations.

(C) Along a right-of-way described by a metes and bounds or a general written description:

(D) The right-of-way dedication shall be based upon the geometric centerline of the right-of-way as described.

(E) Reasonable geometric adjustments will be made to accommodate safety, design, topography, and traffic management considerations.

(F) All existing right-of-way dedication within the subdivision shall be converted from "separate instrument" to a platted right-of-way by being a part of the Final Plat.

(c) Along a prescriptive right-of-way:

(i) The right-of-way dedication shall be based upon the apparent centerline of the existing pavement or of the travel way if unpaved.

(ii) Reasonable geometric adjustments will be made to accommodate safety, design, topography, and traffic management considerations.

(iii) The developer shall indicate on the Preliminary Plat and Final Plat property lines and features that identify prescriptive right-of-way.

(iv) These features may include fences, borrow ditches, utility lines, drainage improvements, limits of plowed or improved fields.

(v) All existing prescriptive right-of-way dedications within the subdivision shall be converted from prescriptive to a platted right-of-way by being a part of the Final Plat unless applicant can demonstrate that they have no legal authority to dedicate the prescriptive right-of-way on the Final Plat.

The Director of Development Services may grant an administrative waiver reducing the right- of-way standards found in **Article 3.04.C.6** up to 5 feet to accommodate development in existing neighborhoods (e.g., an existing street does not meet the current standard) or if unusual circumstances exist on the property or on adjacent property that make it difficult to comply with the right-of-way standard.

5. Street Classification Descriptions

a. Thoroughfares

i. Thoroughfares carry traffic from one urban area to another and serve the major activity centers of urbanized areas.

ii. Thoroughfares are used for longer urban trips and carry a high portion of the total traffic with a minimum of mileage.

iii. Existing and proposed thoroughfares are designated on the transportation plan.

b. Collector streets

i. Collector streets carry traffic from local streets to thoroughfares.

ii. Uses served would include medium and high density residential, limited commercial facilities, and some small offices; collectors may serve as direct access within industrial parks.

c. Local streets

i. Local streets distribute traffic to and from residences.

ii. Local streets are short in length and non-continuous to discourage through traffic.

iii. A local street is a street used primarily for access to abutting property, especially in residential areas. Local streets also provide secondary or minor access and circulation to community facilities (schools, parks) and other traffic generators such commercial and industrial areas.

6. Street Design criteria

All dedicated streets shall conform to the Comprehensive Plan and street design criteria as found in the design standards and specifications.

7. Cul-de-Sacs and Dead-end Streets

a. Cul-de-sacs

i. A cul-de-sac street shall not exceed 600 feet in length, unless approved by the Director of Development Services in one of the following situations:

(a) If the street is zoned or used for single family residential development and no more than 16 single family lots are created along the street.

(b) If the land zoned or used for nonresidential development for specific reasons of topography, engineering design or limited nonresidential use intensity. In no case shall a cul-de-sac longer than 1,200 feet be allowed.

ii. A cul-de-sac street shall be platted and constructed with a paved cul-de-sac at the closed end having a turnaround with a minimum outside paving diameter of at least 100 feet and a minimum street right-of-way diameter of at least 120 feet.

b. Dead-end streets

i. Dead-end streets are prohibited unless the street design meets the above cul-de-sac requirements or unless the street is intended to be extended in the future and the dead-end design is only temporary in nature.

ii. If a temporary dead-end street is permitted, turnaround pavement meeting the dimensions listed for cul-de-sacs in **Article 3.04.C.7.a** and a temporary turnaround easement meeting the dimensions listed for the right-of-way in **Article 3.04.C.7.a** shall be provided on the plat.

(1) The portion of the temporary turnaround easement lying outside of the street right-of-way shall be designated on the Final Plat that shall denote a temporary easement.

In the event that the temporary dead-end street (as approved and shown on the Final Plat) is extended in the future, the portions of the temporary turnaround easement shall revert back to the lot(s) abutting the temporary turnaround easement.

c. Drainage improvements

Provisions shall be made for adequate storm drainage at the ends of dead-end streets.

d. Barricades

i. Barricades and other traffic controls shall be installed by the developer at dead-end streets in accordance with Town specifications.

ii. Barricades and other traffic control signs and markings shall be maintained by the developer or homeowners or property owners' association.

8. Construction Responsibilities

a. Local street and alley construction

The developer shall, at the developer's cost and expense, pay for constructing all local streets and alleys within the developer's subdivision.

b. Collector street construction

The developer shall, at the developer's cost and expense, pay for constructing all collector streets within the developer's subdivision.

9. Street and Alley Requirements

a. General requirements

i. As a minimum, a street must be designated to safely provide two-way traffic for passenger, delivery, emergency, utility, and maintenance vehicles.

ii. If the Town determines that streets greater than the minimum standard are required, the Town will conduct investigations, studies, and calculations to determine the infrastructure requirements.

(1) If the developer proposes to construct no greater than the minimum standard of infrastructure, it will be the responsibility of the applicant to submit to the Town engineering investigations, studies, and calculations in support of constructing the minimum standard.

b. Local streets, collector streets, and alleys

i. Local street paving shall be in conformance with the Comprehensive Plan and street design criteria as found in the design standards and specifications.

ii. Collector street paving shall be in conformance with the Comprehensive Plan and street design criteria as found in the design standards and specifications.

iii. Alley paving shall be in conformance with **Article 3.04.E**.

10. Street Name and Traffic Control Signs

a. Street name and all required traffic control signs shall be furnished and installed by the developer for all areas, intersections within or abutting the subdivision.

b. Street name signs shall be of a type approved by the Town and include the block number.

c. Street name signs and traffic control signs shall be installed in accordance with the prescribed type currently in use by the Texas Manual on Uniform Traffic Control Devices.

11. Curbs

Barrier curbs and mountable curbs

a. Barrier curbs, as shown in the design standards and specifications, shall be required for all developments, except for the following cases:

i. For single family, duplex, or multifamily, mountable curbs developments are permitted.

ii. Mountable curbs may be permitted along private streets within an approved private street development.

b. All curbs shall conform to the design standards and specifications governing the placement and construction for curbs.

12. Street Openings to Adjoining Properties

a. Residential subdivision plat design shall provide for a reasonable number and location of street openings to adjoining properties. Such openings shall occur at least every 900 feet or in alignment with abutting subdivision streets along each boundary of the subdivision.

b. The Director of Engineering Services may approve an administrative waiver if one of the following conditions are met:

i. If the adjacent area is already developed and does not have street connections;

ii. If the adjacent area is zoned as a nonresidential or multifamily district; or

iii. If the adjacent area has significant constraints to development, such as drainage ways, railroads, highways.

13. Street Lighting

a. Lighting plan required

Street light plans will be reviewed as part of the submittal of the Construction Plans.

b. Design

i. The following standards shall apply to all thoroughfares:

(1) Streetlights shall be placed in the medians, with spacing not to exceed 300 feet and no closer than 150 feet depending on median breaks and intersections.

(2) Luminaries shall be Town approved standard.

ii. The following standards shall apply to all commercial collector streets:

(1) Luminaries shall be approved Town standard.

(2) Collector lighting shall be installed prior to final acceptance by the Town. Where property lines bisect collectors longitudinally, each developer is equally responsible for their fair share of the cost of fully developed lighting. If the commercial collector street is shown on the Comprehensive Plan the developer can receive reimbursement through a development agreement.

iii. The following standards shall apply to all residential streets per the photometric plan:

(1) Luminaries shall be approved Town standard unless upgraded options are approved by staff.

(2) Light locations shall typically be at intersections and at mid-block if the block length is greater than 600 feet. Cul-de-sacs, 600 feet, measured from centerline of street to center point of cul-de-sac, shall have a light installed at the street intersection and at the beginning of the bulb or at the top of the bulb. Other locations may be required as deemed necessary by the Director of Engineering Services. Lights shall not be closer than 150 feet.

(3) Subdivisions bound by arterials shall have common type of luminaries. Streetlights shall be installed prior to final acceptance by the Town.

c. Cost

i. Cost of installation of street lighting shall be borne by the Developer.

ii. The initial cost of installation, operation, and maintenance for the first year shall be paid by the developer to the Town. Maintenance and operation after this period shall be provided by the Town, unless the lights are on private streets.

d. Exemptions

The following are exempt:

i. Temporary lighting approved in writing by the Director of Engineering Services.

ii. Where existing or phased subdivisions were under construction prior to the effective date of this UDC, the continued use of currently approved lighting will be permitted. When divided by collector sized streets the lighting standards contained in this UDC will be required.

iii. Lighting luminaries in existence on the effective date of this UDC shall be exempt from these standards and shall be considered legally non-conforming. Such fixtures may be repaired, maintained, and/or replaced.

D. Private Streets and Gated Subdivisions

1. Applicability

   a. Within the Town's corporate limits

      Within the Town's corporate limits, private streets and gated subdivisions for new development shall be developed in accordance with the UDC as it exists or may be amended.

   b. Within the extraterritorial jurisdiction (ETJ)

      Private streets are allowed in the ETJ subject to the formation of a homeowners or property owners association.

2. General

   a. Requirements

      Subdivisions with private streets and gated communities shall meet the following requirements:

      i. The general provisions of this UDC and other Town Codes as they relate to development, streets, and utilities will apply.

      ii. A vehicular turnaround shall be provided at entry gates to allow vehicles that have been denied entry with the ability to exit without having to back up.

      iii. All plans concerning private subdivisions are subject to review and approval by the local fire department.

      iv. The definition of a "subdivision" and "street", as contained in this UDC, will apply to all subdivisions or streets, whether public or private.

   b. Authority maintained by Town

      i. All streets, gates, and other fire protection features, signage, and equipment are subject to periodic inspection by the Town and must be repaired immediately if found to be in a condition of disrepair or inadequate for public access.

      ii. The Town shall have the right to enter the subdivision and disable, open, or remove any gate, device, or other feature that impedes or controls vehicle access at the sole expense of the developer or Homeowners or Property Owners' Association.

      iii. Access shall be provided for sanitation trucks.

   c. Owner's responsibility

      The person or corporation in control of the property is responsible for, and liable for, any violations of this private road requirement. This includes, but is not limited to, the developer, property owner, the Homeowners or Property Owners' Association and its officers, if applicable, or others who may own or exercise control over the property.

   d. Private street lot

      Each private street and alley must be constructed within a separate lot owned by the Homeowners or Property Owners' Association.

      i. Each lot must conform to the Town's standards for the design of a public street and alley right-of-way. An easement covering the street lot shall be granted to the Town providing unrestricted use of the property for utilities and the maintenance of the same. This right shall extend to all utility providers including telecommunication, telephone, and cable companies operating within the Town.

      ii. The easement shall also provide the Town with the right of access for any purpose related to the exercise of a governmental service or function, including, but not limited to, fire and police protection, inspection, and code enforcement. The easement shall permit the Town to remove any vehicle or obstacle within the street lot that impairs emergency access.

e. Construction and maintenance costs

The Town shall not pay for any portion of the cost of constructing or maintaining a private street.

f. Plans and inspections

An applicant for a proposed subdivision with private streets must submit to the Town the same plans and engineering information required to construct public streets and utilities. Requirements pertaining to inspection and approval of improvements prior to Final Plat approval shall apply. Fees charged for these services shall also apply. The Town may periodically inspect private streets and require repairs necessary to ensure emergency access.

g. Waiver of services

The Final Plat, property deeds and homeowners or property owners' association documents shall note that certain Town services shall not be provided on private streets. Among the services that will not be provided are the following:

i. Routine police patrols.

ii. Enforcement of traffic and parking ordinances and preparation of accident reports.

iii. Depending on the characteristics of the proposed development, other services may not be provided.

h. Signs

All private traffic regulatory signs shall conform to the Texas Manual of Uniform Traffic Control Devices.

i. Indemnification language for the Final Plat

The Final Plat shall contain the following language:

i. Whereby the homeowners or property owners' association, as owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the Town, any governmental entity and public utility:

(1) For damages to the private street occasioned by the reasonable use of the private street by the Town, governmental entity, or public utility;

(2) For damages and injury (including death) arising from the condition of said private street;

(3) For damages and injury (including death) arising out of the use by the Town, governmental entity, or public utility of any restricted access gate or entrance; and

(4) For damages and injury (including death) arising out of any use of the subdivision by the Town, governmental entity or public utility. Further, such language shall provide that all lot owners shall release the Town, governmental entities, and public utilities for such damages and injuries.

ii. THE INDEMNIFICATIONS CONTAINED IN THE ABOVE LANGUAGE APPLY REGARDLESS OF WHETHER OR NOT SUCH DAMAGES AND INJURY (INCLUDING DEATH) ARE CAUSED BY THE NEGLIGENT ACT OR OMISSION OF THE TOWN, GOVERNMENTAL ENTITY, OR PUBLIC UTILITY, OR THEIR REPRESENTATIVE OFFICERS, EMPLOYEES, OR AGENTS.

3. Gates

a. Each gate installation in a gated community must conform to the following provisions:

i. Fire Department approval required

(1) Each gate installation must be approved by the Fire Department that serves the proposed subdivision prior to installation.

(2) The installation must be completed and tested prior to the Town's acceptance of the subdivision.

ii. Gate openings and clearances

(1) Gate design may incorporate one or two gate sections to meet the required minimum gate width of 24 feet.

iii. If a gate design incorporates any overhead obstruction, the obstruction must be a minimum of 14 feet above the finished road surface.

b. Setback required

Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area, in accordance with the applicable standards of the Thoroughfare Design Manual.

c. Gates to be constructed in agreement with Fire Department guidelines

An automatic gate installation must conform to the design and performance guidelines established by the Fire Department.

d. Good working order required

i. All components of the gate system must be maintained in an approved operating condition, with all components serviced and maintained on a regular basis as needed to ensure proper gate operation.

ii. A proper power supply shall be maintained to all electrical and electronic components at all times.

e. Failure to meet requirements

i. Each gate is subject to a performance test on a regular basis as determined by the Fire Department.

ii. Upon failure of a performance test, the gate system shall be disabled and maintained in the open position until repaired and shall not be placed back in service until tested and authorized by the Fire Department.

4. Homeowners' or Property Owners' Association Required

a. Homeowners' or Property Owners' Association Required

Subdivisions developed with private streets and alleys must have a mandatory homeowners' or property owners' association that includes all property to be served by private streets. The association shall own and be responsible for the maintenance of private streets and appurtenances.

b. The homeowners' or property owners' association documents must establish a reserve fund for the maintenance of streets and other improvements.

The association documents shall be reviewed and approved by the Town's attorney to ensure that they conform to this and other applicable Town ordinances. The documents shall be filed and recorded prior to the approval of the Final Plat. Lot deeds must convey membership in the association and provide for the payment of dues and assessments required by the association. The association may not be dissolved without the prior written consent of the Town. No portion of the association documents pertaining to the maintenance of the private streets and alleys and assessment therefore may be amended without the written consent of the Town.

5. Construction and Utilities

Water, sewer, drainage facilities, streetlights, and signs placed within the private street and alley lot shall be installed to Town standards after approval of the Final Plat. All Town regulations relating to infrastructure financing and developer cost participation shall apply to subdivisions with private streets.

6. Access Restrictions

a. General requirements

The entrances to all private streets shall be marked with a sign stating that it is a private street. All restricted access entrances shall be staffed 24 hours every day, or an alternative means shall be provided of ensuring access to the subdivision by the Town and other utility service providers with appropriate identification. If

the association fails to maintain reliable access as required to provide Town services, the Town shall have the right to enter the subdivision and remove any gate or device that is a barrier to access at the sole expense of the association.

b. Restricted access

Private streets that have access controlled by a gate, cross arm, or other access control device shall conform to the following requirements:

i. The street must have a minimum uninterrupted pavement width of 24 feet at the location of the access control device.

ii. The design of all gates, cross arms and access control devices, including automatic opening systems and manual backup systems, shall be approved by the local Fire Department before installation.

iii. The gates, cross arms, and access control devices shall be tested and accepted by the Fire Department before being put into operation.

iv. If the entrance incorporates a median, guard booth, or similar structure that necessitates a divided gate arrangement, the gate and street pavement widths may be reduced if approved by the Fire Department. This approval shall be contingent upon the subdivision with private streets having a second approved means of access, but in no case shall any single gate or street pavement have a clear opening of less than 15 feet.

c. Visitor entrance design standards

i. At least one entrance to a subdivision with private streets shall be equipped for visitor access.

ii. In addition to meeting the above design standards, the visitor entrance shall be equipped with a call or code box located at least 50 feet from the boundary of the subdivision to provide for visitors calling in and automobile queuing.

iii. A turn-around space with a minimum outside radius of 30 feet shall be located between any call or code box and the access control device to allow vehicles denied access to safely exit onto public streets in a "headout" position.

iv. A sign shall be erected next to the edge, or such turn around space to prohibit vehicle parking in such space.

v. A resident entrance used in combination with a visitor entrance shall comply with the requirements of this Subsection.

d. Resident-only entrance design standards

i. In addition to meeting the above design standards, an access control device that requires residents to use a key, card, code, or other method to gain access shall be set back internally a minimum of 50 feet from the boundary of the subdivision to provide for automobile queuing; except that resident entrances equipped with an electronic opener that allows residents to remotely open the access control device and enter the subdivision without having to stop are exempted from this requirement.

ii. A sign shall be erected next to any resident entrance that does not meet the 50-foot setback requirement and does not provide a turn-around space with a minimum outside radius of 30 feet to indicate that it is for resident use only and not for visitors.

7. Converting Private Streets to Public Streets

The homeowners or property owners association documents shall allow the association to request the Town to accept private streets and alleys and the associated property as public streets and right-of-way upon written notice to all association members and to convey the same to the Town upon the consent by written signatures of the owners of 75% of the affected lots on the street. However, in no event shall the Town be obligated to accept said private streets and alleys as public.

a. Town's Acceptance of Streets and Alleys

Should the Town elect to accept the streets and alleys as public, the Town may inspect the private streets and assess the Homeowners or Property Owners Association or lot owners for the expense of needed repairs concurrent with the Town's acceptance of the streets and alleys. The Town will be the sole judge of whether repairs are needed.

b. Town's requirements

The Town may also require, at the homeowners or property owners' association's expense, the removal of guard booths, access control devices, landscaping or other aesthetic amenities located within the street. The association documents shall provide for the Town's right to such assessment. Those portions of the association documents pertaining to the subject matter contained in this paragraph shall not be amended without the written consent of the Town.

E. Alleys

1. Alleys are optional improvements.

At the time of an application for a Preliminary Plat, the developer shall identify the location of all proposed alleys. The Planning and Zoning Commission shall have the authority to approve or deny all requests for alleys. If alleys are constructed at the discretion of the developer, then the alleys shall meet the standards of this **Article 3.04.E.**

2. Alley/Street Intersection—Prohibition

Alleys shall not intersect streets that are designated in the Comprehensive Plan as a collector street or a thoroughfare.

3. Alley Design

Alleys shall be designed in accordance with the design standards and specifications.

F. Sidewalks

1. Intent

Sidewalks are required to achieve the following:

a. Promote the mobility, health, safety, and welfare of residents, property owners, and visitors to the Town and implement objectives and strategies of the Comprehensive Plan;

b. Improve the safety of walking by providing separation from motorized transportation and improving travel surfaces for pedestrians;

c. Improve public welfare by providing an alternative means of access to transportation and social interaction, especially for children, other citizens without personal vehicles, or those with disabilities; and

d. Facilitate walking as a means of physical activity.

2. Location Requirements

a. Sidewalks shall be constructed on both sides of all new roadways.

b. The Director of Engineering Services may waive the requirement for sidewalks in subdivisions consisting of bar ditch drainage conveyance (no curb and gutter).

c. Sidewalks shall be constructed generally within the right-of-way.

i. Where public sidewalks veer out of the right-of-way, a sidewalk easement shall be dedicated for all portions outside of the right-of-way.

d. Routing to clear poles, trees, or other obstacles shall be subject to Director of Engineering Services approval.

e. Construction Plans shall show the location of all proposed sidewalks and shall state at what stage of the project they will be constructed.

f. All sidewalks shall conform to Federal Americans with Disabilities Act (ADA) and Public Right-of-Way Accessibility Guidelines (PROWAG) requirements, and barrier-free ramps shall be provided for access to the street.

3. General Construction

a. Sidewalks shall have a minimum width of 5 feet along residential streets and 6 feet along collector streets and thoroughfares. The width of the sidewalk shall be increased if designated as a hike and bike trail in accordance with the Parks, Recreation and Open Space Master Plan.

b. Sidewalks in Downtown shall have a minimum width of 10 feet.

c. Sidewalks located along thoroughfares and collector streets shall be constructed to meander with a radius between 100 feet to 500 feet, unless the Director of Engineering Services determines the required radius cannot be met due to existing physical conditions or site constraints.

d. Sidewalks may be located in the required landscape buffer upon approval of the Town's Landscape Planner and shall be placed in an access easement to be dedicated at the time of Final Plat.

e. Sidewalk construction may be delayed until the development of lots, but in locations adjacent to open space lots, common area lots, and across bridges and culverts, the sidewalk shall be constructed with the other improvements to the subdivision.

f. The Planning and Zoning Commission may require pedestrian access to schools, parks, playgrounds, or other nearby streets with perpetual, unobstructed easements at least 15 feet in width. Easements shall be indicated on the plat.

4. Hike and Bike Trails

a. Trails shall be constructed by the developer in locations shown on the Parks, Recreation, and Open Space Master Plan unless otherwise approved by the Planning and Zoning Commission upon the recommendation of the Parks and Recreation Board.

b. Where a hike and bike trail is shown to be required through a residential development not adjacent to a creek, a 50-foot access easement shall be required within an HOA/open space lot. The width of the access easement may be reduced to a minimum of 25 feet at an entry or exit point of the trail.

c. Hike and bike trails adjacent to a street shall be located within a minimum 15-foot access easement within an HOA/open space lot.

d. Hike and bike trails shall not cross the driveways of residential homes unless recommended by the Director of Parks and Recreation and approved by the Planning and Zoning Commission.

e. Hike and bike trails shall be required at the time of development. Hike and bike trails shall comply fully with the Texas Accessibility Standards of the Architectural Barriers Act, administered by the Texas Department of Licensing and Regulation. When a trail cannot be built due to infrastructure needs, an escrow may be required as assurance, and released upon trail installation and inspection.

5. Access Easements

a. Access easements shall be required for all sidewalks and hike and bike trails or portions thereof that fall outside of public right-of-way.

b. Easement width and size shall be sufficient enough to incorporate all of the public pedestrian facilities plus two and one-half feet on either side.

G. Lots

1. Lot Design

Lot design shall provide adequate width, depth, and shape to provide open area, to eliminate overcrowding, and to be appropriate for the location of the subdivision for the type of development and use contemplated and shall meet all requirements of the Town.

2. Lot Frontage Requirement

   a. Except as noted below, every lot shall have frontage on and access to a public street.

   b. It is recognized that certain nonresidential developments may contain lots that cannot achieve access to a public street. The Council may grant a waiver if adequate access including required fire lanes are provided through dedicated public access easements from a public street.

3. Lot Frontage Prohibition for Single Family Lots on Thoroughfares

   Lots zoned for single family use shall not front upon a collector street or thoroughfare.

4. Right Angles for Side Lot Lines

   All side lines of lots shall be as close to right angles as possible to straight street lines and radial to curved street lines except where a variation to this rule will provide a better street and lot layout. The Director of Development Services may grant an administrative waiver if unusual circumstances exist on the subject property or on adjacent property that make it difficult to comply with this requirement.

5. Flag Lots

   Except as provided in **Article 3.04.G.2.b,** every lot shall have at least 50 feet of frontage along a street.

6. Key Lots

   To the greatest extent possible, the creation of key lots shall not be allowed.

7. Scenarios where additional lot depth is required.

   Where a lot in a residential area backs up to a high-pressure oil or gas line, electric transmission line (60kv or higher), an industrial, commercial, or other land use that has a significant change in use from the residential use of the property, and where no street or alley is provided at the rear of such lot, additional lot depth shall be required for setbacks.

8. Double Frontage and Reverse Frontage Lots

   Double frontage lots (also called through lots) and reverse frontage lots shall be prohibited except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation or exist prior to the adoption of this UDC. (A reverse frontage lot is a lot that is at right angles, or approximately right angles, to the general pattern in the area involved.)

9. Waiver to the Minimum Lot Size

   The minimum lot size requirement of the UDC as it currently exists or may be amended, may be waived by the Director of Development Services as an administrative waiver if an existing tract of land was created prior to the adoption of this UDC. This waiver is designed to allow an existing tract (which is often a remnant tract from a larger tract) that is surrounded by development to be platted, which will then allow the owner to apply for Town permits.

10. Land Subject to a 100-year Floodplain

    a. Any land that, in its natural state, is subject to a 100-year flood or that cannot be properly drained shall not be subdivided, re-subdivided, or developed until receipt of evidence that the construction of specific improvements proposed by the developer can be expected to yield a usable building site (i.e., Flood Study and FEMA CLOMR [Conditional Letter of Map Revision]).

    b. Building construction upon such land shall be prohibited until the specific drainage improvements have been planned, constructed, and an approved CLOMR or an approved LOMR (letter of map revision) has been received from FEMA.

    c. If a CLOMR has been approved as per **Article 3.04.G.10.b,** a LOMR must be received from FEMA prior to issuance of certificates of occupancies.

11. Prohibition of Reserve Strips

    No subdivision or addition showing reserve strips of land controlling the access to public ways or adjoining properties will be approved either in whole or in part.

H. Blocks

1. Block length measurement

   The length of a block shall be considered to be the distance from property corner to property corner measured along the property line of the block face:

   a. Of greatest dimension; or

   b. On which the greatest number of lots face.

2. Block width measurements

   The width of a block shall be considered to be the distance from property corner to property corner measured along the property line of the block face:

   a. Of least dimension; or

   b. On which the fewest number of lots face.

3. Block measurement factors

   The length, width and shapes of blocks shall be determined with due regard to:

   a. Provision of adequate building sites suitable to the special needs of the type of use contemplated;

   b. Zoning requirements as to lot sizes and dimensions;

   c. Needs for convenient access, circulation, control, and safety of street traffic;

   d. Limitations of topography; and

   e. Compatibility with efficient development of public facilities as established by surrounding developments.

4. Block design

   a. Intersecting streets shall be provided at such intervals as to serve traffic adequately and to meet existing streets.

   b. Where no existing subdivision controls, block lengths shall not exceed 1,000 feet. A "T" intersection break on one side to provide traffic outlet will conform to the 1,000 feet break.

5. Waiver to the minimum block size

   For the following scenario, the Director of Development Services may approve an administrative waiver for blocks lengths greater than the minimum established above.

   a. For blocks in which all lots are 22,000 square feet in size or greater, the maximum block length may be increased up to 1,440 feet long or up to 24 lots per block, whichever is greater. Under no circumstances shall the maximum block length exceed 2,000 feet.

   b. For blocks to be eligible for increased block length, the block must be located in a residential zoning district.

I. Survey Monuments and Lot Markers

1. Permanent survey reference monuments

   a. Metal monuments three and one quarter inches in diameter long shall be placed by the surveyor shall be placed on at least one block corner, boundary corner, or angle point for each plat or each phase of a multi-platted area or subdivision.

i. A 12-inch-long steel rod, ⅝ inch in diameter and embedded at least 12 inches into the monument, shall be placed at the boundary intersection point on each monument.

ii. These monuments shall be set at elevations so that they will not be disturbed during construction.

iii. The tops of the monuments shall be three and one quarter inch metal markers set at finished grade.

iv. All survey monuments installed with the development shall be shown on the Final Plat with longitude, latitude, and elevation.

b. Submission of the Final Plat prepared by the licensed surveyor shall be considered evidence that the monuments, guard stakes, and flagging have been set.

c. The Director of Engineering Services may approve alternative survey methods.

2. Lot markers

Lot markers shall be iron pins no less than 12 inches long nor less than one-half inch in diameter set flush with the ground at every corner, at all angle points, and at all points of curves not otherwise designated under the subparagraphs above or industry adopted survey benchmark documents, as approved by the Director of Development Services.

J. Access Management

1. Intent of access management

It is the intent of this section to:

a. Fulfill the access requirements contained in the UDC as it exists or may be amended; and

b. Fulfill the standards of the Town's thoroughfare design requirements.

2. Access requirement

Every lot shall have frontage on, and access to, a public street or other approved public access easement in accordance with **Article 3.04.G.2**.

3. Common access

a. Lots with sufficient frontage to safely meet the design requirements may be permitted their own driveways. For lots without sufficient frontage (i.e., do not meet the driveway spacing standards), then a common access easement may be required between adjacent lots.

b. Common access easement

i. The use of common driveways shall require the dedication of a joint-use private access easement on each affected property.

ii. Said dedication shall be provided on the Final Plat of the subject properties or be filed by separate instrument approved by the Town Attorney with the County with a copy forwarded to the Town.

iii. The plat shall state that the easement shall be maintained by the property owner.

iv. The common access easement shall encompass the entire width of the planned driveway plus an additional width of one foot on both sides of the drive.

K. Easement Dedication

1. Easement dedication

a. Easements and dedications of property needed for the construction of streets, alleys, sidewalks, trails, storm drainage facilities, floodways, water mains, wastewater mains and other utilities, and any other property necessary to serve the platted area and to implement the requirements of the subdivision regulations shall be labeled on the Final Plat and dedicated for the specific purpose intended (e.g., "Water Easement", "Drainage Easement", "Street Easement").

b. The type, size, and location of easements shall be determined in accordance with the Town of Prosper Design Standards and Specifications.

2. Off-site easements

a. Off-site easements may be required to fulfill the requirements of the UDC.

b. Off-site easements shall be dedicated to the Town by separate instrument and shall be approved by the Town.

c. Off-site easements requiring dedication by different landowner than the developer of the subject property shall be executed and received by the Town prior to release of Construction Plans.

d. All off-site easements shall be recorded at the appropriate County prior to acceptance of required public infrastructure.

e. Type, size, and location of off-site easements shall be determined in accordance with the design standards and specifications.

3. Restrictions

a. No portion of a structure (including, but not limited to, walls, foundations, porches/patios and porch/patio covers, canopies, roof extensions/overhangs, chimneys, fire flues, pools) shall encroach over or into any public easement, except that wall-attached window awnings, "bay" style windows, and roof eaves shall be allowed to encroach into an easement a maximum of 24 inches upon approval of the Director of Engineering Services.

b. Retaining walls, screening walls, fences, gates, or similar structures shall be allowed to cross public easements perpendicular to the intended use and shall not be allowed to run longitudinally within said easement.

4. Maintenance of easements

a. The Town shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths that in any way endanger or interfere with the construction, maintenance, or efficiency of Town systems.

b. The Town shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity at any time or procuring the permission of anyone.

c. The property owner shall be responsible for maintaining the easement property.

5. Fire lane easements

a. Fire lane easements for emergency access shall be provided in locations as directed by the current adopted Fire Code and as required by the Town.

b. Fire lane easements shall be shown and dedicated by plat or by separate instrument and shall be of minimum width as determined by the most current adopted Fire Code and any amendments as well as design standards and specifications.

c. The property owner shall be responsible for maintaining the easement property.

6. Private easements

Easements needed for construction or maintenance of private improvements (including, but not limited to, retaining walls, screening walls, private drainage systems, private streets) shall be labeled on the Final Plat and dedicated for the specific purpose intended. Specific notes on the plat shall designate maintenance responsibilities to a homeowner's association or property owner's association or owner of the property.

7. Utility easements

    a. Easements for private franchise utilities shall be located adjacent to the street right-of-way along the fronts of lots or tracts.

    b. Utility easements dedicated to the Town shall be non-exclusive and provide construction, service and maintenance rights for all public utilities and private franchise utility providers.

8. Needs/benefits determination

    a. No dedication otherwise required by this UDC may be imposed upon a property owner unless the Town determines that the dedication is related to the impact of the proposed development; is roughly proportional to the needs created by the proposed development; and provides a benefit to the development.

    b. An applicant may appeal a staff recommendation that dedication be required in accordance with the provisions of **Article 3.05**.

L. Water Utility

1. General

    a. Approved water distribution system required

    All subdivisions shall provide an approved water distribution system connected to the existing Town water system in conformance with all applicable Town Master Plans and regulations. The Director of Engineering Services may recommend approval to the Town Council for a connection to another entity's water system when necessary to accommodate the efficient growth of the Town's infrastructure.

    b. System design.

    In the absence of specific standards, all water supply, distribution, pumping, and storage improvements shall be designed in accordance with the most current standards of the American Water Works Association and the most current criteria included in the Texas Administrative Code, Chapter 290. The Town shall make the final determination of the adequacy of any proposed system.

2. Basic requirements

    a. Water main construction

        i. All water mains shall be constructed within the street right-of-way or easements dedicated to the Town per design standards and specifications.

        ii. All public water facilities shall conform to water design criteria as found in the Design Standards and Specifications and the requirements of Texas Administrative Code, chapter 290, subchapter D, Rules and Regulations for Public Water Systems.

    b. Water main cost of construction

        i. The developer shall, at the developer's cost and expense, pay for the installation of all water distribution system improvements within the developer's subdivision in addition to any off-site improvements to bring the water system to developer's subdivision.

        ii. Mains shown on the Capital Improvements Projects Master Plan and not planned to be extended in time to serve a proposed development may be installed by the developer at the developer's expense but shall be impact fee reimbursed by an approved Development Agreement.

    c. Water easements

    The minimum easement width for water mains shall be 15 feet or as determined by the Director of Engineering Services.

3. Preliminary utility plan

    a. General

        i. The preliminary utility plan shall show compliance with **Article 3.04.L,** and shall be in agreement with all other Town plans and standards.

    b. Illustrate the location and size of water utility mains.

        i. Concurrent with the submission of a Preliminary Plat or Replat, the developer shall submit a map or plan showing the location and size of water utility mains, which will be required to provide adequate service and fire protection to the lots specified in the proposed plat.

        ii. Preliminary utility plans shall also show all fire hydrant locations, existing and proposed, required to provide adequate fire protection per design standards and specifications and Fire Code.

        iii. The Town may require the development to submit modeling for the proposed utility mains to verify level of service.

    c. Plan document

        The plan shall be prepared as noted in the Town's application forms.

M. Wastewater Utility

1. General

    a. Approved means of wastewater collection and treatment required

        i. All lots, tracts, or parcels on which development is proposed shall be served by an approved means of wastewater collection and treatment.

        ii. A lot may be served by on-site sewage facilities (OSSFs) if the lot is at least one acre in size. Additionally, the size of the lot shall be sufficiently large to accommodate adequate drainage fields and to meet the standards set forth by the State of Texas, the County, or any other governmental unit having appropriate jurisdiction.

        iii. All lots, regardless of size, shall connect to the Town's facilities if the lot is within 200 feet of an existing or proposed wastewater line.

    b. Possible phasing of development required

        i. The Director of Engineering Services may require the phasing of development and/or improvements in order to maintain adequate wastewater capacity.

        ii. Subdivisions either in the ETJ or that have been annexed and are not served by the Town shall meet the same requirements but are subject to approval by the Director of Development Services.

2. Basic requirements

    a. Wastewater collection system required

        i. All subdivisions shall provide an approved wastewater collection system conforming to the Town's engineering design standards and specifications and all applicable Town plans and regulations and the requirements of Texas Administrative Code, chapter 217, Design Criteria for Systems and Processes.

        ii. The Town shall make the final determination of the adequacy of the proposed system.

        iii. All wastewater collection systems shall be constructed within the street right-of-way or easements dedicated to the Town per design standards and specifications.

b. Cost of construction

i. The developer shall, at the developer's cost and expense, pay for the installation of all wastewater collection system improvements within the developer's subdivision in addition to any off-site improvements to bring wastewater system to developer's subdivision.

ii. Wastewater mains as shown on the Capital Improvements Projects Master Plan not planned to be extended in time to serve a proposed new development may be installed by developer at the developer's expense but shall be impact fee reimbursement through an approved development agreement.

c. Wastewater (sanitary sewer) easements

The minimum easement width for wastewater mains shall be 15 feet, or as determined by the Director of Engineering Services.

3. Preliminary utility plan.

When required by the UDC, a preliminary utility plan for Wastewater Utility requirements shall be prepared in accordance with **Article 3.04.L.3**.

N. Drainage and Stormwater

1. General

a. Components of the drainage system

Drainage systems, including all conveyances, inlets, conduits, structures, basins, or outlets used to drain stormwater, must be designed and constructed to promote the health, safety, and welfare of the property owner and the public, and to promote water quality standards. All drainage systems shall be designed so that there will be no negative impact to upstream and downstream property owners.

b. Management of stormwater runoff

Adequate provision must be made for the acceptance, collection, conveyance, detention, and discharge of stormwater runoff onto, through, and originating within the subdivision.

c. Discharge of stormwater runoff

Stormwater must be discharged in an acceptable form and at a controlled rate so as not to endanger human life or public or private property or violate water quality standards.

d. Drainage facilities

Drainage facilities shall be provided and constructed by the developer in accordance with the requirements within the design standards and specifications.

2. Planning and construction

a. The developer shall incur the cost of all drainage improvements connected with development of the subdivision and acceptance of current upstream flows necessary to safely and adequately drain the subdivision, including any necessary off-site channels or storm sewers and acquisition of any required easements.

b. Any necessary off-site channel or storm sewers that are required to be within easements must have a separate instrument easement filed in the County real property records.

3. Residential grading and drainage

a. Lot-to-lot drainage standards

i. Surface runoff from residential lots shall be directed towards side lot swales located at a common property line and shall not cross fully onto an adjacent lot before being directed toward the street or a dedicated drainage easement or public right-of-way.

ii. Surface runoff from residential lots that fully cross property lines and onto adjacent lots are referred to as lot-to-lot drainage and shall not be allowed unless approved by the Director of Engineering Services.

4. Detailed standards

See the design standards and specifications for requirements for detailed standards and policies.

5. Nonresidential grading and drainage

a. Lot-to-lot grading and drainage standards

i. Surface runoff from nonresidential lots that fully cross property lines and onto adjacent nonresidential lots are referred to as lot-to-lot drainage and shall not be allowed without a dedicated public drainage easement. At no point shall a developed nonresidential lot be allowed to surface drain onto a residential lot regardless of easements.

ii. Surface runoff or enclosed systems from developed nonresidential lots that cross a property line are considered public drainage and must be contained within a dedicated drainage easement.

iii. Concentrations of stormwater from areas exceeding a ¼ acre unless otherwise approved by the Director of Engineering Services shall not be discharged to Town streets through driveways or flumes but shall be collected into an enclosed system, either private or public, prior to reaching the curb line of the roadway.

(1) Surface runoff from landscape buffers and mostly impermeable areas shall be permitted to surface drain directly towards Town streets if the street system was designed to handle associated flows.

b. Detailed standards

See the design standards and specifications for detailed standards and policies.

6. Design criteria

a. The design of the swales and enclosed systems located within a dedicated drainage easement shall utilize the Town's adopted drainage design criteria for channel and pipe systems.

b. Side yard swales shall have a minimum slope of 1% to ensure adequacy of flow during and after a rain event.

c. See the design standards and specifications for requirements for detailed standards and policies.

7. Materials

a. Swales on residential Lots

Swales on residential lots shall be fully vegetated.

b. Swales on nonresidential lots

Swales on nonresidential lots may be constructed in a natural state fully vegetated in cases where the surrounding area has been vegetated and velocities and depth of flow can be contained within the proposed swale without erosive damage.

i. Swales or inverts within parking and private driving lanes of nonresidential properties shall be constructed of materials similar to those of the parking and driving lanes.

c. Systems on nonresidential lots

Enclosed systems on nonresidential lots that will be dedicated to the Town shall be designed in accordance with the design standards and specifications.

8. Floodplain

    a. Floodplain delineation and dedication

        If any portion of the property contains a drainage course, lies within 100 feet from the top of a high bank, or contains Federal Emergency Management Agency (FEMA) floodplain, then the drainage basin area shall be determined. If that area is 160 acres or more, then the 100-year floodplain shall be established. All floodplain calculations shall be approved by the floodplain administrator. The floodplain shall be delineated on the plat and shall be dedicated to the Town, at the Town's option.

    b. Floodplain easements shall be provided along natural drainage ways and lakes or reservoirs.

    c. Floodplain easement locations shall be shown on the Final Plat.

    d. Floodplain easements shall be provided in accordance with the recommendation of the Director of Engineering Services and the Director of Development Services to accommodate the 100-year storm drainage flows or the flow of the flood of record, whichever is greater.

    e. Floodplain easements shall encompass all areas beneath the water surface elevation of the base flood, plus such additional width as may be required to provide ingress and egress to allow maintenance of the banks and for the protection of adjacent property, as determined by the Director of Engineering Services.

    f. The following full statement of structures shall be placed in the dedication instrument of the plat:

        100-year floodplain easement restriction:

        Construction within the floodplain may not occur until approved by the Town. (A request for construction within the floodplain easement must be accompanied with detailed engineering plans and studies indicating that no flooding will result, that no obstruction to the natural flow of water will result; and subject to all owners or the property affected by such construction becoming a party to the request.) Where construction is approved, all finished floor elevations shall be a minimum of one foot above the 100-year flood elevation as determined by analyzing the ultimate build-out conditions of the entire drainage basin.

        Existing creeks, lakes, reservoirs, or drainage channels traversing along or across portions of this addition, will remain as an open channel at all times and will be maintained by the individual owners of the lot or lots that are traversed by the drainage courses along or across said lots. The Town will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion. Each property owner shall keep the natural drainage channels traversing their property clean and free of debris, silt, or any substance that would result in unsanitary conditions. The Town shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions which may occur. The Town is not obligated to maintain or assist with maintenance of the area.

        The natural drainage channel, as in the case of all natural drainage channels, are subject to storm water overflow and natural bank erosion. The Town shall not be liable for damages of any nature resulting from the occurrence of these natural phenomena, nor resulting from a failure of any structure(s) within the natural drainage channels. The natural drainage channel crossing each lot is shown by the floodway easement line as shown on the plat. If a subdivision alters the horizontal or vertical floodplain, a FEMA floodway map revision may be required.

9. Drainage easements

    a. Easements for storm drainage facilities shall be provided at locations containing proposed or existing drainage ways.

    b. Storm drainage easements, 15 feet minimum width, or as determined by the Director of Engineering Services, shall be provided for existing and proposed enclosed drainage systems.

        i. Easements shall be centered over the systems.

        ii. Larger easements, where necessary, shall be provided as directed by the Director of Engineering Services.

c. Storm drainage easements shall be provided for emergency overflow drainage ways of sufficient width to contain within the easement stormwater resulting from a 100-year frequency storm less the amount of stormwater carried in an enclosed system of a capacity required by the Town.

d. Where a subdivision is bounded by a water-course, drainage way, channel, or stream, there shall be provided a drainage easement conforming substantially to the lines of such water course, and of such width to provide for increased drainage from anticipated future upstream developments, plus a minimum of ten feet on each side.

e. Drainage easements shall include provisions for access ingress and egress by crews and equipment for maintenance purposes.

10. Maintenance

a. Mowing and maintenance shall be the responsibility of the property owner or homeowners or property owners' association.

b. Periodic cleaning of enclosed systems located within dedicated drainage easements shall be the responsibility of the Town.

11. Preliminary drainage plan

a. General

i. The preliminary drainage plan shall be submitted with the submittal of a Preliminary Plat or Replat for review and acceptance in accordance with the development manual.

ii. A preliminary drainage plan shall be prepared for all developments in accordance with the requirements set forth in the Town's application forms.

iii. The review of the preliminary drainage plan does not constitute final drainage plan approval or authorize a waiver to the subdivision regulations.

iv. For property with a previously accepted preliminary drainage plan, the accepted preliminary drainage plan may be submitted and enforced unless a revised preliminary drainage plan is required by the Town due to lot reconfiguration or other conditions created by the new plat.

v. The Director of Engineering Services may waive the requirement for a preliminary drainage plan if the submitted plat is not anticipated to cause any significant change in runoff characteristics from a previously accepted drainage study or for single residential properties where no drainage problems are anticipated.

vi. If the applicant requests a waiver in writing, a copy of any previous drainage plan prepared for the property shall be provided.

b. Illustrate the Drainage of the Site

i. For any property involved in the development process, a preliminary drainage plan shall be provided, at the developer's expense, for the area proposed for development.

ii. The preliminary drainage plan shall show the watershed affecting the development and how the runoff from the fully-developed watershed will be conveyed to, through, and from the development.

(1) The preliminary drainage plan must comply with the standards outlined in this UDC, design standards and specifications, and the Code of Ordinances.

c. The preliminary drainage plan is a guide for later detailed drainage design.

12. Plan document

The plan shall be prepared as noted in the Town's application forms.

13. Detention and retention pond overview

    a. Storage of stormwater runoff within a stormwater management system is essential to providing the extended detention of stormwater flows for water quality protection and downstream stream bank erosion protection, as well as for peak flow attenuation of larger flows for flood protection.

    b. Runoff storage can be provided within an on-site system with structural stormwater controls and/or nonstructural features and landscaped areas.

    c. All detention and retention ponds shall have trees surrounding the pond. Retention ponds with a constant water level shall have a fountain(s) or other method of circulating water.

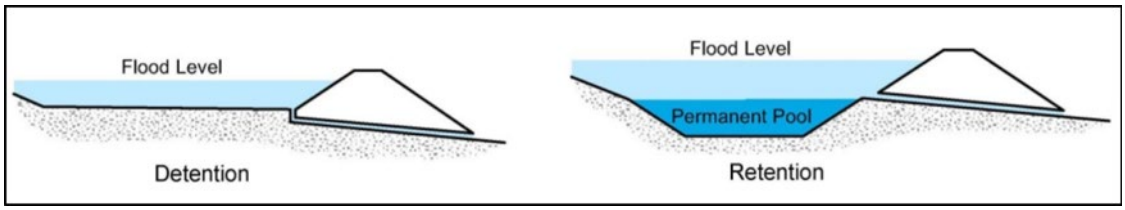
    d. **Figure 3.04-2. Detention and Retention Pond Examples** illustrates various storage facilities that can be considered for a development site.

    e. Detention ponds are designed to drain a runoff volume over a specified period of time, typically 24 hours, and provide for stream bank protection.

    f. Detention ponds are designed to completely drain after a storm has passed. Likewise, retention ponds also serve to drain runoff but have the added feature of a permanent pool.

    g. Retentions ponds shall be designed per design standards and specifications.

Figure 3.04-1. Detention and Retention Pond Examples



14. Development criteria along creeks, drainage ways and floodplain

    a. Platting along creeks, drainage ways and floodplain

        i. No property shall be subdivided through Final Platting or "phasing" in a manner that is intended to avoid or circumvent the developer's obligation to construct required improvements and/or dedicate required easements including, but not limited to, rights-of-ways, erosion hazard setbacks, and creek stabilization.

        ii. For single family residential lots, dedication of the creek or drainage way to an approved homeowner's association (HOA) shall be required.

            (1) No portion of a "drainage and floodway easement" for floodplain purposes shall be contained in a single family residential lot.

            (2) The limits of a drainage and floodway easement for floodplain shall be dedicated by Final Plat as a single lot to an HOA, or to the Town at the Town's sole discretion.

    b. Creeks and drainage ways may be retained as a part of a nonresidential lot, and it shall be the property owner's responsibility to maintain this area, except as otherwise provided.

        i. Property located within any floodplain designation (subsequent to any reclamation) or which is subject to, or required to be designated as, an erosion hazard setback easement or another similarly related easement (hereinafter collectively referred to in this section as "no-build areas") shall be designated in a Preliminary Plat where applicable and Final Plat as a common area.

ii. Floodplain and/or erosion hazard setback easements may be included in and platted in conjunction with a nonresidential lot with buildable area.

iii. "Buildable area" shall mean a lot of a size, shape, characteristics and topography which allows for the reasonable construction of improvements and structures allowed in the zoning classification in which it is located.

c. Structures built on lots adjacent to floodplains shall be constructed so that the finished floor elevation is a minimum 24 inches above the 100-year fully developed floodplain.

15. Maintenance responsibilities

a. A homeowner's association for residential development shall be responsible for maintaining the common area for which a drainage and floodway easement is required.

i. A drainage and floodway easement for maintenance purposes shall be granted to the Town and shall grant the right but not the obligation to maintain and construct drainage facilities if the creek or drainage way is not being properly maintained.

ii. A lien may be filed against the property in favor of the Town to secure payment of any expenses incurred by the Town for maintenance.

b. A drainage and floodway easement for nonresidential lots for maintenance purposes shall be granted to the Town. The Town shall have the right but not the obligation to maintain and construct drainage facilities if the creek or drainage way is not being properly maintained. Consequently, a lien may be filed against the nonresidential property in favor of the Town to secure payment of any expenses incurred by the Town for maintenance.

c. Nonresidential properties may create an entity or property owner's association (POA) to maintain creeks or drainage ways, provided the maintenance area is set forth by easement and the entity's by-laws, filed of record, and provide for on-going maintenance.

i. Such easements shall authorize a lien against the POA in favor of the Town to secure payment for any expenses incurred if the maintenance entity is not properly maintaining the creek or drainage way.

ii. Adequate easements shall be required that give the Town the right but not the obligation to maintain and construct drainage facilities if, in the Town's sole opinion, the maintenance entity is not properly maintaining the creek or drainage way.

16. Erosion hazard setbacks

a. Erosion hazard setbacks will be utilized to provide creek bank protection for all creeks and drainage ways within the Town.

b. In all cases, a buffer shall be created and protected by easement (See **Article 3.04.N.17**) for the determined setbacks.

c. The setback limits may be altered through mechanical creek bank protection if such mechanical stabilization is approved by the Director of Engineering Services and Final Platted consistent with the protected bank area.

d. Where easements for erosion hazard setbacks are established, no building, fence, wall, deck, swimming pool, or other structure shall be located, constructed, or maintained within the area encompassing the setback.

e. The setback requirement for each creek or drainage way shall be determined as described in the design standards and specifications of the Town.

17. Drainage and floodway easements

All creeks, drainage ways, and floodplain shall be dedicated in drainage and floodway easements of such width as to encompass the 100-year storm event plus a minimum ten feet for maintenance purposes or as determined by the Director of Engineering Services.

a. All erosion hazard setbacks shall be dedicated within the same drainage and floodway easement for floodplains of such width as determined by design standards and specification.

b. The outer limits of a drainage and floodway easement shall be such that it encompasses both 100-year floodplain and the erosion hazard setback plus the additional width for maintenance purposes as outlined in the design standards and specifications.

18. Studies to be provided when requested

At the request of the Town, the property owner shall submit the following documents with the Final Plat that includes property along creeks, drainage ways, and floodplains in addition to studies required for development along major creeks:

a. Floodplain studies,

b. Reclamation studies, and

c. Creek stabilization.

19. Residential development criteria along major creeks

a. Subdivision design for 60% of creek frontage

i. A minimum of 60% of the linear frontage of the base flood (100-year) plain in each Preliminary Plat shall be adjacent to it one or more of the following types of streets, unless otherwise approved by the Planning and Zoning Commission:

(1) Parallel streets;

(2) Loop streets (see **Figure 3.04-4 Park Design**, which includes an illustration of this street type); or

(3) Cul-de-sac street (see **Figure 3.04-4 Park Design**, which includes an illustration of this street type), with no more than two consecutive cul-de-sacs without separation by a looped street or parallel street being permitted.

ii. Any lot that sides to the base floodplain and/or access dedication shall have a minimum side yard setback of 15 feet.

b. Subdivision design for 40% of creek frontage

A maximum of 40% of the linear frontage of the base floodplain and/or access dedication in each Preliminary Plat may have lots backing to a major creek, unless otherwise approved by the Planning and Zoning Commission. When a lot backs to a major creek, the following is required:

i. Any lot shall have a minimum rear yard setback of 25 feet;

ii. Alternating cul-de-sacs and looped streets shall be provided at intervals not to exceed 1,200 feet for access to the base floodplain and/or access dedication; and

iii. The base floodplain and/or access dedication shall be available to public access from the end of a cul-de-sac in the manner required in **Article 3.04.Q**.

20. Exemptions

Article 3.04.N.19 does not apply to properties which have an approved concept plan that is part of a Planned Development ordinance adopted prior to the effective date of this UDC; provided, however, said properties are subject to the following conditions:

a. Any lot that backs to the base floodplain and/or access dedication shall have a minimum rear yard setback of 25 feet;

b. Any lot that sides to the base floodplain and/or access dedication shall have a minimum side yard setback of 15 feet.

c. Alternating cul-de-sacs and looped streets shall be provided at intervals not to exceed 1,200 feet for access to the base floodplain and/or access dedication; and

i. The base floodplain and/or access dedication shall be available to public access from the end of a cul-de-sac in the manner required in **Article 3.04.Q.**

21. Ornamental fence requirement

Residential lots that are allowed to back or side to the base floodplain, access dedication and/or open space lot shall have an ornamental metal fence along the rear and side of the lots subject to Town review and approval. The lot owner is responsible for the maintenance of the fence.

22. Studies to be provided when requested

At the request of the Town, the property owner shall submit the following documents with the Preliminary Plat that includes property along a major creek:

a. Wetland delineation study,

b. Habitat study, and

c. Vegetative study.

23. Retaining wall construction

a. Location

i. Retaining walls on residential lots shall be located and constructed on private property and outside of public right-of-way.

ii. If a retaining wall is designed to traverse three or more lots within a subdivision or on the perimeter of a residential development, the wall shall be located within a wall maintenance easement dedicated on the Final Plat.

b. Design by a Professional Engineer required

All retaining walls shall be designed by a Professional Engineer and plans submitted to the Town for review must be signed and sealed by the design engineer.

c. Building permit required

i. Any earth terracing method that supports a structure or vehicle load, or that is over four feet in height (as measured from the bottom of footing to top of wall) shall require a building permit and shall meet the requirements of this section.

ii. No building permit, other than for a retaining wall, shall be issued for any lot within a subdivision until all retaining walls are constructed in accordance with a grading plan for the subdivision.

iii. A retaining wall shall be constructed in accordance with the grading plan and shall comply with the requirements of the applicable building code and this UDC.

iv. Any change from the approved grading plan or design for a retaining wall within a subdivision shall not be permitted unless the applicant has submitted plans for the entire subdivision showing the proposed changing in grading and the Director of Engineering Services has approved the proposed change(s).

24. Retaining wall easements

a. If in the opinion of the Director of Engineering Services, the grading plans submitted with the application for approval of a Final Plat indicate a need for the construction of one or more retaining walls, a wall maintenance easement shall be dedicated on the Final Plat.

b. The width of the wall maintenance easement shall be the width of the retaining wall plus the width of the no-building zone, as established by the applicant's licensed engineer and approved by the Director of Engineering Services.

i. A no-building zone shall be the area adjacent to a retaining wall in which the wall design did not account for any additional loads by the design engineer.

ii. No structure (other than the retaining wall), swimming pool, landscaping, or any other feature that adds load to the retaining wall, shall be constructed within the wall maintenance easement.

c. Any wall maintenance easement shall include provisions for access ingress and egress by crews and equipment for maintenance purposes.

O. Residential Thoroughfare Screening

1. Purpose statement

The image of the Town and its related influence on property values and the types of development that occur directly affect the public welfare of the Town. With streets being the largest public land use, the image people experience when traveling Town streets can have a substantial impact on the overall image of the Town. This section is designed to create a positive visual image from Town streets by providing quality screening. In addition to improving the Town's image, these landscape screening options are intended to buffer residential uses from roadway noise to minimize sound and visual nuisances of roadway adjacency.

2. Screening requirements

Screening is required for all single family, townhome lots and subdivisions as follows:

a. The rear of all lots that back to a thoroughfare or collector;

b. The side of all lots that side to a thoroughfare or collector, unless a lot sides to a median divided entry street to a subdivision; and

c. Between any street and an adjoining parallel alley or street.

3. Prohibited lot layout

a. Lots are prohibited from backing to a street with a right-of-way of less than 60 feet.

b. All required screening shall be installed in accordance with this UDC, as it currently exists or may be amended.

4. Screening plans

a. A screening plan, including entry features, showing elevations and materials shall be submitted with the Final Plat and approved by the Director of Development Services prior to the filing of the Final Plat at the County.

b. Screening walls and fences shall be designed in accordance with the Town's design standards.

c. All required screening shall be installed prior to Town issuance of a final acceptance certificate unless the following:

i. The developer may delay the installation of screening by providing surety to guarantee the installation of the required screening.

ii. Surety shall be defined as a bond, escrow, letter of credit, or letter of financial guarantee from a financial institution and be in an amount and format that is approved by the Director of Development Services.

d. Required screening shall be installed within three months from the date of Town issuance of a final acceptance certificate and/or prior to Town conducting a building final inspection for occupancy for a home in the subdivision, excluding model homes.

5. Landscape plans

a. Landscape plans for landscaping required by this UDC, as it currently exists or may be amended, shall be submitted with the Final Plat and approved by the Director of Development Services prior to the filing of the Final Plat.

b. Landscape plans shall be approved by the Town for all proposed landscaping prior to planting.

c. Landscape materials shall be in accordance with the approved plant list and installation shall be in accordance with the UDC, as it currently exists or may be amended, or other applicable ordinances.

d. Other species may be utilized with approval by the Town's Director of Development Services or designee.

e. Upon installation of the required landscaping, the developer shall contact the Landscape Planner to request final inspection of landscaping elements.

f. All required landscaping shall be installed prior to Town issuance of a final acceptance certificate.

i. The developer may delay the installation of landscaping by providing surety to guarantee the installation of the required landscaping.

ii. Surety shall be defined as a bond, letter of credit, or letter of financial guarantee from a financial institution and be in an amount and format that is approved by the Director of Development Services or their designee.

iii. Required landscaping shall be installed within six months from the date of Town issuance of a final acceptance certificate and prior to Town conducting a building final inspection for occupancy for a home in the subdivision, excluding model homes.

6. Required screening and landscaping

Screening required by **Article 3.04.O.2**, shall be installed by the developer in accordance with the approved screening plans and landscape plans. The design of such screening shall conform to the standards below and as generally shown in **Figure 3.04-3**.

a. A landscape buffer meeting the screening requirements of **Article 3.04.O.2**, minimum of 25 feet in width, shall be installed by the developer of the subdivision within a landscape easement. This requirement shall be increased to 30 feet along Preston Road, University Drive, and Dallas Parkway.

b. Landscape easement requirement

i. A landscape easement, being the minimum width of the required landscape buffer, shall be provided for required screening and shall be located within a private "non-buildable" lot that is dedicated to, owned by, and maintained by the subdivision's homeowner's association (HOA).

ii. Required landscape easements shall be exclusive of all required streets and right-turn rights-of-way, drainage easements, and utility easements, unless otherwise approved by the Town Council. Perpendicular crossings at a maximum width of 15 feet are allowed unless otherwise approved by the Director of Development Services.

c. Landscaping requirements

i. All trees and other required landscape materials shall be from the approved plant list as maintained by the Town.

ii. Landscaping shall be provided as follows:

(1) A living screen of evergreen shrubs shall be planted within the required landscape easement as generally shown in **Figure 3.04-3. Thoroughfare Screening and Landscape Buffer Design**.

(a) The living screen shall alternate with shrubs that shall be a minimum of 7 gallons at time of planting and reach a minimum height of six feet within two growing seasons and shrubs that shall be a minimum of 3 gallons at the time of planting and reach a minimum height of 3 feet within two growing seasons.

(2) A mix of large and ornamental trees shall be planted within the required landscape buffer, as generally shown in **Figure 3.04-3. Thoroughfare Screening and Landscape Buffer Design**.

(a) The total number of caliper inches of the trees shall equal or exceed 2 caliper inches per 10 linear feet of landscape easement frontage.

(b) Large trees shall consist of a minimum of 33% of all tree plantings.

(c) Large trees shall be a minimum of four caliper inches at time of planting.

(d) The ornamental trees shall be a minimum of two caliper inches at time of planting.

(e) A single species of tree shall not exceed 45% of the plantings.

(f) Large trees shall be spaced a minimum of 25 feet from each other.

(g) Ornamental trees shall be spaced at a minimum of twelve and one-half feet from each other unless approved by the Town Landscape Planner.

iii. Berms shall be constructed within the landscape easement as generally shown in **Figure 3.04-3. Thoroughfare Screening and Landscape Buffer Design**.

(1) The berms may encroach up to three feet into the right-of-way and shall not exceed a 3:1 slope.

(2) Adequate information shall be provided on the landscape plan to indicate drainage patterns.

iv. Ground cover shall be planted throughout the landscape easement. Ground cover includes, but is not limited to grasses, shrubs, mulched planter beds, and hardscape.

d. Screening fencing requirements

Screening fences shall be provided as follows:

i. A continuous ornamental metal fence with a minimum height of six feet and a maximum height of eight feet, with masonry columns spaced between 75 feet and 100 feet, shall be constructed along the shared property line between the landscape buffer and the abutting lots.

(1) The maximum height of the columns, including capstones, shall be nine feet.

(2) The minimum height of required walls and fences shall be measured from the nearest alley edge, the property line (where no alley exists) or sidewalk grade, whichever is higher, and shall be constructed in accordance with Town design standards.

(3) The ornamental metal fence shall be constructed of solid-stock materials and tubular steel with a minimum of 16-gauge pickets and 11-gauge posts.

ii. The requirement to construct a continuous ornamental fence may be waived by the Director of Development Services where residential lots do not directly back or side to the required landscape buffer.

iii. A minimum five-foot wall maintenance easement, dedicated to the HOA, shall be provided on the plat on all lots abutting the screening wall or fence. The screening wall shall be owned and maintained by the HOA.

iv. Masonry walls, wood fences, solid metal fences, or any other type of solid fencing shall not be constructed parallel to the required ornamental metal fence within the landscape buffer or on an adjacent lot, within a distance of 25 feet from the ornamental metal fence.

e. Irrigation requirements

An automatic, underground irrigation system shall provide 100% coverage for all living screens and plantings, and shall conform to the following:

i. Irrigation lines shall be placed a minimum of two and one-half feet from the sidewalk.

(1) Reduction of this requirement is subject to review and approval by the Director of Engineering Services.

(2) The main irrigation lines, section lines, and zone valves for irrigation systems shall be placed outside of required right-of-way corner clips.

ii. Trees and shrubs shall be irrigated by bubbler irrigation lines only. Other landscaping may be irrigated by spray irrigation. Separate valves shall be provided to turn off the spray irrigation line during periods of drought or water conservation.

iii. The main irrigation line, section lines, and water valves for irrigation shall be placed in accordance with the Engineering Design Standards.

iv. The developer is responsible for installing the water meter and back flow equipment in accordance with the Engineering Design Standards.

f. Maintenance requirements

The developer shall provide financial means to maintain required screening walls, fences, and landscaping. One of the following maintenance alternatives shall be selected and fulfilled by the Developer, but the selection is subject to staff approval:

i. Establishment of a homeowner's association to maintain required screening fences and landscaping. The developer shall provide homeowners association documents to the Town to demonstrate financial responsibility for future maintenance, repairs, and replacement of the required improvements. Documents establishing the homeowner's association or property owners' association shall be submitted to the Town for review and may be reviewed by the Town Attorney for conformance with this and other applicable ordinances prior to final acceptance of the subdivision. The documents shall include, among other information required by the Town, descriptions of:

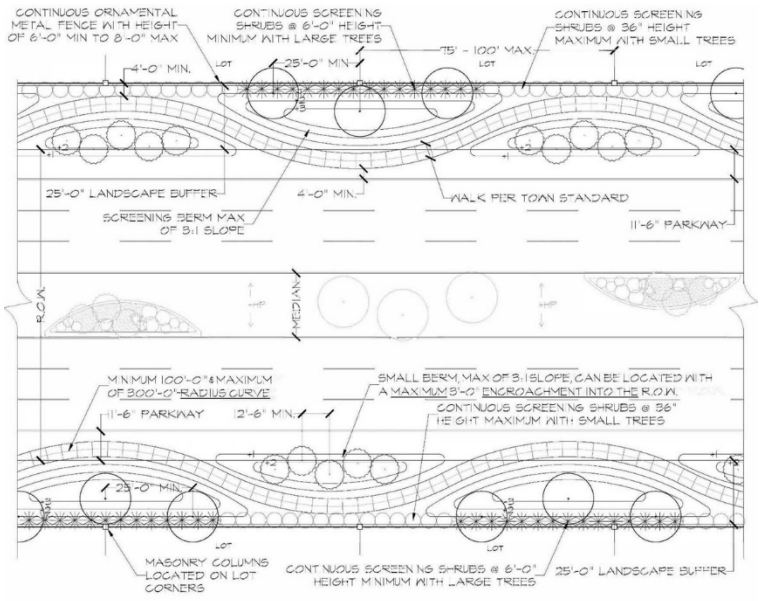
(1) Operating budgets based on operating assumptions;

(2) Reserve budget based on facilities to be maintained;

(3) Subsidies budget; and

(4) Liability insurance. The homeowner's association shall be responsible for maintaining, repairing, or replacing screening walls, fences, and landscaping required by this UDC, as it currently exists or may be amended.

Figure 3.04-2. Thoroughfare Screening and Landscape Buffer Design



P. Homeowners' or Property Owners' Association

1. Applicability

   When a subdivision contains common areas, common property, usable open space, or other improvements not intended to be conveyed to the Town (e.g., drainage areas or amenities), a homeowners or property owners association shall be created, and the duties and responsibilities shall be established in a declaration consistent with state laws.

2. Dedication

   The common areas shall be shown on the Final Plat or record plat along with an adequate form for dedication thereof. This dedication form shall:

   a. Save the title to common area properties for the benefit of the homeowners or property owners association; and

   b. Express a definite undertaking by the subdivider to convey the common properties to the homeowners or property owners' association.

3. Membership

   A homeowners or property owners association shall be an incorporated organization operating under recorded land declarations through which:

   a. Each lot owner in a described land area is automatically a member; and

   b. Each lot is automatically subject to a charge for a proportionate share of the expenses for the homeowners or property owners' association's activities, such as maintenance of common areas, common open spaces, or the provision and upkeep of usable open space and common recreational facilities.

4. Legal Requirements

   To ensure the establishment of a permanent homeowners or property owners association, including its financing and the rights and responsibilities of the homeowners in relation to the use, management and

ownership of common areas or common property, the subdivision plat, dedication documents, covenants, and other recorded legal agreements must:

a. Legally create an automatic membership, homeowners or property owners' association;

b. Place title to the common property in the homeowners or property owners' association or give definite assurance that it automatically will be so placed within a reasonable, definite time;

c. Place responsibility for operation and maintenance of the common property in with the homeowners or property owners' association;

d. Provide for or place an association charge or assessment on each lot in a manner that will ensure sufficient association funds to maintain the common property or improvements;

e. Identify the land area within the association's jurisdiction including, but not limited to, the following:

i. The property to be transferred to public agencies,

ii. The individual residential lots,

iii. The common properties to be transferred by the developer to the homeowners or property owners' association, and

iv. Other parcels.

5. Contents of agreements

At a minimum, the agreements, covenants, and restrictions establishing and creating a mandatory homeowners association required in this section shall contain and/or provide for the following:

a. Definitions of terms contained therein;

b. Provisions acceptable to the Town for the establishment and organization of the mandatory homeowner's association and the adoption of bylaws for such association, including provisions requiring that the owner of any lot within the applicable subdivision and any successive buyer shall automatically and mandatorily become a member of the association;

c. The initial term of the agreements, covenants and restrictions establishing and creating the association shall be for a 25-year period and shall automatically renew for successive ten-year periods, and the association may not be dissolved without the prior written consent of the Town;

d. Provisions acceptable to the Town to ensure the continuous and perpetual use, operation, maintenance, and/or supervision of all facilities, structures, improvements, systems, areas, or grounds that are the responsibility of the association and to establish a reserve fund for such purposes;

e. Provisions prohibiting the amendment or repeal of any portion of the association's agreements, covenants, or restrictions pertaining to the use, operation, maintenance, and/or supervision of any facilities, structures, improvements, systems, areas, or grounds that are the responsibility of the association without the prior written consent of the Town;

f. The right and ability of the Town or its lawful agents, after due notice to the association, to remove any landscape systems, features or elements that cease to be maintained by the association; to perform the responsibilities of the association if the association fails to do so in compliance with any provisions of the agreements, covenants or restrictions of the association or of any applicable Town codes or regulations; to assess the association for all costs incurred by the Town in performing such responsibilities if the association fails to do so; and/or to avail itself of any other enforcement actions available to the Town pursuant to state law or Town codes or regulations; and

g. Provisions indemnifying and holding the Town harmless from any and all costs, expenses, suits, demands, liabilities, or damages, including attorney's fees and costs of suit, incurred or resulting from the Town's removal of any landscape systems, features, or elements that cease to be maintained by the association or from the Town's performance of the operation, maintenance, or supervision responsibilities of the association due to the association's failure to perform such responsibilities."

6. Procedure

   Prior to recording the plat with the appropriate County, the subdivider shall:

   a. Draft the articles of incorporation of the homeowners or property owners' association, its bylaws, and the restrictive covenants;

   b. Submit draft articles, bylaws, and covenants to the Director of Development Services for approval;

   c. Create the appropriate legal entity following approval;

   d. Record approved covenants, at the County Clerk's office, which automatically make every lot owner a member of the association, gives them the right to use the common property, and establish their voting rights and their obligations to pay assessments; and

   e. Provide evidence of the recorded articles, bylaws, and the restrictive covenants prior to Final Plat approval.

7. Maintenance, repair or capital improvement

   a. Any maintenance, repair or capital improvement made to the property or facilities of the homeowners or property owners association by the Town pursuant to its ordinances and as a result of non-performance or negligence on the part of the association, shall be assessed to the association and paid by the association within 30 days of the date of notification.

   b. If the association fails to pay within 30 days, then the cost will be divided between the various association members in proportion to the taxable value of their properties, as shown by the current year valuations of the Collin or Denton County Appraisal District.

Q. Park Land Designs, Dedications, and Fees

1. Purpose

   This section is intended to meet the goals and objectives of the Parks, Recreation, Open Space Master Plan, and Hike & Bike Trails Master Plan to meet the additional needs created by new residential development.

2. Scope

   The provisions of this section shall apply to all new residential development within the Town for which a Final Plat or Preliminary Plat is required to be submitted to the Town for approval.

3. Exemptions

   The provisions of this section shall not apply to the following:

   a. Senior living facilities and senior care facilities, including assisted living facilities, senior congregate care facilities, memory care facilities, and nursing homes. However, independent living and retirement communities or age-restricted housing developments shall be subject to the provisions of this section.

4. Park design requirements: neighborhood and linear parks and connections to park

   a. This **Article 3.04.Q.4**, shall not apply to major creeks as set forth in **Article 3.04.N.14**, unless otherwise noted.

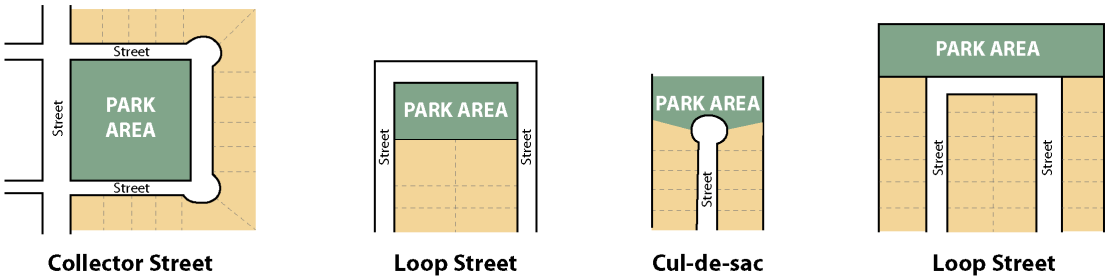
   b. Parks must be easy to access and open to public view to benefit area development, enhance the visual character of the Town, protect public safety and minimize conflict with adjacent land uses.

   c. The following standards shall be used in designing parks and adjacent development:

      i. Where physically feasible, parks shall be bounded by streets, or by other public uses (e.g. a school, library, recreation center).

      ii. Where residential lots directly abut a park, lots must be oriented to side and not back to the park. In this instance, cul-de-sacs and looped streets must be used to access the lots and park.

Figure 3.04-3. Park Design



iii. Residential lots may back to a park only when the site's physical character (e.g., shape, topography, drainage) does not reasonably permit an alternative design or the layout of the subdivision complements the use of the park (e.g., lots backing to a golf course). Lots backing to a park shall only be allowed upon a recommendation from the Director of Parks and Recreation and approval by the Planning and Zoning Commission.

iv. A proposed subdivision adjacent to a park may not be designed to restrict reasonable access to the park from other area subdivisions.

v. Street connections to existing or future adjoining subdivisions may be required to provide reasonable access to parks.

vi. Alleys shall not abut a park.

vii. Public access to a park shall not be less than 50 feet at the curb and in width to the base floodplain and/or maintenance and/or access dedication and shall not be part of a residential lot. The developer shall install a hike and bike trail connection from the street to the hike and bike trail/park prior to final acceptance of the subdivision. This trail must be blocked from motor vehicle traffic. However, the developer may request to escrow funds for the contracted amount prior to final acceptance of the subdivision with Town approval. The escrow amount will remain in place until the trail has been completed and accepted by the Town.

viii. A 20-foot-wide level surface shall be provided for all public hike and bike trails. The 20-foot-wide level surface can be provided within and/or outside of the base floodplain and/or access dedication. The parkway for the public street may count towards the 20-foot-wide level surface.

ix. All proposed hike and bike trails shall be shown on the Preliminary Plat. The Town shall make final determination of the placement of the public hike and bike trail at the time of the Final Plat.

x. No development shall interrupt future trail routes or otherwise hinder efficient public access to or from an existing or future planned trail. Gated and other limited access developments shall be designed such that they facilitate, and do not impede, through public access, emergency ingress and egress, usage, and enjoyment of public trails.

xi. Streets abutting a park shall be built in accordance with the Thoroughfare Plan, the standards of this UDC and all other applicable construction standards and/or ordinances, as they exist or may be amended; however, the Town may require any residential street built adjacent to a park to be constructed to collector street width to ensure access and prevent traffic congestion.

(1) When park land is acquired, the Town shall reserve sufficient land to provide the additional right-of-way required for an abutting collector size street, 60 feet of right-of-way, unless otherwise approved by the Town.

(2) The proposed street alignment fronting on Town parks is subject to Town approval. Landowners shall also provide street access to all major creeks and/or access dedications.

5. Dedication requirements (land, payment, or combination)

   a. Land conveyance or payment in lieu of land

      The owner of any property to be developed for residential purposes shall convey land for park purposes or make a payment of money in lieu of land, or a combination of both, to the Town at the time of rezoning or subdivision to provide for the recreational needs created by such development, in accordance with the provisions of this chapter.

   b. Proposed number of dwelling units

      All plats, lots of record, Replats, Site Plans, or proposed improvements of land for new residential development shall indicate the number of proposed dwelling units to be constructed or placed within the development on such plat, recorded lot, Replat, or Site Plan.

   c. Determination authority

      In reviewing any recorded lot, plat, Site Plan, or proposed improvements of land for a new residential development, the Director of Parks and Recreation shall make a determination of whether a conveyance of land, payment of money in lieu of land, or a combination of both shall be made to meet the requirements of this section.

   d. Factors considered

      In making a determination of which type of dedication, or combination thereof, shall be made, the Director of Parks and Recreation shall evaluate what would be in the best interest of the Town, based upon relevant factors that may include, but not be limited to, the following:

      i. Whether the proposed land to be conveyed for park purposes would be suitable as a neighborhood, linear, community, or a Town park.

      ii. The Parks, Recreation, and Open Space Master Plan for the area in which the development is located.

      iii. Whether the proposed land to be conveyed for park purposes is adjacent to an existing or proposed school site.

      iv. Whether there is sufficient existing public or private park land in the area of the proposed development.

      v. Whether the park needs of the area where the proposed development is located would be best served by expanding or upgrading existing parks.

      vi. Land located adjacent to a greenbelt park.

6. Dedications: conveyance of land requirements

   Where the Director of Parks and Recreation determines that a conveyance of land shall be required, in whole or in part, the Parks and Recreation Board shall make final a recommendation to the Town Council. Conveyance of land shall meet the requirements of this section, and the following provisions shall apply:

   a. Amount

      The required conveyance of land is established in the Town's fee schedule.

   b. Manner and method

      Plats required to be submitted to the Town for approval shall show thereon a fee simple conveyance to the Town of the land required by this section for park purposes as a condition to approval of such plat by the Planning and Zoning Commission, and the Town may further require the conveyance of the park property by general warranty deed. As a condition to acceptance of the plat or deed by the Town, the subdivider shall provide the Town with an owner's title policy of insurance in an amount equal to the value of the land conveyed, which amount shall be determined by the Town.

c. Credit for private recreation facilities

Where private recreation facilities are built for the residents for the subdivision or development, a credit may be granted with a recommendation from the Town Parks and Recreation Board and approval by the Town Council. The value of these private recreation facilities shall be determined by the Town Council but shall not exceed 100% credit of conveyance.

d. Suitability of land for neighborhood parks, community parks, or linear parks

A proposed conveyance of land shall not be considered suitable for neighborhood parks, community parks, or open space purposes if it has one or more of the following characteristics:

i. Located within the 100-year floodplain, as shown on the latest flood insurance rate map or floodplain ordinance adopted by the Town on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. The Town may take more than the 20% floodplain land if it is determined in the best interest of the Town.

ii. It has unusual topography or slope or has utility easements that renders it unsuitable for organized recreational activities or passive park needs, depending on the Town's intended use for the property.

iii. It does not or would not front an improved public street or would not be readily accessible, in whole or in part, to the public.

7. Dedications: payment in lieu of land provisions

Where the Director of Parks and Recreation determines that payment of money in lieu of land shall be made, the following provisions shall apply:

a. Determining the Amount of Payment

i. Any payment of money required to be paid shall be in an amount equal to the average per-acre value of the whole property included within the residential development, the amount set forth in the fee schedule ordinance as it currently exists or may be amended, whichever is greater.

ii. In determining the average per-acre value of the total land included within the proposed residential development, the Director of Parks and Recreation may base its determination on one or more of the following:

(1) The most recent appraisal of all or part of the property made by the central appraisal district;

(2) Confirmed sale prices of all or part of the property to be developed, or comparable property in close proximity thereof, which have occurred within two years immediately preceding the date of determination;

(3) Where, in the judgment of the Director of Parks and Recreation, **Article 3.04.Q.7.a.ii(1)** or **Article 3.04.Q.7.a.ii(2)** would not, because of changed conditions, be a reliable indication of the then-current value of the land being developed, an independent appraisal of the whole property obtained by the Town and paid for by the developer; or

(4) The amount set forth in the fee schedule ordinance as it currently exists or may be amended.

b. Time of payment

Any payment of money required herein shall be paid as a condition to the approval of any Final Plat or Replat. Payment shall be made prior to the filing of the plat unless otherwise stated in an agreement approved by the Town Council.

c. Parkland Dedication Fund

All cash payments paid to the Town in accordance with this UDC shall be deposited in a separate parkland dedication fund. The Town shall account for all such payment with reference to each development for which the payment is made.

d. Use of funds

Any payments made to the park development fund must be used for the acquisition and development of parks, hike and bike trails, or public open space located within the Town.

e. Compliance

i. Requirements to be satisfied prior to development

It shall be unlawful for any person who is required to convey land, or make a payment in lieu of land, to begin, or allow any other person or contractor to begin, any construction or improvements on any land within any development until the required conveyance of land, or payment of money in lieu of land, is made to the Town in accordance with the guidelines of this Subsection of the UDC.

ii. Permits and services to be withheld

No building permits shall be issued for, and no permanent utility services shall be provided to, any land within any development until the required conveyance of land, or payment of money in lieu of land, is made to the Town in accordance with this Subsection of the UDC.

8. Park improvement fee

a. Purpose

i. A park improvement fee ("park fee") is hereby imposed on residential development for the purpose of ensuring that Town, community, neighborhood, and linear park facilities are available and adequate to meet the needs created by such residential development.

ii. The park fee is imposed in conjunction with and in addition to requirements for the dedication of neighborhood and linear park land and the construction of neighborhood and linear park improvements for which contributions the property owner may be reimbursed from proceeds of park fees imposed, as provided in **Article 3.04.Q.8.f**.

b. Applicability of park fee

i. In all cases in which parkland is dedicated or cash is paid in lieu of parkland dedication, the Subdivider shall also pay to the Town a sum of money, as set forth by **Article 3.04.Q.8.d**. This Subsection does not apply to activities involving the replacement, reconstruction, remodeling, rehabilitation, or other improvements to an existing residential structure, or to the rebuilding of a damaged structure or to permits required for accessory uses, unless such activity results in a change in the type or increase in the number of dwelling units.

c. Imposition of park fee

i. Payment of the park fee shall be made prior to the acceptance of public improvements by the Town. If no public improvements are required, such payment shall be made prior to filing the record plat.

ii. Imposition of the park fee does not alter, negate, supersede or otherwise affect any other requirements of Town, County, State or Federal legislation or regulations that may be applicable to a residential development, including Town zoning and/or subdivision regulations that may impose open space and park requirements and standards.

d. Amount of park improvement Fee

There is hereby established a park fee for single family and multifamily dwelling units as established in the Town fee schedule.

e. Processing and collection of park improvement fee

i. Upon acceptance of a Final Plat, the Town shall calculate the amount of the applicable park fee due. The park fee rate in effect at the time of acceptance of the Final Plat shall be used to calculate the park fee.

ii. The applicable park fee shall be collected prior to the signing of the plat unless otherwise stated in an agreement approved by the Parks and Recreation Board.

f. Use of park improvement fee

i. Park fees must be used for the following purposes:

(1) To acquire and develop park facilities.

(2) To repay developers for the reasonable costs of any park improvements constructed and accepted by the Town.

g. Accounting procedures for park improvement fees

i. All park improvement fee payments shall be segregated in a separate fund to be spent only for the improvement of park facilities within the Town that will meet the needs of the residents of the development or subdivision in respect of which such payment was made.

ii. The Town shall maintain and keep financial records for park improvement fees, which shall show the source and disbursement of all fees collected.

h. Additional voluntary park improvements

A developer may request permission to construct, at his or her own expense, additional park improvements. The Town may accept or reject voluntary dedications of park land and/or additional park improvements. Such voluntary dedications and/or improvements shall be considered for approval by the Parks and Recreation Board. All improvements in public parks and open spaces shall be consistent with the design criteria and objectives of the Parks, Recreation and Open Space Master Plan, and shall, upon installation, become the property of the Town. Prior to constructing such additional park improvements, the developer shall enter into a development agreement with the Town that defines, among other things, the work to be performed, construction schedules, improvement costs, performance surety, the amount to be reimbursed by the Town (if any), and the timing of such reimbursement (if any).

9. Appeals and variances

a. The developer may appeal the following decisions of the Town Manager to the Town Council:

i. The applicability of the park fee;

ii. The amount of the fee due; or

iii. The amount of refund due, if any.

b. The burden of proof is on the appellant to demonstrate that the amount of the fee or the amount of the credit or reimbursement was not calculated according to the applicable schedule of fees or the guidelines established for determining such amounts. The appellant must file a notice of appeal with the Town Council within 30 days following the determination by the Town Manager. If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the Town Attorney in an amount equal to the park fee due as calculated by the Town Manager, the development application shall be processed. The filing of an appeal shall not stay the collection of the fee due, unless a bond or other sufficient surety has been filed.

c. The Town Council may grant variances from any requirements of this section, upon written request by a property owner subject to this section, following a public hearing, and only upon a finding that a strict application of such requirement would result in a substantial hardship that is not common to similarly situated property owners.

10. Park fee as additional and supplemental requirement

The park fee is additional and supplemental to and not in substitution of any other requirements imposed by the Town on the residential development of the land.

R. Franchise Utilities

1. Prohibition of Above Ground Utility Support Structures (Poles)

   All utility service lines for residential distribution for electricity, telephone, gas, cable television, data, internet, and any other such service shall be underground with the exception of electric major transmission (three-phase lines) or feeder lines. These lines shall be located on the perimeter of a subdivision whenever possible.

2. Service Connections

   Utility service to nonresidential properties shall be placed underground from the right-of-way or the easement adjacent to the right-of-way to the point of service. For all service connections from the right-of-way to the point of service for all nonresidential properties, ground mounted equipment shall not be placed in visibility, access, and maintenance easements.

3. Requirements

   a. The electric utility company shall be responsible for developing administrative policies and cost reimbursement procedures for the installation and extension of the underground electric service. These policies shall permit the electric company to recover the cost differential between extending and installing overhead and underground service.

   b. The developer shall furnish all easements and right-of-way necessary for construction of electric, gas, street lighting, telephone, and cable television service to the subdivision.

   c. The installation of these utilities shall conform to commonly accepted construction standards and shall be subject to review by the Director of Engineering Services.

   d. All plats for residential and multifamily developments shall require all telecommunication lines, electric lines, and utility lateral and services lines and wires to be placed underground except as otherwise herein provided.

      i. In special or unique circumstances or to avoid undue hardships, a Council waiver may be approved to permit the construction and maintenance of overhead electric utility lateral or services lines and of overhead telecommunication lines and may approve any plat or Site Plan with such approved variances or exceptions.

      ii. All electrical and telecommunication equipment (transformers, amplifiers, switching devices) necessary for underground installations in Subdivisions shall be pad mounted or placed underground.

         (1) All above ground support equipment shall be placed in manner to not block drainage on side yard swale of residential lots.

      iii. Unless specifically stated otherwise, temporary construction service may be provided by overhead utility lines and facilities without obtaining a waiver.

      iv. "Electric Utility Service Lines" shall mean those electric lines through which a transformer connects a lateral line to a customer's service entrance.

   e. All installations regulated by the provisions set forth herein shall be in conformance with the intent of this UDC and shall conform to any regulations and/or specifications that the various public utility companies may have in force from time to time.

   f. Nothing in this UDC shall be construed to require any existing facilities to be placed underground when no development is proposed.

   g. Fiber optic network conduit and fiber optic cable. All residential and multiple-family subdivisions must make best efforts to install fiber optic capability before receiving a certificate of occupancy. In addition, the developer must inform the Town of the provider chosen to serve the development and specify both the overall speed (minimum 1GB) and the speed to each individual house or unit.

3.05. Subdivision Relief Procedures

A. Petition for Subdivision Waiver

1. Purpose

   The purpose of a petition for a subdivision waiver of a particular standard or requirement of this UDC, as such applicable to plats or Construction Plans, is to determine whether such particular standard or requirement should be applied to an application or modified.

2. Decision-maker

   a. Administrative waiver

Figure 3.05-1. Administrative Waiver

Standard
1. Right Angles for Side Lot Lines
2. Waiver to the Minimum Lot Size
3. Waiver to the Minimum Block Size
4. Street Right-of-Way Dedication
5. Street Openings to Adjoining Properties

The Director of Development Services shall act upon any Administrative Waiver listed in **Figure 3.05-1. Administrative Waiver.**

   b. Town Manager Waiver

   Other than those sections listed above in **Figure 3.05-1. Administrative Waiver** for administrative waiver by the Director of Development Services, the Town Manager may waive any subdivision design standard listed in **Article 3.04** of the subdivision design standards, as amended; however, in no event shall the Town Manager waive any provision of **Article 3.04.P**, **Article 3.04.Q**, and **Article 3.04.R**, all as amended. Further, the Town Manager is not authorized to waive any fee or charge imposed by the Town. The decision of the Town Manager not to waive a subdivision design standard referenced herein may be considered by the Planning and Zoning Commission as a Planning and Zoning Commission waiver.

   c. Planning and Zoning Commission Waiver

   After review and recommendation from the Town Manager, the Planning and Zoning Commission shall decide on a Planning and Zoning Commission waiver.

3. Subdivision waiver applicability

   a. Waiver of standard or requirement

      i. An applicant may request a subdivision waiver of a particular standard or requirement applicable to a Preliminary Plat, to Construction Plans, or where no Preliminary Plat application has been submitted for approval, to a Final Plat or a Replat.

      ii. A subdivision waiver petition shall be specific in nature and shall only involve relief consideration for one particular standard or requirement.

      iii. An applicant may submit more than one subdivision waiver petition if there are several standards or requirements at issue.

      iv. For processing a subdivision waiver concurrently with a plat application, an applicant shall submit a waiver of right to 30-day action in accordance with **Article 1.03.C.4**.

b. Waiver petition acceptance

i. A petition for a subdivision waiver may not be filed in lieu of:

(1) A Subdivision proportionality appeal (see **Article 3.05.B**), or

(2) A Subdivision vested rights petition (see **Article 3.05.B**)

ii. If there is a question as to whether a subdivision proportionality appeal or subdivision vested rights petition is required instead of a subdivision waiver petition, such determination shall be made by the Director of Development Services.

4. Subdivision waiver submission procedures

a. Written waiver request with application

i. A request for a subdivision waiver shall be submitted in writing by the applicant with the filing of a Preliminary Plat, Construction Plans, Final Plat, or Replat, as applicable.

ii. No subdivision waiver may be considered or granted unless the applicant has made such written request.

b. Grounds for waiver

i. The applicant's request shall state the grounds for the subdivision waiver request, based upon the subdivision waiver criteria (see **Article 3.05.A.7**), and all of the facts relied upon by the applicant.

ii. Failure to do so will result in denial of the application unless the applicant submits a waiver of right to 30-day action in accordance with **Article 1.03.C.4**.

5. Subdivision waiver criteria

a. Undue hardship present

A subdivision waiver to regulations within this UDC may be approved only when, in the decision-maker's opinion, undue hardship will result from strict compliance to the regulations.

b. Consideration factors

The decision-maker shall take into account the following factors:

i. The nature of the proposed land use involved and existing uses of the land in the vicinity;

ii. The number of persons who will reside or work in the proposed development; and

iii. Such subdivision waiver might have upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity.

c. Findings

No subdivision waiver shall be granted unless the decision-maker finds:

i. That there are special circumstances or conditions affecting the land involved or other physical conditions of the property such that the strict application of the provisions of this UDC would deprive the applicant of the reasonable use of his or her land;

ii. That the subdivision waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant, and that the granting of the subdivision waiver will not be detrimental to the public health, safety, or welfare or injurious to other property in the area; and

iii. That the granting of the subdivision waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this UDC.

d. Intent of subdivision regulations

i. A subdivision waiver may be granted only when waiving the requirement requested is in harmony with the general purpose and intent of the subdivision regulations so that the public health, safety, and welfare may be secured and substantial justice done.

ii. Financial hardship alone to the applicant shall not constitute undue hardship.

e. Minimum degree of variation

No subdivision waiver shall be granted unless it represents the minimum degree of variation of requirements necessary to meet the objective of the applicant in requesting the waiver.

f. Violations and conflicts

The decision-maker shall not authorize a subdivision waiver that would constitute a violation of, or conflict with, any other valid ordinance, code, regulation, master plan, or Comprehensive Plan of the Town.

g. Falsification of information

i. Any falsification of information by the applicant shall be cause for the subdivision waiver request to be denied.

ii. If the subdivision waiver request is approved based upon false information, whether intentional or not, discovery of such false information shall nullify prior approval of the subdivision waiver and shall be grounds for reconsideration of the subdivision waiver request.

6. Burden of proof

The applicant bears the burden of proof to demonstrate that the requirement for which a subdivision waiver is requested imposes an undue hardship on the applicant. The applicant shall submit the proof with the application.

7. Subdivision waiver decision

a. The decision-maker shall consider the subdivision waiver petition and, based upon the criteria set forth in **Article 1.03.C.4**, and shall take one of the following actions:

i. Deny the petition, and impose the standard or requirement as it is stated in these subdivision regulations; or

ii. Grant the petition and waive, in whole or in part, or modify the standard or requirement as it is stated in this UDC.

b. Processing of an administrative waiver petition

The decision-maker shall deny or grant a petition for an Administrative Waiver (see **Figure 3.05-1. Administrative Waiver** for a list of administrative waivers) concurrently with the decision of a Preliminary Plat, Construction Plans, Final Plat, or Replat, as applicable.

c. Processing of a Planning and Zoning Commission petition

i. Recommendation of the Director of Development Services or designee

(1) The Planning and Zoning Commission shall consider the Planning and Zoning Commission waiver petition at a public meeting no later than 30 calendar days after the date on which the notice of Planning and Zoning Commission waiver is submitted to the Director of Development Services.

(2) The Planning and Zoning Commission may approve, approve with conditions or deny the request by a simple majority vote.

(3) The decision of the Planning and Zoning Commission is final.

8. Notification of decision on petition - 14 Days

   The applicant shall be notified of the decision on the subdivision waiver by the applicable decision-maker (e.g., the Director of Development Services, Director of Engineering Services, or Planning and Zoning Commission, as applicable), within 14 calendar days following the decision.

9. Administrative waiver appeal

   a. Initiation of an appeal

      i. The applicant may appeal an administrative waiver decision.

      ii. The written request to appeal shall be submitted to the Director of Development Services within 30 calendar days following the denial decision.

   b. Appeal to the Planning and Zoning Commission

      i. The Planning and Zoning Commission shall consider the appeal at a public meeting no later than 30 calendar days after the date on which the notice of appeal is submitted to the Director of Development Services.

      ii. At this meeting, new information may be presented and considered, if available, that might alter the previous decision to deny the administrative waiver.

      iii. The Planning and Zoning Commission shall vote to affirm, modify, or reverse the previous decision by simple majority vote. The decision of the Planning and Zoning Commission is final.

10. Effect of approval

    a. Submission and processing

       Following the granting of a subdivision waiver, the applicant may submit or continue the processing of a plat or Construction Plans, as applicable.

    b. Expirations

       The subdivision waiver granted shall remain in effect for the period the plat or Construction Plans are in effect and shall expire upon expiration of either or both of those applications.

    c. Extensions

       Extension of the plat or Construction Plans applications shall also result in extension of the subdivision waiver.

B. Subdivision Proportionality Appeal

1. Purpose and applicability

   a. Purpose

      The purpose of a petition for relief from a dedication, construction requirement, or a requirement to pay a fee, other than an impact fee authorized by Texas Local Government Code, chapter 395 is to ensure that the imposition of a dedication, construction, or fee standards to a proposed development does not result in an unconstitutionally disproportionate burden on the property owner.

   b. Applicability

      i. An applicant may file a petition for relief under **Article 3.05.B** to contest a requirement to dedicate land, to construct public improvements, or pay a fee as required by this UDC, other ordinance, or that are attached as a condition to approval of the application.

      ii. A petition under **Article 3.05.B** shall not be used to waive standards on grounds applicable to any subdivision waiver application, as outlined in **Article 3.05.A**.

iii. An appeal hereunder is a prerequisite to the filing of any court action or challenge to proportionality. Exhaustion of administrative remedies shall not be accomplished unless appeals provided for in this section are complete.

2. Petition requirements

a. Form of petition

The petition for relief from a dedication, construction, or fee requirement shall allege that there is not a rational nexus or rough proportionality between the standards and the impact of the proposed development in public facilities.

b. Study required

The applicant shall provide a study in support of the petition along with petition for relief that includes the following information applicable to the standard in question:

i. Capacity utilized

(1) Total capacity of the Town's water, wastewater, storm drainage, parks, or roadway system to be utilized by the proposed development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the development.

(2) If the proposed development is to be developed in phases, such information shall also be provided for the entire development proposed, including any phases already developed.

ii. Capacity supplied

(1) Total capacity to be supplied to the Town's water, wastewater, storm drainage, parks, or roadway system by the proposed dedication of an interest in land or construction of public improvements.

(2) If the application is part of a phased development, the information shall include any capacity supplied by prior dedications or construction of public improvements.

iii. Capacity comparison

(1) Comparison of the capacity of the Town's public facilities system(s) to be consumed by the proposed development with the capacity to be supplied to such system(s) by the proposed dedication of an interest in land, construction of public improvements, or payment of a fee.

(2) In making this comparison, the impacts on the Town's public facilities system(s) from the entire development shall be considered.

iv. Oversizing

The effect of any Town participation in the costs of oversizing the public improvement to be constructed in accordance with the Town's requirements.

v. Other information

Any other information that shows the alleged disproportionality between the impacts created by the proposed development and the dedication or construction requirement imposed by the Town.

c. Time for filing petition and study

i. A petition for relief from a dedication, construction, or fee requirement shall be filed with the Director of Engineering Services within 14 calendar days following the decision on the related application.

ii. The study in support of the petition shall be filed within 60 calendar days following the initial decision, unless the applicant (petitioner for relief) seeks an extension in writing within such 60-calendar day period.

iii. The Director of Engineering Services may extend the time for submitting the study for a period not to exceed an additional 30 calendar days.

d. Land in the Extraterritorial Jurisdiction (ETJ)

Where land or facilities to be dedicated are located in the ETJ of the Town and are to be dedicated to the County, a petition for relief or study in support of the petition shall be accepted as complete for review by the Director of Engineering Services only when such petition or study is accompanied by verification that a copy has been delivered to and accepted by the County, as applicable.

3. Processing of subdivision proportionality appeal petitions and decision

a. Responsible official

The Director of Engineering Services shall be the responsible official for processing a petition for relief from a dedication, construction, or fee requirement.

b. Review and recommendation

i. The Director of Engineering Services shall review the petition and supporting study and shall make a recommendation to the Town Council.

ii. In response to a petition for relief from a dedication or construction requirement pursuant to **Article 3.05.B** and to achieve proportionality between the demands created by a proposed development on public facilities and the obligation to provide adequate public facilities, the Town may participate in the costs of public improvements, credit or offset the obligations against payment of impact fees, or relieve the property owner any of the obligations.

c. Decision-maker

The Town Council shall decide the subdivision proportionality appeal petition, after receiving a recommendation from the Director of Engineering Services.

d. Public hearing held within 60 days after receipt of study

The Town Council shall conduct a public hearing within 60 calendar days after the study supporting the petition is filed with the Director of Engineering Services.

e. Burden of proof

The applicant bears the burden of proof to demonstrate that the application of a dedication, construction, or fee requirement that is in question imposes a disproportionate burden on the applicant.

f. Decision

The Town Council shall consider the petition for relief from a dedication, construction, or fee requirement based upon the following criteria:

i. The Town Council shall determine whether the application of the standard or condition is roughly proportional to the nature and extent of the impacts created by the proposed development on public facilities and whether the application of the standard or condition reasonably benefits the development.

ii. In making such determination, the Town Council shall consider the evidence submitted by the applicant, the report and recommendation of the Director of Engineering Services and, where the property is located within the Town's ETJ, any recommendations from the County, as applicable.

g. Action

Based on the criteria in **Article 3.05.B.3.f,** the Town Council shall take one of the following actions:

i. Deny the petition for relief, and impose the dedication, construction, or fee requirement as required by this UDC;

ii. Grant the petition for relief, and waive any dedication, construction, or fee requirement to the extent necessary to achieve proportionality; or

iii. Grant the petition for relief, and direct that the Town to waive the fee or participate in the costs of acquiring land for or constructing the public improvement and establish the extent of such participation.

h. Notification of decision on petition

The Director of Engineering Services shall notify the applicant of the decision on the petition for relief within 14 calendar days following the Town Council's decision.

4. Expiration or failure to file application

Where an application was denied based upon the imposition of the standard requiring dedication of land or construction of a required public improvement and the Town Council's decision is to grant some level of relief, the applicant shall resubmit the application within 60 calendar days following the date the petition for relief is granted, in whole or in part, showing conformance with the Town Council's decision on the petition.

a. If the application is not resubmitted within the 60-day period, the relief granted by the Town Council on the petition shall expire.

b. If the re-submittal of the application is modified in any other way, a new petition for relief may be required by the Director of Engineering Services.

c. If the application for which relief was granted is denied on other grounds, a new petition for relief may be required by the Director of Engineering Services.

5. Effect of relief

a. The Director of Engineering Services may require the applicant to submit a modified application or supporting materials consistent with the relief granted by the Town Council on the petition.

b. The relief granted on the petition shall remain in effect for the period the application is in effect and shall expire upon expiration or approval of the application.

3.06. Capital Improvements and Impact Fees

A. Purpose

This article is intended to assure the provision of adequate public facilities to serve new development in the Town by requiring each such development to pay its share of the costs of such improvements necessitated by and attributable to such new development.

B. Applicability

The provisions of this article regarding water and wastewater impact fees apply to all new development within the corporate boundaries of the Town and its extraterritorial jurisdiction. The provisions of this article regarding roadway impact fees apply to all new development within the corporate boundaries of the Town.

C. Land Use Assumptions Adopted

The previously adopted land use assumptions have been reviewed, evaluated, updated and revised, and the Town Council finds that the land use assumptions set forth in the study are hereby and approved.

D. Capital Improvements Plan Adopted

The previously adopted capital improvements plan has been reviewed, evaluated, updated and revised, and the Town Council finds that the capital improvements plan set forth in the study is hereby and approved.

E. Impact Fees Adopted

The previously adopted impact fees for roadways, water and wastewater have been reviewed, evaluated, updated and revised. The Town Council finds that:

1. The impact fees for roadways set forth in Exhibit A, "roadway impact fee schedule," attached to Ordinance 2025-47 and incorporated for all purposes, are hereby and approved;
2. The impact fees for water set forth in Exhibit B, "water impact fee schedule," attached to Ordinance 2025-47 and incorporated for all purposes, representing 50% of the total projected costs, are hereby and approved; and
3. The impact fees for wastewater set forth in Exhibit C, "wastewater impact fee schedule," attached to Ordinance 2025-47 and incorporated for all purposes, representing 50% of the total projected costs, are hereby and approved.

F. Impact Fee as Condition of Development Approval/Permit Issuance

No Final Plat for new development shall be released for filing with the appropriate County, or in the cases for which no plat is submitted to the Town, whether the property is located inside or outside the corporate boundaries of the town, no application for a utility connection shall be approved and/or no building permit and/or certificate of occupancy shall be issued, without assessment of an impact fee pursuant to this article. No building permit shall be issued, or in the cases for which no plat is submitted to the Town, whether the property is located inside or outside the corporate boundaries of the Town, no building permit and/or certificate of occupancy shall be issued and/or utility connection made, for new development, until the property owner has paid the impact fee imposed by and calculated herein or a contract for payment is approved by the Town and executed by the parties.

G. Assessment

1. The assessment of the impact fee for any new development shall be calculated and made at the time of Final Plat approval; however, for the sole purpose of phasing in the application of this article, Final Plats that have been approved by the Town on or before September 17, 2025, pursuant to the Town's subdivision regulations, or for a Final Plat deemed approved by the Town on or before September 17, 2025, due to the Town's failure to act, assessment for the new development to which the Final Plat applies shall be calculated and made in accordance with the impact fees existing on September 16, 2025.

2. Following initial assessment of the impact fee for a new development, the amount of the impact fee per service unit for that development cannot be increased, unless the approved Final Plat expires or lapses under applicable ordinances or law or the owner proposes to change the approved development by the submission of a new development application or application to increase the number of service units, in which case the impact fee will be reassessed for increased meter size or additional meters or service units at the impact fee rate then in effect.

3. Following the lapse or expiration of a Final Plat that has been approved or a Final Plat deemed approved due to the Town's failure to act, pursuant to the Town's subdivision regulations, a new assessment shall be performed at the time of new Final Plat approval in accordance with this article.

H. Computation and Collection

1. The impact fees due on new development shall be collected at the time of application for a building permit or, in the cases for which no plat is submitted to the Town, whether the property is located inside or outside the corporate boundaries of the Town, at the time of application for building permit, utility connection or certificate of occupancy, whichever occurs first, unless an agreement between the developer and the Town has been executed providing for a different time of payment.

2. At the time of Final Plat approval, or the request for a utility connection for an area in the Town's extraterritorial jurisdiction for which a Final Plat was not submitted to the Town, for all new developments, the Town shall compute the impact fees due for the new development in the following manner:

   a. The amount of each type of impact fee due (roadway, water, and/or wastewater) shall be determined by multiplying the number of each type of service units generated by the new development by the impact fee due for each type of service unit in the applicable service area set forth in exhibits A, B and/or C referenced in **E**, respectively. The Town shall determine the appropriate land use category set forth in exhibits A, B and/or C referenced in **E** above for the computation of the impact fee.

   b. The amount of each impact fee due shall be reduced by any allowable credits for that category of capital improvements in the manner provided by this article.

3. Whenever a property owner proposes to increase the number of service units for a new development, the additional impact fees collected for such new service units shall be determined by using the amount of impact fee per service unit in exhibits A, B and/or C referenced in **E** above, and such additional fee shall be collected at the time of issuance of a new building permit, or for an area in the Town's extraterritorial jurisdiction for which a Final Plat was not required to be submitted to the Town, prior to or at the time of enlargement of the connection to the Town's water or wastewater system.

4. The Town Manager or designee, may consider alternate service unit equivalencies as defined in exhibits A, B and/or C referenced in **E** above, as presented by the property owner or applicant. All data and appropriate technical support data, consistent with the methodological approach in effect with the Town, shall be provided. The applicant bears full responsibility for the provision of such data at the time of fee determination. The Town will make the final determination as to consideration of such data.

I. Credits Against

1. Any construction or contributions to or dedications of any area-related facility appearing in the capital improvements plan that is required to be constructed by a property owner as a condition of new development shall be credited against the impact fees otherwise due on that new development from the same category (roadway, water, or wastewater) of impact fees assessed on the new development.

2. All credits against impact fees shall be subject to the following limitations and shall be granted based on this article and any additional administrative guidelines that may be by the Town.

   a. No credit shall be given for the dedication or construction of site-related facilities.

   b. No credit shall exceed an amount equal to the assessed impact fee.

c. If a credit applicable to a Final Plat has not been exhausted within ten years from: (i) the acquisition of the first building permit issued; or, (ii) in the cases for which no plat is submitted to the Town, whether the property is located inside or outside the corporate boundaries of the town, the acquisition of the first building permit issued, the acquisition of the first certificate of occupancy is issued or connection made after the effective date of the adoption of the applicable impact fees, whichever occurs first, or within such period as may otherwise be designated by contract, such credit shall lapse.

d. In no event will the town reimburse the property owner or developer for a credit when no impact fees for the new development can be collected pursuant to Town ordinance or for any amount exceeding the total impact fees due for the new development for the category of capital improvement, unless otherwise agreed to by the Town.

3. The available credit associated with new development shall be applied against an impact fee in the following manner:

a. For single family residential lots in a new development consisting only of single family residential development, such credit shall be prorated equally among such lots, to be applied at the time of application of a building permit for each lot, against impact fees to be collected at the time the building permit is issued.

b. For all other types of new development, including those involving mixed uses, the credit applicable to the new development shall be applied to the impact fee due at the time of approval.

c. At its sole discretion, the Town may authorize alternative credit agreements upon written agreement with the property owner in accordance with the Town's administrative guidelines.

J. Establishment of Accounts

1. The Town shall establish an account to which interest is allocated for each service area for each type of capital facility for which an impact fee is imposed. Each impact fee collected within the service area shall be deposited in such an account.

2. Interest earned on the account into which the impact fees are deposited shall be considered funds of the account and shall be used only in the same manner as in which the underlying funds may be used.

3. The Town shall establish adequate financial and accounting controls to ensure that impact fees disbursed from the accounts are utilized solely for authorized purposes.

4. The Town shall maintain and keep financial records for impact fees, which shall show the source and disbursement of all fees collected in or expended within each service area. The records of the account into which impact fees are deposited shall be open for public inspection and copying during ordinary business hours. The Town may establish a fee for copying services.

K. Use of Proceeds of Impact Fee Accounts

1. The impact fees collected for each service area may be used to finance or to recoup the costs of any capital improvements or facility expansion identified in the capital improvements plan for the service area, including but not limited to the construction contract price, surveying and engineering fees, land acquisition costs (including land purchases, court awards and costs, attorney's fees and expert witness fees). Impact fees may also be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the town to finance such capital improvements or facility expansion.

2. Impact fees collected pursuant to this article shall not be used to pay for any of the following expenses:

a. Construction, acquisition, or expansion of public facilities or assets other than capital improvements or facility expansions identified in the capital improvements plan;

b. Repair, operation, or maintenance of existing or new capital improvements or facility expansion;

c. Upgrade, update, expansion, or replacement of existing capital improvements to provide better service to existing development; or

d. Administrative and operating costs of the town.

L. Refunds

1. Upon application by an owner of property, any impact fee or portion thereof collected pursuant to this article shall be refunded as specified in this article if:
   a. Has not been expended within the service area within ten years from the date of payment;
   b. Existing facilities are available and service is denied; or
   c. The Town has, after collecting the impact fee when service was not available, failed to commence construction within two years or service is not available within a reasonable period considering the type of improvement or expansion, but in no event later than five years from the date of payment.
2. Payment shall be refunded to the record owner of the property for which the impact fee was paid or, if the impact fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of payment to the date of refund at the statutory rate as set forth in Texas Finance Code § 302.002, or its successor statute. The application for refund pursuant to this article shall be submitted within 60 days after the expiration of the ten-year period for expenditure of the fee. An impact fee shall be considered expended on a first-in, first-out basis.
3. An impact fee collected pursuant to this article shall also be considered expended if the total expenditures for capital improvements or facility within the service area within ten years following the date of payment exceed the total fees collected within the service area for such improvements or expansions during such period.
4. If a refund is due pursuant to **Subsections 1.a** and **b**, the Town shall divide the difference between the amount of expenditures and the amount of the fees collected by the total number of service units assumed within the service area for the period to determine the refund due per service unit. The refund to the record owner shall be calculated by multiplying the refund due per service unit by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.
5. Upon completion of all the capital improvements or facility expansions identified in the capital improvements plan for the service area, the Town shall recalculate the impact fee per service unit using the actual costs for the improvements or expansions. If the impact fee per service unit based on actual cost is less than the impact fee per service unit paid, the Town shall refund the difference, if such difference exceeds the impact fee paid by more than 10%. If the difference is less than 10%, no refund shall be due. The refund to the record owner shall be calculated by multiplying such difference by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

M. Updates to Plan and Revision of Fees

1. The Town shall update its land use assumptions and capital improvements plans at least every five years, commencing from the date of adoption of such plans, and shall recalculate the impact fees based thereon in accordance with the procedures set forth in Texas Local Government Code, chapter 395 or in any successor statute.
2. The Town may review its land use assumptions, impact fees, capital improvements plans and other factors such as market conditions more frequently than provided in **Subsection 1** to determine whether the land use assumptions and capital improvements plan should be updated and the impact fee recalculated accordingly, or whether any exhibits hereto should be changed.
3. If, at the time an update is required pursuant to **Subsection 1**, the Town Council determines that no change to the land use assumptions, capital improvements plan, or impact fee is needed, it may dispense with such update by following the procedures in Texas Local Government Code, § 395.0575, or its successor statute.
4. In addition to the reviews required by this section, the town shall also conduct the reviews required by **Article 3.06.E.** above.

N. Use of Other Financing Mechanisms

1. The Town may finance capital improvements or facility expansion designated in the capital improvements plan through the issuance of bonds, through the formation of public utility districts or other assessment districts, or through any other authorized mechanism, in such manner and subject to such limitations as may be provided by law, in addition to the use of impact fees.
2. Except as herein otherwise provided, the assessment and collection of an impact fee shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge, or assessment which is lawfully imposed on and due against the property.

O. Impact Fee as Additional and Supplemental Regulation

Impact fees established by this article are additional and supplemental to, and not in substitution of, any other requirements imposed by the Town on the development of land or the issuance of building permits or certificates of occupancy. Such fee is intended to be consistent with and to further the policies of the Town's Comprehensive Plan, the capital improvements plan, the UDC, and other Town policies, ordinances, codes, and resolutions by which the town seeks to ensure the provision of adequate public facilities in conjunction with the development of land.

P. Relief Procedures

1. The property owner or applicant for a new development may appeal the following decisions to the Town Manager or their designee:
    a. The applicability of an impact fee to the development;
    b. The amount of an impact fee due;
    c. The availability or amount of a discount against roadway impact fees; or
    d. The availability or amount of a refund.
2. All appeals shall be taken with 30 days of notice of the administrative decision from which the appeal is taken.
3. The burden of proof shall be on the appellant.
4. The decision of the Town Manager or their designee may be appealed to the Town Council by filing a notice of appeal with the Development Services Department within 30 days of the Town Manager or their designees' decision. If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the Town Attorney in an amount equal to the original determination of the impact fee due, the development application may be processed while the appeal is pending.
5. The Town Manager, their designee, or the Town Council on appeal shall review the evidence presented by the appellant and any reports by the Development Services Department, and determine whether the impact fee regulations have been correctly applied to the availability of a discount or refund, or to the amount of an impact fee, discount, or refund applied to the proposed development.

Article 4. Definitions

4.01. Usage and Interpretation

A. Generally

1. The following terms used herein shall be interpreted or defined as follows:
    a. Words used in the present tense include the future tense;
    b. The singular includes the plural;
    c. The word "person" includes a corporation as well as an individual;
    d. The term "shall" is always mandatory; and
    e. The term "may" is discretionary.
2. Words and terms not expressly defined herein are to be construed according to the normally accepted meaning of such words or terms in the practice of municipal planning and engineering.

4.02. Land Use Terms

A. Residential Uses

1. Manufactured home
A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development (HUD), transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems with the appropriate label. The term does not include a recreational vehicle (or under the Texas Manufactured Housing Standards Act, Chapter 1201, Texas Occupations Code, as amended).

2. Model home
A single family dwelling in a developing subdivision located on a legal lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built, or which are proposed to be built in the same subdivision.

3. Multifamily dwelling
A building or buildings containing three or more dwelling units living independently of one another, exclusive of Full-Service Hotels, Limited-Service Hotels, or Residence/Extended Stay Hotels.

4. Private street development
A development of two or more lots sharing private gated vehicular access ways that are not dedicated to the public and are not publicly maintained. Private streets and alleys may be established only under the terms of the subdivision ordinance. The term "private street" shall be inclusive of alleys.

5. Retirement housing
A building or group or buildings consisting of attached or detached dwelling units designed for the housing of age-restricted residents. In addition to housing, this type of facility may provide services to its residents such as meals in a central dining room, housekeeping, transportation and activity rooms. The facility shall not be licensed as an assisted living center or a skilled nursing home.

6. Single Family Dwelling, Detached
A dwelling designed and constructed for Occupancy by one family and having no physical connection to a building located on any other separate lot or tract.

7. Townhome (Single Family Dwelling, Attached)
A structure located on a lot with fee simple ownership with each unit designed for Occupancy by one family and each unit attached to another by a common wall.

B. Accessory and Incidental Uses

1. Accessory building
A building that is subordinate to and functionally related to the primary building, which contributes to the comfort, convenience, or necessity of occupants of the primary building on the same platted lot. Accessory buildings shall be detached from the primary building.

2. Caretaker's/Guard's residence
A residence located on premises with a main nonresidential use and occupancy only by a caretaker or guard, and their family, employed on the premises.

3. **Construction yard and field office, temporary**
A building, structure, or storage/assembly yard used in conjunction with a development project for housing temporary supervisory or administrative functions related to development, construction, or the sale of real estate properties within the development and subject to removal at completion of construction.

4. **Gas pumps**
Any facility, equipment, or fixture, including canopy, used for retail dispensing of motor vehicle fuels.

5. **Guest house**
A second, attached or detached dwelling unit located on the same lot or tract as the primary dwelling unit, which provides for living, sleeping, and cooking facilities and is used by family members, guests of the family, or a domestic worker hired by the homeowner of the primary dwelling unit. A mobile home or a HUD-Code manufactured home shall not be considered as a guest house.

6. **Helistop**
A place where helicopters can land and take off only and excluding refueling, maintenance, repairs, and storage of helicopters.

7. **Home-based business**
An occupation carried on in a dwelling unit or an accessory building to a dwelling unit, by a resident of the premises only, that is clearly incidental and secondary to the use of the premises for residential and which can be conducted without any significantly adverse impact on the surrounding neighborhood.

8. **Mobile food vendor**
Any person or persons who operates or sells food from a self-propelled vehicle or stationary cart for a period of 15 days or greater per year. This definition does not include mobile food units. Mobile food vendors who operate for 14 days or less shall be considered temporary food establishments, as defined by the Town of Prosper Health Ordinance as it exists or may be amended.

9. **Outside merchandise display, incidental**
The unenclosed display of commodities, materials, goods, inventory, or equipment readily accessible to the public for retail sales in conjunction with a primary enclosed use.

10. **Outdoor merchandise display, temporary**
The temporary display of merchandise such as a sidewalk sale subject to conditional development standards.

11. **Outdoor storage, incidental**
The unenclosed storage of commodities, materials, goods, or equipment in conjunction with a primary enclosed use and typically located in an area not readily accessible to the public.

12. **Residential garage loft**
A small, accessory dwelling located above a private garage which provides for living, sleeping, and cooking facilities and is used by family members, guests of the family, or a domestic worker hired by the homeowner of the primary dwelling unit.

13. **Retail/service incidental**
Any use different from the primary use but which compliments and/or supplements the primary use. Said use shall be operated for the benefit or convenience of the employees, visitors, or customers of the primary use. Incidental shall mean a floor area that constitutes not more than 15% of the main use.

14. **Temporary building**
An industrialized or modular building or structure without a permanent foundation. Membrane structures shall not be considered a temporary building.

C. Educational, Institutional, Public, and Special Uses

1. **Airport/heliport**
   A place where aircraft and/or helicopters can land and take off, usually equipped with hangars, facilities for refueling/repair, and various accommodations for passengers.

2. **Assisted care or living facility**
   A facility which provides residence and care to ten or more persons regardless of legal relationship who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; terminally ill; or temporarily homeless due to fire, natural disaster, or financial setback together with supervisory personnel. This definition shall also include a facility providing health care or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury or disease.

3. **Athletic stadium/field or sports arena, private**
   The private field(s) and structure used for sporting events with associated spectator seating, either permanent or temporary.

4. **Athletic stadium/field or sports arena, public**
   The field(s) and structure owned and operated by the Town of Prosper and/or a local independent school district used for sporting events with associated spectator seating, either permanent or temporary.

5. **Cemetery or mausoleum**
   The property used for the interring of the dead.

6. **Civic/convention center**
   A building or complex of buildings used for cultural, recreational, athletic, convention, or entertainment purposes.

7. **College, university, trade, or private boarding school**
   An institution established for educational purposes offering courses for study beyond the secondary education level, including trade schools and commercial schools offering training or instruction in a trade, art, or occupation. A Private Boarding School is an educational institution offering primary and secondary level courses. Dormitories for students and employees are permitted in conjunction with these uses.

8. **Community center**
   A building or portion of a building owned and/or operated by a government entity or not-for-profit agency in which facilities are provided for civic, educational, political, or social purposes.

9. **Community home**
   A residence for persons with disabilities, limited to a maximum of six people with disabilities and two supervisors, no closer than one-half mile to an existing community home, permitted by right in all residential zoning districts. This use is subject to registration/licensing with appropriate State agencies. This definition is subject to the Community Homes for Disabled Persons Act (Texas Human Resources Code, Section 123.001 et seq.) as it exists or may be amended.

10. **Farm, ranch, stable, garden, or orchard**
    An area which is used for the cultivation of vegetables, fruits, and grain or for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by this UDC or law.

11. **Food pantry**
A non-profit organization authorized pursuant to § 501(c)(3) of the Internal Revenue Code, not affiliated with religious land use, which provides food directly to individuals and families in need at no cost to those individuals and families. Food pantries may receive, buy, store, and/or distribute food; however, on-site preparation of food is not permitted.

12. **Fraternal organization, lodge, civic club, fraternity, or sorority**
An organized group having a restricted membership and specific purpose related to the welfare of the members including, but not limited to, Elks, Masons, Knights of Columbus, Rotary International, Shriners, or a labor union.

13. **Hospital**
An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, helistops, outpatient facilities, or training facilities as licensed by the State of Texas.

14. **Household care facility**
A dwelling unit which provides residence and care to not more than six persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; terminally ill; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. This definition is subject to the Personal Care Facility Licensing Act (Texas Health and Safety Code, Section 247.001 et seq.) and the Community Homes for Disabled Persons Location Act (Texas Human Resources Code, Section 123.001 et seq.) as they presently exist or may be amended in the future.

15. **House of worship**
A building designed and used primarily for religious assembly and worship and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns, rabbis, or other religious personnel on the premises (tax exempt as defined by State law). This definition includes, but is not limited to, churches, temples, synagogues, and mosques. For the purposes of this ordinance, bible study and other similar activities that occur in a person's primary residence shall not apply to this definition.

16. **Municipal uses operated by the Town of Prosper**
Any area, land, building, structure, and/or facility owned, used, leased, or operated by the Town of Prosper, Texas, including, but not limited to, administrative office, maintenance facility, fire station, library, sewage treatment plant, police station, water tower, service center, park, heliport, helistop, and golf course.

17. **Museum/art gallery/community center/library**
A building serving as a repository for a collection of natural, scientific, artistic, or literary objects of interest, and designed to be used for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods.

18. **Park or playground**
An area developed for active play and recreation that includes, but is not limited to, open space, sports courts, play equipment, and trails.

19. **Private amenity center**
A recreational facility, including, but not limited to, clubhouse, swimming pool, playground, and open space, operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public.

20. **Rehabilitation care facility**
A dwelling unit which provides residence and care to not more than nine persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial

or criminal conduct living together with not more than two supervisory personnel as a single housekeeping unit.

21. **Rehabilitation care institution**
A facility which provides residence and care to ten or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.

22. **School, public**
A school operated by an independent school district and providing elementary or secondary curriculum.

23. **School, private or parochial**
A school operated by a private or religious agency or corporation other than an independent school district, having a curriculum generally equivalent to a public elementary or secondary school.

D. Transportation, Utility and Communication Uses

1. **Antenna, non-commercial**
An antenna and its support structure not exceeding 45 feet in height above the ground elevation at the base of the support structure, unless located on property owned or leased by the Town of Prosper, designed for transmitting or receiving any portion of the radio, microwave, or electromagnetic spectrum. This definition shall also include a satellite dish antenna not to exceed 12 feet in diameter.

2. **Antenna, stealth**
A commercial antenna and its support structure that is designed to be non-obtrusive, or virtually transparent or invisible to the surrounding neighborhood. Stealth Antennas include, but are not limited to:

   a. Antennas within a building's attic space;

   b. Antennas on the roof of a minimum three-story building and not visible from the property line of the lot on which the antenna is located; or

   c. Antennas located within a structure such as a flagpole, church steeple, subdivision monument, clock tower, or similar architectural feature, and antennas located on an athletic field light pole.

3. **Bus terminal**
Any premises for the transient parking or storage of motor-driven buses and the loading and unloading of passengers.

4. **Commercial drone delivery hub**
A dedicated facility used primarily for the distribution and management of unmanned aerial vehicles (UAVs), commonly known as drones, for the delivery of goods and services.

5. **Electrical power generating plant**
All equipment, fixtures, and property operated or maintained in connection with the production of electricity and transmission of electricity produced.

6. **Landfill**
A tract of land used for the burial of farm, residential, institutional, industrial, or commercial waste that is not hazardous, medical, or radioactive.

7. **Office and storage area for public/private utility**
The pole yard, maintenance yard, or administrative office of public or private utilities.

8. **Private utility (other than listed)**
A non-public utility requiring special facilities in residential areas or on public property such as electricity, natural gas, or telecommunications not customarily provided by the municipality or public utilities. All radiating equipment must comply with current Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Occupational Health and Safety Administration (OSHA), and all other applicable State and Federal regulatory agency requirements and guidelines for human safety.

9. **School district bus yard**
Any premises owned and/or operated by an independent school district, or designee, used for the parking and storage of motor-driven buses.

10. **Sewage treatment plant/pumping station**
A facility owned and/or operated by a private entity that is designed for the collection, removal, treatment, and/or disposal of water borne sewage.

11. **Telephone exchange**
A central switching hub servicing the public at large in which telephone lines are connected to permit communication.

12. **Transit center**
Any premises, including bus stations, for the loading and unloading of passengers and the temporary parking of transit vehicles between routes or during stopovers and excluding overnight parking and storage of transit vehicles.

13. **Utility distribution/transmission facility**
The facilities, including subsidiary stations which serve to distribute, meter, transmit, transform, or reduce the pressure of gas, water, or electric current.

14. **Water treatment plant**
A facility owned and/or operated by a private entity that is used to alter the physical, chemical, or biological quality of water.

15. **Wind energy system**
A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 10kW and is intended to reduce on-site consumption of electricity.

16. **Wireless communications and support structures**
An antenna and its supporting structures, and any appurtenances intended for transmitting or receiving electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, data transmission, television signals, or other or similar forms of electronic communication.

E. Office and Professional Uses

1. **Administrative, medical, or professional office**
A building used for the provision of executive, management, or administrative services. Typical uses include, but are not limited to, administrative offices and services including real estate, property management, investment, medical, architect, engineer, travel, secretarial services, accounting organizations and associations, and vehicle rental office without on-site storage of fleet vehicles.

2. **Governmental office**
A building used for the provision of governmental executive, management, administrative, and/or postal services. Governmental offices include those facilities owned and/or operated by City, Town, Special District, County, State, and Federal agencies.

3. **Research and development center**
A facility that includes laboratories and experimental equipment for medical testing, prototype design and development, and product testing. Any facility that is determined by Health, Fire, or Building officials to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation is not to be included in this category.

F. Retail Uses

1. **Antique shop and used furniture**
A retail establishment engaged in the selling of works of art, furniture, or other artifacts of an earlier period, with all sales and storage occurring inside a building.

2. **Alcoholic beverage sales**
Any establishment, place of business, or person engaged in the selling of Alcoholic Beverages, as defined in the Texas Alcoholic Beverage Code, as amended, to the general public for off-premise personal or household consumption.

3. **Big box**
Retail buildings over 80,000 square feet where the primary tenant occupies at least 80% of the building.

4. **Building material and hardware sales, major**
An establishment for the sale of materials customarily used in the construction of buildings and other structures, including outside storage or display of materials or merchandise.

5. **Building material and hardware sales, minor**
An establishment for the sale of materials customarily used in the construction of buildings and other structures, without any outside storage or display of materials or merchandise.

6. **Convenience store with gas pumps**
A retail establishment that sells food and other consumable and non-consumable products for off-premise use or consumption. This definition shall also include the dispensing or sales of motor vehicle fuels, lubricants, and accessories, but shall not include automobile repair or the sale of replacement parts.

7. **Convenience store without gas pumps**
A retail establishment that sells food and other consumable and non-consumable products for off-premise use or consumption.

8. **Equipment and machinery sales and rental, major**
A building or open area used for the display, sale, rental, or storage of heavy equipment and machinery.

9. **Equipment and machinery sales and rental, minor**
A building or structure used for the inside display, sale, rental, or storage of light machinery, including, but not limited to, bicycles, lawn mowers, tools, and other small machinery.

10. **Farmer's market**
An area containing individual vendors who offer fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey for sale. The following products are not permitted for sale at a farmer's market: any type of meat, fish, poultry, eggs, refrigerated dairy products, or home packaged items.

11. **Feed store**
An establishment for the selling of corn, grain, and other foodstuffs for animals and livestock and including other implements and goods related to agricultural processes but not including farm machinery.

12. **Flea market, inside**
A building or structure wherein space is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, artwork, small household appliances, and similar merchandise, objects, or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

13. **Furniture, home furnishings and appliance store**
The retail establishments selling goods used for furnishing the home, including, but not limited to, furniture, floor coverings, draperies, domestic stoves, refrigerators, and other household electrical and gas appliances.

14. **Nursery, major**
An establishment for the cultivation and propagation, display, storage, and sale (retail and wholesale) of large plants, shrubs, trees, and other materials used in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use. Outdoor display and storage are permitted.

15. **Nursery, minor**
A retail business for the display and/or sale of trees, shrubs, flowers, ornamental plants, seeds, garden and lawn supplies, and other materials used in indoor and outdoor planting, without outside storage or display.

16. **Pawn shop**
An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker).

17. **Repair service, clothing/shoe**
A shop focusing on the repair, restoring, and maintenance of shoes, boots, clothing, handbags, or other forms of attire.

18. **Retail stores and shops**
An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Retail stores and shops include, but are not limited to, art and craft store, retail bakery, bookstore, boot and shoe sales, ceramics store, clothing and apparel store, computer store, department store, fabric store, florist, grocery store, food market, hobby or toy store, leather store, meat market, medical supply store, music instrument sales, novelty or gift shop, optical store, pet shop, drugstore or pharmacy, sporting goods (including the sale of firearms) store, trophy sales, television store, and used clothing store.

G. Service Uses

1. **Alcoholic beverage establishment**
Any establishment that derives 75% or more of its gross revenues on a quarterly basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, as amended, for on-premise consumption.

2. **Artisan's workshop**
An establishment used for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leather-craft, hand-woven articles, and related items.

3. **Bank, savings and loan, or credit union**
An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds, including automated teller machines.

4. **Beauty salon/barber shop**
The establishments primarily engaged in providing services generally involved in the care of the person or his apparel including, but not limited to, barber and beauty shops, tanning salons, ear piercing shops, permanent makeup shops, and reducing salons.

5. **Bed and breakfast inn**
An owner (or operator) occupancy residence with up to five bedrooms available for overnight guests. A Bed and Breakfast Inn may provide for guest stays up to 14 consecutive days; however, it shall not offer weekly rental rates. Kitchen and dining facilities may be included to provide meals for guests only; however, no food preparation shall be permitted in guest bedrooms. A bed and breakfast inn shall not include restaurants, banquet facilities, or similar services.

6. **Body art studio**
An establishment whose services include tattooing and/or body piercing. Tattooing shall mean the placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin. Body piercing shall mean the creation of an opening in an individual's body to insert jewelry or another decoration.

7. **Business service**
Establishments primarily engaged in providing services not elsewhere classified, to business enterprises on a fee contract basis, including, but not limited to, advertising agencies, computer programming and software services, and office equipment sales, rental, leasing, or repair.

8. **Cabinet/upholstery shop**
An establishment for the production, display, and sale of cabinets, furniture, and soft coverings for furniture.

9. **Campground or recreational vehicle park**
Any area that is designed for Occupancy by transients using tents, mobile trailers, or recreational vehicles for temporary sleeping purposes.

10. **Catering**
An establishment in which the primary use is the preparation of food and meals on the premises, and where such food and meals are picked up or delivered to another location for consumption. This definition expressly prohibits on-site dining.

11. **Child care center, licensed**
A nonresidential institution that provides care for less than 24 hours a day for seven or more children under the age of 14. This use is subject to registration/licensing with appropriate State agencies.

12. **Child care center, home**
A home occupation that occurs in the caregiver's home that provides care for less than 24 hours a day to no more than six children under the age of 14, plus six additional children after school hours. The total number of children, including the caretaker's own children, is no more than 12 at any time. This use is subject to registration/licensing with appropriate State agencies.

13. **Child care center, incidental**
An accessory use designed only for the care of children belonging to employees of the primary use. The center shall be completely contained within the primary use and shall not constitute more than 15% of the main use. The operating hours of the center shall be the same as the primary use and shall not include overnight lodging, medical treatment, counseling, or rehabilitative services. This use is subject to registration/licensing with appropriate State agencies.

14. **Commercial amusement, indoor**
An enterprise providing for indoor recreational activities, services, amusements, and instruction for an admission fee. Uses may include, but are not limited to, bowling alleys, ice or roller skating rinks, bingo parlors, amusement arcades, and/or practice areas.

15. **Commercial amusement, outdoor**
An enterprise providing for outdoor recreational activities, services, amusements, and instruction for an admission fee, including, but not limited to, batting cages, miniature golf, go-kart tracks, and carnivals.

16. **Contractor's shop and/or storage yard**
A building, part of a building, or land area for the construction or storage (inside or out) of materials, tools, products, and vehicle fleets.

17. **Day care center, adult**
A facility that provides services under an adult day care program on a daily or regular basis, but not overnight, to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility. Adult day care centers must be licensed by the Texas Department of Human Services.

18. **Dry cleaning, major**
An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis.

19. **Dry cleaning, minor**
A custom cleaning shop or pick-up station not exceeding 6,000 square feet of floor area, including, but not limited to, dry cleaning plants having no more than 1,500 square feet of floor area for dry cleaning equipment.

20. **Fairgrounds/exhibition area**
An area where outdoor fairs, circuses, or exhibitions are held.

21. **Food truck park**
An establishment which provides for the congregation for one or more temporary food businesses for the purpose of offering food and beverage sales to the public.

22. **Fortune teller/psychic**
A use involving the foretelling of the future in exchange for financial or other valuable consideration. Fortune telling shall include, but is not limited to, uses where the fortune is told through astrology, augury, card or tea reading, cartomancy, clairvoyance, clairaudience, crystal gazing, divination, magic mediumship, necromancy, palmistry, psychometry, phrenology, prophecy, and spiritual reading. Fortune telling does not include forecasting based on historical trends or patterns or religious dogma.

23. **Funeral home**
A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation. On-site cremation services permitted in accordance with the conditional development standards.

24. **Furniture restoration**
A workshop that specializes in furniture refinishing, including the use of all materials, tools, and chemicals associated with the use.

25. **Golf course and/or country club**
A land area and buildings used for golf, including fairways, greens, tee boxes, driving range, putting green, and associated maintenance and retail facilities. This definition shall also include clubhouses, dining rooms, swimming pools, tennis courts, and similar recreational or service uses available only to members and their guests.

26. **Gymnastics/dance studio**
A building or portion of a building used as a place of work for a gymnast, dancer, or martial artist or for instructional classes in gymnastics, dance, or martial arts.

27. **Health/fitness center**
A public or private facility operated to promote physical health and fitness. Activities may include exercise, physical therapy, training, and education pertaining to health and fitness. Uses or combinations of uses or facilities would typically include, but are not limited to, game courts, weightlifting and exercise equipment, aerobics, swimming pools and spas, and running or jogging tracks.

28. **Hotel, full service**
A building or group of buildings designed for and occupancy as a temporary lodging place; where financial consideration is generally calculated on a nightly basis; provides a restaurant offering three meals a day; provides meeting/event space; and is not classified as a limited service hotel or a residence hotel.

29. **Hotel, limited service**
A building or group of buildings designed for and occupancy as a temporary lodging place; where financial consideration is generally calculated on a nightly basis and is not classified as a full service hotel or a residence/extended stay hotel.

30. **Hotel, residence/extended stay**
A building or group of buildings designed for and occupancy as a temporary lodging which may include an extended stay and where financial consideration is generally calculated on a nightly, weekly, or monthly basis and is not classified as a limited service hotel or a full service hotel.

31. **Indoor gun range**
Any indoor facility open to the public and occupying all or a portion of a building where firearms are discharged for testing or recreation purposes.

32. **Kennel**
Any premises in which five or more dogs three months of age or older are kept, or where the business of buying, selling, breeding, grooming, training or boarding of dogs is conducted. The term "kennel" does not include veterinary hospitals or humane societies.

33. **Laundromat**
A facility where patrons wash, dry, or dry-clean clothing and other fabrics in machines operated by the patron.

34. **Locksmith/security system company**
Establishments primarily engaged in providing, installing, repairing, and/or monitoring locks and electronic security systems.

35. **Massage therapy, licensed**
Any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by State law. "Massage therapy," as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body message. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

36. **Massage therapy, unlicensed**
Any place of business in which massage therapy is practiced by an unlicensed massage therapist. "Massage therapy," as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term

includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body message. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

37. **Meeting/banquet/reception facility**
A building which is rented, leased, or otherwise made available to any person or group for a private event function that is not open to the general public, whether or not a fee is charged.

38. **Pet day care**
A commercial institution or place designed for the care of no more than one household pet per 100 square feet of gross floor area.

39. **Print shop, major**
An establishment specializing in long-run printing operations including, but not limited to, book, magazine, and newspaper publishing using engraving, die cutting, lithography, and thermography processes.

40. **Print shop, minor**
An establishment specializing in short-run operations to produce newsletters, flyers, resumes, maps, construction documents and plans, and similar materials using photocopying, duplicating, and blue printing processes. This definition shall include mailing and shipping services but exclude the on-site storage of heavy load fleet vehicles.

41. **Private club**
An establishment holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code, as amended, that derives 35% or more of its gross revenue from the sale or service of alcoholic beverages for on-premise consumption and that is located within a dry area as defined in Title 6 (Local Option Elections) of the Texas Alcoholic Beverage Code, as amended. Private club does not include a fraternal or veteran's organization, as defined in the Texas Alcoholic Beverage Code, as amended, holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code. A private club does not include the holder of a food and beverage certificate, as defined in the Texas Alcoholic Beverage Code, as amended. Unless the person owning or operating the use supplies the building official with records to prove otherwise, an establishment holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code, as amended, is presumed to derive 35% or more of its gross revenue from the sale or service of alcoholic beverages for on-premise consumption.

42. **Repair service, indoor**
The maintenance and repair of electronics, appliances, and fixtures customarily used in a home or office. The term does not include any type of repair to engines or other motorized equipment or vehicles.

43. **Restaurant**
An establishment where food and drink are prepared and consumed primarily on the premises. Drive-through service is permitted in accordance with the conditional development standards.

44. **Restaurant, drive-through**
An eating establishment where primarily food or drink is served to customers in motor vehicles or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.

45. **Sexually oriented uses**
An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center, or other use that distributes, displays,

or manufactures sexually oriented materials. Sexually oriented uses are subject to the requirements in the Building Regulations Chapter of the Code of Ordinances as it exists or may be amended.

46. **Small engine repair shop**
A shop for the repair of lawnmowers, chainsaws, lawn equipment, and other small engine equipment and machinery.

47. **Stable, commercial**
A stable used for the rental of stall space for horses and/or mules or for the sale or rental of horses and/or mules.

48. **Taxidermist**
An establishment whose principle business is the practice of preparing, stuffing, and mounting the skins of dead animals for exhibition in a lifelike state.

49. **Theater, drive-in**
An open lot devoted to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in motor vehicles.

50. **Theater, neighborhood**
A building or part of a building devoted to the showing of motion pictures or for dramatic, musical, or live performances, with a maximum of ten screens, stages, or combination thereof or a combined seating capacity of 2,500 or less.

51. **Theater, regional**
A building or portion of a building used primarily for showing motion pictures or for dramatic, musical, or live performance having more than ten screens, stages, or combination thereof or a combined seating capacity greater than 2,500.

52. **Trailer rental**
The display and offering for rent of trailers designed to be towed by light load vehicles.

53. **Veterinarian clinic and/or kennel, indoor**
An establishment, not including outside pens, where animals and pets are admitted for examination and medical treatment, or where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.

54. **Veterinarian clinic and/or kennel, outdoor**
An establishment with outdoor pens, where animals and pets are admitted for examination and medical treatment, or where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.

H. Automobile and Related Uses

1. **Auto parts sales, inside**
The use of any building for the display and sale of new or used parts, including tires, for automobiles, panel trucks or vans, trailers, or recreation vehicles.

2. **Auto parts sales, outside**
The use of any land area for the display and sale of new or used parts, including tires, for automobiles, panel trucks or vans, trailers, or recreation vehicles.

3. **Automobile parking lot/garage (secondary use only)**
An area or structure where the parking of motor vehicles serves the primary use on the lot. This use does not include the storage of gasoline.

4. **Automobile paid parking lot/garage (secondary use only)**
An area or structure where a fee is charged for parking motor vehicles and which serves the primary use on the lot. This use does not include the storage of gasoline.

5. **Automobile repair, major**
A facility which offers general repair or maintenance of vehicles, including paint and/or body repair services. Outdoor storage of vehicles overnight shall provide screening in accordance with the open storage regulations of the UDC. Any facility offering auto services that requires overnight storage of the vehicle shall be considered, major automotive repair.

6. **Automobile repair, minor**
A facility which offers general repair and maintenance of vehicles. Minor automobile repair uses shall not include a facility which offers paint and/or body repair services or the outdoor storage of vehicles overnight.

7. **Automobile sales/leasing, new**
The sales, rental, and/or leasing of new automobiles or light load vehicles, including, as accessory uses: automobile sales, used; automobile repair, major; and automobile storage.

8. **Automobile sales, used**
The sales of used automobiles or light load vehicles.

9. **Automobile storage**
The storage on a lot or tract of automobiles for the purpose of holding such vehicles for sale, lease, distribution, or storage.

10. **Car wash, Automatic**
A facility where a customer can have a motorcycle, automobile, or light load vehicle washed in exchange for financial consideration.

11. **Car wash, self-serve**
A facility, typically coin operated, used by the customer to wash motorcycles, automobiles, and/or light load vehicles.

12. **Motorcycle sales/service**
The display, sale, repair, and servicing of new or used motorcycles.

13. **Recreational vehicle/truck parking lot or garage**
An area or structure designed for the short or long-term parking or storage of recreational vehicles, boats, or heavy load vehicles.

14. **Recreational vehicle sales and service, new/used**
Sales and/or leasing of new and/or used recreational vehicles or boats, including, as an accessory use, repair work of recreational vehicles and boats.

15. **Salvage yard**
Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.

16. **Truck/bus repair**
An establishment providing major and minor repair services to panel trucks, vans, trailers, recreational vehicles, or buses.

17. **Truck sales, heavy trucks**
The display, storage, sale, leasing, or rental of new or used panel trucks, vans, trailers, recreational vehicles, or buses in operable condition.

18. **Truck terminal/truck stop**
An area and building where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis, including facilities for the temporary storage of loads prior to shipment.

I. Wholesale Uses

1. **Office/showroom**
A building that primarily consists of sales offices and sample display areas for products and/or services delivered or performed off-premises. Catalog and telephone sales facilities are appropriate. Incidental retail sales of products associated with the primary products and/or services are permitted. Warehousing facilities shall not exceed 50% of the total floor area. This designation does not include a contractor's shop and storage yard.

2. **Office/warehouse/distribution center**
A building primarily devoted to storage, warehousing, and distribution of goods, merchandise, supplies, and equipment. Accessory uses may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

3. **Storage or wholesale warehouse**
A building used primarily for the storage of goods and materials.

4. **Winery**
A manufacturing facility designed to place wine into a bottle or other container for wholesale and limited retail distribution. A winery is subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended, and permitting by the Texas Alcoholic Beverage Commission.

J. Manufacturing and Industrial Uses

1. **Concrete/asphalt batching plant, permanent**
A permanent manufacturing facility to produce concrete or asphalt.

2. **Concrete/asphalt batching plant, temporary**
A temporary manufacturing facility for the on-site production of concrete or asphalt during construction of a project, and to be removed when the project is completed.

3. **Limited assembly and manufacturing use complying with performance standards/General manufacturing and industrial use complying with performance standards**
The fabrication, assembly, manufacturing, and packaging of finished products or parts, predominantly from previously prepared materials, but excluding basic industrial processing. Such operations shall be determined by Health, Fire, and Building officials not to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation.

4. **Machine shop**
A workshop where metal fabrication tools, including, but not limited to, lathes, presses, and mills, are used for making, finishing, or repairing machines or machine parts.

5. **Mineral extraction**
The process of extracting sand, gravel, stone, petroleum, gas, or other minerals/natural resources from the earth. This definition does not include drilling wells for water.

6. **Mini-warehouse/public storage**
A building(s) containing separate, individual self-storage units for rent or lease. The conduct of sales, business, or any activity other than storage shall be prohibited within any individual storage unit.

7. **Miscellaneous hazardous industrial use**
   Any industrial use not specifically defined in this section that is determined by Health, Fire, or Building officials to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or danger of fire, explosion, or radiation.

8. **Portable building sales**
   An establishment that displays and sells structures which are capable of being carried and transported to another location, not including mobile homes.

9. **Recycling collection point**
   A designated, localized site such as a neighborhood, retail, or community center, where individuals can drop off specific, often specialized, materials for recycling.

10. **Recycling center**
    A facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware, and metal cans are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.

11. **Trailer/mobile home display and sales**
    The offering for sale, storage, or display of trailers or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

4.03. Terms Defined

A. Terms A-D

1. **Abandon**
To dump, desert, or leave any animal on public or private property with the intent of terminating any further responsibility for said animal, or to fail to timely redeem an animal impounded by Animal Control, as specified herein.

2. **Abandoned Facilities**
Facilities no longer in service or physically disconnected from the operating facilities, or from any other facilities, or from any other facilities that are in use or that still carry service.

3. **Abutting, Adjacent, or Adjoining**
Contiguous or sharing a common border or boundary with other property. Abutting, adjacent, and adjoining shall include property immediately across an alley, but shall not include property across a street.

4. **Access**
A means of approaching or entering a property, or the ability to traverse a property (such as in the use of the phrase "pedestrian access easement").

5. **Administrative Area**
The area of an establishment not generally accessible to the public or to a minor, including but not limited to, individual offices, stockrooms, employee lounges or meeting rooms.

6. **Administration Fee**
The fee charged by the Town to recover its costs incurred for ROW management; including, but not limited to, costs associated with registering applicants; issuing, processing, and verifying ROW permit applications; inspecting job sites and restoration improvements; determining the adequacy of the ROW restoration; revoking ROW permits, and other costs the Town may incur in implementing the provisions of this article.

7. **Administrative Official**
A Town employee appointed by the Town Manager to interpret and/or enforce the regulations of this UDC.

8. **Administrative waiver**
See Waiver, Administrative.

9. **Agricultural property**
A property, whether cultivated or uncultivated, that has been granted a property tax exemption, by the County central appraisal district, or equivalent authority, pursuant to the Texas Property Tax Code or Texas Constitution, for agricultural land.

10. **Agricultural Stormwater Runoff**
Any stormwater runoff from orchards, cultivated crops, pastures, rangelands, and other nonpoint source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR section 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR section 122.24.

11. **Aircraft**
Includes, but is not limited to, balloons, airplanes, para-planes, ultra-lights, helicopters, and gliders.

12. **Alcoholic Beverage**
Alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted, as defined by the Texas Alcoholic Beverage Code, as amended.

13. **Alley**
A public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

14. **Animal**
Any living, vertebrate creature, domestic or wild, other than Homo sapiens.

15. **Animal Care and Control Center**
Any facility operated or designated by the Town for the purpose of impounding and caring for animals as prescribed by law.

16. **Animal Establishment**
Any pet shop, kennel, grooming shop, auction, flea market, performing animal exhibition, or other facility engaged in the handling of domestic animals, excluding veterinary clinics, hospitals, animal shelters, and individuals caring for animals in their private residence in compliance with the terms of this chapter.

17. **Antenna**
An instrument or device consisting of wires, poles, rods, or reflecting discs, designed for transmitting or receiving any portion of the radio, microwave, or electromagnetic spectrum.

18. **Antenna support structure**
Any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of transmission, retransmission, and/or reception of electromagnetic, radio, television, or microwave signals.

19. **Antique vehicle**
A passenger car or truck manufactured at least 25 years ago.

20. **Apartment**
A room or suite of rooms in a multiple-family residence arranged, designed, or occupancy as a place of residence by a single family, individual, or group of individuals.

21. **Applicant**
The person or entity responsible for the submission of an application. The applicant must be the actual owner of the property for which an application is submitted or shall be a duly authorized representative of the property owner. Also see Developer.

22. **Application**
The package of materials, including, but not limited to, an application form, plat, completed checklist, tax certificate, Construction Plans, special drawings or studies, and other informational materials, which is required by the Town to initiate Town review and approval of a development project.

23. **Application Form**
The written form (as provided by and as may be amended by the Director of Development Services) is filled out and executed by the applicant and submitted to the Town along with other required materials as a part of an application.

24. **Appraised Value**
The value given the structure by the applicable County's tax assessor's office.

25. **Approval**
Approval constitutes a determination by the Town Official, Board, Commission, or Town Council responsible for such determination that the application is in compliance with the minimum provisions of this subdivision chapter in this UDC.

26. **Approved Water Supply Source**
The Town of Prosper water system.

27. **Approving Authority**
The Town Manager or his duly authorized representative.

28. **Area-Related Facility**
A capital improvement or facility expansion which is designated in the impact fee capital improvements plan, and which is not a site-related facility. Area-related facility may include a capital improvement which is located offsite or within or on the perimeter of the development site.

29. **Artificially Made Bodies of Water**
Bodies of water that have been constructed or modified to fit some decorative or commercial purpose such as, but not limited to, aeration ponds, fish farm ponds, storm retention basins, treatment ponds, and irrigation (channel) facilities. Water depths may vary seasonally or be controlled.

30. **Artistic Boarding**
Painting material used to secure door, window, or other openings to resemble the opening which they are covering.

31. **As-Built Drawing**
The final irrigation plan produced upon completion of an irrigation system installation and provided to the irrigation system's owner or the owner's representative. The as-built drawing(s) shall reflect all changes made to the original irrigation plan and/or specifications during the construction process and show all aspects (including the dimensions, geometry, and location of all elements) of the irrigation system. May be referred to as "record drawings" or "as-builts."

32. **Athletic Field/Facility**
A field or combination of fields designated by the Parks and Recreation Department to facilitate games and/or practice activities.

33. **Automobile**
A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people, including, but not limited to, passenger cars, trucks, buses, motor scooters, and motorcycles.

34. **Auxiliary Water Supply**
Any water supply other than the Town of Prosper's approved public water supply, including water from another public water supply or from a natural source including, but not limited to, wells, cisterns, springs, rivers, streams, used waters, or industrial fluids.

35. **Backfill**
The placement of new dirt, fill, or other material to refill an excavation; or

The return of excavated dirt, fill, or other material to an excavation.

36. **Backflow**
The reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of a potable water supply from any sources other than an approved water supply source.

37. **Backflow Prevention**
The prevention of reverse flow, due to back siphonage or backpressure, of non- potable water from an irrigation system into the potable water source.

38. **Bar**
An establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75% or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premises consumption. If an establishment is located in a hotel or motel, the gross revenues of the particular establishment, rather than the gross revenues of the entire hotel or motel, will be used in calculating the percentage of revenues derived from the sale or service of alcoholic beverages.

39. **Barrier Curbs**
Barrier curbs are designed to prevent vehicles from leaving the roadway or pavement.

40. **Base Flood**
The flood having a 1% chance of being equaled or exceeded in any given year, determined based upon FEMA (Federal Emergency Management Agency) guidelines and as shown in the current effective Flood Insurance Study.

41. **Basement/cellar**
A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

42. **Bedroom**
Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit and meeting the requirements of this article.

43. **Best Management Practices (BMP)**
Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

44. **Block**
An area enclosed by streets, or if said word is used as a term of measurement, it shall mean the distance along a side of a street between two intersecting streets; or if the street is of a dead-end type, a block shall be considered to be measured between the nearest intersecting street and the end of such dead-end street. In cases where platting is incomplete or disconnected, the Building Official shall determine the outline of the block.

45. **Block Face**
The portion of a block that abuts a street.

46. **Block Length**
The length of the block face between two intersections.

47. **Board**
The Town's Parks and Recreation Board, the Construction Board of Appeals/Boards of Adjustment, or the Community Library Board of the Town.

48. **Board Member**
The members of the Construction Board of Appeals, excluding the Building Official, who shall serve as an ex officio member of the Board.

49. **Board of Adjustment**
A board appointed by the Town Council, and which is authorized to approve zoning variances and special exceptions to **Article 2 Zoning Regulations** and to hear and decide any appeals that allege error in an order, requirement, decision or determination made by an administrative official in the enforcement of the zoning regulations.

50. **Breezeway**
A covered passage one story in height and 6 feet or more in width connecting a main structure and an accessory building. A breezeway shall be considered an accessory building.

51. **Brush**
Scrub vegetation or dense undergrowth.

52. **Buildable Area**
The allowable area available to construct a building or structure after complying with the Town's applicable setback and maximum lot coverage requirements.

53. **Building**
Any structure that has a roof supported by columns or walls for shelter, support, or enclosure intended for persons, animals, or material goods for any use or occupancy. When separated by dividing walls without openings in a manner sufficient to prevent the spread of fire, each portion of such structure separated may be deemed as a separate building.

54. **Building Height**
The vertical distance between the average of the highest and lowest points of grade of that portion of the lot covered by the building to the highest point of a structure.

55. **Building Line**
A line parallel, or approximately parallel, to any front lot line at a specific distance there from, marking the minimum distance from the front lot line that a building may be erected.

56. **Building Official**
The officer or other designated authority charged with the administration and enforcement of this article or a duly authorized representative of the Town.

57. **Building Permit**
An official document or certificate issued by the Town of Prosper authorizing erection, construction, renovation, maintenance, or any other specified activity on any building, structure or land, or on any installations or facilities therein. The term "building permit" shall include but not be limited to building permits, electrical permits, mechanical permits, and plumbing permits.

58. **Building Setback Line**
The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street right-of-way/property line.

59. **Building Sewer**
The extension from the building drain to the public sewer or other place of disposal (also called the house lateral and house connection).

60. **Building, Main**
A building in which the principal use of the lot on which it is situated is conducted. In a residential district the primary dwelling unit shall be deemed to be a main building on the lot on which it is situated.

61. **Candlepower**
The quantity of light required to illuminate a surface one-foot distance from a light source to the intensity of one foot-candle.

62. **Capital Cost Recovery**
The amortization and interest charges for the bonded indebtedness of the town.

63. **Capital improvement**
Any of the following facilities with a life expectancy of three or more years that are owned and operated by or on behalf of the Town:

a. Water supply, treatment, and distribution facilities; wastewater collection and treatment facilities; and stormwater, drainage, and flood control facilities, whether or not they are located within the service area; and

b. Roadway facilities.

64. **Capital Improvements Plan**
A plan contemplated by the article which identifies capital improvements or facility expansions for which impact fees may be assessed.

65. **Carport**
A structure, either attached to or detached from another structure, open on a minimum of two sides designed or used to shelter not more than three vehicles and not to exceed 24 feet on its longest dimension. Also called "covered parking area."

66. **Cat**
A commonly domesticated member of the Felidae (feline) family, other than a lion, tiger, bobcat, jaguar, panther, leopard, cougar, or other prohibited animal.

67. **Certificate of Occupancy**
An official certificate issued by the Town through the Building Official that indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use of the premises for which it is issued; may be referred to as an occupancy permit.

68. **Certificated Telecommunications Provider (CTP)**
A person who has been issued a certificate of convenience and necessity, certificate of operating authority, or service provider certificate of operating authority by the state public utility commission or "PUC" to offer local exchange telephone service or a person who provides voice service as defined by Texas Local Government Code, Chapter 283 or "the act."

69. **Chemical Injection System**
A system which automatically injects fertilizer, pesticide, weed killer, into an irrigation system, while the irrigation system is operating.

70. **Chemical Oxygen Demand (COD)**
The measure of the oxygen-consuming capacity of inorganic and organic matter present in the water or wastewater expressed in mg/l as the amount of oxygen consumed from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand.

71. **Chief of Police**
The Chief of Police of the Town or his designated representative.

72. **Circus**
A commercial variety show featuring animal acts for public entertainment, including a petting zoo.

73. **Clean**
Free from dirt, impurities, or multiple stains; hygienic conditions and practices that serve to promote or preserve health.

74. **Clear-Cutting**
Any indiscriminate cutting, plowing, or grubbing of protected tree(s) without regard to their type or size for the purpose of clearing an area of land of trees.

75. **Closed Field**
A playing field or a game field owned or leased by the Town that has been closed for any use due to inclement weather or maintenance requirements by order of the Director.

76. **Closed System**
A piping system that has no space for water to expand.

77. **Coal Pile Runoff**
The rainfall runoff from or through any coal storage pile.

78. **Code Enforcement Officer**
The code enforcement officer, or their designee, of the Town designated and authorized to enforce and administer this article.

79. **Code Official**
Person appointed by Director of Development Services to be in charge of enforcing this UDC.

80. **Codes**
The International Building Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Residential Code, International Property Maintenance Code, National Electrical Code, and International Fire Code.

81. **Collector Street**
A street designed or used to carry traffic from local streets to thoroughfares. (See the Comprehensive Plan and street design criteria as found in the design standards and specifications for detailed standards.)

82. **Commercial**
Pertaining to any business, trade, industry, or other activity engaged in for profit.

83. **Commission**
The Planning and Zoning Commission of the Town.

84. **Common Area**
Communal areas of the complex including, but not limited to, hallways, stairways, lobby areas, laundry rooms, pool facilities, green spaces, recreation rooms and parking lots.

85. **Community Park**
A park owned by the Town that is typically between 16 to 99 acres in size and that provides active and passive recreational activities for residents throughout the community.

86. **Compaction**
Consolidating backfill material in a trench to prevent future settlement.

87. **Compensation**
Any economic benefit received in return for services, property or investment.

88. **Completion of Irrigation System Installation**
When the landscape irrigation system has been installed, all minimum standards met, all tests are performed, and the irrigator is satisfied that the system is operating correctly.

89. **Comprehensive Plan**
The long-range planning and development policy of the Town and adjoining areas as adopted by the Town, including all its revisions and plan elements (including, but not limited to, the future land use plan, thoroughfare plan, parks master plan). This plan indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks, water and wastewater facilities, and other public and private developments and improvements.

90. **Computation of Time**
Whenever a notice is required to be given or an act to be done a certain length of time before any proceedings shall be made, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday, or legal holiday. Texas Government Code, § 311.014.

91. **Construction**
Boring, the breaking of pavement, or the installation, modification, upgrade, maintenance, removal, or similar activities, within the ROW. The definition includes, but is not limited to, providing primary service, restoration, or maintenance of existing facilities within the ROW.

92. **Construction Plans**
A set of drawings and/or specifications, including paving, water, wastewater, drainage, or other required plans, submitted to the Town for review in conjunction with a subdivision or a development.

93. **Consulting**
The act of providing advice, guidance, review, or recommendations related to landscape irrigation systems.

94. **Contamination**
An impairment of the quality of the public potable water supply or a private potable water supply by the introduction or admission of any foreign substance that degrades the quality, and which creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, or waste.

95. **Contractor**
Any public or private person, subcontractor, or organization, other than the Town.

96. **Control Manhole**
A manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.

97. **Conveyance Plat**
An interim step in the subdivision and development of land, a Conveyance Plat is a plat designed to subdivide land and to provide for recordation for the purpose of conveying (i.e., selling) the property without developing it. A Conveyance Plat does not constitute approval for any type of development on the property.

98. **Council**
Whenever the term "council" or "Town Council" or "the council" is used, it shall mean the Town Council of the Town of Prosper, Texas. See Town Council.

99. **County**
The term "County" or "this County" shall mean the County of Collin and/or the County of Denton, Texas.

100. **Court**
An open, unobstructed space, bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one side open to a street, alley, yard, or other permanent open space.

101. **Coverage**
The lot area covered by all buildings located thereon.

102. **Cross Connection**
Any actual or potential connection or structural arrangement between a public or consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices through which or because of which backflow can occur are considered to be cross-connections.

A point in the plumbing system where the public water supply is connected directly, or has the potential of being connected, to a source of non-potable substance that is not part of the potable water supply. Any actual or potential physical connection between a potable water line and any pipe, vessel or machine containing a non-potable fluid, such that it is possible for the non-potable fluid to enter into the potable water system by backflow. This connection may be temporary or permanent, potential or actual, indirect or direct.

103. **Crosswalk Way**
A public right-of-way, four feet or more in width between property lines, which provides pedestrian circulation.

104. **Cul-De-Sac**
A short, residential street having only one vehicular access to another street and terminated on the opposite end with a vehicular turnaround.

105. **Curb Level**
The level of the established curb in front of the building measured at the center of such front.

106. **Currently Vaccinated**
The inoculation of an animal with a rabies vaccine or other medicine satisfying all of the following criteria.

The animal must have been vaccinated against rabies with a vaccine licensed by the United States Department of Agriculture (USDA) for that animal species at or after the minimum age requirement and using the recommended route of administration for the vaccine;

At least 30 days have elapsed since the initial vaccination; and

The time elapsed since the most recent vaccination has not exceeded the recommended interval for booster vaccination as established by the manufacturer and as required by state law.

107. **Customer**
A person, company, or entity contracting with the Town of Prosper to receive potable water service.

108. **Customer's Potable Water System**
A portion of the privately owned potable water system lying between the service connection and the point of use by customer. The system includes, but is not limited to, all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, store, or utilize the potable water.

109. **Cutoff**
The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated (cutoff) at a specific angle above the ground.

110. **Cutoff angle**
The maximum angle formed by a line drawn in the direction of emitted light rays at the light source and a line perpendicular to the ground from the light source, beyond which no light is emitted.

111. **Day**
The business day unless otherwise specified.

112. **Day Care Center, Adult**
A facility that provides services under an adult day care program on a daily or regular basis, but not overnight, to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility. Adult day care centers must be licensed by the Texas Department of Human Services.

113. **Dead-End Street**
A street, other than a cul-de-sac, with only one outlet.

114. **Decision-Maker**
The Town official or group, such as the Director of Development Services, Town Council, or Planning and Zoning Commission, responsible for deciding an application authorized by this UDC.

115. **Degree of Hazard**
Either a non-health or health hazard and is determined by the evaluation of the conditions within a system by the Director of Public Works, the Town of Prosper Health Department, or the Building Official.

116. **Delegation of Authority**
Whenever a provision of this UDC requires or authorizes an officer or employee of the Town to do some act or perform some duty, it shall be construed to authorize such officer or employee to designate, delegate, and authorize subordinates to perform the act or duty unless the terms of the provision specifically designate otherwise.

117. **Demolish**
To tear down, destroy, dismantle, or otherwise abolish the existence of a building or structure in a lawful manner and to remove all remaining pieces, parts, rubbish, and traces of the building or structure.

118. **Demolisher**
A person with a business that converts a motor vehicle into processed scrap metal or otherwise wrecks or dismantles motor vehicles.

119. **Department Head**
The officer who by ordinance or administrative policy is in charge of an office of the Town that creates or receives records.

120. **Department of Engineering Services**
The Town Department of Engineering Services or a successor department that is responsible for management of the ROW and roadway infrastructure.

121. **Design**
The act of determining the various elements of a landscape irrigation system that will include, but not be limited to, elements such as collecting site-specific information, defining the scope of the project, defining plant watering needs, selecting and laying out any local regulatory requirements, or scheduling irrigation work at a site. Completion of the various components will result in an irrigation plan.

122. **Design Pressure**
The pressure that is required for an emission device to operate properly and in conjunction with the head-to-head spacing requirement. Design pressure is the sum of the minimum operating pressure of the emission device to the total of all pressure losses accumulated from the emission device to the water source.

123. **Design Standards and Specifications**
A stand-alone document, or a compilation of documents, not included within this subdivision ordinance that details specific engineering requirements for the construction of public improvements.

124. **Developer**
A person or entity, limited to the property owner or duly authorized representative thereof, who proposes to undertake or undertakes the division, developments, or improvement of land and other activities covered by this UDC.

125. **Development**
Any manmade change to improved or unimproved real estate, including but not limited to, buildings and/or other structures, paving, drainage, utilities, storage, and agricultural activities.

126. **Development Agreement**
Agreement between the Town and a subdivider or developer, which includes provisions for construction of public improvements, Town participation, pro rata agreements, escrow deposits, and other provisions for the development of land.

127. **Development Application**
An application, developed and updated by the Director of Development Services, for any type of plan, permit, plat, or Construction Plans/drawings authorized or addressed by this UDC.

128. **Development Manual**
A collection of application forms created, updated, and managed by the Director of Development Services. The development manual also contains checklists, additional information, fees, and forms and is a policy document for the public to reference.

129. **Diligent Effort**
The best or reasonable effort to determine the identity and address of an owner, a lienholder, or a mortgagee including a search of the following records:

County Real Property Records of the County in which the building is located;

Appraisal District Records of the Appraisal District in which the building is located;

Records of the Secretary of State;

Assumed name records of the County in which the building is located; and

Town utility records.

130. **Director of Development Services**
The person(s) so designated by the Town Manager to provide oversight for and have responsibility for the Town's Development Services Department. This term shall also include any designee of the Director of Development Services. Also, this term shall be inclusive of any future variations of the term, as deemed appropriate by the Town Manager, such as "Development Services Director" or "Planning Director."

131. **Director of Engineering Services**
The person(s) so designated by the Town Manager to provide oversight for and have responsibility for the Town's Engineering Services Department. This term shall also include any designee of the Director of Engineering Services. Also, this term shall be inclusive of any future variations of the term, as deemed appropriate by the Town Manager.

132. **Director of Public Works**
The person(s) so designated by the Town Manager to provide oversight for and have responsibility for the Town's Public Works Department. This term shall also include any designee of the Director of Public Works. Also, this term shall be inclusive of any future variations of the term, as deemed appropriate by the Town Manager.

133. **District**
Any section or sections of the Town for which the regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are uniform for each class or kind of building therein.

134. **DNT/US 380 corridors**
The DNT/US 380 corridors include the Dallas Parkway/Dallas North Tollway right-of-way and/or the University Drive/US 380 right-of-way.

135. **Dog**
A commonly domesticated member of the Canidae (canine) family, other than a wolf, jackal, fox, dingo, coyote, or other prohibited canines.

136. **Domestic Animal**
Any animal whose physiology has been determined or manipulated through selective breeding, and that does not occur naturally in the wild, and that may be vaccinated against rabies with an approved rabies vaccine, and that has an established rabies quarantine observation period. The term domestic animal includes livestock, caged or penned fowl other than animals belonging to the class Aves, order Falconiformes, normal household pets, such as but not limited to dogs, cats, cockatiels, ferrets, hamsters, guinea pigs, gerbils, rabbits, fish, or small, nonpoisonous reptiles or nonpoisonous snakes.

137. **Domestic Sewage**
The human excrement, gray water (from home clothes washing, bathing, showers, dishwashing, and food preparation), other wastewater from household drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, and institutions, that is free from industrial waste.

138. **Downtown Public Parking Lot(s)**
An area, other than street or public way, provided for self-parking by employees, visitors, and/or patrons of any state or local government, any public accommodations, retail or office establishments, or any other business open to the general public.

139. **Drilling and/or Mining**
Any activity which is intended to produce, save or make available any oil, gas, sulfur, fissionable materials, or other minerals in and under the land, and is illustrated by, but not limited to, the following:

Investigating;

Exploring;

Prospecting;

Drilling; and/or

Mining.

140. **Drip Line**
A vertical line running through the outermost portion of the crown of a tree and extending to the ground.

141. **Drone Staging Area**
A designated area over which an unmanned aircraft completes the final phase of the approach, to a hover or a landing, and from which an unmanned aircraft initiates take-off. The drone staging area includes both the launch pads and any required safety areas and may include areas for the outdoor storage of goods, materials, containers, trailers, or other equipment.

142. **Dwelling**
Any building, structure or portion thereof is occupancy as or designed and intended for occupancy as a residence by one or more families or any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

143. **Dwelling Unit**
One or more rooms, which are arranged, designed, used, or intended to be used for occupancy by a single family or group of people living together as a family or by a single person.

A building or portion of a building which is arranged, occupancy, or intended to be occupancy as living quarters of a family and includes facilities for food preparation, sleeping and sanitation.

B. Terms E-K

144. **Easement**
An area established for public purposes on private property upon which the Town shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of Town systems.

145. **Easement, Common Access**
An easement to provide shared access to and from retail, commercial, and industrial properties. The easement is maintained by the owners of the property or as otherwise provided by deed restrictions or the terms of the easement instrument.

146. **Eating establishment**
Any establishment that prepares or serves food or beverages, regardless of whether the establishment provides seating or facilities for on-premises consumption. The term includes, but is not limited to, restaurants, coffee shops, cafeterias, short order cafes, fast food establishments, luncheonettes, lunchrooms, soda fountains, food carts, food vending vehicles and catering establishments.

147. **Economic Benefit**
Refers to any money, real or personal property, purchase, sale, lease, contract, option, credit, loan, discount, service, or other tangible or intangible thing of value, whether similar or dissimilar to those enumerated.

148. **Elevations**
Drawings to scale of the external face of a building or structure.

149. **Emergency Operations**
Those operations and repairs necessary to prevent damage or injury to the health or safety of the public or any person and the work necessary to address or prevent an immediate service interruption. Upgrading of facilities, new service installation and neighborhood improvement projects are not emergency operations.

150. **Emission Device**
A device that is contained within an irrigation system and used to apply water. Common emission devices in an irrigation system include, but are not limited to, spray and rotary sprinkler heads, and drip irrigation emitters.

151. **Employed**
The state of being engaged or hired to provide irrigation services and of being in an employer- employee relationship as defined by Internal Revenue Code, 26 USC § 31.3121(d)-1, based on the behavioral control, financial control, and the type of relationship involved in performing employment- related tasks.

152. **Employee**
Any person employed by the Town, including those individuals employed on a part-time or seasonal basis, but such term shall not be extended to apply to any independent contractor.

153. **Emu**
A fowl of the order of Struthioniformes.

154. **Enclosed.**
An area that:

Is closed in overhead by a roof or other covering of any material, whether permanent or temporary; and

Has 40% or more of its perimeter closed in by walls or other coverings of any material, whether permanent or temporary.

155. **Engineer**
A person duly authorized under the provisions of the Texas Engineering Practice Act, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare Construction Plans and specifications for public works improvements.

156. **Engineering Plans**
See Construction Plans.

157. **Entity**
A sole proprietorship, partnership, limited partnership, firm, corporation, professional corporation, holding company, joint stock company, receivership, trust, or any other entity recognized by law through which business may be conducted.

158. **Environmental Protection Agency (EPA)**
The United States Environmental Protection Agency, the regional office thereof, any federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of EPA or such successor agency.

159. **Excavation**
Any activity that removes or otherwise disturbs soil, pavement, driveways, curbs, or sidewalks in the ROW and does not include landscaping activity unless the activity removes or disturbs the paved portion of the ROW.

160. **Exempt Business Owner**
An owner of a business who employs a licensed irrigator to supervise the irrigation services performed by the business as referenced in the Texas Occupations Code, Chapter 1903.

161. **Existing Work**
A water well or water system which had been installed prior to the effective date of this article.

162. **Exterior Property**
The open space on the premises and on adjoining property under the control of owners or operators of such premises.

163. **Extraterritorial Jurisdiction (ETJ)**
The unincorporated area, not a part of any other municipality, which is contiguous to the corporate limits of the Town, the outer limits of which are measured from the extremities of the corporate limits of the Town outward for the distance as stipulated in TLGC, Ch. 42, according to the inhabitants of the Town, and in which area the Town may regulate subdivisions and enjoin violation of provisions of this subdivision ordinance.

164. **Facade**
Any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in directions within 45 degrees of one another, they are to be considered as part of a single facade.

165. **Facility**
Any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

166. **Facilities**
The equipment and property, including, but not limited to, lines, poles, mains, pipes, conduits, ducts, cables, valves, manholes, hand holes, and wires located under, on, or above the surface of the ground within the ROW, and related facilities and equipment used or useful for the provision of utility services.

167. **Facility Expansion**
The expansion of the capacity of an existing facility that serves the same function as an otherwise necessary new capital improvement, in order that the existing facility may serve new development. The term does not include the repair, maintenance, modernization, or expansion of an existing facility to better serve existing development.

168. **Family**
One or more persons related by blood, marriage, or adoption, or contract occupying a dwelling unit as a single, nonprofit housekeeping unit, but not including a group occupying a hotel, boardinghouse, club, dormitory, fraternity, or sorority house..

169. **FCC**
The Federal Communications Commission

170. **Fee Schedule**
A listing of fees for various Town applications, which is prepared by the Town Manager and approved by Town Council and may be amended periodically. The fee schedule is approved separately from this subdivision chapter in this UDC.

171. **Fence**
Any construction or hedge of any material, the purpose of which is to provide protection from intrusion (either physical or visual) to prevent escape, mark a boundary, or provide decoration. A wall shall be considered a fence. Retaining walls for the purpose of diverting water and retaining soil are not classified as a fence.

172. **Filing Date**
The filing date of a Preliminary Plat, Replat, or Final Plat shall be considered the date an applicant submits said plat, along with a completed application and applicable fees, and other requirements prescribed by or under Texas Local Government Code § 212.004, as amended.

173. **Final Acceptance**
The acceptance by the Town of all infrastructure improvements constructed by the developer in conjunction with the development of land.

174. **Final Plat**
The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a surveyor or engineer with the subdivision location referenced to a survey corner and all boundaries, corners, and curves of the land subdivision sufficiently described so that they can be reproduced without additional references.

175. **Fire Chief**
The Town's Fire Chief or their designee.

176. **Fire Department**
The Fire Department of the Town of Prosper, or any duly authorized representative thereof.

177. **Fire Protection Water**
Any water, and any substances or materials contained therein, used by any person other than the Fire Department to control or extinguish a fire.

178. **Fireworks**
Refer to the Town Fire Code.

179. **Flag**
A piece of fabric attached to a staff or cord on one end.

180. **Flagpole**
A freestanding device permanently placed in the ground for the purpose of flying a flag.

181. **Flood or Spotlight**
Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

182. **Floodplain**
Any property within the limits as delineated by FEMA (Federal Emergency Management Agency) of the 100-year floodplain or as amended by an engineering flood study of the ultimate developed conditions prior to any reclamation.

183. **Floodway**
A natural drainage area that accommodates the base flood for existing creeks and open drainage ways.

184. **Floor Area**
The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.

185. **Floor Area Ratio (FAR)**
The floor area of a main building or buildings on a lot, excluding structured parking garages, divided by the lot area.

186. **Food**
Any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or sale, in whole or in part, for human consumption.

187. **Food Products Establishment**
Any restaurant, coffee shop, cafeteria, luncheonette, tavern, cocktail lounge, sandwich stand, soda fountain, private and public school cafeteria or eating establishment or any other eating establishment, organization, club, boardinghouse or guesthouse, which gives or offers for sale food to the public, guests, patrons or employees as well as kitchens in which food is prepared on the premises for serving elsewhere, including, but not limited to, catering facilities. Other food product establishments include, but are not limited to, grocery stores and food markets, not including those outdoors.

188. **Foot-candle**
A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle. When metric units are used, lux is the unit of light quantity. One lux equals one lumen per square meter of area. One foot-candle equals 10.76 lux.

189. **Fowl**
Any bird of any kind.

190. **Frontage**
All the property abutting on one side of the street, or between two intersecting streets, measured along the street line.

191. **Full Cutoff-Type of Luminaires or Horizontal Limited Luminaires**
Luminaires constructed or shielded to direct all light at a cutoff angle of less than 90 degrees.

192. **Game field**
A field that has been designated by the Parks and Recreation Director to be used only for the purpose of conducting league play or tournament play.

193. **Garage, private**
An enclosed (on at least three sides) accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called "enclosed parking space."

194. **Garbage**
Decayable waste, including, but not limited to, vegetable, animal and fish offal, animal and fish carcasses.

195. **Gender**
A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, associations, and corporations, as well as to males.

"Gender" defined, Texas Government Code, § 312.003(c).

196. **General Manufacturing/Industrial Use Complying with Performance Standards**
The manufacturing of finished products and component products or parts through the processing of materials or substances, including basic industrial processing. Such operations shall be determined by Health, Fire, and Building officials not to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or danger of fire, explosion, or radiation.

197. **Generally**
Shall be construed in their common and usual significance unless the contrary is clearly indicated.

198. **Gift**
A favor, hospitality or economic benefit, other than compensation.

199. **Glare**
A direct light emitted from a light source, which is sufficient to cause annoyance, discomfort, or temporary loss of visual performance and visibility.

200. **Good Working Order**
As applicable to a stormwater system, when the stormwater feature functions as designed to achieve its purpose pursuant to the design intent and record drawings and is not a public nuisance. This includes preserving and continuing its function in controlling stormwater quality and quantity in the degree or amount for which the stormwater feature was designed.

201. **Governing Body**
The Mayor and the Town Council of the Town.

202. **Governmental Entity**
Any County, township, city, town, village, school district, library district, road district, drainage or levee district, sewer district, water district, fire district, or other municipal corporation, quasi-municipal corporation, or political subdivision of the state or of any other state of the United States and any agency or instrumentality of the state or of any other state of the United State

203. **Graywater**
Wastewater from showers, bathtubs, handwashing, lavatories, sinks that are used for disposal, and clothes washing machines. Graywater does not include wastewater from the washing of material, including diapers, soiled with human excreta or wastewater that has come in contact with toilet waste.

204. **Green Belt**
An open space that may be of irregular form that may include trees typically found along a natural or manmade feature such as a creek, flood plain, escarpment, right-of-way, or park.

205. **Handbill**
A small, printed sheet of paper containing advertisement or other information and distributed by hand

206. **Hazardous household waste**
Any material generated in a household (including single and multiple residences, hotels and motels, bunk houses, ranger stations, crew quarters, campgrounds, picnic grounds, and day use recreational areas) by a consumer which, except for the exclusion provided in 40 CFR section 261.4(b)(1), would be classified as a hazardous waste under 40 CFR part 261.

207. **Hazardous substance**
Any substance listed in Table 302.4 of 40 CFR part 302.

208. **Hazardous waste**
Any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR part 261.

209. **Hazardous waste treatment, disposal and recovery facility**
All contiguous land, and structures, other appurtenances and improvements on the land, used for the treatment, disposal, or recovery of hazardous waste.

210. **Head-to-Head Spacing**
The spacing of emission devices such that the distance between them is within the manufacturer's published radius range and the water spray reaches from device to device. A deviation of 10% or less is acceptable.

211. **Health Hazard**
A cross connection, potential cross connection, or other situation involving any substance that could cause death, illness, spread of disease, or has a high probability of causing such effects if introduced into the potable drinking water supply.

212. **Heavy Load Vehicle**
A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) of greater than 11,000 pounds, such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "heavy load vehicle" unless specifically stated otherwise.

213. **Height of Luminaire**
The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct light emitting part of the luminaire.

214. **Herbicide**
A substance or mixture of substances used to destroy a plant or to inhibit plant growth.

215. **Holiday**
The days in which Town offices are closed in observance of a holiday.

216. **Homeowners or Property Owners Association**
A formal organization operating under recorded land agreements through which:

Each lot and/or property owner in a specific area is automatically a member; and

Each lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization's activities, such as the maintenance of common property; and

The charge, if unpaid, becomes a lien against the nonpaying member's property.

217. **Hot Water**
Water supplied to plumbing fixtures at a temperature of not less than 110 degrees Fahrenheit.

218. **Hydraulics**
The science of dynamic and static water (pressure of water when it is not moving); the mathematical computation of determining pressure losses and pressure requirements of an irrigation system.

219. **Illumination Level**
The average lighting intensity measured at grade (in foot-candles).

220. **Imminent Health Hazard**
A significant threat or danger to health due to a practice, circumstance, or event which creates a situation that would likely lead to injury, or a food borne illness, as determined by the regulatory authority, as hereinafter defined. Imminent health hazards include but are not limited to lack of hot water, no electrical power, sewage back up, no water service, rodent or insect infestation as determined by the regulatory authority, or a food establishment receives more than 30 demerits during an inspection.

221. **Impact Fee**
A charge or assessment imposed as set forth in this article against new development. The term does not include:

Required dedications of land for public parks or payments in lieu thereof;

Dedication of rights-of-way or easements or construction or dedication of on-site or off-site water distribution, wastewater collection or drainage facilities, or streets, sidewalks, or curbs if the dedication or construction is required by a valid ordinance and is necessitated by and attributable to the new development;

Lot or acreage fees or pro-rata fees to be placed in trust funds for the purpose of reimbursing developers.

Other pro-rata fees for reimbursement of water or sewer mains or lines extended by the Town.

222. **Impound**
To take an animal into custody by the Town; impoundment shall begin at the time any Animal Control Officer or police officer takes control of an animal either by hand, rope, trap, projectile, or confinement to a vehicle.

223. **Improvement**
Any man-made fixed item that becomes part of or placed upon real property, see also Public improvement.

224. **Impure or Unwholesome Matter**
A putrescible or non-putrescible condition, object or matter which tends, may, or could produce injury, death, illness or disease to human beings.

225. **Incandescent Light**
The illumination produced by a filament, which is heated by an electric current, including quartz and halogen lights.

226. **Incidental Use**
Any use different from the primary use but which compliments and/or supplements the primary use, which shall not constitute more than 15% of the main use.

227. **Indoor facilities**
A indoor facilities owned, leased, or otherwise controlled by the Parks and Recreation Department which includes, but is not limited to, recreation centers, indoor swimming pools, tennis center clubhouse, golf course clubhouse, outdoor learning center, senior citizens center, school gymnasium, museums, and community centers that are programmed for the purpose of conducting practices, meets, and clinics for aquatic activities at the competitive and recreational level or any such use as deemed appropriate by the Parks and Recreation Department.

228. **Industrial fluids**
Any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration which would constitute a health, system, pollution, or plumbing hazard if introduced into an approved water supply. Examples of industrial fluids include, but are not limited to: polluted or contaminated used water; all types of process waters and used waters originating from the public potable water system which may deteriorate in sanitary quality; chemicals in fluid form; plating acids and alkalis; circulated cooling waters connected to an open cooling tower and/or cooling waters that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as form wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, and oils, gases, glycerin, paraffins, caustic and acid solutions and other liquid and gaseous fluids used industrially, for other processes, or for firefighting purposes.

229. **Industrial Park**
A large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

230. **Industrial Waste**
The waste resulting from any process of industry, manufacturing, trade, or business from the development of any natural resource, or any mixture of the waste with water or normal wastewater, or distinct from normal wastewater.

231. **Industrial Waste Charge**
The charge made on those persons who discharge industrial wastes into the Town's sewer system.

232. **Infrastructure**
All streets, alleys, sidewalks, storm drainage, water, and wastewater facilities, utilities, lighting, transportation, and other facilities as required by the Town.

233. **Irrigation Inspector**
A water district operator, governmental entity, or licensed irrigation inspector who inspects irrigation systems and performs other enforcement duties for a municipality or water district and is required to be licensed under Chapter 30 of this title (relating to Occupational Licenses and Registrations) or a licensed plumbing inspector.

234. **Irrigation Plan**
A scaled drawing of a new landscape irrigation system to be installed. The irrigation plan shall meet all the requirements in 30 TAC §§344.60-344.65 (relating to Water Conservation; Minimum Standards for the Design of the Irrigation Plan; Minimum Design and Installation Requirements; Completion of Irrigation System Installation; Maintenance, Alteration, Repair, or Service of Irrigation Systems; and Reclaimed Water) and is provided as an as-built drawing to the owner or owner's representative upon completion of the irrigation system installation.

235. **Irrigation Services**
All activities involving and irrigation system including, selling, designing, installing, maintaining, altering, repairing, servicing, permitting, consulting services, or connecting an irrigation system to a water supply.

236. Irrigation System
A system permanently installed on a site and that is composed of an assembly of component parts for the controlled distribution and conservation of water to irrigate, reduce dust, and control erosion in any type of landscape vegetation in any location. This term includes sprinklers and sprinkler systems used for irrigation. This term does not include a system that is used on or by an agricultural operation as defined by Texas Agricultural Code § 251.002.

237. Irrigation Technician
A person who works under the supervision of a licensed irrigator to perform irrigation services including the connection of an irrigation system to a private or public, raw or potable water supply system or any water supply, and who is required to be licensed under Title 30, Texas Administrative Code, Chapter 30 (relating to Occupational Licenses and Registrations).

238. Irrigation Zone
A subdivision of an irrigation system with a matched precipitation rate based on plant material type (such as turf, shrubs, or trees), microclimate factors (such as sun/shade ratio), topographic features (such as slope) and soil conditions (such as sand, loam, clay, or combination) or for hydrological control.

239. Irrigator
A person who performs irrigation services and/or supervises the installation of an irrigation system, including the connection of such system to a private or public, raw or potable water supply system or any water supply, and who is required to be licensed under Title 30, Texas Administrative Code, Chapter 30.

240. Joint Authority
Words purporting to give authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

"Grants of authority" defined, Texas Government Code, § 312.004.

241. Junk
All worn out, worthless, or discarded material, including, but not limited to, old iron or other metal, glass, and cordage.

242. Junked Vehicle
A motor vehicle as defined in Texas Transportation Code, chapter 683, that is a self-propelled vehicle, or part thereof, that:

Displays an expired license plate or does not display a license plate; and is:

Wrecked, dismantled or partially dismantled, or discarded; or

Inoperable and has remained inoperable for more than:

Seventy-two consecutive hours, if the vehicle is on public property; or

Thirty consecutive days, if the vehicle is on private property.

C. Terms L-O

243. Lamp
The component of a luminaire that produces the actual light.

244. Land Planner
A person(s), other than a surveyor or engineer, who also possesses and can demonstrate a valid proficiency in the planning of residential, commercial, industrial, and other related developments; such proficiency often having been acquired by education in the field of urban planning, landscape architecture, or other specialized planning curriculum and/or by actual experience and practice in the field of land planning.

245. **Land Use Assumptions**
A description of the service area and the projections of changes in land uses, densities, intensities, population, and employment growth in the service area over at least a ten-year period and by the Town, as may be amended from time to time, upon which the capital improvements plans are based.

246. **Landlord**
The owner, operator, lessor, management company, managing agent, or on-site manager of a multifamily dwelling.

247. **Landscape Irrigation**
The science of applying the necessary amount of water to promote or sustain healthy growth of plant material or turf.

248. **Landscaping Material**
Such as, but not limited to, grass, groundcovers, shrubs, vines, hedges, trees or palms, and non-living durable material commonly used in landscaping, such as, but not limited to, rocks, pebbles, sand, walls, or fences, but excluding paving.

249. **League**
An association or group of teams that play one another.

250. **Letter of Final Acceptance**
Notification to an applicant from the Director of Engineering Services that all improvements are completed, inspected, tested (if applicable), and determined by the Town to be in conformance with this subdivision ordinance of the UDC and with the Town's design/engineering standards and all improvements are accepted by the Town or will be accepted contingent to the approval of a Final Plat.

251. **License**
An occupational license that is issued by the Commission under Title 30, Texas Administrative Code, Chapter 30 to an individual that authorizes the individual to engage in an activity that is covered by Title 30, Texas Administrative Code, Chapter 30.

252. **Licensed Veterinarian**
A person authorized to practice veterinary medicine who is currently licensed by the State Board of Veterinary Medical Examiners.

253. **Light Load Vehicles**
A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) not greater than 11,000 pounds, and having no more than two axles, such as pick-up trucks, vans, recreational vehicles (less than 32 feet in length), campers and other similar vehicles but not including automobiles and motorcycles.

254. **Light Pollution**
The shining of light produced by luminaires above the height of the luminaires and into the sky.

255. **Light Trespass**
The shining of light produced by luminaires beyond the boundaries of the property on which it is located.

256. **Livestock**
An animal raised for human consumption or an equine animal including, but not limited to, a horse, stallion, mare, gelding, filly, colt, mule, hinny, jack, jennet, hog, sheep, goat, a head of any species of cattle, or an emu, ostrich, or rhea.

257. **Loading Space**
An off-street space or berth used for the delivery and loading or unloading of vehicles.

258. **Local Street**
A local street is a street used primarily for access to abutting property especially residential areas. Local streets also provide secondary or minor access and circulation to community facilities (school, parks) and other traffic generators such as commercial and industrial areas.

259. **Lot**
Any plot of land occupancy or intended to be occupancy by one main building and the required parking, or a group of main buildings, and accessory building and uses, including such open spaces as are required by this UDC, and other laws or ordinances, and having its principal frontage on a public street or officially approved place.

260. **Lot Area**
Means the total area, measured on a horizontal plane, included within lot lines.

261. **Lot Frontage**
Dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

262. **Lot Line, Front**
The narrower side of the lot abutting a street. Where two lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines.

263. **Lot Line, Rear**
The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line.

264. **Lot Line, Side**
Any lot line that is not the front or rear lot line.

265. **Lot Lines**
The lines bounding a lot as defined herein.

266. **Lot Lines or Property Lines**
The lines bounding a lot as defined herein.

267. **Lot of Record**
A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Collin or Denton County or a lot subdivided by meters and bounds description prior to October 1984.

268. **Lot Width**
The horizontal distance measured between side lot lines parallel to the front lot line and measured from the point on the building line that is closest to the front lot line.

269. **Lot, Corner**
A lot situated at the junction of two or more streets.

270. **Lot, Depth**
The mean distance from the front street line to the rear line.

271. **Lot, Double Frontage**
A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

272. **Lot, Flag or Panhandle**
A lot having access to a street by means of a parcel of land having a depth greater than its frontage and having a width less than the minimum required lot width, but not less than 25 feet. The maximum distance of the area less than the required width from the front property line shall be 110 feet.

273. **Lot, Interior**
A lot other than a corner lot, the sideline of which does not abut on any street.

274. **Lot, Key**
A corner lot that is designed such that the lots located directly behind it face the side street of the corner lot and are not separated by an alley.

275. **Lot, Through**
An interior lot having frontage on two streets.

276. **Lumen**
Unit used to express the light output of a lamp or fixture.

277. **Luminaire**
A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

278. **Luminous Tube Lighting**
Gas-filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used (e.g., neon or argon).

279. **Main line**
The lines other than service connections used to convey the ROW user's product.

280. **Mainline**
A pipe within an irrigation system that delivers water from the water source to the individual zone valves.

281. **Maintenance Activities**
Practices required for the long-term sustainability and function of a component or system. This includes periodic inspections, debris removal and disposal, replanting of trees, maintaining vegetation, removal of silt, and repair of manmade components. The maintenance activities in natural channels and riparian areas shall be as minimal as possible.

282. **Maintenance Checklist**
A document made available to the irrigation system's owner or owner's representative that contains information regarding the operation and maintenance of the irrigation system, including, but not limited to: checking and repairing the irrigation system, setting the automatic controller, checking the rain or moisture sensor, cleaning filters, pruning grass and plants away from irrigation emitters, using and operating the irrigation system, the precipitation rates of each irrigation zone within the system, any water conservation measures currently in effect from the water purveyor, the name of the water purveyor, a suggested seasonal or monthly watering schedule based on current evapotranspiration data for the geographic region, and the minimum water requirements for the plant material in each zone based on the soil type and plant material where the system is installed.

283. **Major Creek**
The major creeks are commonly known as Button Branch, Doe Branch, Gentle Creek, Rutherford Branch, and Wilson Creek. Each major creek begins at its headwater (as determined by the Federal Emergency Management Agency (FEMA) and/or the U.S. Army Corps of Engineers) as is generally depicted on Flood Insurance Rate Maps that can be obtained from FEMA.

284. Major Maintenance, Alteration, Repair, or Service
Any activity that involves opening to the atmosphere the irrigation main line at any point prior to the discharge side of any irrigation zone control valve. This includes, but is not limited to, repairing or connecting into a main supply pipe, replacing a zone control valve, or repairing a zone control valve in a manner that opens the system to the atmosphere.

285. Major Project
Any project, which includes 500 or more linear feet of excavation or any excavation under pavement.

286. Major Thoroughfare
A dedicated street or highway route designated as a thoroughfare by the thoroughfare plan map of the Comprehensive Plan.

287. Manual on Uniform Traffic Control Devices
The Manual on Uniform Traffic Control Devices, or MUTCD defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways, and private roads open to public traffic. The MUTCD is published by the Federal Highway Administration (FHWA) under 23 Code of Federal Regulations (CFR), Part 655, Subpart F.

288. Marginal Access Street
A street parallel to and adjacent to an arterial street and primarily provides access to abutting properties and protection from through traffic.

289. Masonry Construction
Unless otherwise provided for in this UDC, masonry construction constitutes clay fired brick, natural and manufactured stone, granite, marble, and stucco as exterior construction materials for all structures. Other permitted exterior construction materials for big box, institutional, and industrial structures are architectural concrete block, tilt wall concrete panels, sealed and painted split faced concrete block, and high impact exterior insulation and finish systems (EIFS). High impact EIFS is only permitted when installed a minimum of nine feet above grade at the base of the wall on which it is installed.

290. Master Valve
A remote control valve located after the backflow prevention assembly that controls the flow of water to the irrigation system mainline.

291. Material Reporting Deficiencies
Shall mean inaccurate or incomplete reporting of information required in the backflow prevention assembly test report form. See Chapter 10.

292. May
The word "may" is permissive.

"May" defined, Texas Government Code, § 311.016.

293. Mechanical Equipment
The purposes of the screening regulations contained herein, mechanical equipment, without limtations, shall include ground or roof-mounted HVAC units or commercial kitchen equipment.

294. Merchandise Display
Any goods, wares, merchandise, or other advertising object or structure suspending from any building, pole, structure, sidewalk, parkway, driveway, parking area, or fuel pump island for the purpose of advertising such items.

295. Minimum Housing Standards
The standards found in the Town's adopted standard building, electrical, plumbing, gas, mechanical, and fire prevention codes.

296. Minor Replat
Pursuant to Texas Local Government Code § 212.0065, a Minor Replat is a Replat involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities.

297. Minor Thoroughfare
A four lane divided roadway measuring a minimum 90 feet and a maximum 110 feet from rights-of-way, per the Town's thoroughfare design standards.

298. Milligrams per liter (mg/l)
The same as parts per million and is a weight-to-volume ratio; the milligram-per-liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

299. Modular Home/Industrialized Housing
A structure or building module as defined, under the jurisdiction and control of the Texas Department of Licensing and Regulation and that is installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term does not include a mobile home as defined in the Texas Manufactured Housing Standards Act (Chapter 1201, Texas Occupations Code, as amended); nor does it include building modules incorporating concrete or masonry as the primary structural component.

300. Monitoring Company
A person in the business of providing monitoring services.

301. Month
A calendar month.

"Month" defined, Texas Government Code, § 312.011.

302. Motor Vehicle
Any vehicle designed to carry one or more persons, which is propelled or drawn by mechanical or electrical power, such as automobiles, trucks, motorcycles, and buses.

303. Motor Vehicle Fuel
Any vehicle crankcase oil, antifreeze, transmission fluid, brake fluid, differential lubricant, gasoline, diesel fuel, gasoline/alcohol blend, and any other fluid used in a motor vehicle.

304. Motorcycle
A usually two wheeled self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this UDC, motorbikes, motor scooters, mopeds, and similar vehicles are classified as motorcycles.

305. Mountable Curbs
Mountable curbs (also commonly known as sloping or roll-over curbs) have sloping faces that allow vehicles to encroach upon the curb without discomfort or damaging the vehicle.

306. Multifamily Complex
All property, structures, common areas, open space, recreation areas, swimming pools, and parking and drive aisle areas associated with a multifamily development.

307. **Municipal Building**
The enclosed, indoor area of any building that is owned, occupancy and/or operated by the Town.

308. **Municipal Landfill (or Landfill)**
An area of land or an excavation in which municipal solid waste is placed for permanent disposal, and which is not a land treatment facility, a surface impoundment, an injection well, or a pile (as these terms are defined in regulations promulgated by the Texas Water Commission).

309. **Municipal Separate Storm Sewer System (MS4)**
The system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned and operated by the Town and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

310. **Municipal Solid Waste**
The solid waste resulting from or incidental to municipal, community, commercial, institutional, or recreational activities, and includes garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and other solid waste other than industrial waste.

311. **Must and Shall**
Each is mandatory.

"Must" and "Shall" defined, Texas Government Code, § 311.016.

312. **Natural Bodies of Water**
Bodies of water such as lakes, streams, ponds, rivers, and other naturally occurring bodies of water, which may vary in depth throughout the year.

313. **Natural Channels**
The channels left in or near their natural state, maintaining the natural alignment and grade and riparian corridor.

314. **Natural Outlet**
Any outlet into a watercourse, ditch, lake, or other body of surface water or groundwater.

315. **Neighborhood Park**
A park owned by the Town that is typically one to fifteen acres in size and that provides recreational opportunities primarily for residents in close proximity to the park.

316. **Net Acre**
The area within the platted limits of a lot. For the purpose of calculating residential density, net acreage shall not include the following:

Right-of-way dedicated for major thoroughfares.

Required parkland dedication.

Detention.

Land used for nonresidential purposes.

For the purpose of calculating residential density, net acreage may include the following:

Non-reclaimed floodplain.

Private open space.

Park dedication in excess of minimum park dedication requirements.

Detention ponds that contain a constant water level are landscaped, or otherwise treated as an amenity for the development, as determined by the Director of Development Services or their designee.

317. **Network Node**
The equipment at a fixed location which enables wireless communication between user equipment and a communication network.

318. **Network Provider**
A wireless service provider, or a person that does not provide wireless services and that is not an electric utility but builds or installs, on behalf of a wireless service provider, network nodes or node support poles or any other structure that supports or is capable of supporting a network node.

319. **New Development**
A project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure, or any use or extension of the use of land, which has the effect of increasing the requirements for capital improvements or facility expansions, measured by the number of service units to be generated by such activity, and which requires either the approval of a plat pursuant to the Town's subdivision regulations, the issuance of a building permit, or connection to the Town's water or wastewater system, and which has not been exempted from these regulations by provisions herein or attached hereto. Installation of a larger water meter will constitute new development. Notwithstanding, roadway impact fees shall not be collected for any temporary modular building which is scheduled to be replaced with a permanent building.

320. **New Installation**
An irrigation system installed at a location where one did not previously exist or is a complete replacement of an existing irrigation system.

321. **Nonconforming Use**
A building, structure, or use of land lawfully occupancy at the time of the effective date of this UDC or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.

322. **Non-Health Hazard**
A cross connection or potential cross connection involving any substance that generally would not be a health hazard but would constitute a nuisance, or be aesthetically objectionable, if introduced into the potable water supply.

323. **Nonpoint Source**
Any source of any discharge of a pollutant that is not a "point source."

324. **Notice of Intent (NOI)**
The notice of intent that is required by either the industrial general permit or the construction general permit.

325. **Notice of Termination (NOT)**
The notice of termination that is required by either the industrial general permit or the construction general permit.

326. **Non-Potable Water**
A water supply which has not been approved for human consumption by the Town.

327. **Nonresidential Property**
A property zoned or used for other than residential purposes.

328. **Nonresidential Use**
Any structure or use not included in the definition of "residential use" contained in this article including, but not limited to, a home-builder model home, a temporary sales trailer, and an apartment leasing office.

329. **Non-Town Board, Committee or Commission**
A board, committee, commission, or other governing or advisory body or panel of an organization, business entity or governmental entity that is not a Town-appointed board, committee, or commission. Examples include, but are not limited to, serving on the Board of Directors (or similarly situated governing or advisory body or panel) of a water district, municipal management district, hospital district, regional council of government organization, or appraisal district.

330. **Normal Domestic Wastewater**
Wastewater, excluding industrial wastewater, discharged by a person into sanitary sewers and in which the average concentration of total suspended solids is not more than 250 mg/l and BOD is not more than 250 mg/l.

331. **Notice**
A notice required by this article shall be sufficient if it is submitted by personal delivery, registered or certified mail with return receipt requested, and/or sending the notice through the United States Postal Service.

332. **Number**
Any word importing the singular number shall include the plural, and any word importing the plural number shall include the singular.

"Number" defined, Texas Government Code, § 312.003(b).

333. **Oath**
The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

"Oath", "swear", and "sworn" defined, Texas Government Code, § 312.011.

334. **Objectionable, Unsightly, or Unsanitary Matter**
Any matter, condition, or object which is or should be objectionable, unsightly, or unsanitary to a person of ordinary sensitivities.

335. **Off-site**
A facility or expansion that is not a site-related facility, as defined herein.

336. **Obsolete**
No longer produced or used; out of date.

337. **Occupancy**
The use or intended use of the land or buildings by proprietors or tenants.

338. **Occupant**
Any individual living or sleeping in a building or having possession of a space within a building.

339. **Office Center**
A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, government, or similar activity, which may include ancillary services for office workers such as a coffee shop, newspaper or candy stand.

340. **Officer or Official**
Any member of the Town Council and any Town-appointive member of a board, commission, authority, or committee set up by ordinance, Town Charter, state law, or otherwise on a temporary or permanent basis, including all members of a board, commission, authority, or committee which functions only in an advisory or study capacity and which has no discretionary, governmental, quasi- judicial, or administrative authority. For purposes of this article, the Town Manager, the Town Secretary, the Town Attorney, and any municipal judge(s) shall be considered Town officials.

341. Official Time Standard

Whenever certain hours are named in this Code, they shall mean standard time or daylight-saving time, as may be in current use in the Town.

"Standard time" defined, Texas Government Code, § 312.016.

342. Officially Approved Place of Access

Access, other than a dedicated street, to a property that is approved by the Town.

343. Off-street

Off the right-of-way of a public street or place.

344. Oil

Any kind of oil in any form, including, but not limited to, petroleum, fuel oil, crude oil, or any fraction thereof which is liquid at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with waste.

345. Operator

The person or persons who, either individually or taken together, meet the following two criteria:

They have operational control over the facility specifications (including the ability to make modifications in specifications); and

They have the day-to-day operational control over those activities at the facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.

346. Ordinance

The term "ordinance," not capitalized, refers to any ordinance of the Town.

347. Ostrich

A fowl of the order of Struthioniformes.

348. Outdoor Facilities

Outdoor facilities owned, leased, or otherwise controlled by the Parks and Recreation Department which includes, but is not limited to, lighted and unlighted outdoor swimming pools, tennis courts, basketball courts, golf courses, athletic fields, picnic areas, open air pavilions, and amphitheaters that are programmed for the purpose of conducting practices, league play, tournaments, meets, camps and clinics for competitive and recreational sports that include but are not limited to soccer, football, baseball, softball, swimming, lacrosse, cricket and rugby or any such use as deemed appropriate by the Parks and Recreation Department.

349. Outdoor Lighting

The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

350. Owner

Any person who owns, keeps, shelters, or has custody of a domestic or prohibited animal, or who knowingly permits a domestic or prohibited animal to remain on or about any premises occupancy by that person or over which that person has control. An animal shall be deemed to be owned by a person who sheltered it for three consecutive days or more.

Any person, agent, firm or corporation, named in the real property records of the County where the building is located as owning or having a financial interest in the property. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

D. Terms P-S

351. **Park**
A park, reservation, playground, swimming pool, indoor facility, outdoor facility, recreation center, field, athletic field, and any related facilities, or any other area in the Town owned, leased and/or used by the Town, and devoted to active or passive recreation, including all plated expressways, parkways, triangles and traffic circles maintained by the Town, except the parkway strips between curb and sidewalks along the several streets and highways of the Town.

352. **Park or Playground**
An area developed for active play and recreation that includes, but is not limited to, open space, sports courts, play equipment, and trails.

353. **Park Service Zone**
All property within the Town and its extraterritorial jurisdiction (ETJ) is within a park service zone as shown on the map on file with the Director of Development Services, as the same may be amended from time to time by the Town Council.

354. **Parking Lot**
An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

355. **Parking Space**
Open space or garage space reserved exclusively for the parking of a vehicle.

356. **Parks and Recreation Director**
The Director of the Parks and Recreation Department of the Town and/or their authorized agent and/or representative.

357. **Parks and Recreation Department**
The Parks and Recreation Department within the Development Services of the Town.

358. **Pass-through Contract**
A written contract between a contractor or builder and a licensed irrigator or exempt business owner to perform part or all of the irrigation services. A pass-through contract is also referred to as a sub-contract.

359. **Pavement**
The streets containing Portland cement, asphalt, brick, or other rigid or semirigid material that covers the surface of a street and their underlying sub-grade and base.

360. **Pavement Width**
The portion of a street which is available for vehicular traffic. Where curbs are laid, it is the portion between the face of the curbs.

361. **Pawn Shop**
An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker).

362. **Perimeter Street**
A street that abuts a parcel of land to be subdivided on one side.

363. **Permanent Record**
Any record of the Town for which the retention period on a records control schedule is given as permanent.

364. **Permit**
Issued under this article authorizing excavation in the ROW.

365. Permitted Use
Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

366. Person
Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, fiduciaries, and any other organization or entity of whatever character.

"Person" defined, Texas Government Code, § 311.005.

367. Pesticide
A substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest, or any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

368. Petroleum Product
A petroleum product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel for the propulsion of a motor vehicle or aircraft, including motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel. The term does not include naphtha-type jet fuel, kerosene-type jet fuel, or a petroleum product destined for use in chemical manufacturing or feedstock of that manufacturing.

369. Petroleum Storage Tank (PST)
Any one or combination of above ground or underground storage tanks that contain petroleum products and any connecting underground pipes.

370. Pet
Any animal kept for pleasure rather than utility.

371. Pet Day Care
A commercial institution or place designed for the care of no more than one household pet per 100 square feet of gross floor area.

372. Pet Shop
A commercial enterprise regularly engaged in the buying, selling, grooming, breeding, and/or boarding of animals.

373. pH
The logarithm (base 10) of the reciprocal of the hydrogen ion concentration.

374. Photometric plan
A point-by-point plan depicting the intensity and location of lighting on the property.

375. Planned Development District
Planned associations of uses developed as integral land use units such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single family dwellings or any appropriate combination of uses which may be planned, developed, or operated or integral land use units either by a single owner or a combination of owners.

376. Planning and Zoning Commission
A Board, appointed by the Town Council as an advisory body, authorized to recommend changes in the zoning and other planning functions as delegated by the Town Council. Also referred to as the "P&Z" or the "Commission."

377. Plat
A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the Town of Prosper and subject to approval by the Planning and Zoning Commission and filed in the plat records of either Collin or Denton County. The plat must be prepared by a Public Surveyor registered in the State of Texas.

378. Plat, Amending
An amending plat applies minor revisions to a recorded plat consistent with provisions of state law.

379. Plat, Preliminary
See Preliminary Plat.

380. Playing Field
Any portion of a park that is either owned or leased by the Town that has been designated as an area which athletic league games are played, including, but not limited to, fields for football, soccer, softball, baseball, or any other sport activity sponsored or cosponsored by the Town.

381. Plot
A single unit or parcel of land or a parcel of land that can be identified and referenced to a recorded plat or map.

382. Plumbing Hazard
An internal or plumbing type cross connection in a customer's potable water system that may be either a pollution or a contamination type hazard, including, but not limited to, cross connections to toilets, sinks, lavatories, wash trays, and lawn sprinkling systems.

383. Plumbing Inspector
Any person hired by the Town for the purpose of inspecting work and installation in connection with health and safety laws as provided in, or referred to in, this article. The Plumbing Inspector shall be licensed by the State Board of Plumbing Examiners (TSBPE) in accordance with the Texas Plumbing License Law.

384. Point Source
Any discernable, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

385. Pollutant
The dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. The term "pollutant" does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated rangeland, pastureland, and farmland.

386. Pollution
An impairment of the quality of the public potable water supply to a degree which does not create a hazard to the public health but does adversely and unreasonably affect the aesthetic qualities of such water for domestic use.

387. Portable Building Sales
An establishment that displays and sells structures which are capable of being carried and transported to another location, not including mobile homes.

388. **Potable water**
Any public water supply which has been investigated and approved by the Town and/or Commission as satisfactory for drinking, culinary and domestic purposes.

389. **Preceding, Following**
The terms "preceding" and "following" mean next before and next after, respectively.

390. **Preliminary Drainage Plan**
This plan shows the watershed affecting the development and how the runoff from the fully developed watershed will be conveyed to, though, and from the development.

391. **Preliminary Plat**
The graphic expression of the proposed overall plan for subdividing, improving and developing a tract shown by superimposing a scale drawing of the proposed land subdivision on a topographic map and showing in plan view existing and proposed drainage features and facilities, street layout and direction of curb flow, and other pertinent features with notations sufficient to substantially identify the general scope and detail of the proposed development.

392. **Preliminary Site Plan**
Composed in the early stage, an initial high-level layout and conceptual development of property, including buildings, roads, parking, and utilities.

393. **Preliminary SWMP**
A plan identifying permanent water quality feature opportunities for subdivision development.

Preliminary SWMP is an abbreviation for preliminary stormwater management plan.

394. **Preliminary Utility Plan**
A plan detailing both Water Utility and Wastewater Utility requirements.

395. **Premises**
A lot, parcel, tract, or plot of land together with the buildings and structures thereon.

396. **Premises Isolation**
The practice of protecting the potable water supply by installing a backflow prevention assembly at or near the point where water enters the premises. This protection does not provide backflow protection for personnel inside the premises.

397. **Premises or Property**
Any property real, improved or personal that is connected to the Town-approved water supply source.

398. **Pressure Loss**
Any reduction in the water pressure supplied by the Town.

399. **Pressure Vacuum Breaker (PVB)**
An assembly which contains an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve with properly located resilient-seated test cocks and tightly closing resilient-seated shutoff valves attached at each end of the assembly.

400. **Prima Facie**
Accepted as correct until proven otherwise.

401. **Primary Use**
The principal or predominant use of any tract, lot, or building.

402. **Print Shop, (Major)**
An establishment specializing in long-run printing operations including, but not limited to, book, magazine, and newspaper publishing using engraving, die cutting, lithography, and thermography processes.

403. **Print Shop, (Minor)**
An establishment specializing in short-run operations to produce newsletters, flyers, resumes, maps, construction documents and plans, and similar materials using photocopying, duplicating, and blue printing processes. This definition shall include mailing and shipping services but exclude the on-site storage of heavy load fleet vehicles.

404. **Private Club**
An establishment holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code, as amended, that derives 35% or more of its gross revenue from the sale or service of alcoholic beverages for on-premise consumption and that is located within a dry area as defined in Title 6 (Local Option Elections) of the Texas Alcoholic Beverage Code, as amended. Private club does not include a fraternal or veteran's organization, as defined in the Texas Alcoholic Beverage Code, as amended, holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code. A private club does not include the holder of a food and beverage certificate, as defined in the Texas Alcoholic Beverage Code, as amended. Unless the person owning or operating the use supplies the building official with records to prove otherwise, an establishment holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code, as amended, is presumed to derive 35% or more of its gross revenue from the sale or service of alcoholic beverages for on-premises consumption.

405. **Private Recreation Center**
A recreational facility, including, but not limited to, clubhouse, swimming pool, playground, and open space, operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public.

406. **Private Street**
See Street, Private.

407. **Private Street Development**
A development of two or more lots sharing private gated vehicular access ways that are not dedicated to the public and are not publicly maintained. Private streets and alleys may be established only under the terms of the subdivision chapter of this UDC. The term "private street" shall be inclusive of alleys.

408. **Private Utility (other than listed)**
A non-public utility requiring special facilities in residential areas or on public property such as electricity, natural gas, or telecommunications not customarily provided by the municipality or public utilities. All radiating equipment must comply with current Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Occupational Health and Safety Administration (OSHA), and all other applicable State and Federal regulatory agency requirements and guidelines for human safety.

409. **Process Waters**
The water used to cool any operation or manufacturing process.

410. **Property line**
The property line is the initial point of establishing measurement requirements for the sale of any type of alcoholic beverage, "property line" shall mean the nearest property line of the lot where the sale of any type of alcoholic beverage may occur, without regard to intervening structures or objects, to the nearest property line of the lot where the church, public hospital, public school, private school and/or residential zoning district, as applicable, is located.

411. **Property Manager**
A person who, for any form of consideration, has managing control of premises.

412. **Proportionality/Proportional Share**
The developer's portion of the costs of an exaction or public improvement.

413. **Prosper**
The Town of Prosper, Texas.

414. **Protected Area**
The 100-year floodplain plus the area within 300 feet of the 100-year floodplain.

415. **Protected Residential Property**
Any property within the Town that meets one of the following requirements:

The property is zoned a residential district as defined within the Zoning Regulations of the UDC or zoned a Planned Development for residential uses;

The property is designated on the Comprehensive Plan as any type of residential; or

The property is used or subdivided for use as residential.

416. **Public Improvement**
Any improvement, facility or service together with its associated public site, right- of-way or easement necessary to provide transportation, storm drainage, public or private utilities, parks or recreational, energy, or similar essential public services and facilities, for which the Town ultimately assumes the responsibility, upon a letter of final acceptance being issued, for maintenance, operation, and/ or ownership.

417. **Public Inconvenience Penalty**
A penalty assessed to the ROW user who denies the public the use of public property for a time period greater than allowed by this article.

418. **Public Nuisance**
A public nuisance means any condition, activity, or use of real property that meets any one or more of the following criteria:

Unreasonably interferes with the health, safety, morals, comfort, or convenience of the general public.

Obstructs or endangers the free use of any public street, highway, sidewalk, park, or right-of-way in the customary manner.

Offends the senses by producing dust, odor, noise, vibration, smoke, or other noxious elements to an extent that interferes with the public's comfortable enjoyment of life or property.

Constitutes an owner's failure to control or restrain an animal, or otherwise allows, either by conduct, omission, or condition of the premises, an animal to be at large or behave in a dangerous manner.

Violates any state or local law or regulation adopted to protect the public health, safety, or welfare.

419. **Public Potable Water Supply**
Any publicly or privately owned water system operated as a public utility under a health permit to supply water for domestic purposes. Such a system includes all sources, facilities and appurtenances between the source and the point of delivery such as valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, treat, or store potable water for public consumption or use.

420. **Public Property**
Any property held for public use by a department or branch of an independent school district, community college district, or municipal government within the Town or the Town government.

421. **Public Service Area**
Any enclosed, indoor area that is open to or is used by the general public and includes, but is not limited to, retail stores, grocery stores, offices, professional, commercial or financial establishments, restaurants, public and private institutions of education, health care facilities, nursing and convalescent homes, residential treatment facilities and buildings owned or occupancy by political subdivisions.

422. **Public Sewer**
A common sewer directly controlled by public authority.

423. **Public Water System**
A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses described under the definition for drinking water.

424. **Public Works Director**
The Public Works Director for the Town of Prosper or their designee.

425. **PUCT**
The Texas Public Utility Commission.

426. **Qualified personnel**
Persons who possess the appropriate competence, skills, and ability (as demonstrated by sufficient education, training, experience, and/or, when applicable, any required certification or licensing) to perform a specific activity in a timely and complete manner consistent with the applicable regulatory requirements and generally accepted industry standards for such activity.

427. **Rabies**
An acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite, scratch, or other exposure.

428. **Railroad Track and Right-of-Way**
The right-of-way and track used by a railroad, but not including railroad stations, sidings, team tracks, loading facilities, dockyards, or maintenance areas.

429. **Real Property**
The term "real property" shall mean and include lands, tenements and hereditaments.

430. **Reclaimed Water**
Domestic or municipal wastewater which has been treated to a quality suitable for beneficial use, such as landscape irrigation.

431. **Record Drawings**
A group of drawings or plans that depicts the final configuration of the installed or constructed improvements of a development, improvements that have been verified by the contractor as their installation or construction occurs during development. The record drawings shall reflect the Construction Plans (or working drawings) used, corrected, and/or clarified in the field.

432. **Record Plat**
See Final Plat.

433. **Recoup**
The imposition of an impact fee to reimburse the Town for capital improvements which the Town has previously oversized to serve new development.

434. **Recreational Vehicle (RV)**
A portable or mobile living unit used for temporary human occupancy away from the place of permanent residence of the occupants and self-propelled (motorized). Also see **Heavy Load Vehicle.**

435. **Redevelopment**
Any manmade change or alteration to a design and/or layout of an existing development(s) including repair, expansion and/or removal and replacement of existing building and/or structure, paving drainage, utilities, storage, and/or agricultural uses.

436. **Registration**
The annual application process of the ROW user to use any portion of the ROW.

437. **Registration Certificate**
The document provided by the Town, annually, upon approval of the application for ROW registration.

438. **Regulatory Authority**
The registered Sanitarian of the Town of Prosper or other designee having jurisdiction over food establishments.

439. **Refuse**
A heterogeneous accumulation of worn out, used up, broken, rejected, or worthless materials and includes, but is not limited to, garbage, rubbish, paper, or litter and other decayable or non-decayable waste.

440. **Relative**
Any person related to an officer, official or employee within the first degree by consanguinity or affinity and shall include a spouse, father, mother, son, daughter, brother, or sister.

441. **Release**
Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the municipal separate storm sewer system (MS4) or the waters of the United States.

442. **Repair**
The temporary or permanent construction work necessary to make the ROW usable.

443. **Repair Area**
Area around excavation where the pavement and sub-grade is impacted by an excavation.

444. **Replacement**
Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

445. **Replat**
The re-subdivision of any or part or all of any block or blocks of a previously platted subdivision, addition, lot, or tract, which is beyond the definition of an amending plat, and which does not require the vacation of the entire preceding plat.

446. **Reportable quantity**
Any "hazardous substance," the quantity established and listed in Table 302.4 of 40 CFR part 302, as amended; for any "extremely hazardous substance," the quantity established in 40 CFR part 355, as amended.

447. **Representative Sample**
Any number of dwelling units at the multifamily establishment as determined by the Town Manager or the Town Manager's designated representative.

448. **Residence**
Any building or portion thereof, which is designed or used as living quarters for one or more families but not including mobile homes.

449. **Residential District**
Where the primary purpose is residential use.

450. **Residential Property**
Any property that is either zoned for or designated on the Future Land Use Plan for residential uses.

451. **Residential Street**
A street that is intended primarily to serve traffic within a neighborhood or Residential Zoning District and which is used primarily for access to abutting properties.

452. **Residential Use**
A structure where the primary purpose is to provide a permanent place of residence for an individual or family.

453. **Residential Use**
Residential use means use of a structure as a residence.

454. **Residential Zoning District**
Residential district means a single family, duplex, townhouse, multifamily or manufactured home zoning district.

455. **Responsible Official**
The Town staff person who has been designated by the Town Manager to accept a type of development application for filing, to review and make recommendations concerning such applications, and where authorized, to initially decide such applications, to initiate enforcement actions, and to take all other actions necessary for administration of the provisions of development applications. Also includes any designee of the designated Town staff person.

456. **Restoration**
The process by which an excavated ROW and surrounding area, including, but not limited to, pavement and foundation structures, ground cover, landscaping, and monuments are returned to the same condition, or better than that which existed before the commencement of the work.

457. **Resurfacing**
Any repaving, overlay, seal or reconstruction which creates a new pavement surface over the entire width of the street, excluding crack seals and localized base and pavement repairs.

458. **Retail or Service Establishment**
Any establishment that sells goods or services to the general public, including but not limited to, any food products establishment, eating establishment, restaurant, private club, hotel, motel, department store, grocery store, drug store, shopping mall, laundromat, bingo parlor, bowling center or hair styling salon, including service lines.

459. **Retail Tobacco Store**
A retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of the other products is merely incidental.

460. **Retaining Wall**
A non-building, structural wall supporting soil loads and live and dead surcharge loads to the soil, such as additional soil, structures and vehicles.

461. **Retention Period**
The minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction.

462. **Retirement Housing**
A building or group or buildings consisting of attached or detached dwelling units designed for the housing of age-restricted residents. In addition to housing, this type of facility may provide services to its residents such as meals in a central dining room, housekeeping, transportation, and activity rooms. The facility shall not be licensed as an assisted living center or a skilled nursing home.

463. **Rhea**
A fowl of the order of Rheiformes.

464. **Right-of-Way**
A parcel of land occupancy, or intended to be occupancy, by a street or alley. The surface of, and the space above and below, any street, road, highway, freeway, toll-way, lane, path, drainage way, channel, fee interest, public way or place, sidewalk, alley, boulevard, parkway, drive, fire lane, or other easement now or hereafter held by the Town or over which the Town exercises any rights of management or control and shall include, but not be limited to, all easements now held, or hereafter held, by the Town, but shall specifically exclude private property. Where appropriate, "right-of-way" may include other facilities and utilities such as sidewalks; railroad crossings; electrical, communication, oil and gas facilities; water and sanitary and storm sewer facilities; street improvements; and any other special use. The use of right-of-way shall also include parkways and medians outside of the paved portion of the street. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and shall not be included within the dimensions or areas of such lots or parcels.

465. **Right-of-Way (ROW) Inspector**
A person assigned by the ROW Manager to oversee inspections of work conducted within the Town's ROW.

466. **Right-of-Way (ROW) Manager**
The ROW Manager of the Town or designee.

467. **Right-of-Way (ROW) User**
A person, its successors and assigns, which uses the ROW for purposes of work, excavation, provision of services, or installing, constructing, maintaining, or repairing facilities thereon, including, but not limited to, landowners and service providers.

468. **Roadway Facilities**
Arterial or collector streets or roads that have been designated on the Town's official roadway plan, together with all necessary appurtenances. The term includes, but is not limited to, the Town's share of costs for roadways and associated improvements designated on the federal or state highway system, including but not limited to, local matching funds and costs related to utility line relocation and the establishment of curbs, gutters, sidewalks and drainage appurtenances. The term also includes, but is not limited to, interest in land, traffic lanes, intersection improvements, traffic-control devices and turn lanes associated with the roadway or street lighting.

469. **Room**
A building or portion of a building that is arranged, occupancy, or intended to be occupancy as living or sleeping quarters but not including toilet or cooking facilities.

470. **Routine Service Operation**
A work activity that makes no material change to the facilities and does not disrupt traffic.

471. Rubbish
The trash, debris, rubble, stone, useless fragments of building materials, or other miscellaneous useless waste or rejected matter.

472. Sanitary
Any condition of good order and cleanliness that discourages and limits disease transmission.

473. Sanitary Sewer
The system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the Town sewage treatment plant (and to which stormwater, surface water, and groundwater are not intentionally admitted).

474. Satellite Dish Antenna
An oval or round, parabolic apparatus capable of receiving communications from a transmitter relay located in planetary orbit. Usable satellite signals shall mean satellite signals, from the major communication satellites that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations or by way of cable television.

475. Securing
The measures that assist in making the property inaccessible to unauthorized persons, including, but not limited to, the repairing of fences and walls, erecting fences or walls, chaining/ padlocking of gates, the repair or artistic boarding of doors, windows or other openings. Refer to standards for securing and artistic board-up.

476. Security
The financial guarantee provided by an applicant that secures the construction of public improvements and any other contractual obligations stated within a development agreement.

477. Septic Tank
A watertight receptacle which receives the discharge of a drainage system or part thereof, which is designed and constructed so as to separate solids from the liquid, digest organic matter through a period of detention, and allow the liquids to discharge into the soil outside of the tank through a drain field, disposal or perforated piping.

478. Septic Tank Waste
Any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

479. Service Animal
An animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability or, by the virtue of a natural aptitude or acquired ability, is able to provide therapeutic treatment, mitigation, safety, or rescue.

480. Service Area
The area within the Town and/or the Town's extraterritorial jurisdiction, as identified in the land use assumptions, to be served by the capital improvements or facilities expansions specified in the capital improvements plan, except roadway facilities service area means any one of the individual services areas within the Town's corporate boundaries as identified in the land use assumptions and the capital improvements plan.

481. Service Connection
The terminal end of a service connection from the public potable water system (i.e., where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system). If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter.

The line that serves no more than two individual customers or two-meter banks.

482. Service Line
An indoor line or area where persons await service of any kind, regardless of whether or not such service involves the exchange of money. Such service shall include, but is not limited to, sales, giving of information, directions or advice and transfers of money or goods.

483. Service Station
Any retail establishment engaged in the business of selling fuel for motor vehicles that is dispensed from stationary storage tanks.

484. Service Unit
The standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development, calculated in accordance with generally accepted engineering and/or planning standards.

485. Sewage (or Sanitary Sewage)
The domestic sewage and/or industrial waste that is discharged into the Town sanitary sewer system and passes through the sanitary sewer system to the Town sewage treatment plant for treatment.

486. Setback Line
A line within a lot, parallel to and measured from a corresponding lot line, establishing the minimum required yard and governing the placement of structures and uses on the lot. See definition for Building Official.

487. Shopping Center
A group of primarily retail and service commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, provision of aesthetically appropriate design and protection from the elements.

488. Sidewalk
That portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.

489. Signature or Subscription
A signature or subscription shall include a mark when a person cannot write.

490. Site
The land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

491. Site Plan
A detailed, scaled drawing of all surface improvements, structures, and utilities proposed for development and is associated with the UDC as it currently exists or may be amended.

492. Site-Related Facility
An improvement or facility which is for the primary use or benefit of a new development and/or which is for the primary purpose of safe and adequate provision of roadway, water or wastewater facilities to serve the new development, and which is not included in the capital improvements plan and for which the property owner is solely responsible under subdivision or other applicable regulations or which is located at least partially on the plat which is being considered for impact fee assessment. Site-related facility includes that portion of an off-site water or wastewater main, equivalent to a standard size water or wastewater main, which is necessary to connect any new development with the Town's water or wastewater system, the cost of which has not been included in the Town's impact fee Capital Improvements Plan.

493. Sketch Plan
A sketch or informal plan prepared prior to the preparation of the Conveyance Plat and/or Preliminary Plat describing the proposed design of the subdivision to be reviewed during the pre-application review process.

494. **Smoking**
Inhaling, exhaling, possessing, or carrying any lighted or burning cigar or cigarette, e-cigarette, vaping, or any pipe or other device that contains lighted or burning tobacco or tobacco products.

495. **Special Event**
Any event, activity, or program that operates wholly or partially within the Town which may require the use of or assistance from the Parks and Recreation Department, Police Department, Fire Department, or any other public service department.

496. **Standard Masonry Construction**
At least 75% of the exterior walls of a building constructed of brick, stone, or other masonry construction.

497. **Standard Methods**
The examination and analytical procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

498. **State**
The term "the state" or "this state" shall be construed to mean the State of Texas.

499. **Storage or Wholesale Warehouse**
A building used primarily for the storage of goods and materials.

500. **Storm Sewer**
A public sewer which carries stormwaters, surface waters, and drainage and into which domestic wastewater or industrial wastes are not intentionally passed.

501. **Stormwater**
Rainfall or any other forms of precipitation.

502. **Stormwater Discharge Associated with Industrial Activity**
The discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant which is within one of the categories of facilities listed in 40 CFR section 122.26(b)(14), as amended, and which is not excluded from EPA's definition of the same term.

503. **Stormwater Feature**
A natural or manmade component or system which remains as a permanent part of a development also known as structural BMPs. The purpose of which includes stormwater conveyance, stormwater quality improvement, flood mitigation, or erosion reduction. The features include but are not limited to, channels, detention facilities, retention ponds, bioretention, rain harvest systems, landscape buffers, riparian areas, enhanced swales, filter strips, permeable pavers and manufactured devices.

504. **Stormwater Pollution Prevention Plan (SWPPP)**
A plan required by either the construction general permit or the industrial general permit and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity at the facility.

505. **Story**
That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. The average height for a story shall be defined as 12 feet. Multiple stories, or portions thereof, shall be a result of the number of stories and story height of 12 feet. The definition of a story does not include parapets, gables, and other normal roof structures.

506. **Story, Half**
A single room within a dwelling unit above the second floor. A half-story will occupy no less than ⅔ of the area under the roof and shall have non-operating opaque windows for facades that face adjacent properties. Transparent windows may face the front yard. A half story containing independent apartment, living quarters, or bedroom shall be counted as a full story.

507. **Street**
A public right-of-way that provides vehicular traffic access to adjacent lands.

508. **Street Right-of-Way Width**
The shortest distance between the property or easement lines which delineates the right-of-way of a street.

509. **Street, Intersection**
Any street that joins another street at an angle, whether or not it crosses the other.

510. **Street, Private**
A privately owned street within a subdivision for which the private owners assume full responsibility for maintenance and controls and that has not been dedicated to the use of the public. This term is inclusive of related alleys. Private streets are local streets allowed in gated planned development districts (PDs) with homeowners' associations that maintain them.

511. **Strip Center**
A commercial building comprised of multiple, individual businesses on a single lot where the primary entrance for each tenant is generally accessed from the outside.

512. **Structural Alterations**
Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

513. **Structure**
Anything constructed or erected that requires location on the ground or attached to something having a location on the ground, including, but not limited to, advertising signs, billboards, and poster panels, but exclusive of customary fences or boundary of retaining walls, sidewalks, and curbs.

514. **Subdivider**
Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner, or authorized agent of such an owner or equitable owner, of land to be subdivided.

515. **Subdivision**
The division of a tract or parcel of land into two or more parts or lots for the purpose, whether immediate or future, of sale or building development or transfer of ownership with the exception of transfer to heirs of an estate and shall include re-subdivision.

516. **Subdivision Plat**
A plat (i.e., Preliminary Plat, Final Plat, Minor Plat, Replat, Amending Plat, or Conveyance Plat) established in TLGC 212, Subchapter A involving the subdividing of land in two or more parts or the amending of a recorded plat.

517. **Subdivision Waiver**
Subdivision waivers shall be classified as an Administrative waiver, Town Manager waiver or Commission waiver. Administrative waivers are defined as a minor change to the standards, but not the intent, of these subdivision regulations. A Town Manager waiver is a waiver of a subdivision design standard contained in **Article 3.05 Subdivision Relief Procedures.**

518. Substantial Interest

An interest in another person or an entity if:

The interest is ownership of 10% or more of the voting stock, shares or equity of the entity of ownership of $5,000.00 or more of the equity or market value of the entity;

Funds received by the person from the other person or entity either during the previous 12 months or the previous calendar year equaled or exceeded $5,000.00 in salary, bonuses, commissions, or professional fees or $20,000.00 in payment for goods, products, or nonprofessional services, or 10% of the person's gross income during that period, whichever is less;

The person serves as a corporate officer or member of the Board of Directors or other governing board of the for-profit entity, other than a corporate entity owned or created by the Town Council; or

The person is a creditor, debtor, or guarantor of the other person or entity in an amount of $5,000.00 or more.

519. Substantial Interest in Partnerships, Professional Corporations and Other Business Entities

If a Town officer, official, or employee is a member of a partnership or professional corporation, or conducts business through another entity, a substantial interest of the partnership, professional corporation or business entity shall be deemed to be a substantial interest of the Town officer, official, or employee if:

The partnership or professional corporation has fewer than 20 partners or shareholders;

Regardless of the number of partners or shareholders, the officer, official, or employee has an equity interest, share of draw equal to or greater than 5% of the capital or revenues of the partnership, professional corporation, or other entity; or

With regard to the partnership, professional corporation, or other entity's substantial interest in a particular client, the officer, official, or employee has personally acted within the preceding 24 months in a professional or fiduciary capacity for that client.

520. Substantial Interest in Real Property

An interest in real property which is equitable or legal ownership with a fair market value of $2,500.00 or more.

521. Superintendent

The water and wastewater superintendent of the Town or their duly authorized deputy, agent, or representative.

522. Supervised Play or Amusement Program

Any event, activity or program that may be coordinated or controlled by the Parks and Recreation Department.

523. Supply Pressure

The existing pressure in the Town of Prosper water system.

524. Surveyor

A licensed state land surveyor or a registered public land surveyor, as authorized by the state to practice the profession of surveying.

525. Suspended Solids

Solids measured in mg/l that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device.

526. System Hazard
An actual or potential threat of severe danger to the physical properties of the public or the customer's potable water system or of a pollution or contamination which has or would have a protracted effect on the quality of the potable water in the system.

E. Terms T-Z

527. TAC
The Texas Administrative Code, as amended.

528. Temporary Irrigation System
A temporarily installed, above-ground system of pipes and component parts used to distribute water to the landscaping of a site for the establishment of plant growth, reduction of dust, and erosion control. Temporary irrigation systems must meet the requirements in 30 TAC § 344.66 (relating to Temporary Irrigation Systems).

529. Temporary Lines
The facilities that are installed temporarily above ground (or can be below) and not in their ultimate location. This can be as a result of an existing main line being hit or damaged by other construction, and a temporary solution to re-establish the connection is made until a more permanent fix is complete. Temporary lines can also be individual connections to individual residence (typically above ground) until a permanent connection is placed underground.

530. Temporary Outdoor Lighting
The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than four days with at least 180 days passing before being used again.

531. Temporary Outdoor Seasonal Sales
Refers to the sale of various holiday or seasonally themed items, such as decorations, crafts, gifts, apparel, food, and natural products, by nonprofit organizations including Town, civic, school, philanthropic, or religious groups.

532. Temporary Wireless Communications and Support Structures
Wireless communications and support structures as defined in this UDC intended to provide service for a limited period of time per the conditions of a the regulating Specific Use Permit or intended to provide service on a temporary basis in conjunction with a special event, emergency situation, or equipment failure.

533. Tenant
A person, corporation, partnership, or group other than the legal owner of record, occupying a building or portion thereof as a unit.

534. Tense
Used in the past or present tense includes the future, as well as the past and present.

535. Testing or Reporting Deficiencies
Incomplete, or inaccurate backflow prevention assembly test results or reports filed with the Town pursuant to this article, use of inaccurate gauges; or the use of improper operational certification methods.

536. Thermal Expansion
Heated water that does not have any space to expand.

537. Thoroughfare
Any roadway or street classified on the Town Comprehensive Plan, as it exists or may be amended, as a highway, tollway, major thoroughfare, or minor thoroughfare. See the Comprehensive Plan and Street Design criteria as found in the design standards and specifications for detailed standards.

538. **TMUTCD**
The state manual on uniform traffic-control devices, as it exists or may be amended.

539. **To Discharge**
To deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of or to allow, permit, or suffer any of these acts or omissions.

540. **To Rent**
Includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

541. **Tournament**
A series of games that make up a single unit of competition, typically over one or more days and are an invitational event.

542. **Town**
The Town of Prosper, Texas, together with all its governing and operating bodies.

543. **Town Attorney**
The person(s) so designated by the Town Council to provide oversight for and have legal responsibility for the Town. This term shall also include any licensed attorney designated by the Town Attorney.

544. **Town Cosponsored League Play Athletic Event**
An athletic event, which is authorized, organized, or scheduled with the assistance of the Parks and Recreation Department by a nonprofit organization.

545. **Town Council**
The duly elected governing body of the Town of Prosper, Texas.

546. **Town Department of Engineering Services**
The Town department that is responsible for management of the ROW and roadway infrastructure

547. **Town Engineer**
The person designated as the Town Engineer and registered as a Professional Engineer in the state or a consulting engineer providing authorized services to the Town.

548. **Town Inspector(s)**
Shall refer to the Director of Engineering Services or their designee who goes on-site to determine if the provisions of this article are being met.

549. **Town Manager**
The Town Manager is the chief administrative officer of the Town, responsible for overseeing daily operations, implementing policies set by the Town Council, managing Town staff and departments, preparing the annual budget, and ensuring efficient delivery of public services. The Town Manager acts as a liaison between the Town Council and Town employees and ensures that local laws and regulations are properly enforced.

550. **Town of Prosper**
The Town of Prosper and its duly authorized representatives.

551. **Town Project**
The construction, location, maintenance, relocation, alteration, improvement, repair, removal, or other work performed by the Town, or its designee, in the public ROW, on any Town utilities, on any Town facilities, in pursuant of its governmental functions or for the benefit of the public.

552. **Town Record**
Any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic media, or other information-recording media, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by the Town or any of its officers or employees pursuant to law, including an ordinance, or in the transaction of public business is hereby declared to be a record of the Town, and such record shall be created, maintained, and disposed of in accordance with provisions of this article and procedures authorized by it.

553. **Town Secretary**
The person(s) so designated by the Town Manager to provide clerical and official services for the Town Council. This term shall also include any designee of the Town Secretary.

554. **Town Secretary, Chief of Police, or other Town Officers**
The term "Town Secretary," and "Chief of Police", or other Town officer or department shall be construed to mean the Town Secretary, Chief of Police, or such other municipal officer or department, respectively, of the Town of Prosper, Texas.

555. **Town Sponsored League Athletic Event**
An athletic event which is authorized, organized or scheduled in whole or in part by the Town.

556. **Town Staff**
The staff of the Town of Prosper, Texas.

557. **Town Utilities**
Any water, sewer, or drainage line owned and operated by the Town, the North Texas Municipal Water District (NTMWD), the Upper Trinity Regional Water District (UTRWD), or any other utility district providing water or sewer service to the Town.

558. **Tract**
An area, parcel, site, piece of land, or property that is the subject of a zoning or development application.

559. **Traffic-Control Representative**
The designated representative of the ROW user who is responsible for work zone safety and compliance with TMUTCD. The ROW user shall ensure such person has adequate training, knowledge, and authority to perform the responsibilities listed above.

560. **Trailer, Hauling**
A vehicle to be pulled behind a motor vehicle that is designed for hauling animals, produce, goods, or commodities, including boats.

561. **Trailer, Travel or Camping**
A portable or mobile living unit designed to be towed behind another vehicle and used for temporary human occupancy. A travel or camping trailer shall not serve as the principal place of residence of the occupants.

562. **Transient Rental**
All or "part of" a private residence that is rented for fewer than 30 continuous days. This includes the rental of a room within a private residential structure for fewer than 30 continuous days.

563. **Transport Facility**
Each transmission path physically within a public ROW, extending with a physical line from a network node directly to the network, for the purpose of providing backhaul for network nodes.

564. **Transportation Plan**
The plan that guides the development of adequate circulation within the Town and connects the Town street system to regional traffic carriers. Also, referred to as the thoroughfare plan or Master Thoroughfare Plan.

565. **Trap**
A device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes, or other harmful substances.

566. **Trash and Debris**
The mounds of dirt; piles of leaves, grass, and weed clippings; paper trash; useless fragments of building materials; rubble; furniture other than furniture designed for outdoor use; useless household items and appliances; items of salvage, such as scrap metal and wood; old barrels; old tires; objects that hold water for an extended period of time; tree and brush trimmings; and other miscellaneous wastes or rejected matter.

567. **Tree**
Any self-supporting woody perennial plant which has one well defined trunk diameter of four and one-half inches or more in diameter when measured at a point four and one-half feet above the natural ground level and which normally attains a height of at least 12 feet at maturity.

568. **Tree Permit**
An official document or certificate issued by the Town of Prosper authorizing the removal of a tree.

569. **Tree, Protected**
A tree that is determined to be healthy by the Director of Development Services, or their designee.

570. **Tree, Replacement or Transplanted**
Any tree that is described under this UDC, as it exists or may be amended, and/or utilized for mitigation of protected trees that have been, or are required to be, removed and replaced or transplanted under the requirements of this ordinance. A replacement tree is one that has been planted to mitigate the removal of a tree from the property. A transplanted tree is one that exists on the property and is relocated within the property. A tree must have a minimum size of three inches when measured at a point 12 inches above the natural ground level and will normally attain a height of at least 12 feet at maturity to be considered a replacement or transplanted tree.

571. **Trees, Stand of**
A group of six or more protected trees that have a combined caliper measurement of 48 inches or greater and each tree is within 20 linear feet of another tree within the group. The distance measurement shall occur at natural grade from edge of trunk to edge of trunk.

572. **Trench**
Excavation deeper than 24 inches. This shall include linear trenches, holes, pits.

573. **Truck**
A light or heavy load vehicle (see definitions for light and heavy load vehicles).

574. **Unified Development Zone (UDZ)**
Multiple lots depicted on the same Site Plan that will be united through common building architecture, building color, building materials, signage, landscaping, access, and parking on contiguous parcels.

575. **Units per Acre**
A measurement of residential density, the number of residential living units permitted to be developed on a net acre of land.

576. **Unpolluted Wastewater**
Water containing:

No free or emulsified grease or oil;

No acids or alkalis;

No phenols or other substances producing taste or odor in receiving water;

No toxic or poisonous substances in suspension, colloidal state, or solution;

No noxious or otherwise obnoxious or odorous gases;

Not more than an insignificant amount in mg/l each of suspended solids and BOD, as determined by the Texas Commission on Environmental Quality; and

Color not exceeding 50 units as measured by the platinum-cobalt method of determination as specified in standard methods.

577. Usable Open Space

An area or recreational facility that is designed and intended to be used for outdoor living and/or recreation. Usable open space may include recreational facilities, water features, required perimeter landscape areas, floodplain areas, and decorative objects such as artwork or fountains. Usable open space shall not include the following:

Rooftops;

Buildings, except those portions or any building designed specifically for recreation purposes;

Landscaped parking requirements;

Driveways;

Turnarounds; or

Right-of-way or easements for streets and alleys.

578. Used Oil (or Used Motor Oil)

Any oil that has been refined from crude oil or synthetic oil that, as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties, but that may be suitable for further use and is recyclable in compliance with state and federal law.

579. User charge

A charge levied on users of a treatment works or that portion of the ad valorem taxes paid by a user, for the user's proportionate share of the cost of operation and maintenance (including replacement) and capital cost recovery of such works.

580. Utility

Any privately or publicly owned entity which uses ROW to furnish the public any general public service, including, without limitation, sanitary sewer, gas, electricity, water, traffic management, streetlights, fiber communications, telephone, petroleum products, telegraph, heat, steam, or chilled water, together with the equipment, structures, and appurtenances belonging to such entity and located within and near the ROW.

581. Utility Connection

Authorization to install a water meter to connect a new development to the Town's water system or to the Town's wastewater system.

582. Utility Easement

See Easement.

583. Utility Water Service Area

All locations within the Town of Prosper water system as defined by the Town's state certificate of convenience.

584. Vacant

A property which lacks the habitual presence of human beings who have a legal right to be on the property, or at which substantially all lawful business operations or residential occupancy have ceased. In determining whether a property is vacant, it is relevant to consider, among other factors, the percentage of overall square footage of any building on the property or floor to the occupancy space, the condition and value of any items in the property and the presence of rental or for sale signs on the property; provided that multifamily residential property containing three or more dwelling units shall be considered vacant when the majority of all of the dwelling units become unoccupancy and a majority remain unoccupancy. A property shall not be considered vacant which is being currently marketed by a licensed real estate professional hired by the former or current occupant of the property (currently marketed shall mean that the structure is listed on the multiple listing service, the structure is available to prospective buyers for viewing, and a reasonable asking price has been disclosed. The Building Official may use the assessed market value of the property as last determined by the tax assessor to determine if the asking price disclosed by the owner is reasonable), and to which the water service has not been shut off.

585. Variance

A variance is a special permission that lets a property owner deviate from certain zoning standards, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the Board of Adjustment of the Town of Prosper can grant a variance, in accordance with the Chapter 211 of the Texas Local Government Code, as amended.

586. Vehicle

A motorized machine on wheels, treads, or runners by which any person, material, commodity, or property is or may be transported.

587. Vested Right

A right of an applicant requiring the Town to review and decide the application under standards in effect prior to the effective date of the standards of this subdivision chapter and/or of any subsequent amendments.

588. Vested Rights Petition

A request for relief from any standard or requirement of the subdivision regulations based on an assertion that the applicant (petitioner for relief) has acquired a vested right.

589. Veterinary Hospital or Clinic

Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of disease and injuries to animals.

590. Waiver

An official request written to the Town Council used to allow exceptions to regulations or requirements of this article.

591. Waiver, Administrative

An administrative waiver is a waiver listed in **Figure 3.05-1. Administrative Waiver** and is a minor change to the standards, but not the intent, of these subdivision regulations.

An administrative waiver is approved by either the Director of Development Services or Director of Engineering Services (as applicable).

592. Waiver, Commission

A commission waiver is a significant change to both the standards and intent of the subdivision regulations, which involves Planning and Zoning Commission and Town Council approval.

593. Waste
Rejected, unutilized, or superfluous substances in liquid, gaseous, or solid form resulting from domestic, agricultural, or industrial activities.

594. Wastewater
A combination of the water-carried waste from residences, business buildings, institutions, and industrial establishments, together with any groundwater, surface water, and stormwater that may be present.

595. Wastewater Facility
A wastewater interceptor or main, lift station, or other facility or improvement used for providing wastewater collection and treatment included within the Town's collection system for wastewater. "Wastewater facility" includes, but is not limited to, land, easements, or structures associated with such facilities. "Wastewater facility" excludes a site-related facility.

596. Wastewater Service Charge
The charge on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of normal wastewater.

597. Wastewater Treatment Plant
Any Town-owned facilities, devices, and structures used for receiving, processing, and treating wastewater, industrial waste, and sludges from the sanitary sewers.

598. Water Facility
A water interceptor or main, pump station, storage tank or other facility or improvement used for providing water supply, treatment and distribution service included within the Town's water storage or distribution system. "Water facility" includes, but is not limited to, land, easements, or structures associated with such facilities. "Water facility" excludes site-related facilities.

599. Water in the state (or water)
Any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

600. Water Main
A water-distribution pipe for public or community use.

601. Water Meter
A device owned by the Town for measuring the flow of water to a development, whether for domestic or for irrigation purposes

602. Water Purveyor
The operator of a potable water system supplying at least 15 service connections or servicing at least 25 individuals at least 60 days out of the year.

603. Water Quality Standard
The designation of a body or segment of surface water in the state for desirable uses and the narrative and numerical criteria deemed by the state to be necessary to protect those uses, as specified in Texas Administrative Code, title 31 chapter 307, as amended.

604. Water Resource Zone
A landscape area that receives surface runoff from an adjacent impervious paved surface and uses one or more BMPs such as bioretention to capture and treat the runoff near the source.

605. **Water Wells**
Bored wells, dug wells, and driven wells developed into the underground soils, which are to produce water for private use. Water wells are prohibited unless approved under the provisions of this UDC.

606. **Weeds**
The vegetation that because of its height is objectionable, unsightly, or unsanitary, but excluding shrubs, bushes, and trees, cultivated flowers, and cultivated crops.

607. **Watercourse**
A natural or manmade channel in which a flow of water occurs, either continuously or intermittently.

608. **Water Conservation**
The design, installation, service, and operation of an irrigation system in a manner that prevents the waste of water, promotes the most efficient use of water, and applies the least amount of water that is required to maintain healthy individual plant material or turf, reduce dust, and control erosion.

609. **Waters of the United States**
All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States" at 40 CFR section 122.2, as amended; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the Federal Clean Water Act.

610. **Wetland**
An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

611. **Wireless Service**
Any service using licensed or unlicensed wireless spectrum, including the use of wi-fi, whether at a fixed location or mobile, provided to the public using a network node.

612. **Wireless Service Provider**
A person that provides wireless services to the public.

613. **Workplace**
Any indoor area where an employee works for an employer, including an administrative area but excluding:

Domestic residence;

Factory or warehouse where smoking is regulated by another Town ordinance or a state or federal law;

An enclosed room with only one regular occupant; or

Any area that is generally accessible to the public or to a minor

614. **Written or in writing**
The term "written" or "in writing" shall be construed to include any representation of words, letters, or figures, whether by printing or otherwise.

"Written" or "in writing" defined, Texas Government Code, § 312.011.

615. **Yard**
An open space at grade between a building and the adjoining lot lines, unoccupancy and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this UDC that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

616. **Yard Waste**
The leaves, grass clippings, yard and garden debris, and brush that result from landscaping maintenance and land-clearing operations.

617. **Yard, front**
A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.

618. **Yard, rear**
The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

619. **Yard, side**
The area between the building and sideline of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.

620. **Year**
Shall mean a calendar year.

"Year" defined, Texas Government Code, § 312.011.

621. **Zoning District**
A portion of the territory of the Town within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of the Town's UDC, as amended.

622. **Zoning District Map**
The official map upon which the boundaries of the various zoning districts are drawn, and which is an integral part of this UDC.

TOWN OF PROSPER
A Place Where Everyone Matters

PLANNING

To: **Mayor and Town Council**

From: **David A. Hoover, AICP, Director of Development Services**

Through: **Mario Canizares, Town Manager**
Chuck Ewings, Assistant Town Manager

Re: **Notice of Appeals**

Town Council Meeting – April 28, 2026

Strategic Visioning Priority: Ensure the Town's Commercial Corridors are Ready for Development

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Agenda Item:
Consider and act upon whether to direct staff to submit a written notice of appeals on behalf of the Town Council to the Development Services Department, pursuant to Chapter 4, Section 1.5(C)(7) and 1.6(B)(7) of the Town's Zoning Ordinance, regarding action taken by the Planning and Zoning Commission on Preliminary Site Plans and Site Plans.

Description of Agenda Item:
Attached are the Preliminary Site Plans and Site Plans that were acted on by the Planning and Zoning Commission on April 14, 2026.

Per the Zoning Ordinance, the Town Council can direct staff to submit a written notice of appeal on behalf of the Town Council to the Development Services Department for any Preliminary Site Plans and Site Plans acted on by the Planning and Zoning Commission.

Budget Impact:
There is no budgetary impact affiliated with this item.

Attached Documents:
1. DEVAPP-25-0095 – Westside Addition, Block A, Lot 3 (Approved 5-0)
2. DEVAPP-25-0114 – Westfork Crossing, Block A, Lot 9 (Approved 5-0)
3. PowerPoint Slides

Town Staff Recommendation:
Town Staff recommend the Town Council take no action on this item.

Proposed Motion:
N/A

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SSMH DATA
ALL SANITARY SEWER LINES ARE 8" PVC

SSMH #1
TR: 567.18'
FLS: 556.58'
FLW: 556.58'
(CAPPED CONNECTION GOING NW)

SSMH #2
TR: 565.43'
FLN: 555.38'
FLE: 555.33'
(CAPPED CONNECTIONS GOING NW & SE)

SSMH #3
TR: 564.02'
FLE: 554.52'
FLW: 554.58'
(CAPPED CONNECTION GOING SOUTH)

STMH DATA
ALL STORM DRAIN LINES ARE 18" RCP)

STMH #1
TR: 565.76'
FLSE: 561.51'

STMH #2
TR: 565.41'
FLE: 560.66'
FLNW: 560.61'

TEXAS STATE PLAN COORDINATES
(TEXAS NORTH CENTRAL ZONE)
HORIZONTAL DATUM: NAD83 (2011)
VERTICAL DATUM: NAVD88
UNITS: INTERNATIONAL FEET

BENCHMARKS

CP #1
SET 1/2" IR W/ "CONTROL" CAP
NAVD88 EL: 567.77'
(OPUS CORRECTED)

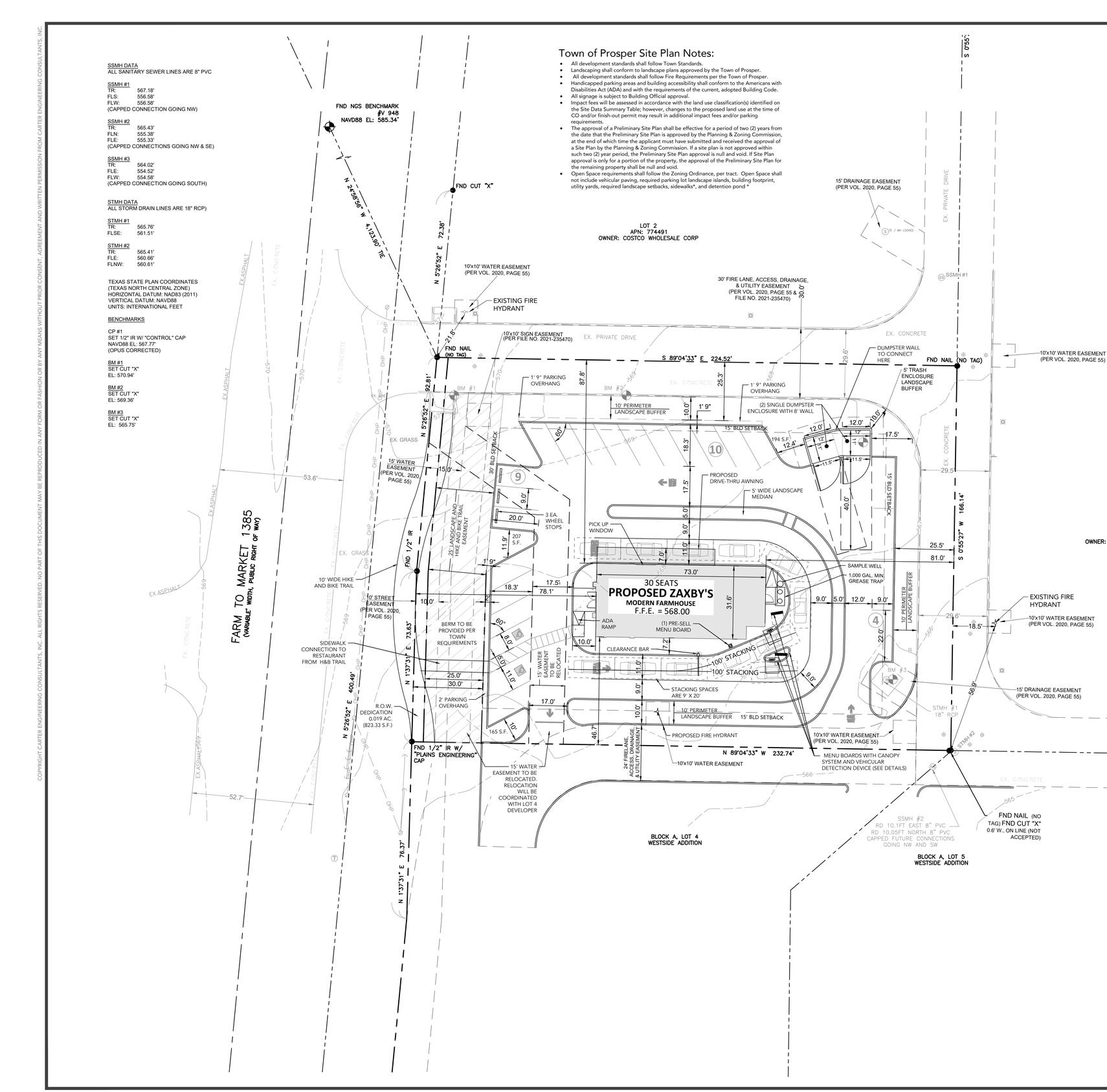
BM #1
SET CUT "X"
EL: 570.94'

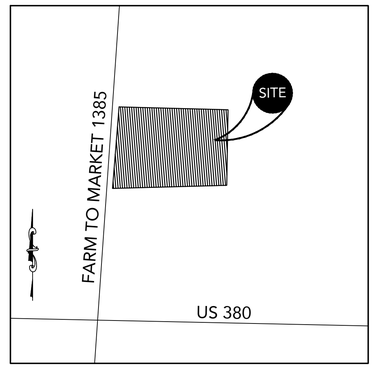
BM #2
SET CUT "X"
EL: 569.36'

BM #3
SET CUT "X"
EL: 565.75'

Town of Prosper Site Plan Notes:

- All development standards shall follow Town Standards.
- Landscaping shall conform to landscape plans approved by the Town of Prosper.
- All development standards shall follow Fire Requirements per the Town of Prosper.
- Handicapped parking areas and building accessibility shall conform to the Americans with Disabilities Act (ADA) and with the requirements of the current, adopted Building Code.
- All signage is subject to Building Official approval.
- Impact fees will be assessed in accordance with the land use classification(s) identified on the Site Data Summary Table; however, changes to the proposed land use at the time of CO and/or finish-out permit may result in additional impact fees and/or parking requirements.
- The approval of a Preliminary Site Plan shall be effective for a period of two (2) years from the date that the Preliminary Site Plan is approved by the Planning & Zoning Commission, at the end of which time the applicant must have submitted and received the approval of a Site Plan by the Planning & Zoning Commission. If a site plan is not approved within such two (2) year period, the Preliminary Site Plan approval is null and void. If Site Plan approval is only for a portion of the property, the approval of the Preliminary Site Plan for the remaining property shall be null and void.
- Open Space requirements shall follow the Zoning Ordinance, per tract. Open Space shall not include vehicular paving, required parking lot landscape islands, building footprint, utility yards, required landscape setbacks, sidewalks*, and detention pond "





LOCATION MAP
SCALE: N.T.S.

SITE DATA

Zoning:	Mixed Use PD-94
Proposed Use:	Restaurant w/ drive thru
Lot Area:	0.8773 acres (38,215 s.f.)
Building Area:	2,274 s.f.
Building Height:	1 Story, 25'-0" Max.
Lot Coverage:	6.0%
Floor Area Ratio:	0.060:1
Parking Required:	Restaurant 1:100 s.f. 2,275 s.f. = 23 spaces
Total Parking Provided:	23 spaces
HC Parking Required:	2 spaces
HC Parking Provided:	2 spaces
Landscape Required:	315 s.f.
Landscape Provided:	450 s.f.
Impervious Surface:	28,453 s.f.
Open space required (7%):	2,675 s.f.
Open space Provided:	Provided in Lots 14 and 19

LEGEND

	POWER POLE
	TELE. MH
	LIGHT POLE
	PULL BOX
	SANITARY SEWER MH
	STORM SEWER MH
	ROAD SIGN
	BENCHMARK
	FIRE HYDRANT
	WATER VALVE
	GUY ANCHOR

GRID NORTH

GRAPHIC SCALE
SCALE: 1" = 20'

ENGINEER
Carter Engineering Consultants, Inc.
1010 Commerce Drive
Bogart, Georgia 30622
Telephone: (770) 725-1200
Contact: Jeff Carter, P.E.

OWNER/DEVELOPER
DNJ Real Estate, LLC
681 7Th Street SW
Paris, Texas 75460
Telephone: (409) 350-5376
Contact: Jade Sigler

PRELIMINARY SITE PLAN
TOWN PROJECT NO. : DEVAPP-25-0095

WESTSIDE ADDITION

BLOCK A, LOT 3
0.877 AC. (38,215 S.F.)
J. GONZALEZ SURVEY ABSTRACT NO. 447
TOWN OF PROSPER, DENTON COUNTY, TEXAS

REVISION BLOCK		
ISSUE	REVISION DATE & DESCRIPTION	
1	04/29/2025 - INITIAL SUBMITTAL	
2	09/09/2025 - PRELIMINARY SITE PLAN SUBMITTAL	
3	10/14/2025 - PRELIMINARY SITE PLAN REVISIONS	
4	12/22/2025 - PRELIMINARY SITE/LANDSCAPE PLAN REVISIONS	
5	01/10/2026 - PRELIMINARY SITE/LANDSCAPE PLAN REVIEW	
6	03/31/2026 - ADD DUMPSTER DOORS	
7	----	
8	----	

STATE OF TEXAS
JEFFREY CARTER
LICENSED PROFESSIONAL ENGINEER

CARTER ENGINEERING

CARTER ENGINEERING
1010 COMMERCE DRIVE
BOGART, GA 30622

P: 770.725.1200
F: 770.725.1204
www.carterengineering.com

PRELIMINARY SITE PLAN
FOR
ZAXBY'S RESTAURANT
HWY 380 LOT 3 BLOCK A - PROSPER, TX 75078

SHEET TITLE:
PRELIMINARY SITE PLAN

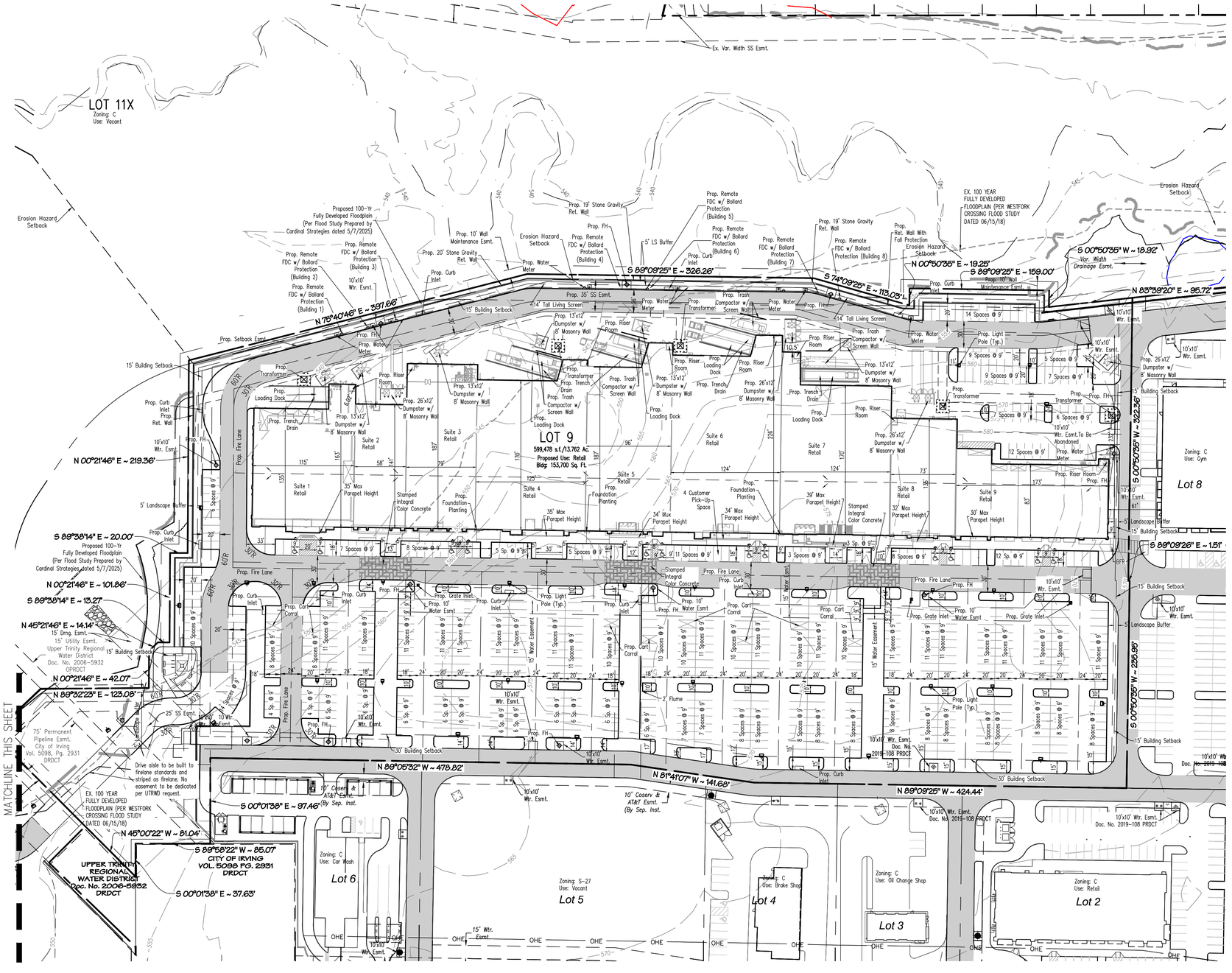
PROJECT NAME:
ZAXBYS

SHEET NUMBER:
C 3.1

PROJECT NUMBER:
24952ZAX

DATE:
12/22/2025

ENGINEER/DESIGNER NOT RESPONSIBLE FOR COST CHANGES DURING PRELIMINARY PHASE. BIDS & QUOTES SHALL BE BASED ON PLAN SETS LABELED "ISSUE FOR BID" BIDS & QUOTES SHALL BE REVISED BASED ON PLANS LABELED "ISSUE FOR CONSTRUCTION"





Vicinity Map
NTS

Town of Prosper Site Plan Notes:

1. All development standards shall follow Town Standards.
2. Landscaping shall conform to landscape plans approved by the Town of Prosper
3. All development standards shall follow Fire Requirements per the Town of Prosper.
4. Handicapped parking areas and building accessibility shall conform to the Americans with Disabilities Act (ADA) and with the requirements of the current, adopted Building Code.
5. All signage is subject to Building Official approval.
6. Impact fees will be assessed in accordance with the land use classification(s) identified on the Site Data Summary Table; however, changes to the proposed land use at the time of CO and/or finish-out permit may result in additional impact fees and/or parking requirements.
7. The approval of a Preliminary Site Plan shall be effective for a period of two (2) years from the date that the Preliminary Site Plan is approved by the Planning & Zoning Commission, at the end of which time the applicant must have submitted and received the approval of a Site Plan by the Planning & Zoning Commission. If a site plan is not approved within such two (2) year period, the Preliminary Site Plan approval is null and void. If Site Plan approval is only for a portion of the property, the approval of the Preliminary Site Plan for the remaining property shall be null and void.
8. Open Space requirements shall follow the Zoning Ordinance, per tract. Open Space shall not include vehicular paving, required parking lot landscape islands, building footprint, utility yards, required landscape setbacks, sidewalks*, and detention pond *
9. Impact fees will be assessed in accordance with the land use classification(s) identified on the site data summary table; however, changes to the proposed land use at the time of CO and/or finish out permit may result in additional impact fees and/or parking requirements.
10. All environmental studies required to reclaim floodplain shall be submitted at time of final plat to develop each lot.
11. The owner(s) of Lots 7, 8, 9, and 10 shall continue to have rights to access Lot 11X after deeding to the Town for the purpose of floodplain reclamation, grading, retaining wall maintenance, utility installation, and any additional activities required for the development and maintenance of the improvements shown on Lots 7, 8, 9, and 10.
12. Nothing shall prohibit the owner from attempting to reclaim a lot from the floodplain (and adjacent areas) in Lot 11X, subject to appropriate federal approvals to the extent required by law.
13. Per the Development Agreement, 10 parking spaces are dedicated for the proposed hike and bike trail.
14. All retail/commercial buildings with facades greater than 200 feet in length shall incorporate wall plane projections or recesses that are at least six feet deep. Projections/receses must be at least 25% of the length of the facade. No uninterruppted length may exceed 100 feet in length.
15. All Retaining walls along creek to be stone.
16. All landscape easements must be exclusive of any other type of easement.

SITE DATA SUMMARY TABLE

LOT	ZONING	PROPOSED USE	LOT AREA SF	LOT AREA AC	BUILDING AREA (SF)	BUILDING HEIGHT	COVERAGE (%)	FLOOR AREA RATIO	REQ. PARKING RATIO	PARKING REQUIRED	PARKING PROVIDED	REQUIRED HANDICAP PARKING	PROVIDED HANDICAP PARKING	INTERIOR LANDSCAPE REQUIRED (SF)	INTERIOR LANDSCAPE PROVIDED (SF)	IMPERVIOUS AREA (SF)	OPEN SPACE REQUIRED (SF)	OPEN SPACE PROVIDED (SF)
9	C	RETAIL	617,515	14.18	153,700 SF	1 Story Building: Parapet Max Height:38'-10" Building Max Height:30'-0"	24.9%	0.2580:1	1/250	153,700/250 = 615	666	14	16	10,035	18,521	488,100	43,226	43,398

Proposed Creek Amenities:

1. Hike & bike trail
2. Visibility corridor from Gee Road and US380 – see Inset A for Visibility Corridors
3. Trail head park

Water Meter Schedule

I.D.	Type	Size	No.	Sewer	Remarks
①	Domestic	2"	9	6"	Proposed
②	Irrigation	2"	1	N/A	Proposed

LEGEND

- FIRELANE, ACCESS, DRAINAGE & UTILITY EASEMENT
- PROPOSED FIRE HYDRANT
- PROPOSED PROPERTY LINE
- Proposed FDC
- STAMPED CONCRETE
- PROPOSED EASEMENT
- EXISTING EASEMENT
- PROPOSED FLOODPLAIN
- EXISTING FLOODPLAIN

DEVAPP-25-0114
SITE PLAN

WESTFORK CROSSING

Block A, Lot 9
IN THE TOWN OF PROSPER , DENTON COUNTY, TEXAS
M.E.P & P.R.R SURVEY ABSTRACT NO. 1476
617,515 Sq. Ft./14.176 Acres

ENGINEER / SURVEYOR/ APPLICANT
Spiars Engineering, Inc.
765 Custer Road, Suite 100
Plano, TX 75075
Telephone: (972) 422-0077
TBPE No. F-2121
Contact: Kevin Wier

OWNER/DEVELOPER
Northwest 423/380 LP
7001 Preston Road, Suite 410
Dallas, TX 75205
Telephone: (214) 224-4600
Contact: Robert Dorazil

Scale: 1"=60' Mar-26 SEI Job No. 24-348

Drawing: G:\2024_JOBS\24-348 Westfork Crossing Phase 3\CAD\Site Plan.dwg Saved By: Wtally Save Time: 3/31/2026 1:50:52 PM Plotted By: wtally Plot Date: 3/31/2026 1:54 PM

Westside Addition
Block A, Lot 3
(DEVAPP-25-0095)

Proposal

Purpose:

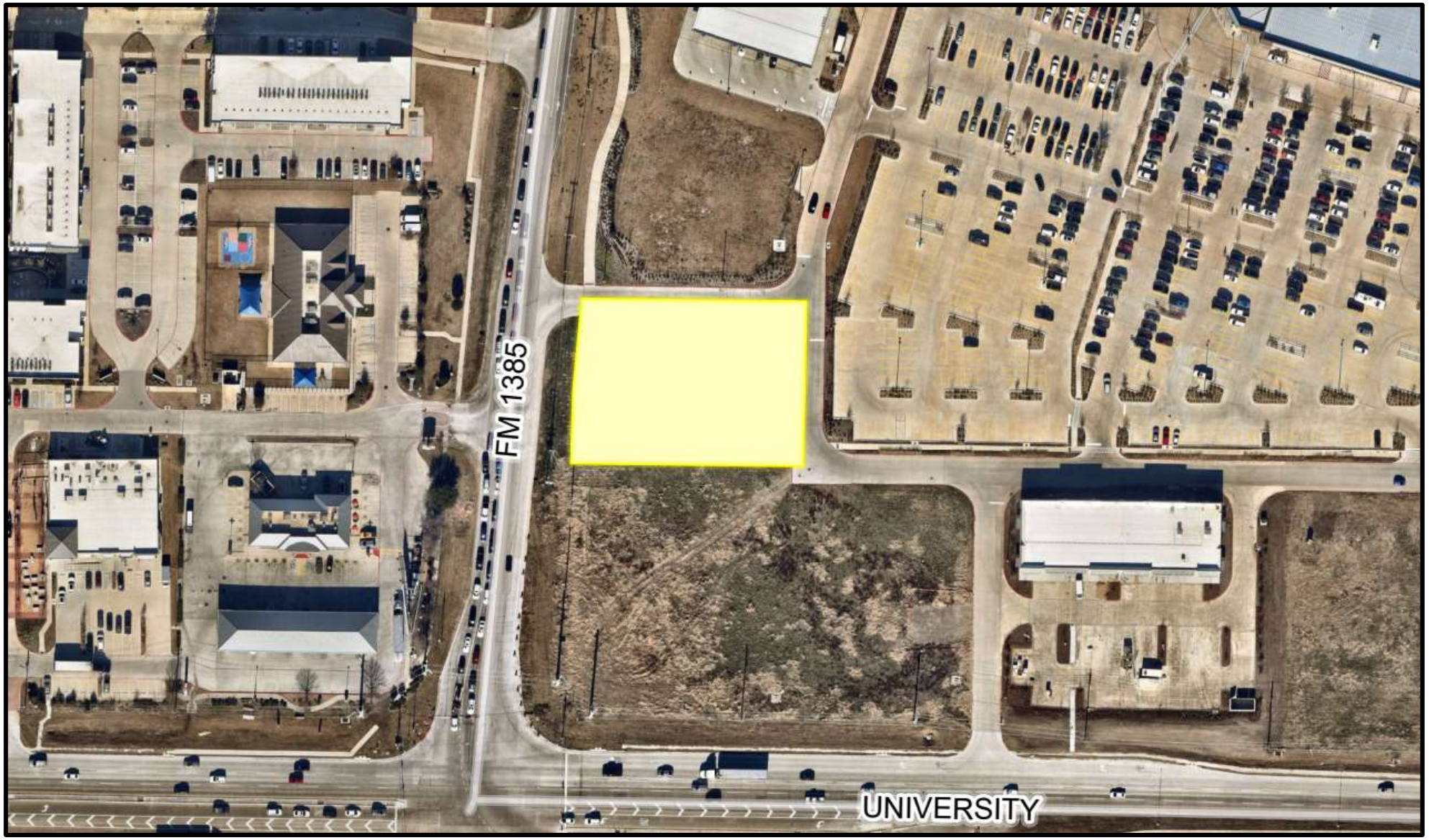
- Construct a drive-through restaurant consisting of 2,274 square feet and associated parking.

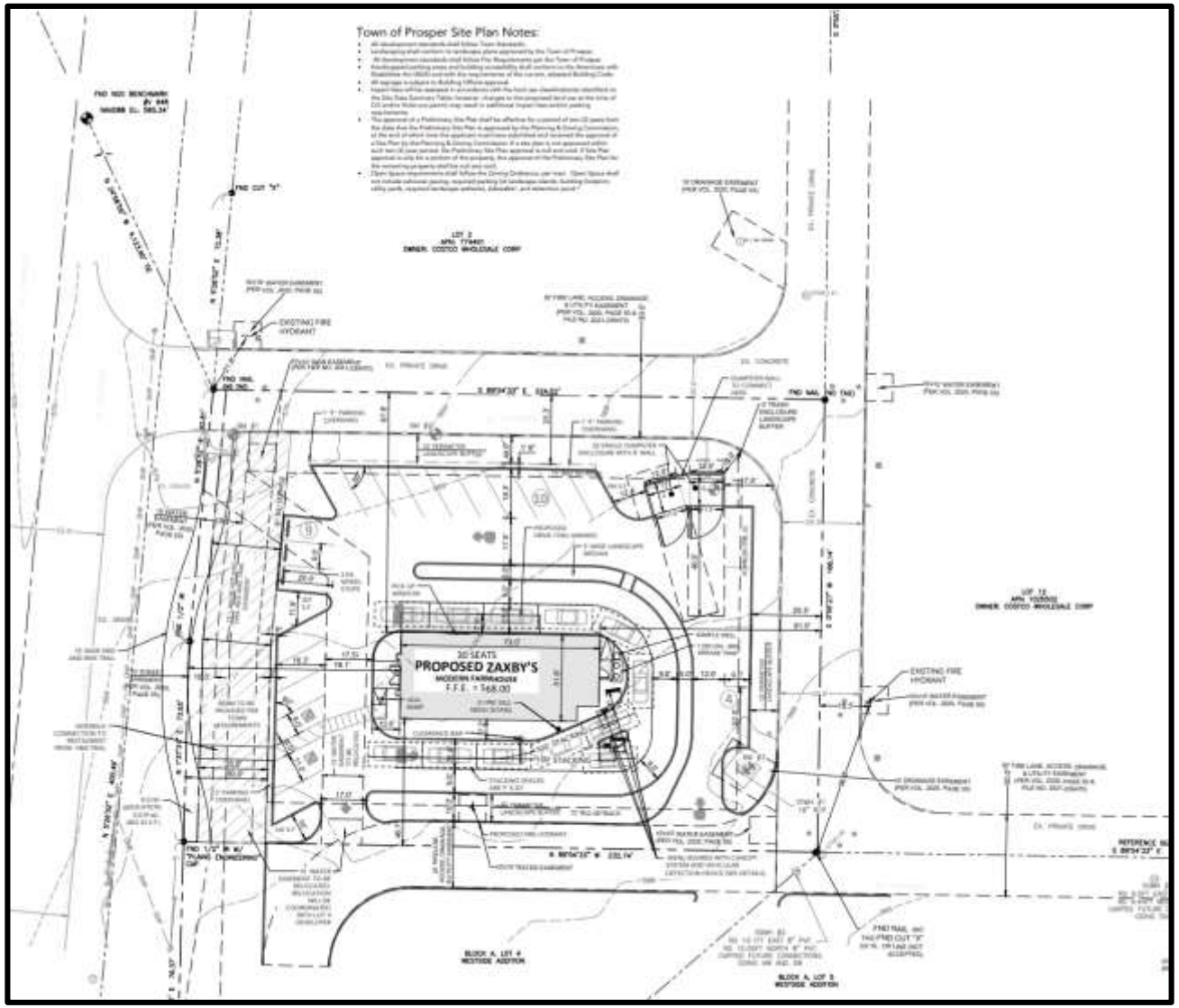
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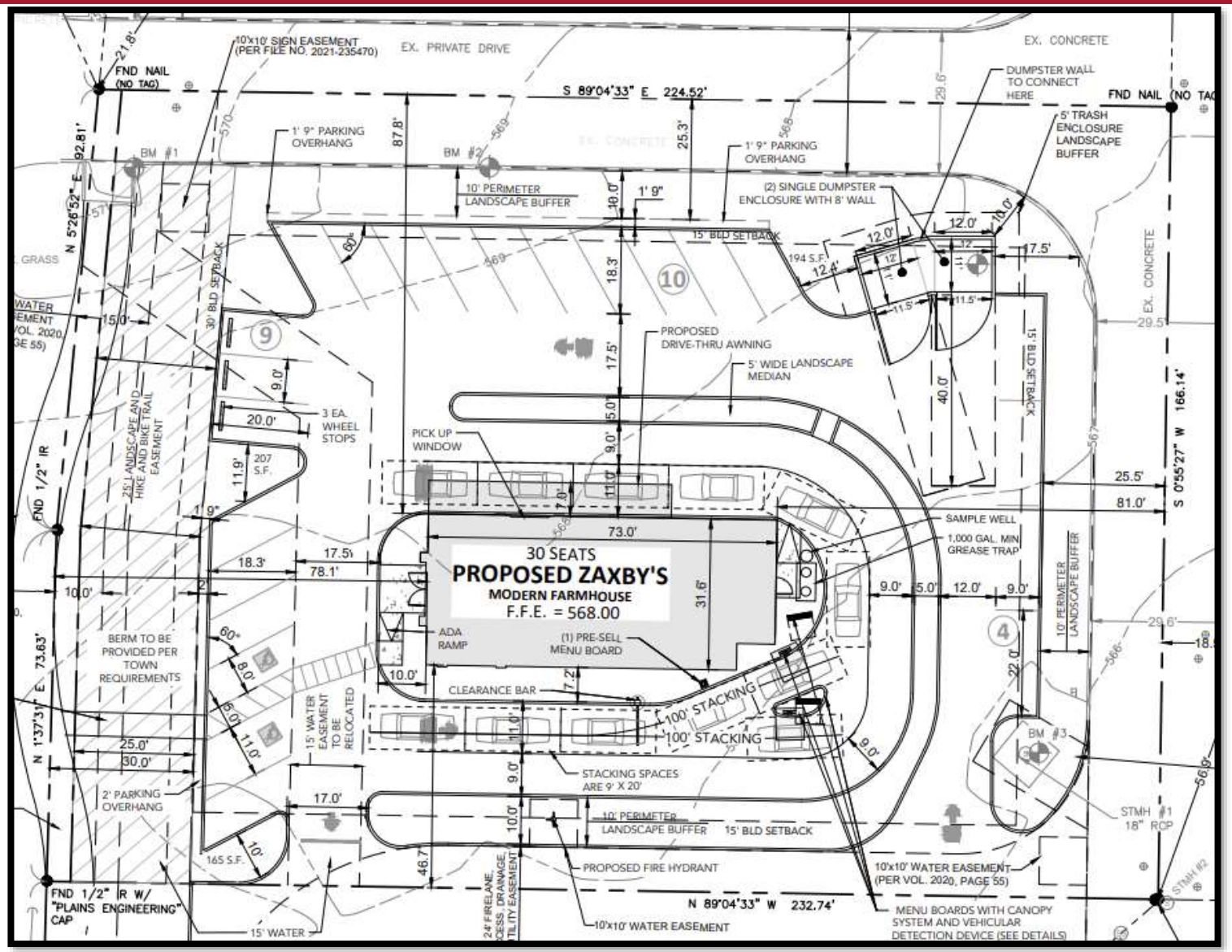
- The amendment to Planned Development-94 (Westside) was approved on March 28, 2023, allowing a maximum of three noncontiguous drive-throughs along US Highway 380, and only one permitted along FM 1385.

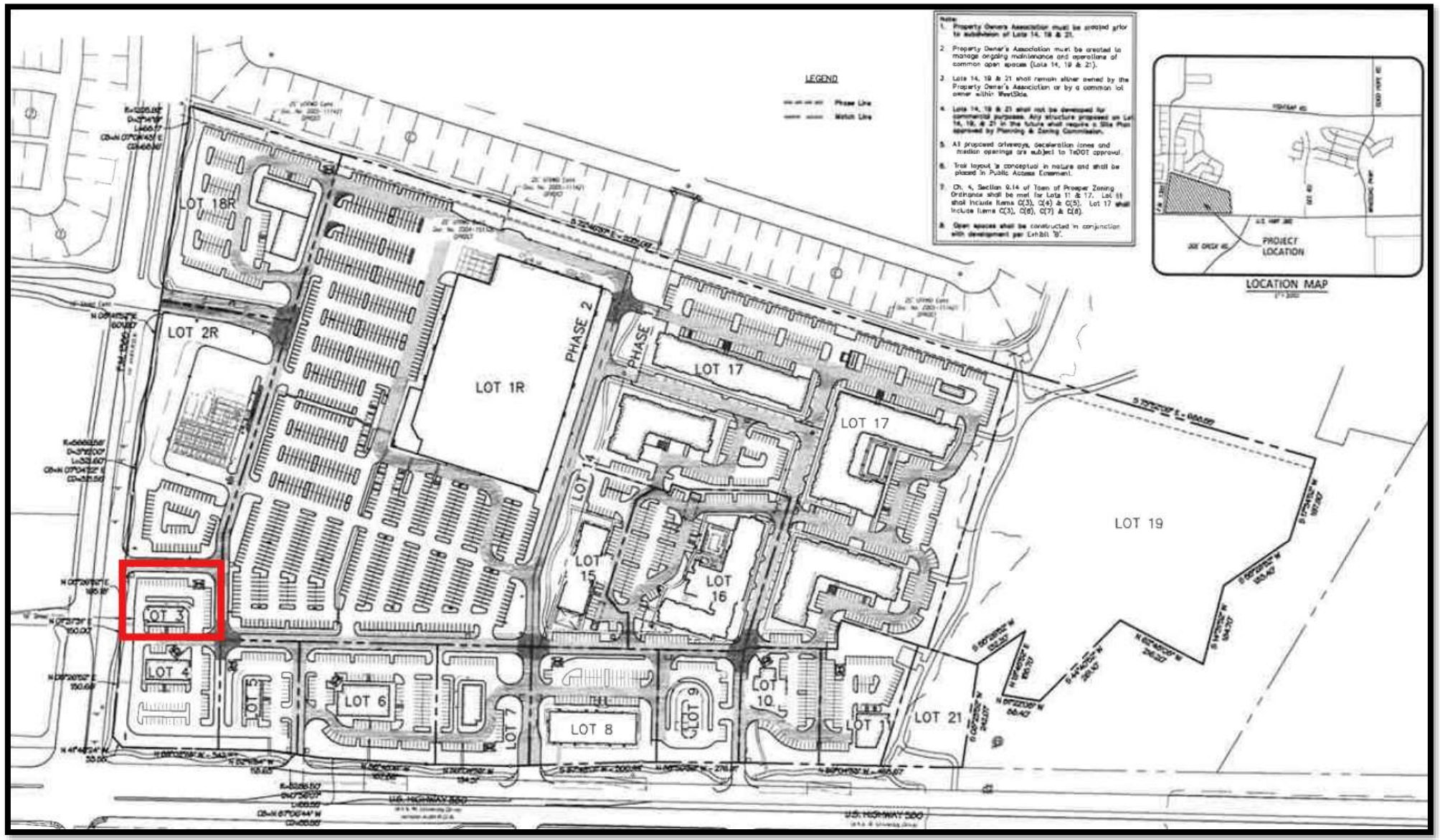
Recommendation:

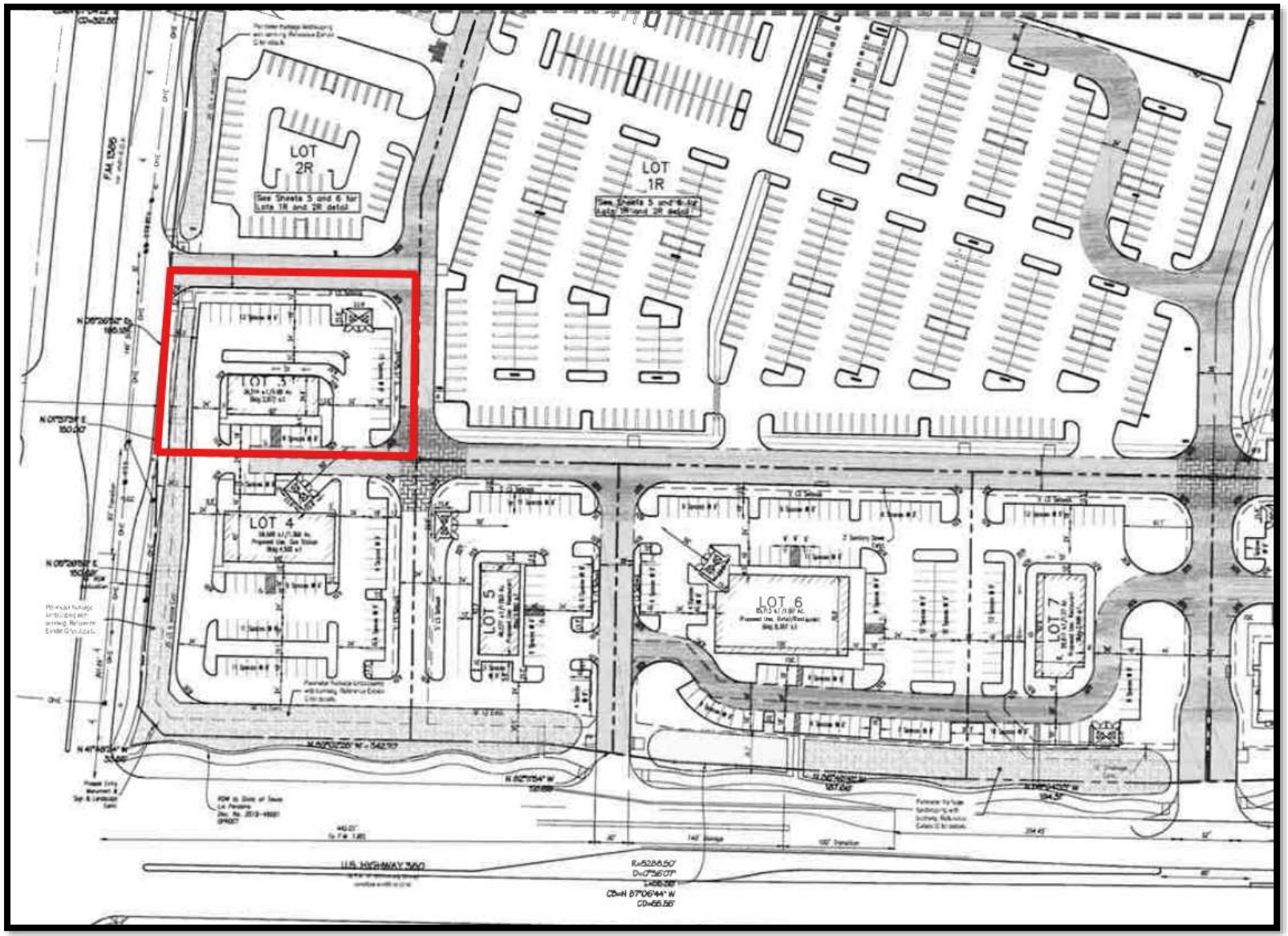
- Town Staff recommends approval of the Preliminary Site Plan.


FM 1385
UNIVERSITY


Town of Prosper Site Plan Notes:
30 SEATS
PROPOSED ZAXBY'S
MODERN FARMHOUSE
F.F.E. = 568.00
EXISTING FIRE HYDRANT
EXISTING FIRE HYDRANT
BLOCK A, LOT 4
WESTSIDE ADDITION
BLOCK A, LOT 3
WESTSIDE ADDITION


30 SEATS
PROPOSED ZAXBY'S
MODERN FARMHOUSE
F.F.E. = 568.00
73.0'
31.6'
PROPOSED DRIVE-THRU AWNING
5' WIDE LANDSCAPE MEDIAN
PICK UP WINDOW
3 EA. WHEEL STOPS
ADA RAMP
(1) PRE-SELL MENU BOARD
CLEARANCE BAR
100' STACKING
100' STACKING
STACKING SPACES ARE 9' X 20'
(2) SINGLE DUMPSTER ENCLOSURE WITH 8' WALL
DUMPSTER WALL TO CONNECT HERE
5' TRASH ENCLOSURE LANDSCAPE BUFFER
SAMPLE WELL
1,000 GAL. MIN GREASE TRAP
10' PERIMETER LANDSCAPE BUFFER
15' BLD SETBACK
30' BLD SETBACK
10' PERIMETER LANDSCAPE BUFFER
BERM TO BE PROVIDED PER TOWN REQUIREMENTS
2' PARKING OVERHANG
1' 9" PARKING OVERHANG
1' 9" PARKING OVERHANG
25' LANDSCAPE AND HIKE AND BIKE TRAIL EASEMENT
15' WATER EASEMENT TO BE RELOCATED
10'x10' SIGN EASEMENT (PER FILE NO. 2021-235470)
10'x10' WATER EASEMENT (PER VOL. 2020, PAGE 55)
10'x10' WATER EASEMENT
24' FIRELANE, ACCESS, DRAINAGE, AND UTILITY EASEMENT
PROPOSED FIRE HYDRANT
MENU BOARDS WITH CANOPY SYSTEM AND VEHICULAR DETECTION DEVICE (SEE DETAILS)
EX. PRIVATE DRIVE
EX. CONCRETE
FND NAIL (NO TAG)
FND 1/2" IR
FND 1/2" IR W/ "PLAINS ENGINEERING" CAP
BM #1
BM #2
BM #3
STMH #1 18" RCP
STMH #2
S 89°04'33" E 224.52'
N 89°04'33" W 232.74'
S 0°55'27" W 166.14'
N 5°26'52" E 92.81'
N 1°37'31" E 73.63'
194 S.F.
207 S.F.
165 S.F.


LEGEND
Phase Line
Match Line
LOCATION MAP
PROJECT LOCATION
LOT 18R
LOT 2R
LOT 1R
PHASE 2
PHASE
LOT 17
LOT 17
LOT 14
LOT 15
LOT 16
LOT 19
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
LOT 8
LOT 9
LOT 10
LOT 11
LOT 21
U.S. HIGHWAY 380


LOT 2R
LOT 1R
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
U.S. HIGHWAY 380

Westfork Crossing Addition
Block A, Lot 9
(DEVAPP-25-0114)

Proposal

Purpose:

- Construct a 153,700 square foot retail building with associated parking.

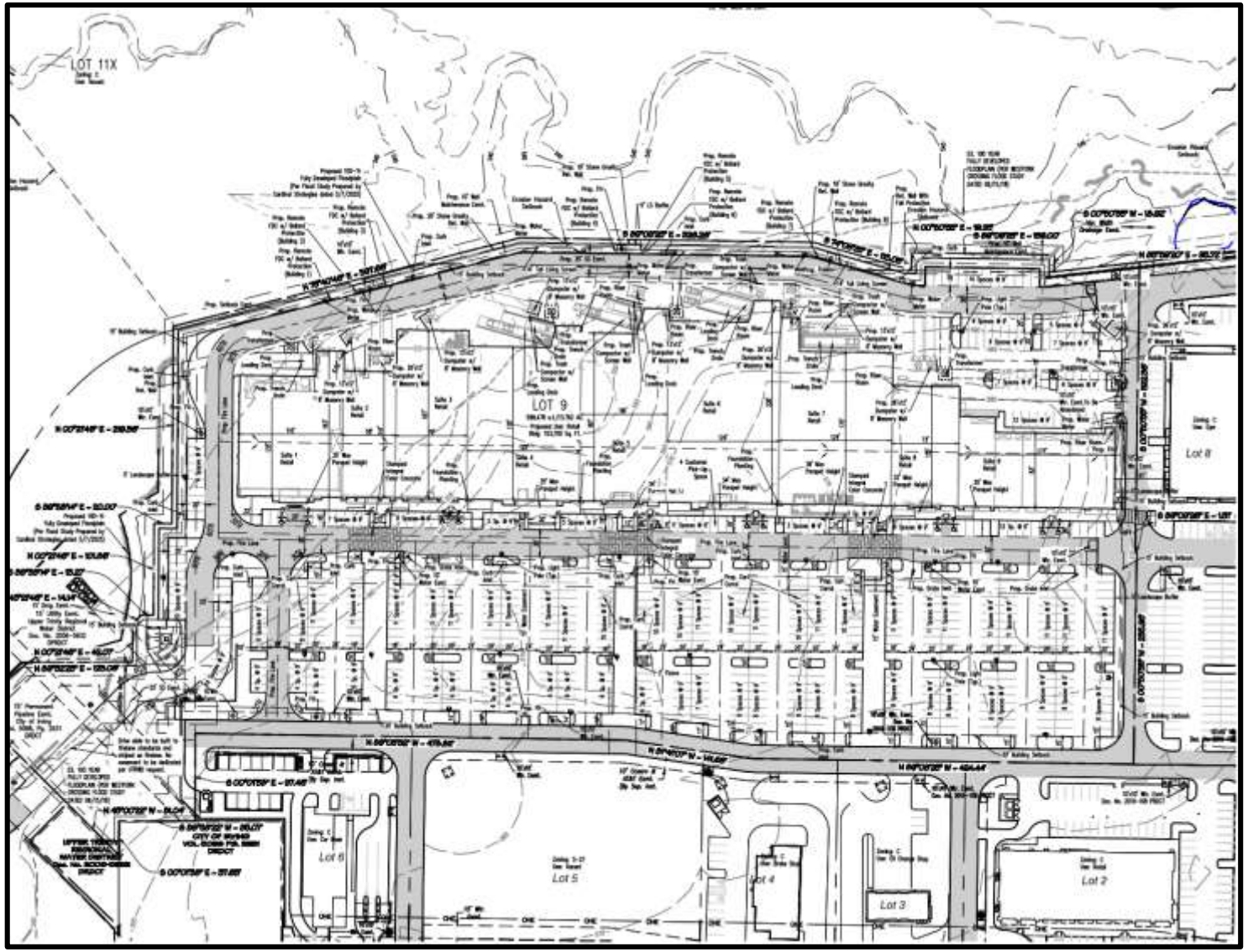
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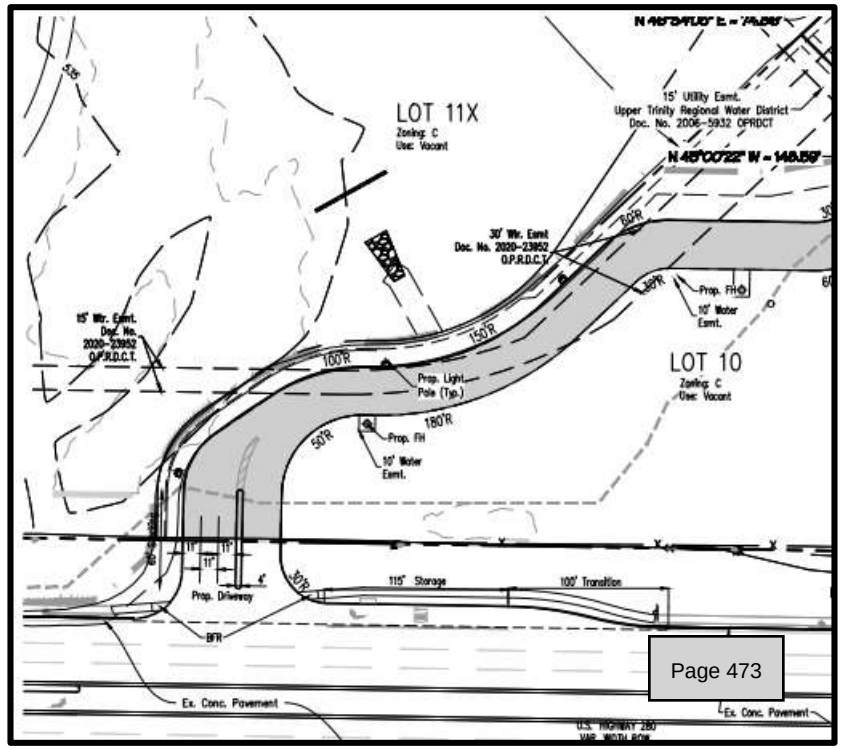
- A Preliminary Site Plan (DEVAPP-24-0174) was approved by the Planning and Zoning Commission on October 21, 2025.

Recommendation:

- Town Staff recommends approval of the Site Plan.


W UNIVERSITY DR


LOT 11X
LOT 9
Lot 8
Lot 6
Lot 5
Lot 4
Lot 3
Lot 2


LOT 11X
Zoning: C
Use: Vacant
15' Utility Esmt.
Upper Trinity Regional Water District
Doc. No. 2006-5932 OPRDCT
30' Wtr. Esmt
Doc. No. 2020-23952
O.P.R.D.C.T.
15' Wtr. Esmt.
Doc. No.
2020-23952
O.P.R.D.C.T.
Prop. FH
10' Water
Esmt.
LOT 10
Zoning: C
Use: Vacant
Prop. Light
Pole (Typ.)
Prop. FH
10' Water
Esmt.
Prop. Driveway
115' Storage
100' Transition
Ex. Conc. Pavement
Ex. Conc. Pavement

TOWN OF PROSPER
A Place Where Everyone Matters

PLANNING

To: **Mayor and Town Council**

From: **David A. Hoover, AICP, Director of Development Services**

Through: **Mario Canizares, Town Manager**
Chuck Ewings, Assistant Town Manager

Re: **Specific Use Permit for Full-Service/Extended-Stay Hotel**

Town Council Meeting – April 28, 2026

Strategic Visioning Priority: Ensure the Town's Commercial Corridors are Ready for Development

---

Agenda Item:
Conduct a Public Hearing and consider and act upon a request for a Specific Use Permit for a Full-Service/Extended-Stay Hotel on MSW Prosper 380 Addition, Block A, Lot 1, on 5.9± acres, located on the east side of Mahard Parkway and 480± feet south of Prairie Drive. (ZONE-25-0008)

Description of Agenda Item:
The purpose of this request is to obtain a Specific Use Permit to construct a 37,753 square foot full-service/extended-stay hotel.

Future Land Use Plan:
The Future Land Use Plan recommends the Dallas North Tollway District.

Zoning:
The property is zoned Planned Development-47 (Commercial Corridor).

Compatibility:
The zoning and land use of the surrounding properties are shown below.

	Zoning	Current Land Use	Future Land Use Plan
Subject Property	Planned Development-47 (Commercial Corridor)	Vacant	Dallas North Tollway District
North	Planned Development-47 (Commercial Corridor)	Vacant	Dallas North Tollway District
East	Planned Development-47 (Commercial Corridor)	Vacant	Dallas North Tollway District
South	Planned Development-47 (Commercial Corridor)	Hospital (Encompass Health)	Dallas North Tollway District
West	Planned Development-101 (Office)	Hotel (Holiday Inn)	US Highway 380 District

Hotel Standards:

Per Planned Development-47, hotels are permitted provided they comply with the conditional standards listed in the Town's Zoning Ordinance. Full-service hotels are permitted by right; however, extended-stay hotels require the approval of a Specific Use Permit.

Full-Service Hotels:

The conditional standards for full-service hotels are listed below. The applicant has met these standards.

- Amenities (Min. of Four) – **The amenities being provided have been bolded.**
    - **Fitness Center/Weight Room**
    - **Game Room**
    - **Indoor/Outdoor Pool**
    - Jogging Trail
    - **Playground**
    - Sauna/Spa
    - **Sports Court**
- Event/Meeting Space (Min. of 10,000 SF)
- Full-Service Restaurant

Extended-Stay Hotels:

The conditional standards for extended-stay hotels are listed below. The applicant has met these standards except for the requirement of being located along either Dallas Parkway, Preston Road, or University Drive. However, Town Staff believes that the hotel can be located along Mahard Parkway since it is also part full-service instead of a stand-alone extended-stay hotel.

- Amenities (Min. of Five) – **The amenities being provided have been bolded.**
    - **Conference Room (Min. of 1,000 SF)**
    - **Fitness Center/Weight Room**
    - **Game Room**
    - **Indoor/Outdoor Pool**
    - Jogging Trail
    - **Playground**
    - Sauna/Spa
    - **Sports Court**
- Location
    - Dallas Parkway
    - Preston Road
    - University Drive
- Open Space (Min. of 15%)
- Restaurant

Setbacks (100 Feet from Residential)

Specific Use Permit Criteria:
The Zoning Ordinance contains the following four (4) criteria to be considered in determining the validity of an SUP request.

1. *Is the use harmonious and compatible with its surrounding existing uses or proposed uses?*

    - *Yes, the use is harmonious and compatible with its surrounding existing uses and proposed uses because there is one existing hotel and one future hotel on the west side of Mahard Parkway.*

2. *Are the activities requested by the applicant normally associated with the requested use?*

    - *Yes, an extended-stay hotel may be permitted in the area, per the Planned Development. Per the Town's Zoning Ordinance, they must meet the conditional development standards which have been met in combination with the full-service component.*

3. *Is the nature of the use reasonable?*

    - *Yes, the nature of the use is reasonable as it is a permitted use in the zoning for the area.*

4. *Has any impact on the surrounding area been mitigated?*

Yes, the impact on the surrounding area has been mitigated as the applicant has complied with the conditional development standards for both a full-service hotel and extended-stay hotel.

Thoroughfare Plan:
This property has access to Mahard Parkway.

Parks Master Plan:
The Parks Master Plan does not indicate a park is needed on the subject property.

Notification:
Notification was provided as required by the Zoning Ordinance and state law. Staff has not received any response to the proposed zoning request to date.

Budget Impact:
There is no budgetary impact affiliated with this item.

Attached Documents:
1. Aerial Map
2. Zoning Map
3. Exhibit A-1 – Written Metes and Bounds
4. Exhibit A-2 – Boundary Exhibit
5. Exhibit B – Site Plan
6. Exhibit C – Landscape Plan
7. Exhibit D – Elevations
8. PowerPoint Slides

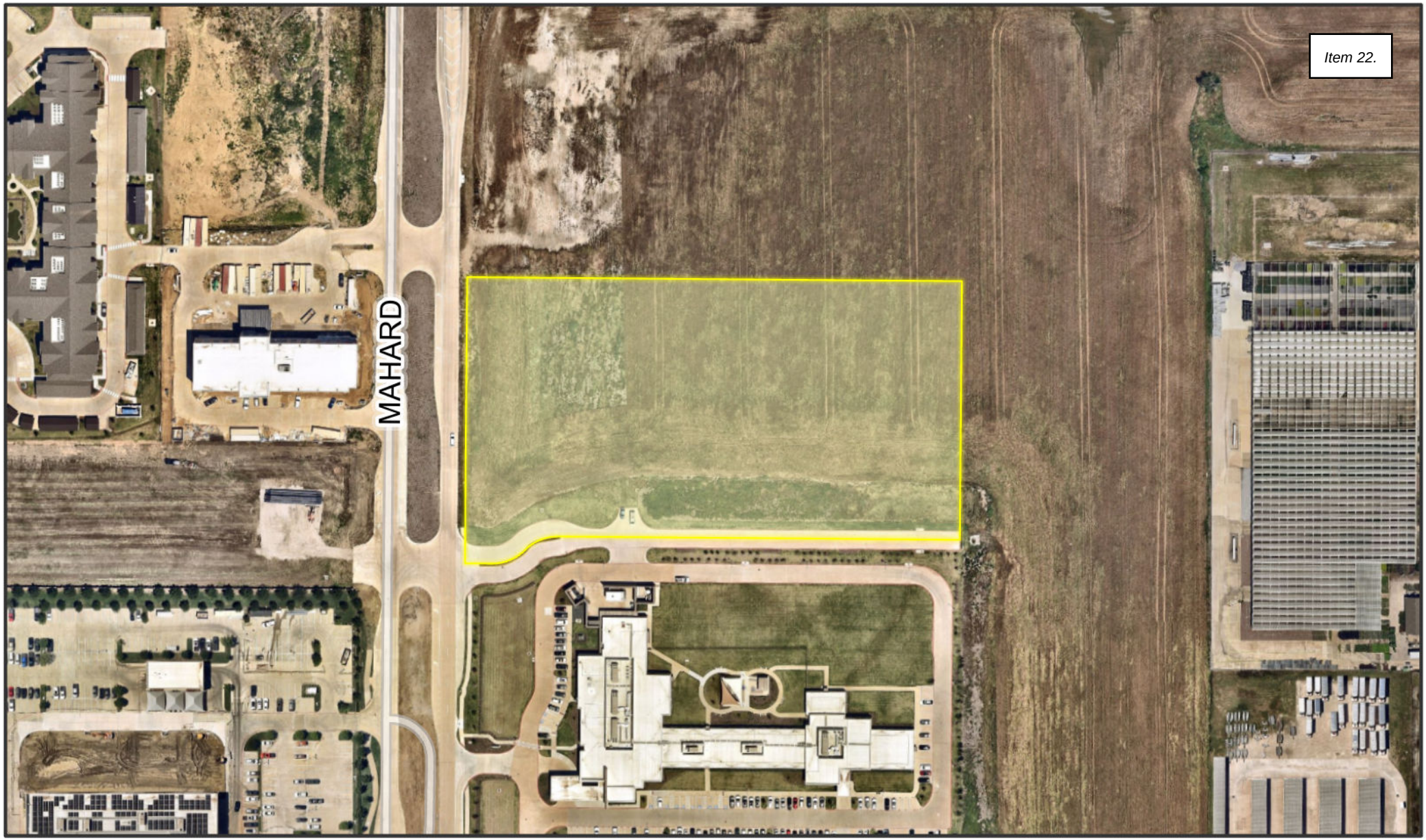
Town Staff Recommendation:
Town Staff recommend the Town Council approve the request for a Specific Use Permit for a Full-Service/Extended-Stay Hotel on MSW Prosper 380 Addition, Block A, Lot 1, on 5.9± acres, located on the east side of Mahard Parkway and 480± feet south of Prairie Drive.

Planning and Zoning Commission Recommendation:

The Planning and Zoning Commission unanimously recommended denial of this item by a vote of 6-0 at their meeting on March 25, 2026. The Commission had concerns regarding the extended-stay component of the proposed hotel.

Proposed Motion:

I move to approve/deny the request for a Specific Use Permit for a Full-Service/Extended-Stay Hotel on MSW Prosper 380 Addition, Block A, Lot 1, on 5.9± acres, located on the east side of Mahard Parkway and 480± feet south of Prairie Drive.



TOWN OF PROSPER

0 112.5 225 450 Feet

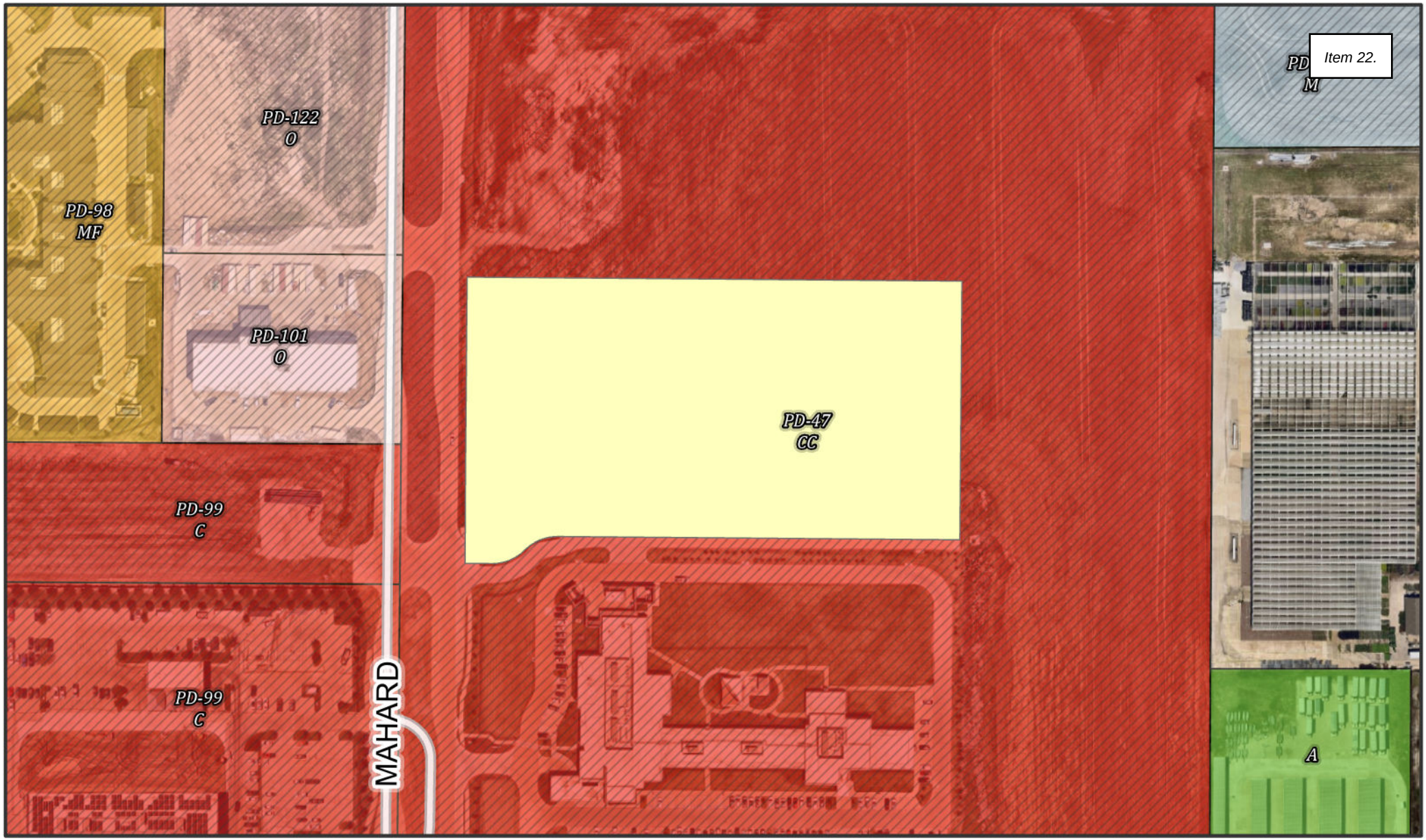


This map for illustration purposes only

ZONE-25-0008

Parmar Addition, Block A, Lot 1- Hilton Garden

Specific Use Permit



TOWN OF PROSPER

0 112.5 225 450 Feet



This map for illustration purposes only

ZONE-25-0008

Parmar Addition, Block A, Lot 1- Hilton Garden

Specific Use Permit

ZONE-25-0008
EXHIBIT A-1: WRITTEN METES AND BOUNDS

WHEREAS, PEACH TREE GROUP OF INVESTMENT INC. is the sole owner of a tract of land situated in the Collin County School Land Survey, Abstract No. 147, Town of Prosper, Collin County, Texas, and being all of those certain tracts of land conveyed to Peach Tree Group of Investment Inc., a Texas corporation, by Special Warranty Deed recorded in Instrument Number 20220329000498590, Official Public Records, Collin County, Texas, Correction Special Warranty Deed recorded in Instrument Number 2022000101825, Official Public Records, Collin County, Texas, Special Warranty Deed recorded in Instrument Number 2022000072416, Official Public Records, Collin County, Texas, and Special Warranty Deed recorded in Instrument Number 20220000152235, Official Public Records, Collin County, Texas, and being all of Block A, Lot 1, MSW Prosper 380 Addition, an addition to the Town of Prosper, by plat recorded in Instrument Number 2023-837, Official Public Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with red "Peiser & Mankin" cap found (previously set) for the southeast corner of said Lot 1, same being the northeast corner of Lot 2, Block A, MSW of MSW Prosper 380 Addition, an addition to the Town of Prosper, by plat recorded in Instrument Number 2023-839, Official Public Records, Collin County, Texas, same being in the west line of Lot 3, said Block A of MSW Prosper 380 Addition (Instrument Number 2023-837);

THENCE along the common line of said Lot 1 and said Lot 2 as follows:

North 89 deg. 33 min. 00 sec. West, a distance of 567.07 feet to a 1/2 inch iron rod with red "Peiser & Mankin" cap found (previously set) for the beginning of a curve to the left having a radius of 65.00 feet, a delta angle of 45 deg. 32 min. 43 sec., and a chord bearing and distance of South 67 deg. 40 min. 39 sec. West, 50.32 feet;

In a southwesterly direction, and along said curve to the left, an arc distance of 51.67 feet to a 1/2 inch iron rod with red "Peiser & Mankin" cap found (previously set) for the beginning of a reverse curve to the right having a radius of 65.00 feet, a delta angle of 45 deg. 01 min. 37 sec., and a chord bearing and distance of South 67 deg. 25 min. 06 sec. West, 49.78 feet;

In a southwesterly direction, and along said reverse curve to the right, an arc distance of 51.08 feet to a 1/2 inch iron rod with red "Peiser & Mankin" cap found (previously set) for the end of said curve;

North 89 deg. 33 min. 13 sec. West, a distance of 38.23 feet to an 'X' cut found in concrete for the southwest corner of said Lot 1, same being the northwest corner of said Lot 2, same being in the east right-of-way line of Mahard Parkway (a 130 foot right-of-way);

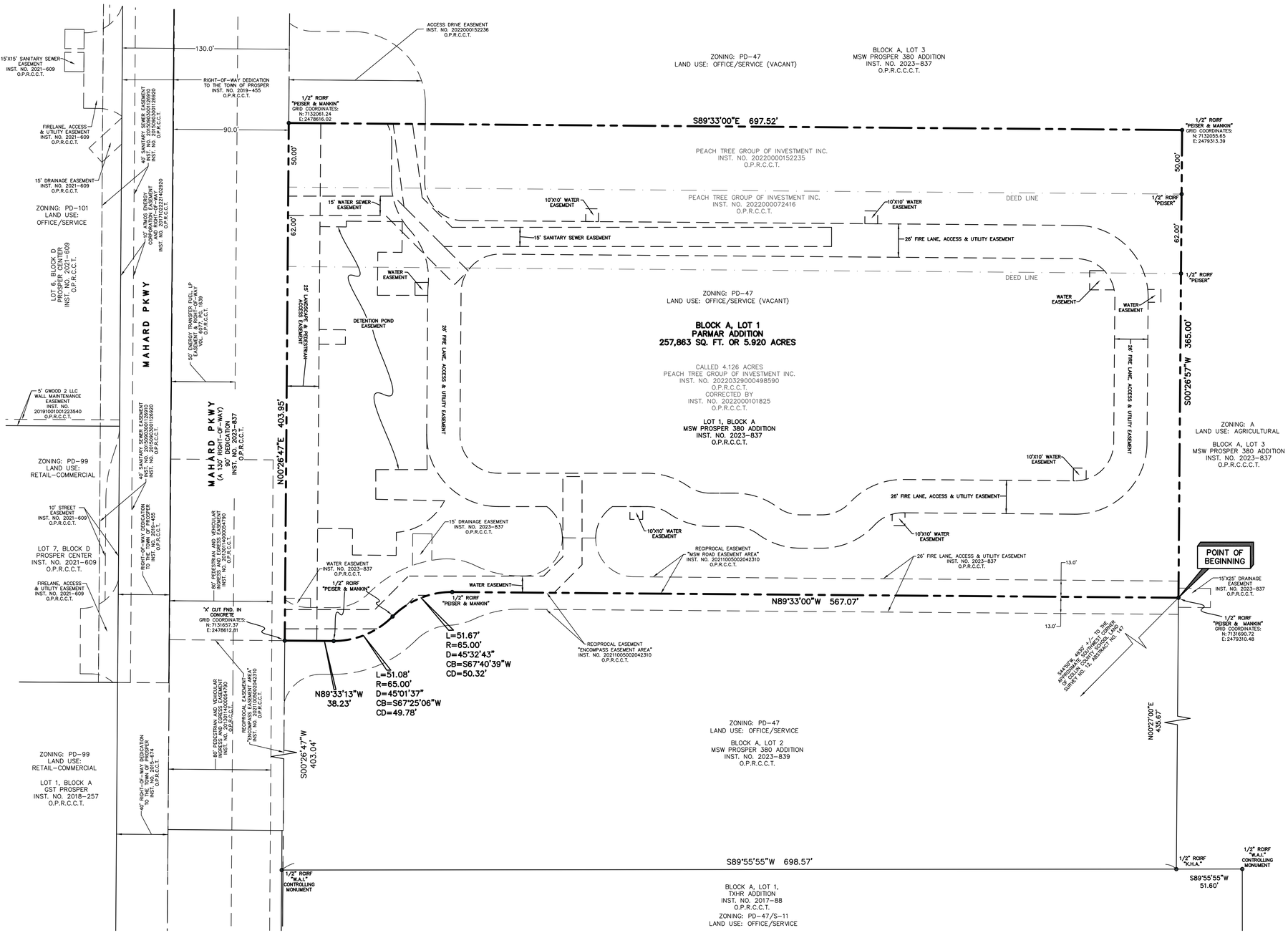
THENCE North 00 deg. 26 min. 47 sec. East, along the common line of said Lot 1 and the east right-of-way line of said Mahard Parkway, a distance of 403.95 feet to a 1/2 inch iron rod with red "Peiser & Mankin" cap found (previously set) for the northwest corner of said Lot 1, same being the most westerly southwest corner of aforesaid Lot 3;

THENCE South 89 deg. 33 min. 00 sec. East, along the common line of said Lot 1, and said Lot 3, a distance of 697.52 feet to a 1/2 inch iron rod with red "Peiser & Mankin" cap found (previously set) for the northeast corner of said Lot 1, same being in internal corner of said Lot 3;

THENCE South 00 deg. 27 min. 00 sec. West, continuing along the common line of said Lot 1, and said Lot 3, a distance of 365.00 feet to the POINT OF BEGINNING and containing 257,863 square feet or 5.920 acres of computed land, more or less.



Timothy R. Mankin
Registered Professional Land Surveyor No. 6122



NOTES:

1. Basis of Bearing – Bearings of lines shown hereon refer to Grid North of the Texas Coordinate System of 1983 (North Central Zone 4202; NAD83 (2011) Epoch 2010) as derived locally from Allterra Central's Continuously Operating Reference Stations (CORS) via Real Time Kinematic (RTK) Methods. An average Combination Factor of 1.0001485 was used to scale grid coordinates and distances to surface.
2. Basis of Elevations – Elevations shown hereon refer to North American Vertical Datum of 1988 (NAVD88), as derived locally from Allterra Central's Continuously Operating Reference Stations (CORS) via Real Time Kinematic (RTK) Methods.
3. Notice: Selling a portion of this addition by metes and bounds is a violation of Town Ordinance and state law and is subject to fines and withholding of utilities and building permits.
4. No 100-year floodplain exists on the site.
5. The thoroughfare alignment(s) shown on this exhibit are for illustration purposes and does not set the alignment. The alignment is determined at time of Final Plat.
6. Property is subject to Reciprocal Easement and temporary Construction Easement Agreement filed in Instrument Number 20020329000498600, Official Public Records, Collin County, Texas, and Second Amendment to Reciprocal Easement and Temporary Construction Easement Agreement filed in Instrument Number 2022000152236, said Official Public Records.

FLOOD CERTIFICATE

As determined by the FLOOD INSURANCE RATE MAPS for Collin County, the subject property Does Not appear to lie within a Special Flood Hazard Area (100 Year Flood), Map date 6/2/2009 Community Panel No. 48085C0230J subject lot is located in Zone 'X'.
If this site is not within an identified flood hazard area, this Flood Statement does not imply that the property and/or structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Flood Statement shall not create liability on the part of the Surveyor.

GRAPHIC SCALE
40 0 20 40 80
(IN FEET)
1 inch = 40 ft.

NORTH

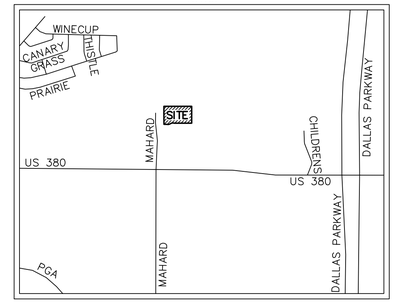
LEGEND

INST. NO. – INSTRUMENT NUMBER
VOL. – VOLUME
PG. – PAGE
RCIRF – IRON ROD FOUND WITH RED CAP
IRS – IRON ROD SET W/ "PEISER & MANKIN SURV" RED PLASTIC CAP

LINETYPE TABLE

BOUNDARY LINE
ADJOINER LINE
EASEMENT LINE
BUILDING LINE
STREET CENTERLINE
630' CONTOUR LINE

VICINITY MAP
N.T.S.



PROPERTY LEGAL DESCRIPTION

WHEREAS, PEACH TREE GROUP OF INVESTMENT INC. is the sole owner of a tract of land situated in the Collin County School Land Survey, Abstract No. 147, Town of Prosper, Collin County, Texas, and being all of those certain tracts of land conveyed to Peach Tree Group of Investment Inc., a Texas corporation, by Special Warranty Deed recorded in Instrument Number 20220329000498590, Official Public Records, Collin County, Texas, Correction Special Warranty Deed recorded in Instrument Number 2022000101825, Official Public Records, Collin County, Texas, Special Warranty Deed recorded in Instrument Number 2022000072416, Official Public Records, Collin County, Texas, and Special Warranty Deed recorded in Instrument Number 20220000152235, Official Public Records, Collin County, Texas, and being all of Block A, Lot 1, MSW Prosper 380 Addition, an addition to the Town of Prosper, by plat recorded in Instrument Number 2023-837, Official Public Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with red "Peiser & Mankin" cap found (previously set) for the southeast corner of said Lot 1, same being the northeast corner of Lot 2, Block A, MSW of MSW Prosper 380 Addition, an addition to the Town of Prosper, by plat recorded in Instrument Number 2023-839, Official Public Records, Collin County, Texas, same being in the west line of Lot 3, said Block A of MSW Prosper 380 Addition (Instrument Number 2023-837);

THENCE along the common line of said Lot 1 and said Lot 2 as follows:

North 89 deg. 33 min. 00 sec. West, a distance of 567.07 feet to a 1/2 inch iron rod with red "Peiser & Mankin" cap found (previously set) for the beginning of a curve to the left having a radius of 65.00 feet, a delta angle of 45 deg. 32 min. 43 sec., and a chord bearing and distance of South 67 deg. 40 min. 39 sec. West, 50.32 feet;

In a southwesterly direction, and along said curve to the left, an arc distance of 51.67 feet to a 1/2 inch iron rod with red "Peiser & Mankin" cap found (previously set) for the beginning of a reverse curve to the right having a radius of 65.00 feet, a delta angle of 45 deg. 01 min. 37 sec., and a chord bearing and distance of South 67 deg. 25 min. 06 sec. West, 49.78 feet;

In a southwesterly direction, and along said reverse curve to the right, an arc distance of 51.08 feet to a 1/2 inch iron rod with red "Peiser & Mankin" cap found (previously set) for the end of said curve;

North 89 deg. 33 min. 13 sec. West, a distance of 38.23 feet to an 'X' cut found in concrete for the southwest corner of said Lot 1, same being the northwest corner of said Lot 2, same being in the east right-of-way line of Mahard Parkway (a 130 foot right-of-way);

THENCE North 00 deg. 26 min. 47 sec. East, along the common line of said Lot 1 and the east right-of-way line of said Mahard Parkway, a distance of 403.95 feet to a 1/2 inch iron rod with red "Peiser & Mankin" cap found (previously set) for the northwest corner of said Lot 1, same being the most westerly southwest corner of aforesaid Lot 3;

THENCE South 89 deg. 33 min. 00 sec. East, along the common line of said Lot 1, and said Lot 3, a distance of 697.52 feet to a 1/2 inch iron rod with red "Peiser & Mankin" cap found (previously set) for the northeast corner of said Lot 1, same being in internal corner of said Lot 3;

THENCE South 00 deg. 27 min. 00 sec. West, continuing along the common line of said Lot 1, and said Lot 3, a distance of 365.00 feet to the POINT OF BEGINNING and containing 257,863 square feet or 5.920 acres of computed land, more or less.

NOTE: This document was prepared under 22 TAC §663.21, and is not to be used to convey or establish interests in the real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

STATE OF TEXAS
REGISTERED
TIMOTHY R. MANKIN
6122
PROFESSIONAL
LAND SURVEYOR
07/08/2025

Timothy R. Mankin
Registered Professional Land Surveyor No. 6122

ENGINEER:
ANIL RAM
ADR-DESIGNS LLC
601 SADDLE HILL DR
GRAND PRAIRIE, TX 75050
972-262-1333
ADRDESIGNSLLC@ADRDESIGNS.COM

OWNER:
PEACH TREE GROUP OF INVESTMENT INC
WILSON PARMAR
1043 ELK MOUND DRIVE
FRISCO, TEXAS 75033
620-253-0286
PARMARWS@GMAIL.COM

ZONE-25-0008

EXHIBIT A-2: BOUNDARY EXHIBIT

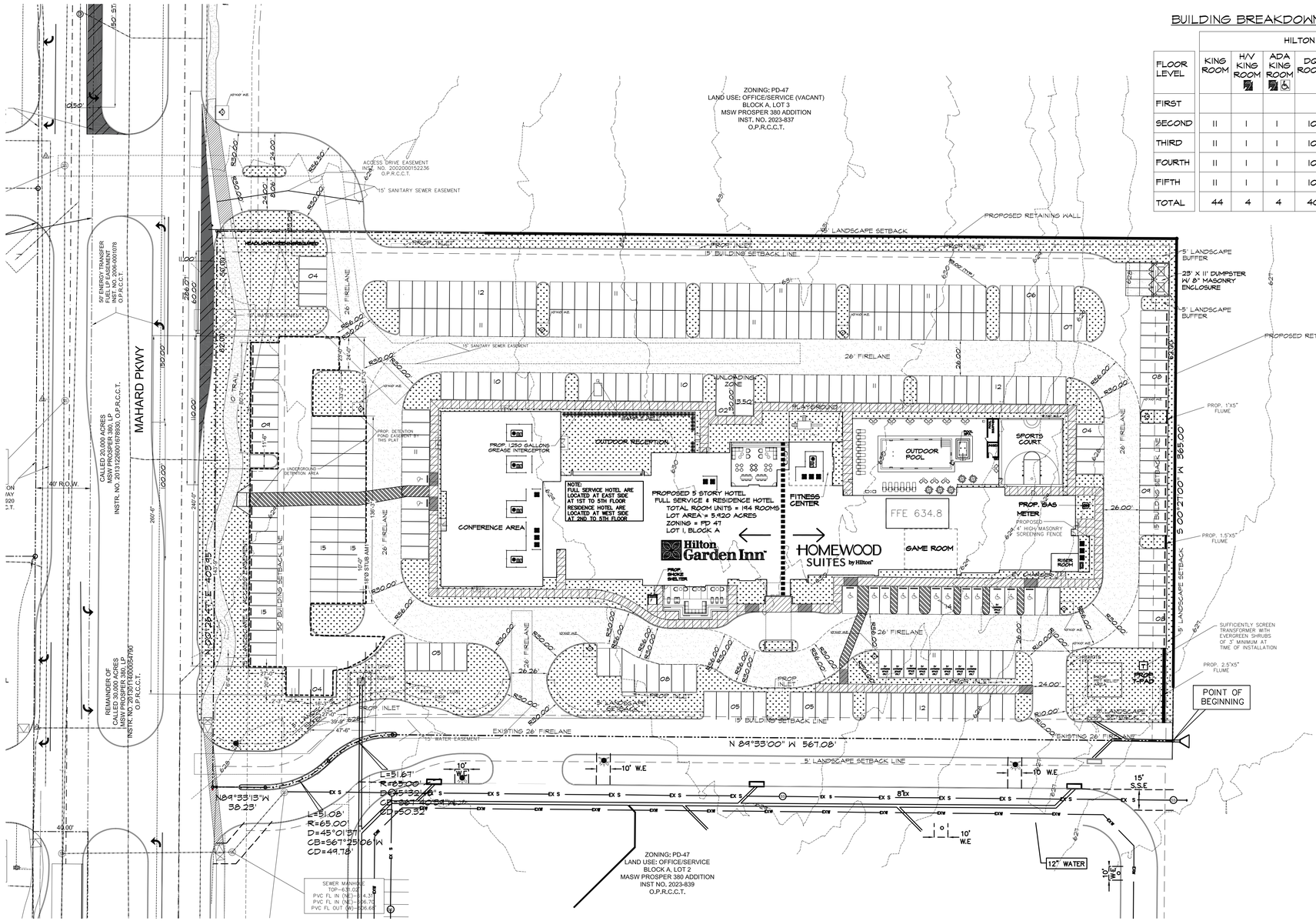
MSW PROSPER 380 ADDITION
BLOCK A, LOT 1

BEING 5.920 ACRES OUT OF THE COLLIN COUNTY
SCHOOL LAND #12, ABSTRACT NO. 147
TOWN OF PROSPER, COLLIN COUNTY, TEXAS
MARCH 2024

JOB NO.:	22-0105_ZE
DATE:	7/8/2025
FIELD DATE:	2/11/2025
SCALE:	1" = 40'
FIELD:	J.D.H.
DRAWN:	J.M.N.
CHECKED:	T.R.M.

PEISER & MANKIN SURVEYING, LLC
www.peisersurveying.com
1612 HART STREET
SUITE 201
SOUTHLAKE, TEXAS 76092
817-481-1806 (O)
tmankin@peisersurveying.com
COMMERCIAL
RESIDENTIAL
BOUNDARIES
TOPOGRAPHY
MORTGAGE
FIRM No. 100999-00
Texas Society of Professional Surveyors
Member Since 1977

SHEET 1 OF 1



BUILDING BREAKDOWN INFORMATION:

FLOOR LEVEL	HILTON GARDEN INN: KING ROOM	H/V KING ROOM	ADA KING ROOM	DQ ROOM	H/V DQ ROOM	ADA DQ ROOM	TOTAL NO. OF ROOMS	HOMEWOOD SUITES: KING STUDIO SUITE	H/V KING STUDIO SUITE	DQ STUDIO SUITE	ADA KING STUDIO SUITE	EFFICIENCY SUITE	H/V EFFICIENCY SUITE	ADA KING SUITE R.I.S.	EXTENDED DQ STUDIO SUITE	TOTAL NO. OF ROOMS	BUILDING FLOOR AREA (SQ. FT.)
FIRST								2				3		1		6	37,753.0 S.F.
SECOND	11	1	1	10	1	1	25	5	1	5	1	8	1		1	22	24,232.0 S.F.
THIRD	11	1	1	10	1	1	25	5	1	5	1	8	1		1	22	24,232.0 S.F.
FOURTH	11	1	1	10	1	1	25	5	1	5	1	8	1		1	22	24,232.0 S.F.
FIFTH	11	1	1	10	1	1	25	5	1	5	1	8	1		1	22	24,232.0 S.F.
TOTAL	44	4	4	40	4	4	100	22	4	20	4	35	4	1	4	94	134,681.0 S.F.

TOWN OF PROSPER GENERAL SITE PLAN NOTES

1) ALL DEVELOPMENT STANDARDS SHALL FOLLOW TOWN STANDARDS.
2) LANDSCAPING SHALL CONFORM TO LANDSCAPE PLANS APPROVED BY THE TOWN OF PROSPER.
3) ALL DEVELOPMENT STANDARDS SHALL FOLLOW FIRE REQUIREMENTS PER THE TOWN OF PROSPER.
4) HANDICAPPED PARKING AREAS AND BUILDING ACCESSIBILITY SHALL CONFORM TO THE AMERICANS WITH DISABILITIES ACT (ADA) AND WITH THE REQUIREMENTS OF THE CURRENT, ADOPTED BUILDING CODE.
5) ALL SIGNAGE IS SUBJECT TO BUILDING OFFICIAL APPROVAL.
6) IMPACT FEES WILL BE ASSESSED IN ACCORDANCE WITH THE LAND USE CLASSIFICATION(S) IDENTIFIED ON THE SITE DATA SUMMARY TABLE; HOWEVER, CHANGES TO THE PROPOSED LAND USE AT THE TIME OF CO AND/OR FINISH-OUT PERMIT MAY RESULT IN ADDITIONAL IMPACT FEES AND/OR PARKING REQUIREMENTS.
7) THE APPROVAL OF A PRELIMINARY SITE PLAN SHALL BE EFFECTIVE FOR A PERIOD OF TWO (2) YEARS FROM THE DATE THAT THE PRELIMINARY SITE PLAN IS APPROVED BY THE PLANNING & ZONING COMMISSION, AT THE END OF WHICH TIME THE APPLICANT MUST HAVE SUBMITTED AND RECEIVED THE APPROVAL OF A SITE PLAN BY THE PLANNING & ZONING COMMISSION. IF A SITE PLAN IS NOT APPROVED WITHIN SUCH TWO (2) YEAR PERIOD, THE PRELIMINARY SITE PLAN APPROVAL IS NULL AND VOID. IF SITE PLAN APPROVAL IS ONL FOR A PORTION OF THE PROPERTY, THE APPROVAL OF THE PRELIMINARY SITE PLAN FOR THE REMAINING PROPERTY SHALL BE NULL AND VOID.
8) OPEN SPACE REQUIREMENTS SHALL FOLLOW THE ZONING ORDINANCE, PER TRACT. OPEN SPACE SHALL NOT INCLUDE VEHICULAR PAVING, REQUIRED PARKING LOT LANDSCAPE ISLANDS, BUILDING FOOTPRINT, UTILITY YARDS, REQUIRED LANDSCAPE SETBACKS, SIDEWALKS*, AND DETENTION POND. *

FIRE VARIANCE NUMBER: FIRE 23-0103

1. THE BUILDING WILL BE INSTALLED WITH NFPA 13 FIRE SPRINKLER SYSTEM.
2. THE BUILDING WILL BE EQUIPPED WITH A FIRE ALARM SYSTEM.
3. WEST AND EAST STAIRWELLS WILL HAVE STANDPIPE CONNECTIONS AT EACH LANDING.
4. THE WEST AND EAST STAIRWELL WILL TERMINATE AT ROOF LEVEL FOR ROOF ACCESS.
5. THE STANDPIPES WILL CONTINUE TO ROOF LEVEL, 2 FDC PORTS WILL BE AVAILABLE AT ROOF LEVEL.
6. ALL LUMBER USED WITHIN 2 FT OF THE BUILDING PERIMETER SHALL BE (FRT LUMBER) FIRE RETARDANT - TREATED.

SITE PLAN
SCALE: 1" = 40'-0"

GRAPHIC SCALE
0 40 80
20

LIST OF AMINITIES:
- OUTDOOR POOL
- PLAYGROUND
- FITNESS CENTER
- SPORTS COURT
- GAME ROOM

PARKING REQUIREMENTS:

ZONING: PD 47	PROPOSED 5 STORY DUAL BRAND HOTEL (RESIDENCE HOTEL & FULL SERVICE HOTEL) (HILTON GARDEN INN AND HOMEWOOD SUITES)
LOT AREA	5.920 ACRES
TOTAL BLDG. AREA	134,681.0 S.F.
PARKING REQUIRED	1 SP/ ROOM (194 ROOMS) WITH 10,000.0 S.F. CONFERENCE CENTER (1 SP/200 S.F.) RESTAURANT AREA (12,930.36 S.F.) = 275 PARKING SPACES
PARKING FURNISHED	308 SPACES
HC PARKING REQUIRED	13 PARKING SPACES
HC PARKING PROVIDED	14 PARKING SPACES

SITE BENCHMARKS

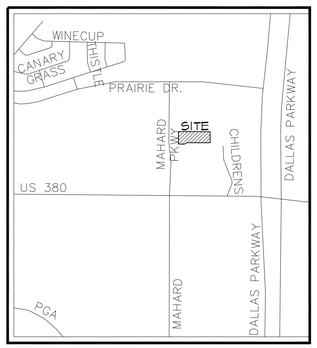
BM1:'X' CUT SET ON SEC OF SIDEWALK, WEST SIDE OF MAHARD, SW INTERSECTION OF MAHARD AND PRAIRIE DRIVE ELEVATION = 624.07'

BM2:'X' SET ON THE NORTH EAST CORNER OF A DROP INLET, LOCATED ±1000' NORTH OF HIGHWAY 380 (UNIVERSITY DRIVE) AND ±75' WEST OF THE WEST CURB LINE OF MAHARD PARKWAY. ELEVATION = 630.84'.

	AREA	PERCENTAGE TO OPEN SPACE REQUIREMENT
OUTDOOR POOL	5,752.0 S.F.	14.77%
SPORTS COURT	2,304.0 S.F.	5.94%
OUTDOOR RECEPTION	3,966.0 S.F.	10.22%
OUTDOOR SITTING	2,243.0 S.F.	5.78%
OPEN SPACE	24,455.0 S.F.	63.29%
TOTAL	38,700.0	100%

LOT 1:

BLOCK	ZONING	PROPOSED USE	LOT AREA (sq.ft.)	LOT AREA (ac.)	LOT COVERAGE %	BLDG. FOOTPRINT AREA (sq.ft.)	BLDG. AREA (sq.ft.)	BLDS. HT.	FLOOR AREA RATIO	TOTAL PARKING REQUIRED	TOTAL PARKING PROVIDED	HANDICAP PARKING REQUIRED	HANDICAP PARKING PROVIDED	INTERIOR PARKING LANDSCAPING REQUIRED (S.F.)	INTERIOR PARKING LANDSCAPING PROVIDED (S.F.)	OPEN SPACE REQUIRED 15% OF LOT AREA (S.F.)	OPEN SPACE PROVIDED (S.F.)
A	PD 47	RESIDENCE INN AND FULL SERVICE HOTEL	257,875.0	5.92	14.6%	37,753.0	134,681.0	72'-4.50"	0.52:1	1 SP/ ROOM (194 ROOMS) WITH 10,000.0 S.F. CONFERENCE CENTER (1 SP/200 S.F.) RESTAURANT AREA (12,930.36 S.F.) TOTAL NUMBER REQUIRED = 275 SP	308 SP	13	14	3,330.0	10,160.0	38,681.0	15.0% 38,700.0



VICINITY MAP SCALE : NONE

OWNER/DEVELOPER:
PEACH TREE GROUP OF INVESTMENT INC
1043 ELK MOUND DRIVE
FRISCO, TX 75033
PHONE: 620 253 0286
EMAIL: parmarwk@gmail.com

ARCHITECT:
ADR-DESIGNS-LLC
TOTAL DESIGN MANAGERS
601 SADDLE HILL DRIVE, GRAND PRAIRIE, TX 75050
PH: 972-262-1333 FAX: 214-272-2987
E-Mail: adrdesignsllc@adrdesigns.com
POR: JOHN C. SARGENT

#	REVISION DATE	ZONE-25-0008
		Exhibit B: (Site Plan)

REGISTERED ARCHITECT JOHN CLIFTON SARGENT STATE OF TEXAS
01/14/26

SHEET NUMBER
SP

Hilton Garden Inn
HOMEWOOD SUITES by Hilton

PARMAR ADDITION
BLOCK A, LOT 1
FACILITY # HGI PROSPER 58965
MAHARD PARKWAY
TOWN OF PROSPER, TEXAS
DATE PREPARED: 09/30/24

THIRD	11	1	1
FOURTH	11	1	1
FIFTH	11	1	1
TOTAL	44	4	4

PROSPER LANDSCAPE ORDINANCE

LANDSCAPING REQUIREMENTS:
Site: 257,875 sq. ft.

Perimeter Requirements:
- Landscaped Areas from property line to R.O.W.
  - Maynard Parkway: 30 ft. buffer @ 378 l.f.–(1) tree every 30 ft. & (15) shrubs every 30 ft.
    - Trees Required: 13
    - Trees Provided: 13
    - Shrubs Required: 189
    - Shrubs Provided: 201
    - Landscape Area Required: 5,640 s.f.
    - Landscape Area Provided: 6,108 s.f.
  - Non–residential development next to non–residential development
    - North Property Line – 5 ft. wide landscape area
      - Area Required: 5 ft.
      - Area Provided: 10 ft. 7 in.
    - East Property Line – 5 ft. wide landscape area
      - Area Required: 5 ft.
      - Area Provided: 5 ft.
    - South Property Line – 5 ft. wide landscape area
      - Area Required: N/A
      - Area Provided: N/A
- Interior Parking Requirements:
  - 15 s.f. of landscaping for each parking space @ 336 spaces & 1 tree per 10 spaces
    - Landscape Area Required: 3,330 s.f.
    - Landscape Area Provided: 10,760 s.f.
    - Trees Required: 34
    - Trees Provided: 41
  - Landscape islands required at terminus of each parking row @ 22 terminuses
    - Parking Islands Required: 22
    - Parking Islands Provided: 24
  - One large tree within 150 ft. of every parking space is required
- Building Landscaping:
  - Building larger than 100,000 s.f. @ 132,365 s.f. requires – (1) Large tree or (5) ornamental trees/10,000 s.f. located within 30 ft. of building face
    - Trees Required: 13 (BT – BUILDING TREE)
    - Trees Provided: 12 large & 6 ornamental
- Irrigation Requirements:
  - a. Irrigation lines shall be placed a min. of 2 1/2" from a town sidewalk.
  - b. Trees and shrubs shall be irrigated by bubblers only.
  - c. Rain/freeze and wind detectors shall be installed on all irrigation lines.
- Median Planting Requirements:
  - N/A
- Open Space Requirements:
  - 257,875 s.f. @15%
    - Required: 38,681 s.f.
    - Provided: 38,700 s.f. or 15%

No existing trees on site
Headlight screening is provided along Maynard Parkway

OPEN SPACE KEY

OPEN SPACE

* Open Space Requirements:
257,875 s.f. @15%
Required: 38,681 s.f.
Provided: 38,700 s.f. or 15%

01 OPEN SPACE PLAN

SCALE: 1" = 30'–0"

TRUE NORTH

PROJECT STATUS: FINAL
PROJECT MANAGER: DBR
DESIGN MANAGER: RCM
PROJECT DATE: 040922
REVISION DATE: 111825

PEACH TREE
GROUP OF INVESTMENT INC
1043 ELK MOUND DRIVE
FRISCO, TX 75033
PHONE: 620 253 0286
EMAIL: parmarwvs@gmail.com

J. CAMILLE LA FOY
LANDSCAPE ARCHITECTURE – CONSULTING
1010 NORTH GREENVILLE AVENUE #242
ALLEN, TEXAS 75002
214-562-4536

HOMEWOOD SUITES by Hilton
Hilton Garden Inn
FACILITY # HGI PROSPER 58965
MAHARD PARKWAY
PROSPER, TEXAS

LANDSCAPE ARCHITECTURE
STATE OF TEXAS
JOHN C. SARGENT
2026
02/09/26

ADR–DESIGNS–LLC
TOTAL DESIGN MANAGERS
601 SADDLE HILL DRIVE, GRAND PRAIRIE, TX 75050
PH: 972-262-1333 FAX: 214-272-2987
E-Mail: adrdesignsllc@adrdesigns.com
POR: JOHN C. SARGENT

JOB NUMBER: PTG - 22706

SHEET NUMBER L1.00

THIRD	11
FOURTH	11
FIFTH	11
TOTAL	44

PROSPER LANDSCAPE ORDINANCE

LANDSCAPING REQUIREMENTS:
Site: 257,875 sq. ft.

Perimeter Requirements:
* Landscaped Areas from property line to R.O.W.
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  Trees Required: 13
  Trees Provided: 13
  Shrubs Required: 189
  Shrubs Provided: 201
  Landscape Area Required: 5,640 s.f.
  Landscape Area Provided: 6,108 s.f.

Non–residential development next to non–residential development
  North Property Line – 5 ft. wide landscape area
  Area Required: 5 ft.
  Area Provided: 10 ft. 7 in.
  East Property Line – 5 ft. wide landscape area
  Area Required: 5 ft.
  Area Provided: 5 ft.
  South Property Line – 5 ft. wide landscape area
  Area Required: N/A
  Area Provided: N/A
* Interior Parking Requirements:
  15 s.f. of landscaping for each parking space @ 336 spaces & 1 tree per 10 spaces
  Landscape Area Required: 3,330 s.f.
  Landscape Area Provided: 10,760 s.f.
  Trees Required: 34
  Trees Provided: 41
  Landscape islands required at terminus of each parking row @ 22 terminuses
  Parking Islands Required: 22
  Parking Islands Provided: 24
  One large tree within 150 ft. of every parking space is required
* Building Landscaping:
  Building larger than 100,000 s.f. @ 132,365 s.f. requires –
  (1) Large tree or (5) ornamental trees/10,000 s.f. located within 30 ft. of building face
  Trees Required: 13 (BT – BUILDING TREE)
  Trees Provided: 12 large & 6 ornamental
* Irrigation Requirements:
  a. Irrigation lines shall be placed a min. of 2 1/2' from a town sidewalk.
  b. Trees and shrubs shall be irrigated by bubblers only.
  c. Rain/freeze and wind detectors shall be installed on all irrigation lines.
* Median Planting Requirements:
  N/A
* Open Space Requirements:
  257,875 s.f. @15%
  Required: 38,681 s.f.
  Provided: 38,700 s.f. or 15%

No existing trees on site
Headlight screening is provided along Maynard Parkway

PLANT MATERIAL LIST

KEY	QUANTITY	TREES DESCRIPTION	SIZE
RO	10	QUERCUS SHUMARDII RED OAK	3" CAL., MIN. 4' SPD., MIN. 10' HT.
LO	5	QUERCUS VRIGINIANA LIVE OAK	3" CAL., MIN. 4' SPD., MIN. 10' HT.
CE	20	ULMUS CRASSIFOLIA CEDAR ELM	3" CAL., MIN. 4' SPD., MIN. 10' HT.
CP	12	PISTACIA CHINENSIS CHINESE PISTACHE	3" CAL., MIN. 4' SPD., MIN. 10' HT.
CO	11	QUERCUS MUELENBURGII CHINKAPIN OAK	3" CAL., MIN. 4' SPD., MIN. 10' HT.
KEY	**QUANTITY**	**ORNAMENTAL TREES DESCRIPTION**	**SIZE**
DW	22	CHILOPSIS LINEARIS 'BUBBA' DESERT WILLOW	3" CAL., MIN. 6' HT., 3' SPD.
RB	30	CERCIS CANADENSIS 'OKLAHOMA' REDBUD	30 GAL., 8' HT., 3' SPREAD
MG	46	MAGNOLIA GRANDIFLORA 'LITTLE GEM' MAGNOLIA 'LITTLE GEM'	30 GAL., 8' HT., MIN. 3 CANES
YH	1	ILEX VOMITORIA 'FEMALE' YAUPON HOLLY	30 GAL., 8' HT., 3' SPREAD. MIN. 3 CANES
KEY	**QUANTITY**	**SHRUBS DESCRIPTION**	**SIZE**
DWM	76	MYRICA PUSILLA DF. WAX MYRTLE	7 GAL., MIN. 15" HT.
DR	49	ROSA X 'NOVAROSPOP' POPCORN DRIFT ROSE	5 GAL., MIN. 20" HT., 24" O.C.
GA	100	ABELIA GRANDIFLORA GLOSSY ABELIA	7 GAL., MIN. 36" HT., 36" O.C.
IH	160	RAPHIOLEPSIS INDICA ' PINK LADY' INDIAN HAWTHORN	5 GAL., MIN. 15" HT., 30" O.C.
AN	19	YUCCA FILAMENTOSA 'COLOR GUARD' ADAM'S NEEDLE	3 GAL., MIN. 15" HT., A.S.
BRR	53	BARBERRY THUNBERGII 'RED ROCKET' BARBERRY 'RED ROCKET'	5 GAL., MIN. 15" HT.
PSC	27	SCUTELLARIA SUFFRUTESCENS PINK SKULLCAP	5 GAL., MIN. 15" HT.
NRS	88	ILEX X 'NELLIE R. STEVENS' NELLIE R. STEVENS HOLLY	20 GAL., 4' HT., 3' SPREAD
DS	2	DASYLIRION TEXANUM GREEN DESERT SPOON	10 GAL., MIN. 24" HT.
RJ	64	JUNIPERUS HORIZONTALIS 'WILTONII' RUG JUNIPER	3 GAL., MIN. 8" HT.
KEY	**QUANTITY**	**GROUND COVER DESCRIPTION**	**SIZE**
EC	2,120	EUONYMUS FORTUNEI 'COLORATUS' PURPLE WINTERCREEPER	4" POT, FULL PLANT 10" O.C.
GL	22	LIRIOPE GIGANTEA GIANT LIRIOPE	1 GAL., FULL PLANT
KEY	**QUANTITY**	**ORNAMENTAL GRASSES DESCRIPTION**	**SIZE**
ABM	25	MUHLENBERGIA CAPILLARIS 'REGAL MIST' MUHLY GULF GRASS	1 GAL., FULL PLANT 30" O.C.
FRG	32	CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER' FOERSTER'S FEATHER REED GRASS	3 GAL., FULL PLANT 36" O.C.
MFG	120	NASSELLA TENUISSIMA MEXICAN FEATHER GRASS	1 GAL., FULL PLANT 16" O.C.
KEY	**QUANTITY**	**ANNUAL COLOR DESCRIPTION**	**SIZE**
SC	175	SEASONAL COLOR SELECTED BY OWNER	4" POT, FULL PLANT 8" O.C.

Town of Prosper landscape general notes
- Standard language and/or notations, as follows:
  - Plant material shall be measured and sized according to the latest edition of the American Standard for Nursery Stock (ANSI Z60.1)
  - All plant substitutions are subject to Town approval and must be specified on the approved landscape plan.
  - Ground covers used in lieu of turf grass must provide complete coverage within one (1) year of planting and maintain adequate coverage as approved by the Town.
  - Trees must be planted four (4) feet or greater from curbs, sidewalks, utility lines, screening walls, and all structures. Single-trunk trees shall have a single, straight leader, and all trees shall be full, with balanced canopy. Major damage to trunk(s), or branches, will be cause for denial.
  - All root flares shall be set at three (3) to four (4) inches above surrounding grade
  - The tree pit shall be backfilled with native topsoil free of rock and other debris
  - Burlap, twine, and wire baskets shall be severed and removed from the top of the root ball.
  - A 3-4" layer of mulch shall be provided around the base of the planted tree. The mulch shall be pulled back 1-2" from the trunk of the tree.
  - No person(s) or entity may use improper or malicious maintenance or pruning techniques including, but not limited to,: topping or other non symmetrical trimming of trees, damage from a backhoe, or use of fire or poison Follow the American Standard for Nursery Stock (ANSI Z60.1) guidelines on pruning and maintenance.
- Topsoil shall be a minimum of eight (8) inches in depth in planting areas. Soil shall be free of stones, roots, and clods and any other foreign material that is not beneficial for plant growth.
- All plant beds shall be top-dressed with a minimum of three (3) inches of mulch.
- Trees overhanging walks and parking shall have a minimum clear branch height of seven (7) feet. Trees overhanging public street pavement drive aisles and fire lanes shall have a minimum clear branch height of fourteen (14) feet.
- A visibility triangle must be provided at all intersections, where shrubs are not to exceed thirty (30) inches in height, and trees shall have a minimum clear trunk height of nine (9) feet.
- Trees planted on a slope shall have the tree well at the average grade of the uphill slope.
- All areas of less than three (3) feet in width shall be grass, groundcover, or some type of Decorative river rock, pavers, or concrete.
- The owner, tenant, and/or their agents, if any, shall be jointly and severally responsible for the maintenance, establishment, and permanence of plant material. All landscaping shall be maintained in a neat and orderly at all times including, but not limited to, mowing, edging, pruning, fertilizing, watering, de-weeding, and trash removal.
- Plant material that is damaged, destroyed, or removed shall be replaced with Plants meeting minimum specifications per landscape plan. All turf/ground cover areas are to be established prior to receipt of Certificate of Occupancy, unless otherwise approved by the Town.
- An automatic irrigation system shall be provided to irrigate all landscape areas Into streets, sidewalks, or alleys.
- No planting areas shall exceed 3:1 slope (3 ft Horizontal to 1 ft Vertical).
- Earthen berms shall not include construction debris.
- All walkways shall meet ADA and TAS requirements.
- Landscape installation must comply with approved landscape plans, and as-built plans submitted to Parks and Recreation, prior to final acceptance by the Town and/or obtaining a Certificate of Occupancy.
- Final inspection and approval of screening walls, irrigation, and landscape is subject to all public utilities, including but not limited to manholes, valves, water meters, cleanouts, and other appurtenances being accessible, adjusted to grade, and to the Town of Prosper Public Works Department standards.
- IMPORTANT: MINIMUM STANDARDS FOR PLANTS, AS SET FORTH IN THE ZONING ORDINANCE AND APPROVED LANDSCAPE PLANS ARE TAKEN SERIOUSLY BY THE TOWN AND PARKS AND RECREATION. INSTALLING INFERIOR PLANTS WITHOUT WRITTEN APPROVAL FROM A PARKS REPRESENTATIVE MAY RESULT IN REJECTION OF SOME OR ALL PLANTS, THEREBY DELAYING RECEIPT OF A CERTIFICATE OF OCCUPANCY. ARCHITECTS AND LANDSCAPE CONTRACTORS ARE STRONGLY ENCOURAGED TO NOTIFY THE PARKS DEPARTMENT TO DISCUSS POSSIBLE DEFICIENCIES PRIOR TO INSTALLATION.

01 LANDSCAPE PLAN
SCALE: 1" = 30'–0"

TRUE NORTH

Exhibit C: LANDSCAPE PLAN

ZONE-25-0008

PROJECT STATUS:	CONST. DOC.
PROJECT MANAGER:	DBR
DESIGN MANAGER:	RCM
PROJECT DATE:	040922
REVISION DATE:	111825

PEACH TREE
GROUP OF INVESTMENT INC
1043 ELK MOUND DRIVE
FRISCO, TX 75033
PHONE: 620 253 0286
EMAIL: parmarwvs@gmail.com

JCL
J. CAMILLE LA FOY
LANDSCAPE ARCHITECTURE CONSULTING
1010 NORTH GREENVILLE AVENUE #242
ALLEN, TEXAS 75002
214-562-4536

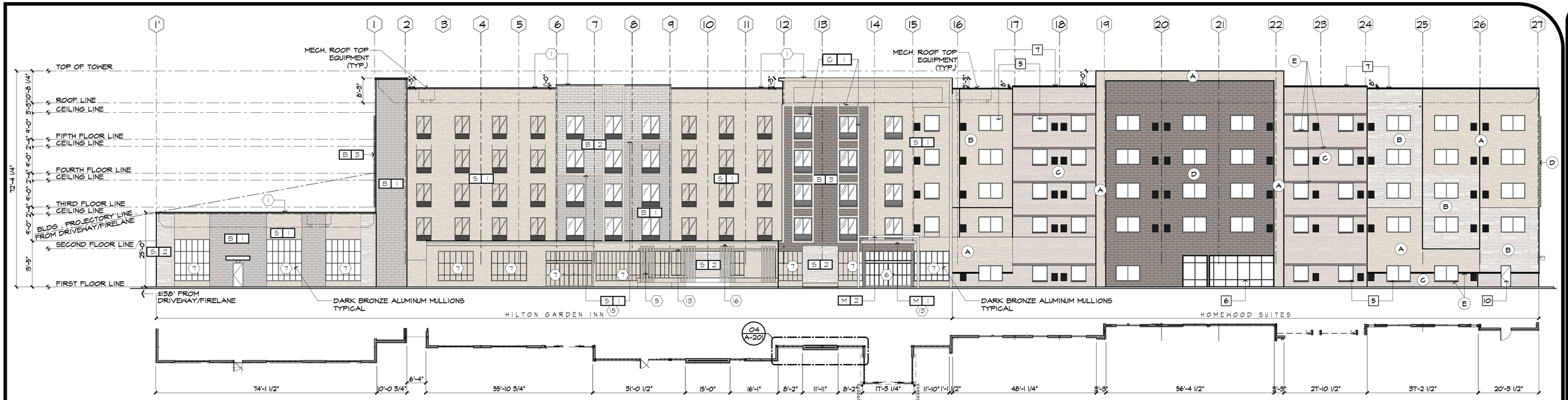
ADR–DESIGNS–LLC
TOTAL DESIGN MANAGERS
601 SADDLE HILL DRIVE, GRAND PRAIRIE, TX 75050
PH: 972-262-1333 FAX: 214-272-2987
E-Mail: adrdesignsllc@adrdesigns.com
POR: JOHN C. SARGENT

HOMEWOOD SUITES by Hilton
Hilton Garden Inn
FACILITY # HGI PROSPER 58965
MAHARD PARKWAY
PROSPER, TEXAS

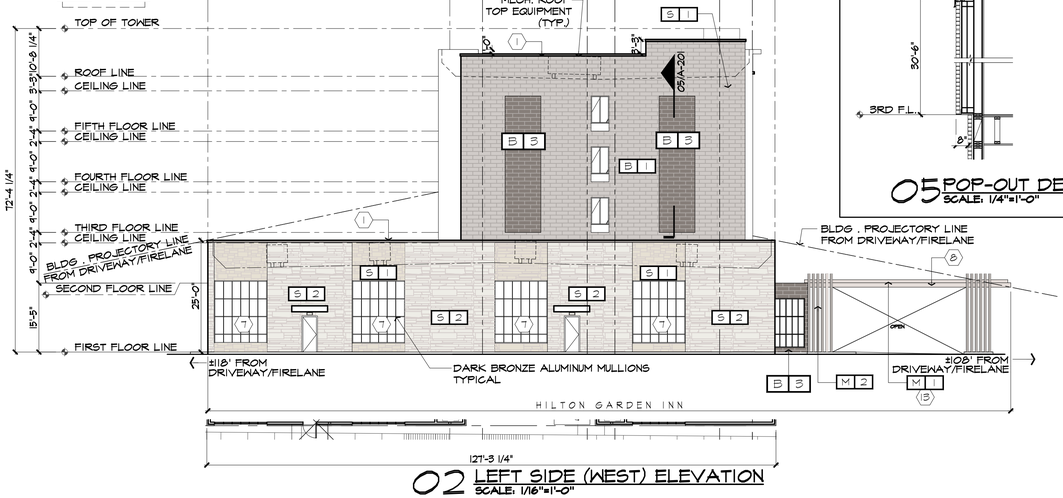
STATE OF TEXAS
J. CAMILLE LA FOY
135
LANDSCAPE ARCHITECT
02/09/26

JOB NUMBER:
PTG - 22706

SHEET NUMBER
L1.01

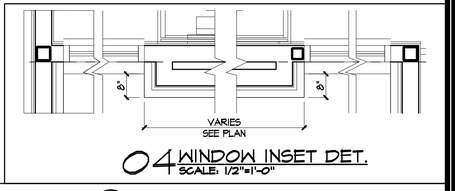


01 FRONT (SOUTH) ELEVATION
SCALE: 1/16"=1'-0"

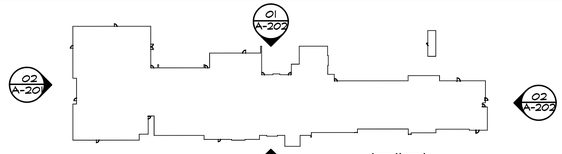


05 POP-OUT DET.
SCALE: 1/4"=1'-0"

02 LEFT SIDE (WEST) ELEVATION
SCALE: 1/16"=1'-0"



04 WINDOW INSET DET.
SCALE: 1/2"=1'-0"



03 KEY PLAN
SCALE: NTS

WINDOW ARTICULATIONS:

- DETAILED/PATTERNED MULLIONS
- GLASS DEPTH FROM WALL MIN. EIGHT INCHES
- WATER TABLE IN LIEU OF FLOOR TO CEILING GLASS
- ARTICULATED LINTEL (I.E. SOLDIER COURSE IN BRICK OR MATERIAL CHANGE EIFS OR CAST STONE WITH MIN. ½" PROJECTION)
- ARTICULATED SILL (I.E. SOLDIER COURSE IN BRICK OR MATERIAL CHANGE EIFS OR CAST STONE WITH MIN. ½" PROJECTION)
- CAST STONE SURROUNDS ON ENTIRE WINDOW

HILTON GARDEN INN

FINISH KEY:

S 1	STONE:	–	AUSTINE WHITE STONE
S 2	STONE:	–	CORONADO STONE PRO-LEDGE WHITE
B 1	BRICK VENEER:	–	CORONADO STONE WIRECUT BRICK GLACIER
B 2	BRICK VENEER:	–	CORONADO STONE WIRECUT GREY ICEBERG
B 3	BRICK VENEER:	–	CORONADO STONE WIRECUT BRICK WOLF GREY
M 1	METAL:	– METAL – FINISH: – COLOR: BONE WHITE	
M 2	METAL:	– METAL – FINISH: – COLOR: CITY SCAPE	
C 1	STONE:	– CAST STONE – COLOR: WHITE	

KEY NOTES:

1. KYNAR FINISH ALUMINUM COPING/ GRAVEL STOP SYSTEM -- COLOR TO MATCH ADJACENT MATERIAL
2. NOT USED
3. GRADE LEVEL
4. PRE-FINISHED ALUMINUM AND GLASS DOOR W/ SIDELITE
5. PRE-FINISHED ALUMINUM AND GLASS DOOR
6. PRE-FINISHED ALUMINUM SLIDING ENTRY DOOR W/ INSULATED GLAZING.
7. PRE-FINISHED ALUMINUM AND GLASS STOREFRONT SYSTEM
8. CLEARANCE SIGNAGE
9. HOLLOW METAL INSULATED DOOR AND FRAME
10. LIGHT FIXTURE
11. REFER TO HILTON WORLDWIDE SIGNAGE FOR LETTER SIZES & SIGNAGE LOCATION -- PROVIDE 3/4" FRT PLWD. BACKING FOR SIGNAGE MTG.
13. ROOF EAVE, SOFFIT, FASCIA & CROWN TRIM -- FINISH TO MATCH ADJACENT MATERIAL.
14. STEEL FRAME GATES W/STAINED WOOD SLATS -- PAINT STEEL TO MATCH.
15. PRONOUNCED "ACCENT" LEDGE
16. THRU-WALL OVERFLOW ROOF DRAIN DOWNSPOUT NOZZLE
17. DRYER VENT LOUVER

HOMEWOOD SUITES

EXTERIOR MATERIAL LEGEND:

A	AUSTINE WHITE STONE	
B	CORONADO STONE PRO-LEDGE WHITE	
C.	CORONADO STONE SANTOOTH LEDGE SILVER ASH	
D.	CORONADO STONE WIRECUT BRICK WOLF GREY	
E.	WATER TABLE/SILL & LINTEL ROWLOCK BRICK CORONADO STONE WIRECUT BRICK WOLF GREY	

NOTE:

WINDOWS SHALL HAVE A MAXIMUM EXTERIOR VISIBLE REFLECTION OF 10 PERCENT.

KEY NOTES:

1. EMERGENCY OVERFLOW ROOF SCUPPER
2. NOT USED
3. COORDINATE ELECTRICAL REQUIREMENTS FOR SIGNAGE
4. ELEVATOR OVERRUN
5. PRE-FINISHED ALUMINUM WINDOWS
6. ALUMINUM STOREFRONT
7. PARAPET
8. AUTOMATIC SLIDING DOORS
9. PORTE COCHERE CLEARANCE SIGN
10. INSULATED HOLLOW METAL DOOR AND FRAME
11. COVERED SECONDARY ENTRY
12. EXTERIOR WALL SCONCE
13. DRYER VENT

GENERAL NOTES:

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ALL MECHANICAL EQUIPMENT SHALL BE SCREENED FROM THE PUBLIC VIEW. ROOFTOP MOUNTED EQUIPMENT SHALL BE SCREENED BY A PARAPET WALL OR SCREENING WALL. SCREENING WALLS SHALL MEET THE SPECIFICATIONS OF THE ZONING ORDINANCE.

WHEN PERMITTED, EXPOSED UTILITY BOXES AND CONDUITS SHALL BE PAINTED TO MATCH THE BUILDING.

ALL SIGNAGE AREAS AND LOCATIONS ARE SUBJECT TO APPROVAL BY THE BUILDING INSPECTION DIVISION.

WINDOWS SHALL HAVE A MAXIMUM EXTERIOR VISIBLE REFLECTIVITY OF TEN (10) PERCENT.

ANY DEVIATION FROM THE APPROVED FACADE PLAN WILL REQUIRE RE-APPROVAL BY THE TOWN OF PROSPER.

MECHANICAL EQUIPMENT WILL BE 12 INCHES LOWER THAN THE PARAPET WALL AND WILL NOT BE VISIBLE FROM ADJACENT STREETS.

FIRE PROTECTION NOTES:

CONSTRUCTION TYPE IIIA BUILDING WITHIN ENVELOPE ALL LUMBER USE 2 FT. OF EXTERIOR WALL SHALL BE FRT LUMBER.

IN CAVITIES OR HARD TO REACH SURFACES, USE – 3M FIRE DAM SPRAY 200 OR APPROVED EQUAL.

MATERIAL CALCULATIONS PERCENTAGES

	FRONT (SOUTH)	LEFT SIDE (WEST)	REAR (NORTH)	RIGHT SIDE (EAST)
MASONRY :				
– BRICK	6,419 SQ. FT. (30%)	2,394 SQ. FT. (50%)	6,464 SQ. FT. (29%)	–
– STONE	15,421 SQ. FT. (70%)	1,774 SQ. FT. (50%)	15,618 SQ. FT. (71%)	3,972 SQ. FT. (100%)
NET	21,840 SQ. FT. (100%)	2,407 SQ. FT. (100%)	22,082 SQ. FT. (100%)	3,972 SQ. FT. (100%)
DOORS & WINDOWS :				
– GLAZING	6,226 SQ. FT. (99%)	828 SQ. FT. (94%)	5,356 SQ. FT. (97%)	303 SQ. FT. (93%)
– METAL	56 SQ. FT. (1%)	56 SQ. FT. (6%)	140 SQ. FT. (3%)	24 SQ. FT. (7%)
NET	6,282 SQ. FT. (100%)	884 SQ. FT. (100%)	5,496 SQ. FT. (100%)	327 SQ. FT. (100%)
SUMMARY :				
– MASONRY	21,840 SQ. FT. (78%)	4,801 SQ. FT. (84%)	22,082 SQ. FT. (80%)	3,972 SQ. FT. (92%)
– DOORS & WINDOWS	6,282 SQ. FT. (22%)	884 SQ. FT. (16%)	5,496 SQ. FT. (20%)	327 SQ. FT. (8%)
TOTAL	28,122 SQ. FT. (100%)	5,685 SQ. FT. (100%)	27,578 SQ. FT. (100%)	4,299 SQ. FT. (100%)

PROJECT STAT: PRELIMINARY
Item 22.
PROJECT MANAGER: DBR
DESIGN MANAGER: RCM
PROJECT DATE: 082521
REVISION DATE: 020626

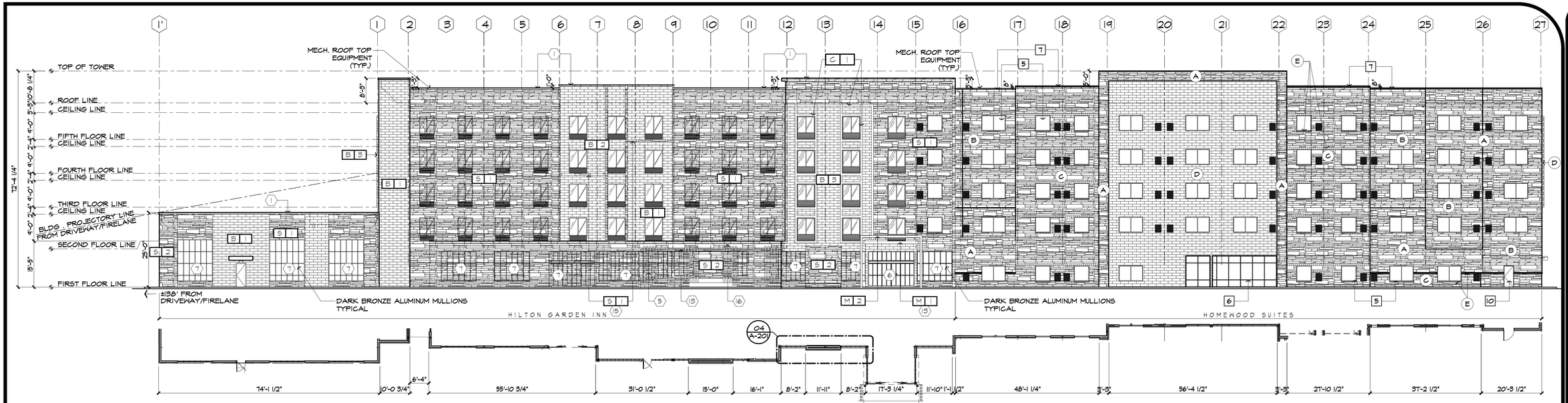
PEACH TREE GROUP OF INVESTMENT INC
1043 ELK MOUND DRIVE
FRISCO, TX 75033
PHONE: 620 253 0286
EMAIL: parmarws@gmail.com

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ADR-DESIGNS-LLC
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PH: 972-262-1333 FAX: 214-272-2987
E-Mail: adrdesignsllc@adrdesigns.com

JOB NUMBER: PTG - 22706

SHEET NUMBER A-201



01 FRONT (SOUTH) ELEVATION
SCALE: 1/16"=1'-0"

WINDOW ARTICULATIONS:

- DETAILED/PATTERNED MULLIONS
- GLASS DEPTH FROM WALL MIN. EIGHT INCHES
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HILTON GARDEN INN

FINISH KEY:

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KEY NOTES:

1. KYNAR FINISH ALUMINUM COPING/ GRAVEL STOP SYSTEM -- COLOR TO MATCH ADJACENT MATERIAL
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HOMEWOOD SUITES

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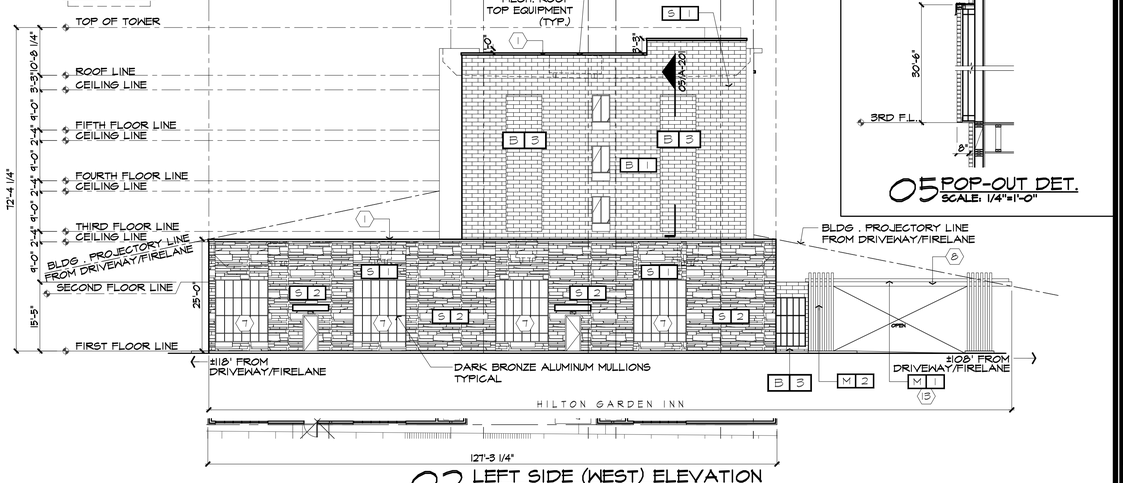
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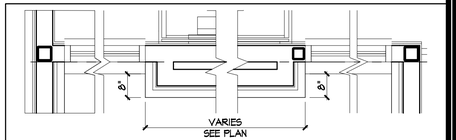
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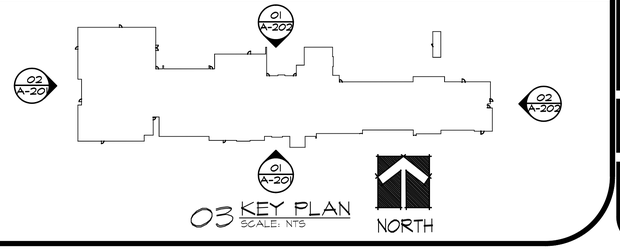


02 LEFT SIDE (WEST) ELEVATION
SCALE: 1/16"=1'-0"

05 POP-OUT DET.
SCALE: 1/4"=1'-0"



04 WINDOW INSET DET.
SCALE: 1/2"=1'-0"



03 KEY PLAN
SCALE: NTS

MATERIAL CALCULATIONS PERCENTAGES

	FRONT (SOUTH)	LEFT SIDE (WEST)	REAR (NORTH)	RIGHT SIDE (EAST)
MASONRY :				
– BRICK	6,419 SQ. FT. (30%)	2,394 SQ. FT. (50%)	6,464 SQ. FT. (29%)	–
– STONE	15,421 SQ. FT. (70%)	1,774 SQ. FT. (50%)	15,618 SQ. FT. (71%)	3,972 SQ. FT. (100%)
NET	21,840 SQ. FT. (100%)	2,407 SQ. FT. (100%)	22,082 SQ. FT. (100%)	3,972 SQ. FT. (100%)
DOORS & WINDOWS :				
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SUMMARY :				
– MASONRY	21,840 SQ. FT. (78%)	4,801 SQ. FT. (84%)	22,082 SQ. FT. (80%)	3,972 SQ. FT. (92%)
– DOORS & WINDOWS	6,282 SQ. FT. (22%)	884 SQ. FT. (16%)	5,496 SQ. FT. (20%)	327 SQ. FT. (8%)
TOTAL	28,122 SQ. FT. (100%)	5,685 SQ. FT. (100%)	27,578 SQ. FT. (100%)	4,299 SQ. FT. (100%)

PROJECT STAT: PRELIMINARY
PROJECT MANAGER: DBR
DESIGN MANAGER: RCM
PROJECT DATE: 082521
REVISION DATE: 021026

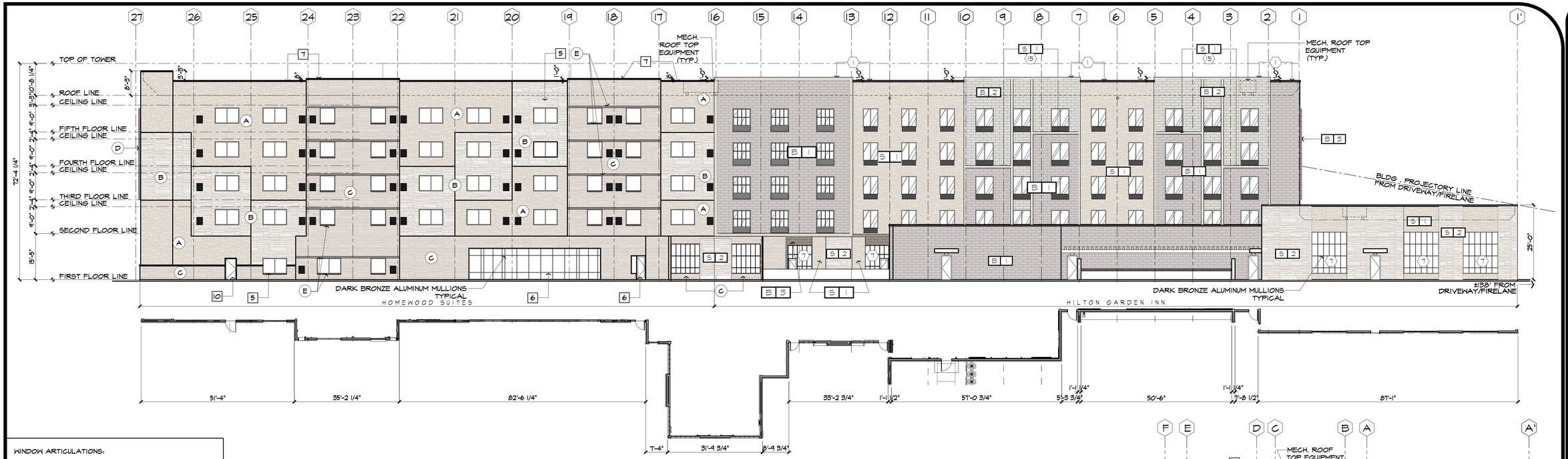
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601 SADDLE HILL DRIVE, GRAND PRAIRIE, TX 75050
PH: 972-262-1333 FAX: 214-272-2967
E-Mail: adrdesignsllc@adrdesigns.com

JOB NUMBER: PTG - 22706

SHEET NUMBER A-201



01 REAR (NORTH) ELEVATION
SCALE: 1/16"=1'-0"

WINDOW ARTICULATIONS:

- DETAILED/PATTERNED MULLIONS
- GLASS DEPTH FROM WALL MIN. EIGHT INCHES
- WATER TABLE IN LIEU OF FLOOR TO CEILING GLASS
- ARTICULATED LINTEL (I.E. SOLDIER COURSE IN BRICK OR MATERIAL CHANGE EIFS OR CAST STONE WITH MIN. ½" PROJECTION)
- ARTICULATED SILL (I.E. SOLDIER COURSE IN BRICK OR MATERIAL CHANGE EIFS OR CAST STONE WITH MIN. ½" PROJECTION)
- CAST STONE SURROUNDS ON ENTIRE WINDOW

HILTON GARDEN INN	HOMEWOOD SUITES

FINISH KEY:

S 1	STONE:	- AUSTINE WHITE STONE	
S 2	STONE:	- CORONADO STONE PRO-LEDGE WHITE	
B 1	BRICK VENEER:	- CORONADO STONE WIRECUT BRICK GLACIER	
B 2	BRICK VENEER:	- CORONADO STONE WIRECUT GREY ICEBERG	
B 3	BRICK VENEER:	- CORONADO STONE WIRECUT BRICK WOLF GREY	
M 1	METAL:	- METAL - FINISH: - COLOR: BONE WHITE	
M 2	METAL:	- METAL - FINISH: - COLOR: CITY SCAPE	
C 1	STONE:	- CAST STONE - COLOR: WHITE	

EXTERIOR MATERIAL LEGEND:

A	AUSTINE WHITE STONE	
B	CORONADO STONE PRO-LEDGE WHITE	
C.	CORONADO STONE SAWTOOTH LEDGE SILVER ASH	
D.	CORONADO STONE WIRECUT BRICK WOLF GREY	
E.	WATER TABLE/SILL & LINTEL ROWLOCK BRICK CORONADO STONE WIRECUT BRICK WOLF GREY	

NOTE:

WINDOWS SHALL HAVE A MAXIMUM EXTERIOR VISIBLE REFLECTION OF 10 PERCENT.

KEY NOTES:

1. KYNAR FINISH ALUMINUM COPING/ GRAVEL STOP SYSTEM -- COLOR TO MATCH ADJACENT MATERIAL
2. NOT USED
3. GRADE LEVEL
4. PRE-FINISHED ALUMINUM AND GLASS DOOR W/ SIDELITE
5. PRE-FINISHED ALUMINUM AND GLASS DOOR
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7. PRE-FINISHED ALUMINUM AND GLASS STOREFRONT SYSTEM
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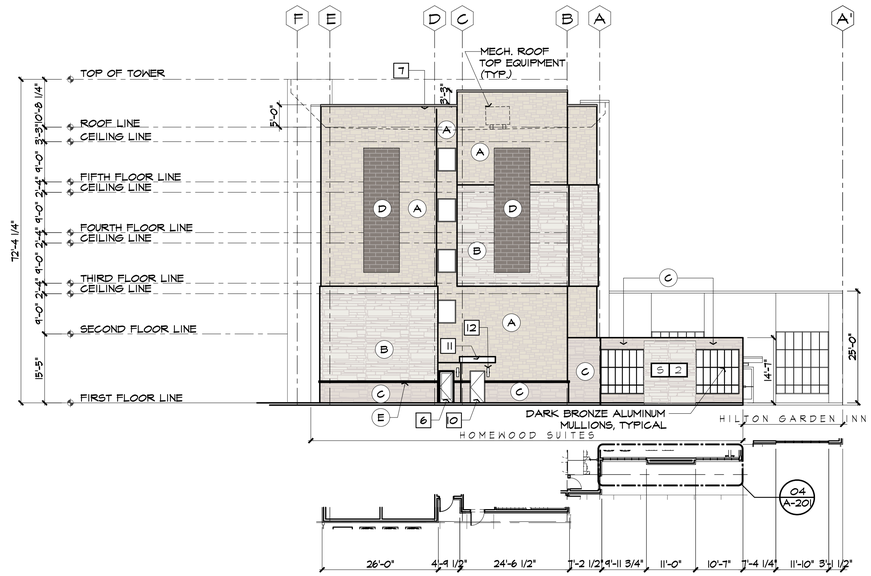
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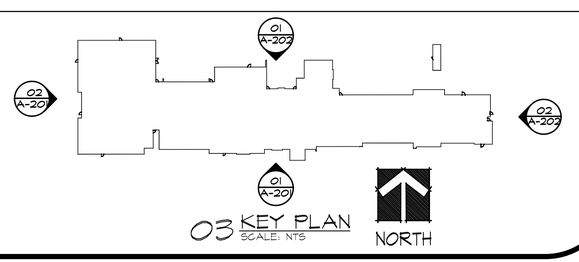
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MATERIAL CALCULATIONS PERCENTAGES

	FRONT (SOUTH)	LEFT SIDE (WEST)	REAR (NORTH)	RIGHT SIDE (EAST)
MASONRY :				
- BRICK	6,419 SQ. FT. (30%)	2,344 SQ. FT. (50%)	6,464 SQ. FT. (29%)	-
- STONE	15,421 SQ. FT. (70%)	1,774 SQ. FT. (50%)	15,618 SQ. FT. (71%)	3,972 SQ. FT. (100%)
NET	21,840 SQ. FT. (100%)	2,407 SQ. FT. (100%)	22,082 SQ. FT. (100%)	3,972 SQ. FT. (100%)
DOORS & WINDOWS :				
- GLAZING	6,226 SQ. FT. (99%)	828 SQ. FT. (94%)	5,356 SQ. FT. (97%)	303 SQ. FT. (93%)
- METAL	56 SQ. FT. (1%)	56 SQ. FT. (6%)	140 SQ. FT. (3%)	24 SQ. FT. (7%)
NET	6,282 SQ. FT. (100%)	884 SQ. FT. (100%)	5,496 SQ. FT. (100%)	327 SQ. FT. (100%)
SUMMARY :				
- MASONRY	21,840 SQ. FT. (78%)	4,801 SQ. FT. (84%)	22,082 SQ. FT. (80%)	3,972 SQ. FT. (92%)
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02 RIGHT SIDE (EAST) ELEVATION
SCALE: 1/16"=1'-0"



03 KEY PLAN
SCALE: NTS

PROJECT STAT PRELIMINARY
PROJECT MANAGER: DBR
DESIGN MANAGER: RCM
PROJECT DATE: 082521
REVISION DATE: 021026

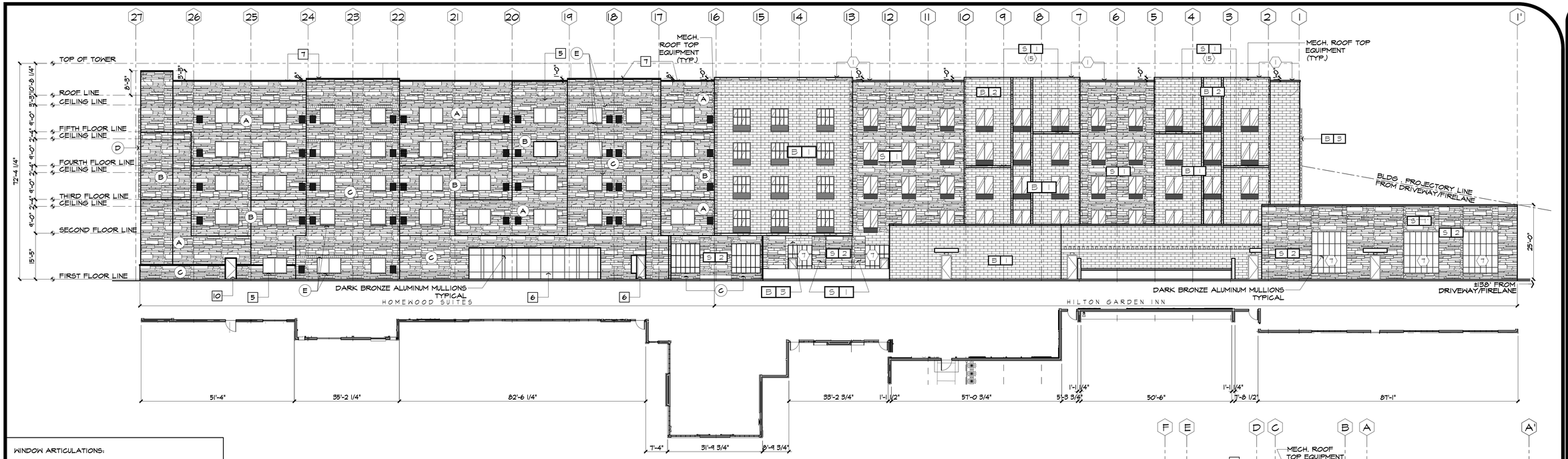
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MAHARD PARKWAY
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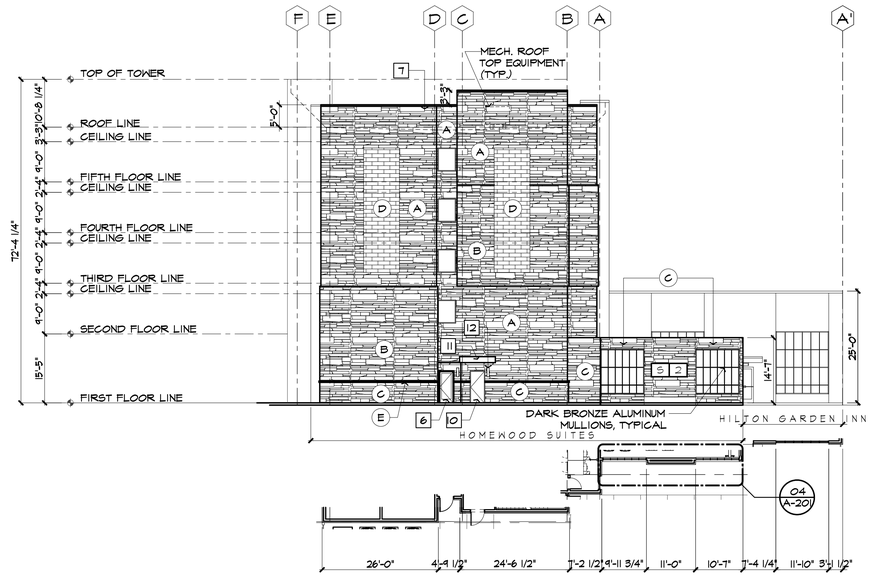
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JOB NUMBER: PTG - 22706

SHEET NUMBER A-202



01 REAR (NORTH) ELEVATION
SCALE: 1/16"=1'-0"



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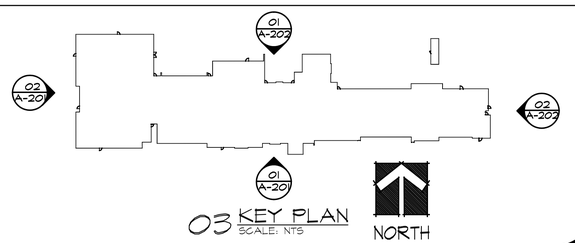
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03 KEY PLAN
SCALE: NTS

PROJECT STAT PRELIMINARY

PROJECT MANAGER: DBR

DESIGN MANAGER: RCM

PROJECT DATE: 082521

REVISION DATE: 021026

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MAHARD PARKWAY
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JOB NUMBER: PTG - 22706

SHEET NUMBER A-202

Specific Use Permit
Full-Service/Extended-Stay Hotel
(ZONE-25-0008)

Agenda Item

Conduct a Public Hearing and consider and act upon a request for a Specific Use Permit for a Full-Service/Extended-Stay Hotel on MSW Prosper 380 Addition, Block A, Lot 1, on 5.9± acres, located on the east side of Mahard Parkway and 480± feet south of Prairie Drive. (ZONE-25-0008)

Proposal

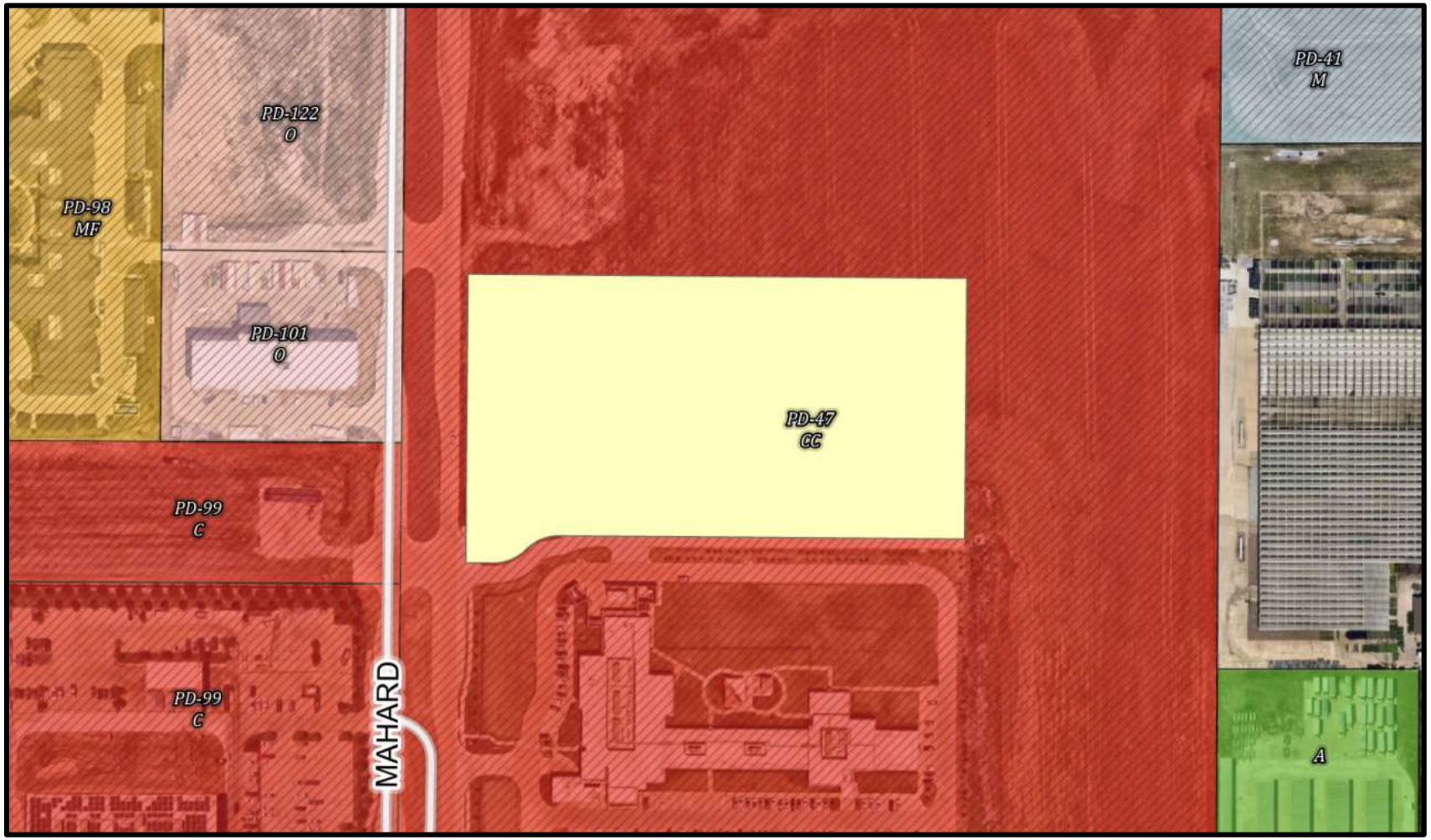
Purpose:

- Obtain a Specific Use Permit for the construction of a 37,753 square foot full-service/extended-stay hotel.

Zoning:

- Planned Development-47 allows for hotel uses provided they meet the conditional standards in the Town's Zoning Ordinance.
  - Full-Service Hotel (By Right)
  - Extended-Stay Hotel (Specific Use Permit)


MAHARD


PD-122
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PD-98
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PD-101
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PD-47
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PD-41
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PD-99
C
PD-99
C
MAHARD
A

Conditional Standards

Full-Service Hotel:

- Amenities (Min. of Four)
  - **Fitness Center/Weight Room**
  - **Game Room**
  - **Indoor/Outdoor Pool**
  - Jogging Trail
  - **Playground**
  - Sauna/Spa
  - **Sports Court**
- Event/Meeting Space (Min. of 10,000 SF)
- Full-Service Restaurant

Conditional Standards Cont.

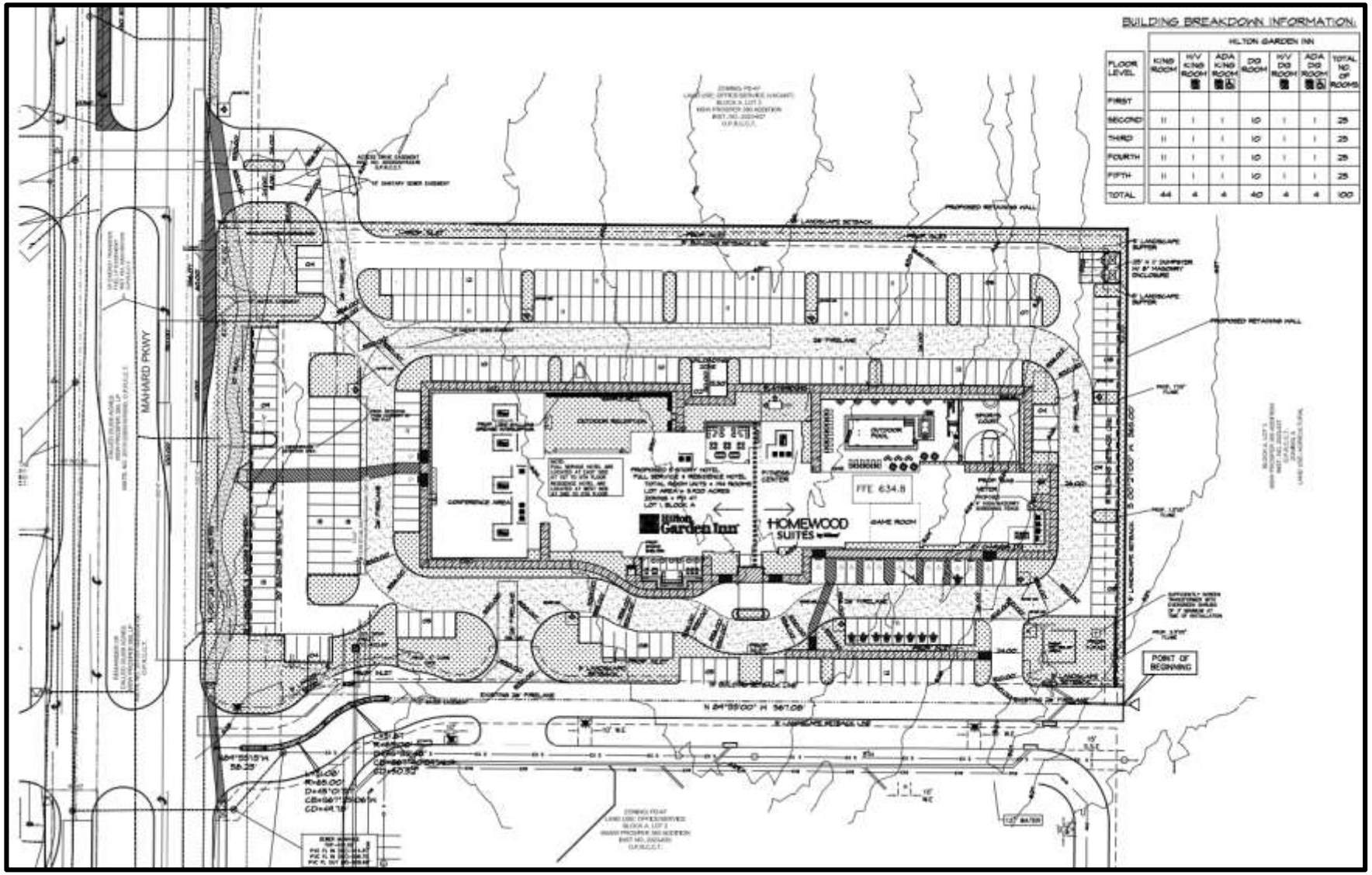
Extended-Stay Hotel:

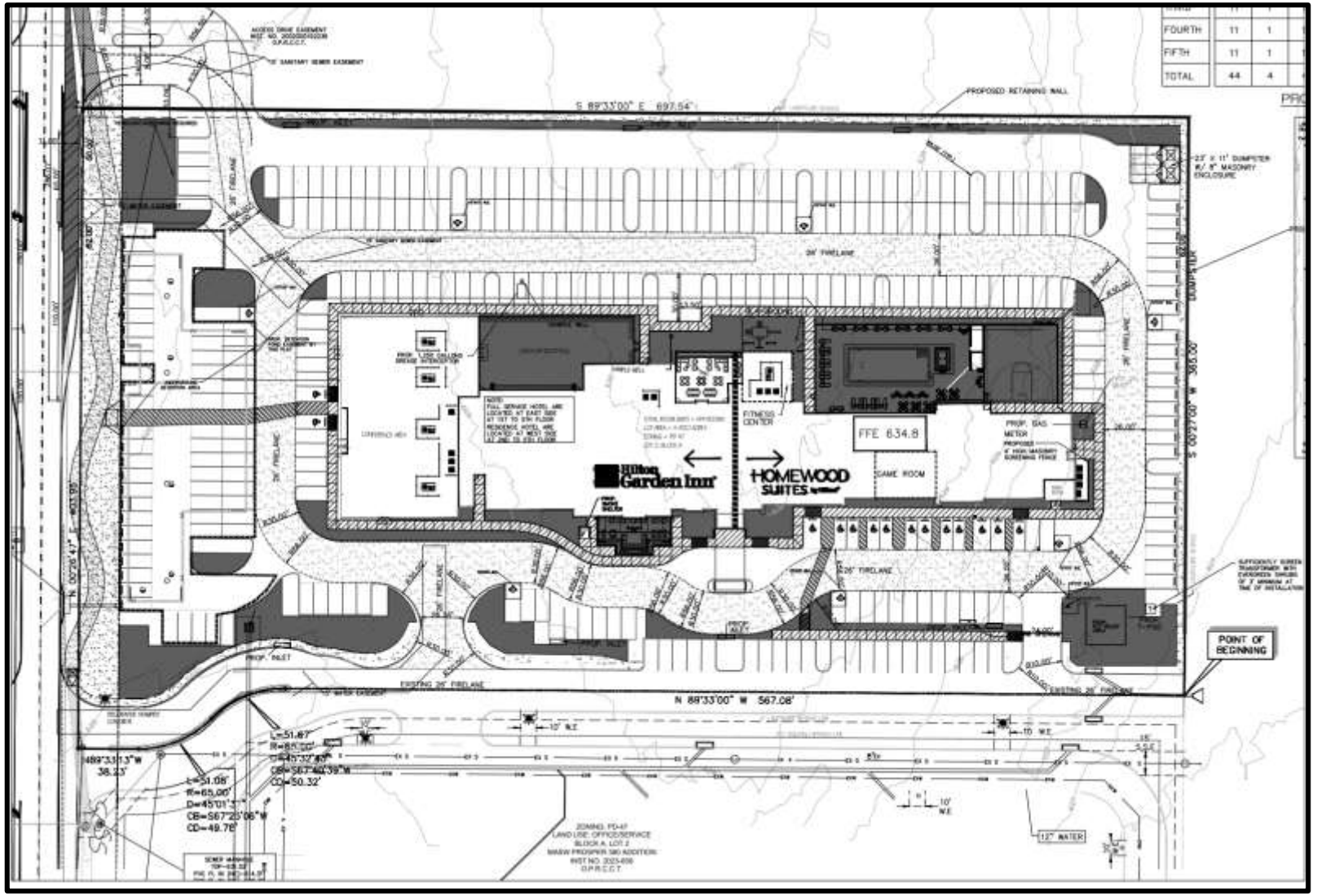
- Amenities (Min. of Five)
    - Conference Room (Min. of 1,000 SF)
    - Fitness Center/Weight Room
    - Game Room
    - Indoor/Outdoor Pool
    - Jogging Trail
    - Playground
    - Sauna/Spa
    - Sports Court

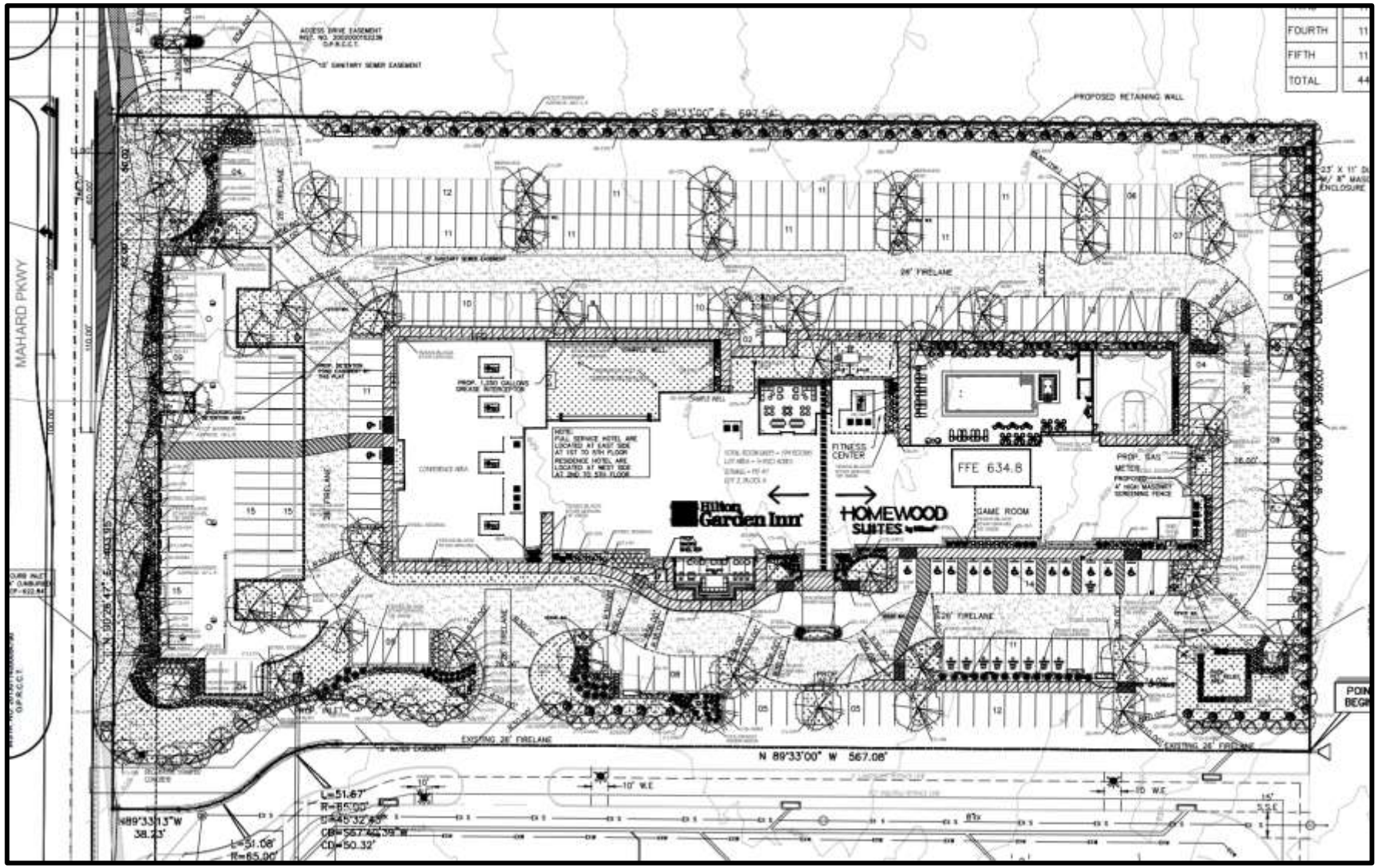
Conditional Standards Cont.

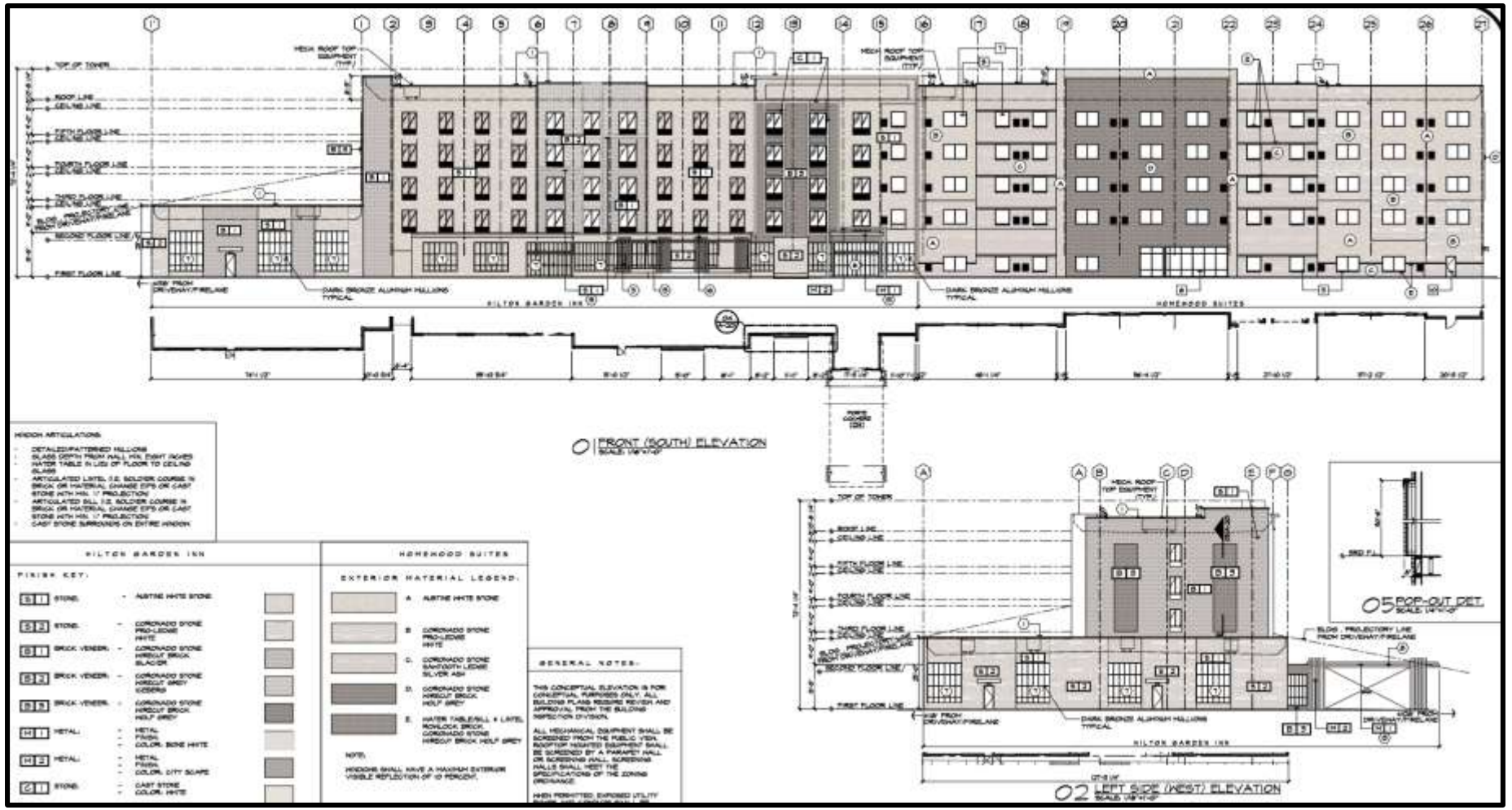
Extended-Stay Hotel:

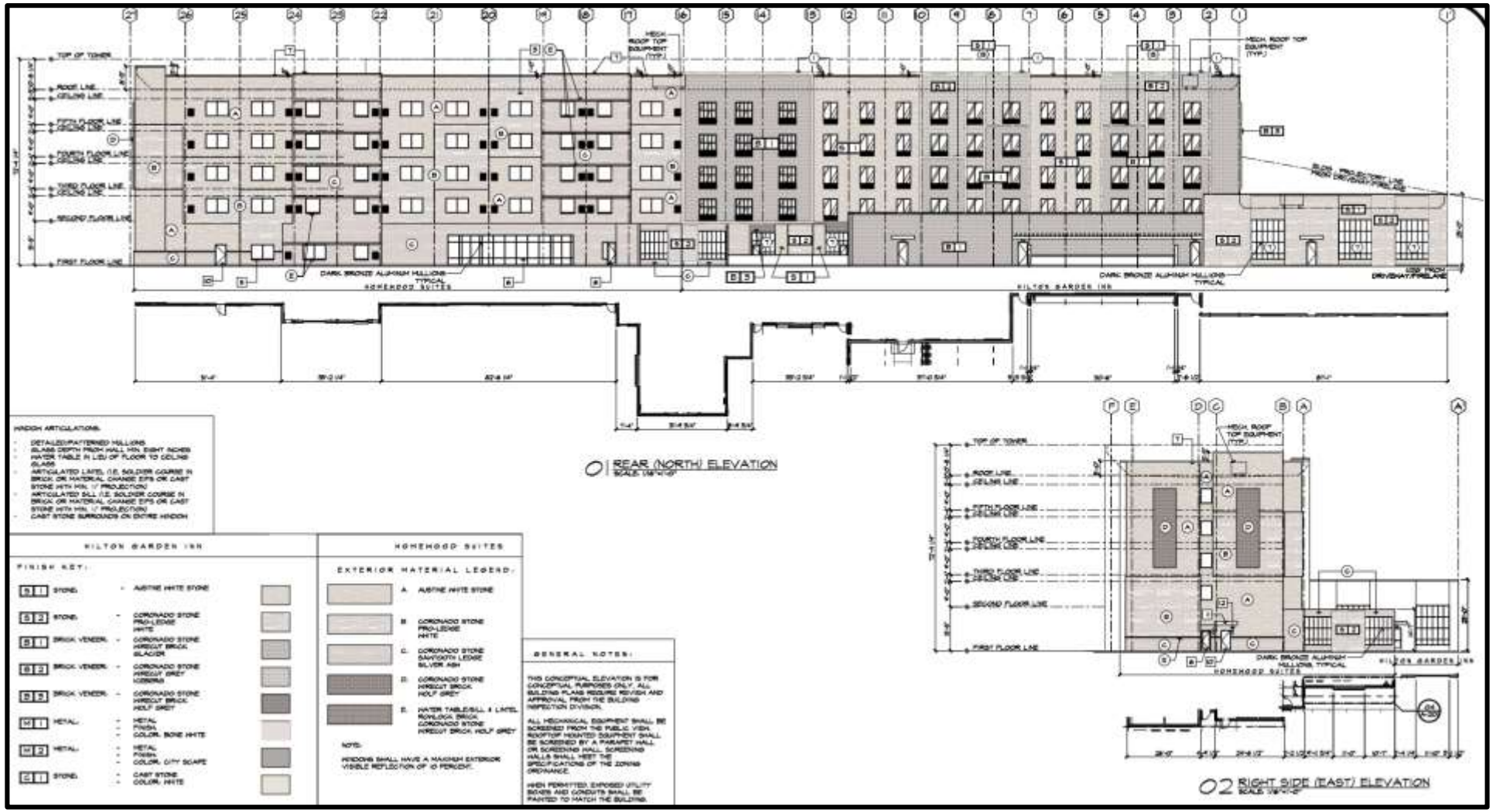
- Location **(Combination w/ Full-Service Allows Location on Mahard)**
    - Dallas Parkway
    - Preston Road
    - University Drive
- Open Space (Min. of 15%)
- Restaurant
- Setbacks (100 Feet from Residential)


BUILDING BREAKDOWN INFORMATION
HILTON GARDEN INN
FLOOR LEVEL
KING ROOM
H/V KING ROOM
ADA KING ROOM
DQ ROOM
H/V DQ ROOM
ADA DQ ROOM
TOTAL NO. OF ROOMS
FIRST
SECOND 11 1 1 10 1 1 25
THIRD 11 1 1 10 1 1 25
FOURTH 11 1 1 10 1 1 25
FIFTH 11 1 1 10 1 1 25
TOTAL 44 4 4 40 4 4 100
MAHARD PKWY
FFE 634.8
HOMEWOOD SUITES
POINT OF BEGINNING


FOURTH 11 1
FIFTH 11 1
TOTAL 44 4
PROPOSED RETAINING WALL
S 89°33'00" E 697.54'
24' FIRELANE
FFE 634.8
FITNESS CENTER
GAME ROOM
PROP. GAS METER
Hilton Garden Inn
HOMEWOOD SUITES
POINT OF BEGINNING
N 89°33'00" W 567.08'
N 00°26'41" E 403.05'
S 00°27'00" W 365.00'
10' W.E.
12" WATER
EXISTING 24' FIRELANE


MAHARD PKWY
PROPOSED RETAINING WALL
S 89°33'00" E 697.54'
24' FIRELANE
FFE 634.8
FITNESS CENTER
GAME ROOM
Hilton Garden Inn
HOMEWOOD SUITES
EXISTING 26' FIRELANE
N 89°33'00" W 567.06'
FOURTH 11
FIFTH 11
TOTAL 44


01 FRONT (SOUTH) ELEVATION
02 LEFT SIDE (WEST) ELEVATION
05 POP-OUT DET.
HILTON GARDEN INN
HOMEWOOD SUITES
FINISH KEY:
EXTERIOR MATERIAL LEGEND:
GENERAL NOTES:


01 REAR (NORTH) ELEVATION
02 RIGHT SIDE (EAST) ELEVATION
HILTON GARDEN INN
HOMEWOOD SUITES
EXTERIOR MATERIAL LEGEND:
GENERAL NOTES:

Specific Use Permit Criteria

Criterion 1: *Is the use harmonious and compatible with its surrounding existing uses or proposed uses?*

- *Yes, the use is harmonious and compatible with its surrounding existing uses and proposed uses because there is one existing hotel and one future hotel on the west side of Mahard Parkway.*

Criterion 2: *Are the activities requested by the applicant normally associated with the requested use?*

- *Yes, an extended-stay hotel may be permitted in the area, per the Planned Development. Additionally, per the Town's Zoning Ordinance, they must meet the conditional development standards which have been met in combination with the full-service component.*

Specific Use Permit Criteria Cont.

Criterion 3: *Is the nature of the use reasonable?*

- *Yes, the nature of the use is reasonable as it is a permitted use in the zoning for the area.*

Criterion 4: *Has any impact on the surrounding area been mitigated?*

- *Yes, the impact on the surrounding area has been mitigated as the applicant has complied with the conditional development standards for both a full-service hotel and extended-stay hotel.*

Recommendation

Town Staff:

- Town Staff recommends approval of the Specific Use Permit.

Planning and Zoning Commission:

- Planning and Zoning Commission recommended denial of the Specific Use Permit. (6-0)

Noticing:

- Friday, April 10th (No Response)

TOWN OF PROSPER
A Place Where Everyone Matters

PLANNING

To: **Mayor and Town Council**

From: **David Hoover, AICP, Director of Development Services**

Through: **Mario Canizares, Town Manager**

Re: **Planned Development for 207 North Coleman Street**

Town Council Meeting – April 28, 2026

Strategic Visioning Priority: Develop Downtown as a Destination
Ensure the Town's Commercial Corridors are Ready for Development

---

Agenda Item:
Conduct a Public Hearing and consider and act upon a request for a Planned Development for an Indoor Golf Simulator Facility on a part of Block 2 of the Mitchell Addition, on 0.2± acre, located on the west side of Coleman Street and 120± feet north of Fifth Street. (ZONE-25-0009)

Description of Agenda Item:
The purpose of this request is to create a Planned Development for an existing single-family home to be converted into an indoor golf simulator facility. The Planned Development addresses standards such as permitted uses, open space, and building materials.

Future Land Use Plan:
The Future Land Use Plan recommends the Old Town District.

Zoning:
The property is zoned Single Family-15.

Compatibility:
The zoning and land use of the surrounding properties are shown below.

	Zoning	Current Land Use	Future Land Use Plan
Subject Property	Single Family-15	Single-Family	Old Town District
North	Single Family-15	Single-Family	Old Town District
East	Planned Development-45 (Downtown Office)	Commercial	Old Town District
South	Downtown Office	Chamber of Commerce	Old Town District
West	Single Family-15	Single-Family	Old Town District

District Regulations:
The district regulations for this Planned Development in comparison to the district regulations for Downtown Retail in the Town's Zoning Ordinance are shown below.

	District Regulations (Downtown Retail)	District Regulations (Development Standards)
Front Setback (Coleman Street)	**Setback:** None	**Setback:** None
Side Setback (Adjacent to Residential)	**Setback:** 10'	**Setback:** 10'
Side Setback (Adjacent to DTO)	**Setback:** 10'	**Setback:** 10'
Rear Setback (Adjacent to Residential)	**Setback:** 10'	**Setback:** 10'

Uses:
The permitted use(s) within this Planned Development are shown below.

- Golf Simulator

Landscaping and Open Space:
The landscaping standards for this Planned Development in comparison to the landscaping standards for commercial development in the Downtown Retail District are shown below.

	Required Landscaping (Downtown Retail)	Proposed Landscaping (Development Standards)
Northern Boundary	**Buffer:** 15' Landscape Buffer	**Buffer:** 5' Landscape Buffer
Eastern Boundary (Coleman Street)	**Buffer:** 15' Landscape Easement	**Buffer:** 5' Landscape Easement
Southern Boundary	**Buffer:** 5' Landscape Buffer	**Buffer:** 5' Landscape Buffer
Western Boundary	**Buffer:** 15' Landscape Buffer	**Buffer:** 5' Landscape Buffer
Open Space	**Requirement:** 7% of Net Lot Area	**Requirement:** 7% of Net Lot Area

Building Materials:
The primary building material will be fiber cement siding and awnings will be architectural materials that complement the building such as metal roof or shingle.

Notification:
Notification was provided as required by the Zoning Ordinance and state law. Staff has not received any response to the proposed zoning request to date.

Budget Impact:
There is no budgetary impact affiliated with this item.

Attached Documents:

1. Location Map
2. Zoning Map
3. Future Land Use Exhibit
4. Exhibit A-1 – Metes and Bounds Description
5. Exhibit A-2 – Boundary Exhibit
6. Exhibit B – Letter of Intent
7. Exhibit C – Development Standards
8. Exhibit D – Conceptual Plan
9. Exhibit E – Development Schedule
10. Exhibit F – Elevations
11. Exhibit G – Open Space
12. Draft Development Agreement
13. PowerPoint Slides

Town Staff Recommendation:

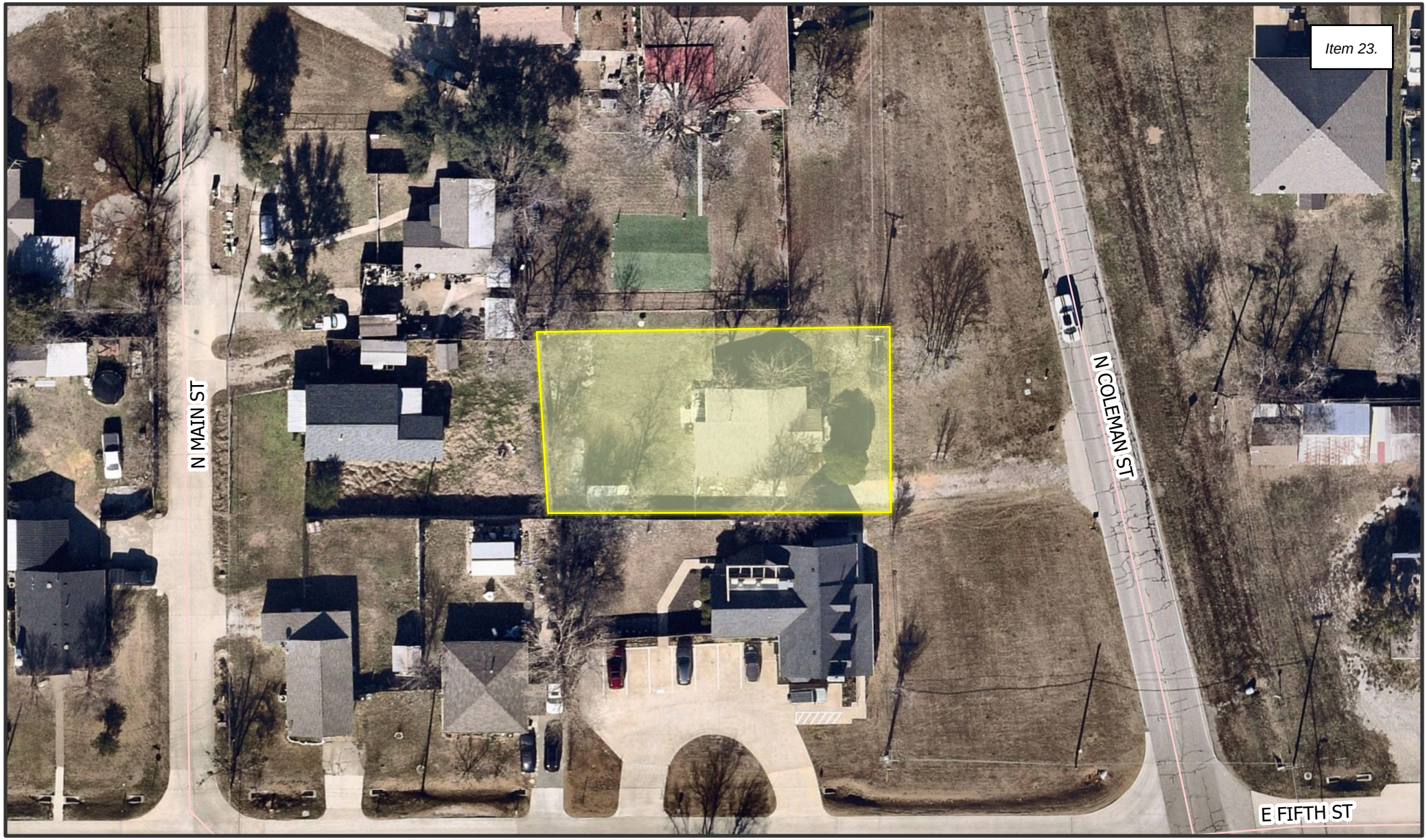
Town Staff recommend approval of the request for a Planned Development for an Indoor Golf Simulator Facility on a part of Block 2 of the Mitchell Addition, on 0.2± acre, located on the west side of Coleman Street and 120± feet north of Fifth Street.

Planning and Zoning Recommendation:

The Planning and Zoning Commission unanimously recommended approval of this item by a vote of 6-0 at their meeting on March 25, 2026.

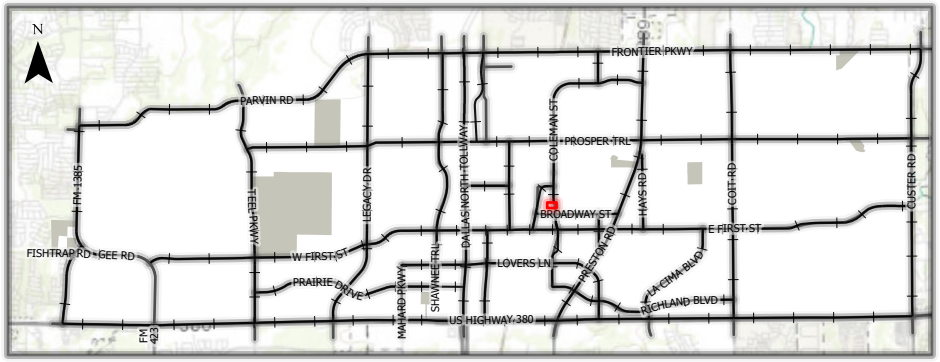
Proposed Motion:

I move to approve/deny a request for a Planned Development for an Indoor Golf Simulator Facility on a part of Block 2 of the Mitchell Addition, on 0.2± acre, located on the west side of Coleman Street and 120± feet north of Fifth Street.



TOWN OF PROSPER

0 30 60 120 Feet

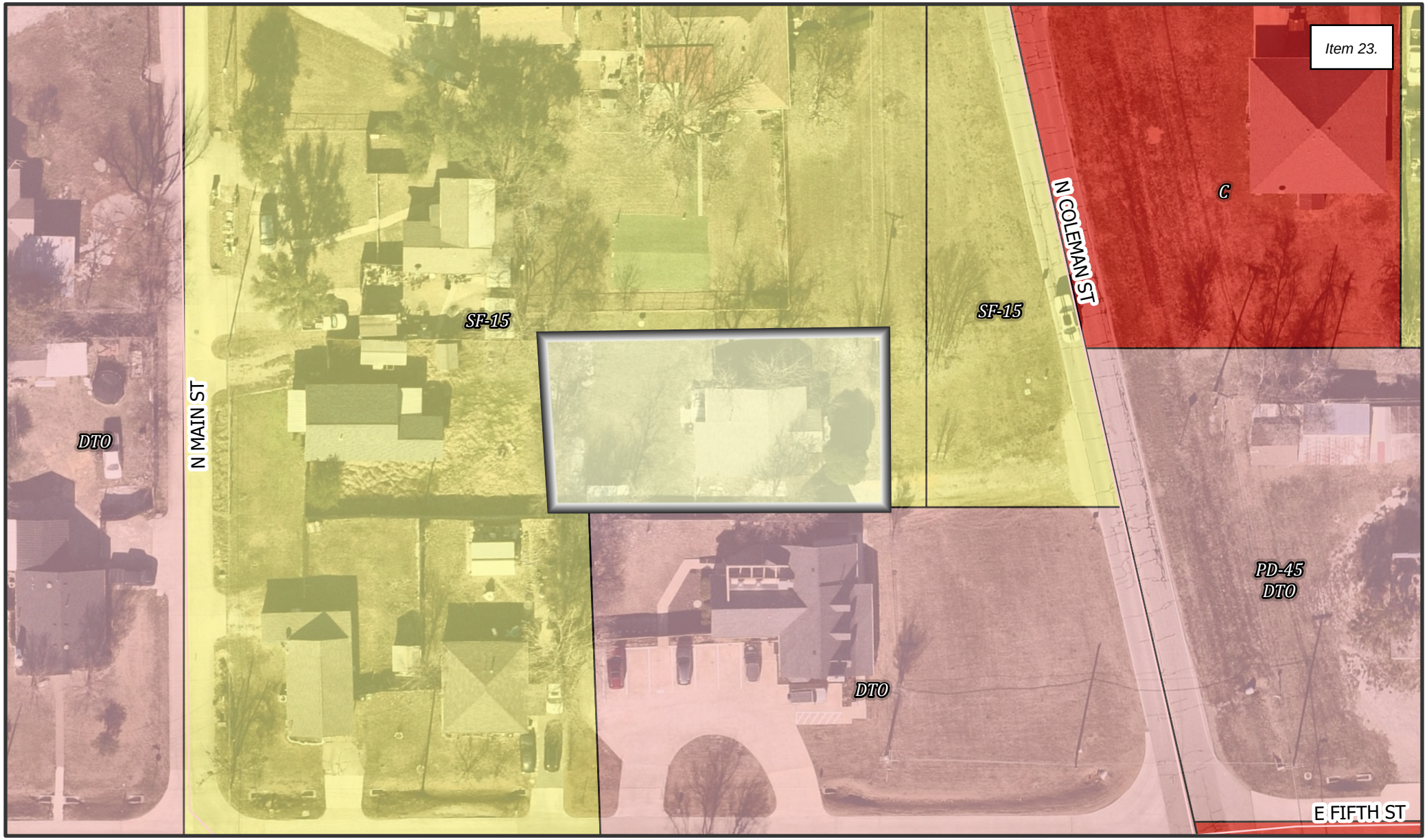


This map for illustration purposes only

ZONE-25-0009

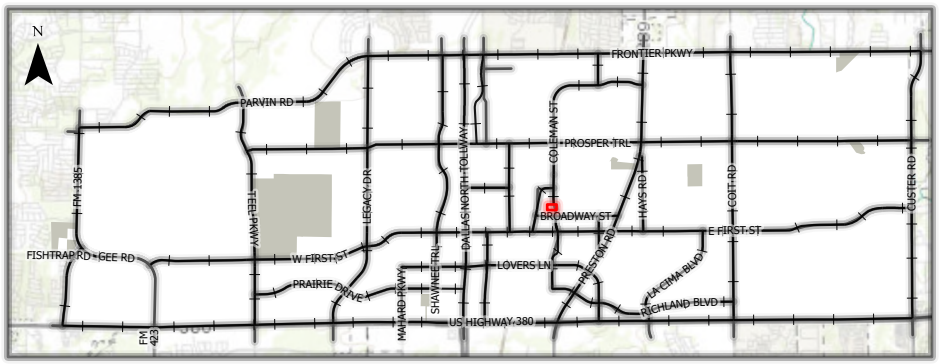
Mitchell Addition, Block 2, Lot 2B

Planned Developm



TOWN OF PROSPER

0 30 60 120 Feet



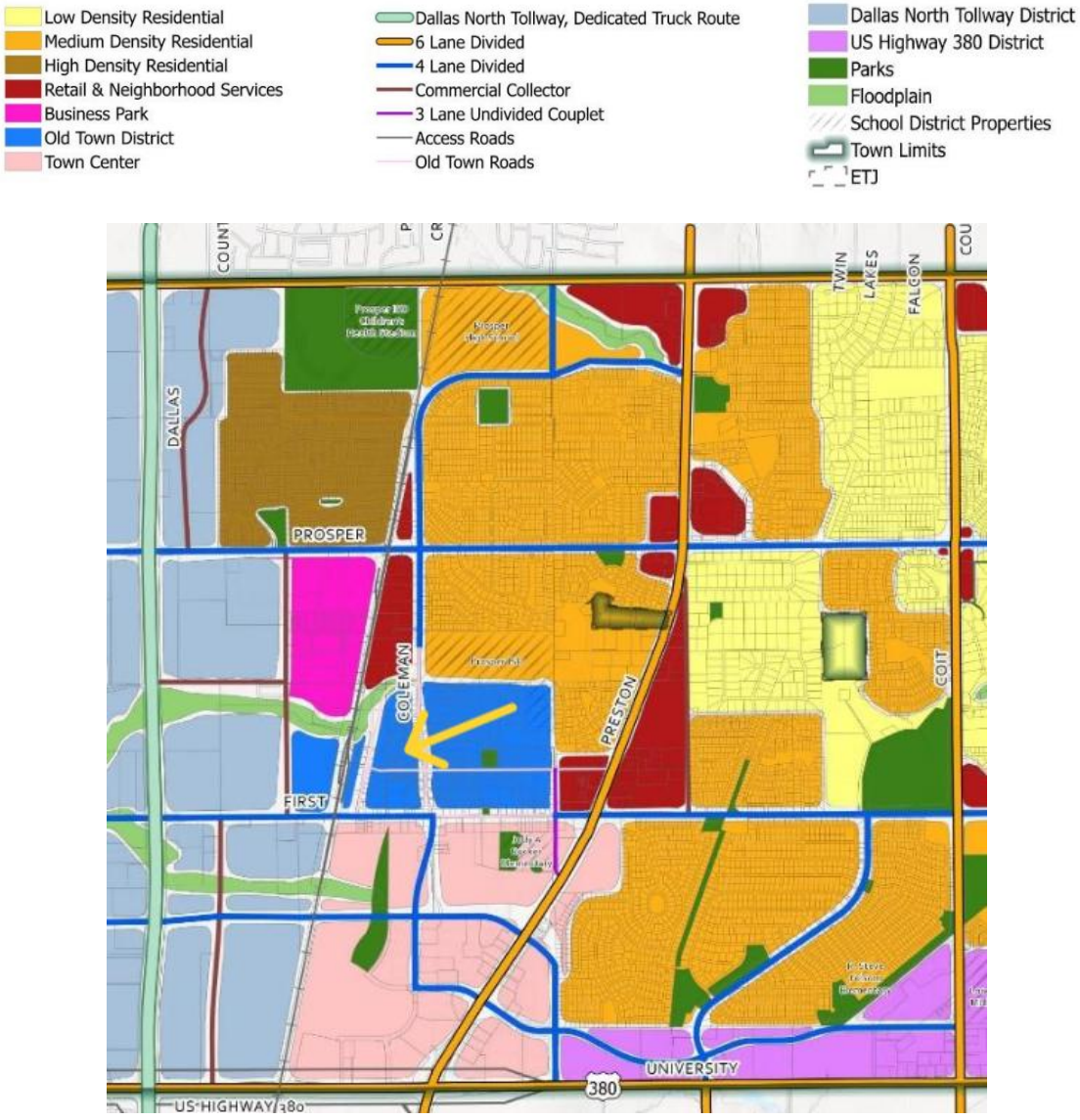
This map for illustration purposes only

ZONE-25-0009

Mitchell Addition, Block 2, Lot 2B

Planned Developm

Future Land Use Exhibit



AMERICAN MERIDIAN, LLC
Surveying + 3D Scanning

DESCRIPTION OF
0.231 ACRES OR 10,077 SQ FT.

LEGAL DESCRIPTION:

BEING A 0.231 ACRE TRACT OF LAND SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NUMBER 147, COLLIN COUNTY, TEXAS AND BEING ALL OF THAT TRACT CONVEYED TO LIBRADO PEREZ ET UX IN VOLUME 1088, PAGE 625 OF THE DEED RECORDS OF COLLIN COUNTY,TEXAS AND BEING A PART OF BLOCK 2 OF THE MITCHELL ADDITION RECORDED IN VOLUME 107, PAGE 588 OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" SQUARE TUBING FOUND IN THE WEST LINE OF NORTH COLEMAN STREET (A VARIABLE WIDTH RIGHT-OF-WAY) FOR THE SOUTHEAST CORNER OF SAID 0.231 ACRE TRACT, ALSO BEING THE NORTHEAST CORNER OF LOT 3R OF THE MITCHELL ADDITION, AN ADDITION TO THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS AS RECORDED IN VOLUME 5816, PAGE 2443 OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS AND HAVING A TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE, U.S. SURVEY FOOT GRID COORDINATE VALUE OF **N: 7137363.98, E: 2487533.21 FEET** FOR REFERENCE, FROM WHICH A 1/2" SQUARE TUBING FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 3R BEARS S 00°03'00" E, A DISTANCE OF 98.71 FEET;

THENCE FROM SAID POINT OF BEGINNING, DEPARTING THE WEST LINE OF NORTH COLEMAN STREET, S 89°52'01" W, PASSING THE NORTHWEST CORNER OF SAID LOT 3R AT A DISTANCE OF 134.08 FEET AND CONTINUING IN ALL A DISTANCE OF 136.28 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID 0.231 ACRE TRACT, ALSO BEING THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO JAMES SARTIN ET UX UNDER INSTRUMENT NUMBER 19960213000117320 OF THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS;

THENCE, GENERALLY WITH A WOOD FENCE, N 03°36'16" W, PASSING A 2.5" GALVANIZED POST AT A DISTANCE OF 71.16 FEET AND CONTINUING IN ALL A DISTANCE OF 72.13 FEET TO A POINT IN A TREE IN THE SOUTH LINE OF A 10 FOOT ALLEY FOR THE NORTHWEST CORNER OF SAID 0.231 ACRE TRACT, ALSO BEING THE NORTHEAST CORNER OF SAID SARTIN TRACT, FROM WHICH A 1/2" IRON ROD FOUND IN THE NORTH LINE OF SAID 10 FOOT ALLEY BEARS N 42°27'59" W, A DISTANCE OF 13.38 FEET;

THENCE, WITH THE SOUTH LINE OF SAID 10 FOOT ALLEY, N 89°09'46" E, A DISTANCE OF 140.30 FEET TO A 1/2" IRON ROD FOUND IN THE WEST LINE OF NORTH COLEMAN STREET FOR THE NORTHEAST CORNER OF SAID 0.231 ACRE TRACT, ALSO BEING THE SOUTHEAST CORNER OF SAID 10 FOOT ALLEY, FROM WHICH A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 10 FOOT ALLEY BEARS N 00°24'36" W, A DISTANCE OF 10.00 FEET;

THENCE, WITH THE WEST LINE OF NORTH COLEMAN STREET, S 00°24'36" E, A DISTANCE OF 73.72 FEET TO THE **POINT OF BEGINNING**, CONTAINING 0.231 ACRES OR 10,077 SQ. FEET OF LAND, MORE OR LESS.

STATE OF TEXAS
REGISTERED
GARRETT JAMES SMELKER
6870
PROFESSIONAL
LAND SURVEYOR

I HEREBY STATE THAT THIS SURVEY WAS
PERFORMED UNDER MY DIRECT SUPERVISION
SURVEY DATE: 05-18-2023

05/18/2023
GARRETT JAMES SMELKER
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6870

Exhibit A-1
0.231 ACRE TRACT
BEING PART OF BLOCK 2, MITCHELL ADDITION,
SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY,
ABSTRACT NO. 147,
TOWN OF PROSPER, COLLIN COUNTY, TEXAS
5/18/2023

LEGEND

- MONUMENT – TYPE AS NOTED
- POINT FOR CORNER
- BOUNDARY LINE
- EASEMENT
- LOT LINE
- DEED LINE
- PIPE FENCE
- CHAIN LINK FENCE
- WOOD FENCE
- OHW — OVERHEAD WIRES
- UTILITY POLE
- P.R.C.C.T. — PLAT RECORDS COLLIN COUNTY TEXAS
- D.R.C.C.T. — DEED RECORDS COLLIN COUNTY TEXAS
- R.P.R.C.C.T. — REAL PROPERTY RECORDS COLLIN COUNTY TEXAS
- O.P.R.C.C.T. — OFFICIAL PUBLIC RECORDS COLLIN COUNTY TEXAS
- AREA OF DISCREPANCY

LEGAL DESCRIPTION:

BEING A 0.231 ACRE TRACT OF LAND SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NUMBER 147, COLLIN COUNTY, TEXAS AND BEING ALL OF THAT TRACT CONVEYED TO LIBRADO PEREZ ET UX IN VOLUME 1088, PAGE 625 OF THE DEED RECORDS OF COLLIN COUNTY,TEXAS AND BEING A PART OF BLOCK 2 OF THE MITCHELL ADDITION RECORDED IN VOLUME 107, PAGE 588 OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

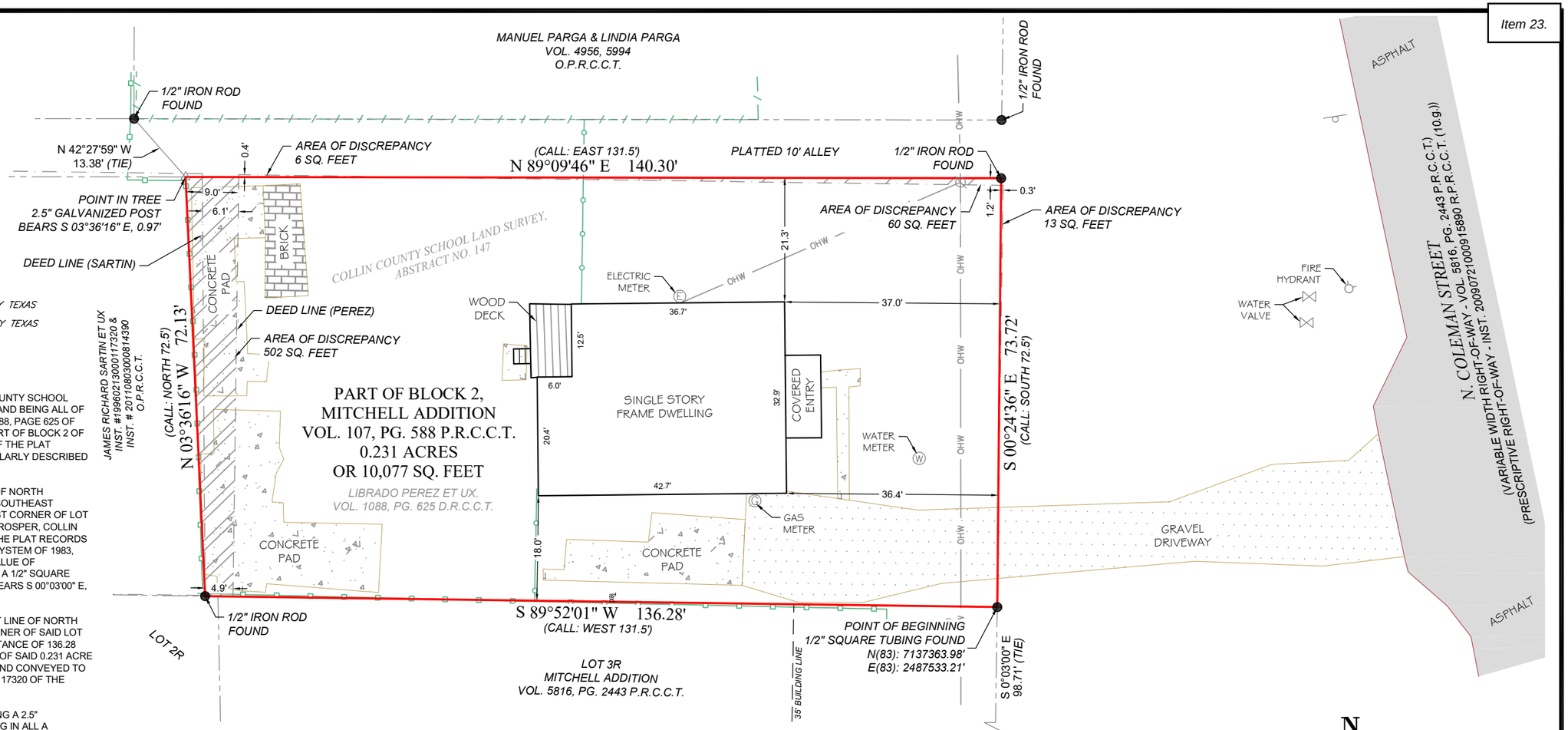
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To: FIRST NATIONAL TITLE INSURANCE COMPANY, CAPITAL TITLE, JIMIT PATEL, CHRISTINA PATEL, ENDEAVOR CAPITAL, LLC, LIBRADO PEREZ AND MARIA PEREZ, The undersigned does hereby certify that the field notes hereon represent the results of a survey made on the ground under my direction and supervision and that the property legally described hereon is correct and that there are no visible discrepancies, conflicts, encroachments, overlapping of improvements, easements or right-of -way, except as shown hereon, the lines and dimensions of said property being as indicated. This survey is based on deeds, easements and/or recorded plats and other records when furnished by the client or the clients representative, as well as significant and visible monuments found on the subject property and adjacent properties, field measurements and evidence of boundaries found on the ground. However, this certification is not a representation of warranty of title or guarantee of ownership. This survey was performed exclusively for the above mentioned parties. USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR RISK AND THE UNDERSIGNED IS NOT RESPONSIBLE FOR ANY LOSS RESULTING THEREFROM.

I HEREBY STATE THAT THIS SURVEY WAS
PERFORMED UNDER MY DIRECT SUPERVISION
SURVEY DATE: 05-18-2023

05/18/2023

GARRETT JAMES SMELKER
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6870

Research of Easements by this Surveyor was limited to a Title Policy Prepared by First National Title Insurance Company, GF No. 23-735867-WB, Effective Date: April 26, 2023, 8:00 am and Issued May 3, 2023, 8:00 am.

Schedule B item:

10.e. Right of Way Easement executed by R.L. Mitchell etux to Texas Power and Light Company, dated June 8, 1936, filed October 9, 1936, recorded in Volume 305, Page 555, Real Property Records, Collin County, Texas.
DOES APPEAR TO AFFECT (BLANKET IN NATURE)

10.f. Right of Way Easement executed by Mrs. Anna Gregory to Texas Power and Light Company, dated June 8, 1936, filed October 9, 1936, recorded in Volume 305, Page 547, Real Property Records, Collin County, Texas.
DOES NOT APPEAR TO AFFECT

10.g. Terms and provisions of Quitclaim Deed Agreement by and between Rick Perry, Governor of the State of Texas and Town of Prosper, Texas dated July 10, 2009, filed July 21, 2009, recorded in CC#20090721000915890, Real Property Records, Collin County, Texas.
AS SHOWN ON SURVEY

NOTES:

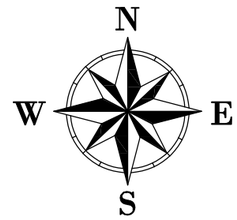
1.) BEARINGS, COORDINATES, DISTANCE AND AREA SHOWN HEREON ARE GRID BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE, U.S. SURVEY FOOT, AS DETERMINED BY GPS OBSERVATIONS USING THE ALLTERRA CENTRAL VRS NETWORK.

2.) THIS SURVEY IS BASED ON OWNERSHIP AND EASEMENT INFORMATION PROVIDED BY CLIENT, SURVEYOR DID NOT ABSTRACT SUBJECT TRACT AND THERE MAY BE EASEMENTS OR OTHER ENCUMBRANCES THAT AFFECT THE SUBJECT TRACT THAT ARE NOT SHOWN HEREON.

3.) ADDRESS OF SUBJECT PARCEL: 207 N COLEMAN ST, PROSPER, TX 75078

4.) SUBJECT TRACT LIES WITHIN FLOOD ZONE 'X' OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAPS ACCORDING TO MAP NUMBER 48085C0235J EFFECTIVE ON 06/02/2009.

5.) INSTRUMENT OF RECORD: DEED RECORDED IN VOLUME 1088, PAGE 625 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS ON DECEMBER 29, 1977.



20 10 0 20 40

SCALE: 1" = 20'

PROJECT NO. 230530

AMERICAN MERIDIAN, LLC
Surveying + 3D Scanning
TBPELS FIRM# 10194663
2012 E. Randol Mill Rd, Suite 213
Arlington, Texas 76011
(817) 948-2667
Info@americanmeridianllc.com

SURVEY PLAT OF
A 0.231 ACRE TRACT,
BEING PART OF BLOCK 2, MITCHELL ADDITION,
SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ASBTRACT NO. 147,
TOWN OF PROSPER, COLLIN COUNTY, TEXAS
VOLUME 107, PAGE 588 P.R.C.C.T.

Zone 25-0009
Exhibit B

Letter of Intent – Proposed Development

Owners: Christa and Jimit Patel
Address: 207 N Coleman St. Prosper TX, 77078
Current Zoning: Residential Single Family (SF-15)
Proposed Zoning: Recreational

Reference: 207 N. Coleman St Prosper, TX 75078

Project Description:
Owners (Christa and Jimit) purchased the home to bring a business to the Prosper downtown to contribute to the Prosper downtown charm.

The current home will be renovated, and additional square footage will be added to the home.

Proposal: Renovate, and add to the existing structure to create a golf simulator business.

- Business Model
    - Patrons purchase a monthly membership to access the building.
        - They can book the time they would like to use the bays.
        - Booking will be done via Trackman software (Trackman is the golf simulator) on an app or website.
        - Time before and after will be factored in for the booking to ensure parking is not a concern.
        - Once the member books a time, they will be sent a code to access the building, the code is only valid for the time they have a reservation and will not be able to access the building outside those times – thus further alleviating any parking concerns as we would only have 4 members at a time (if fully booked) – Access provided an access control panel.
    - Members will not be able to bring friends, hence alleviating the concerns of having more than one person at a bay.
        - This will be regulated by a signed membership contract.
- 4 simulator bays
    - Each take about 500 Sq ft of space.
- Bathroom/Office/Hallway and Entry space to contribute to about 800 Sq ft.

Building: 2,992 Sq Ft

Proposed uses: Recreational

Parking: 6 parking spots (1.5 parking spaces per golf simulator)

Submitted by:
Christa and Jimit Patel

ZONE 25-0009

Exhibit C
Development Standards

This tract shall develop under the regulation of the Downtown Retail (DTR) District as outlined in the Town's Zoning Ordinance as it exists or may be amended with the following conditions:

1.0 Permitted Uses
1.1 The permitted land use within this Planned Development District is as follows:

- Golf Simulator
    - Business Model
        - Patrons purchase a monthly membership to access the building
            - They can book the time they would like to use the bays
            - Booking will be done via Trackman software (Trackman is the golf simulator) on an app or website.
            - Time before and after will be factored in for the booking to ensure parking is not a concern
            - Once the member books a time, they will be sent a code to access the building, the code is only valid for the time they have a reservation and will not be able to access the building outside those times – thus further alleviating any parking concerns as we would only have 4 members at a time (if fully booked) – Access provided an access control panel, pictured below (Image A)
    - 4 simulator bays
        - Each take about 500 Sq ft of space
    - Bathroom/Office/Hallway and Entry space to contribute to about 800 Sq ft

2.0 Open Space
2.1 The open space requirements within this Planned Development District are as follows:

- 7% of open space required
- Open Space Plan provided to show how this would be calculated

3.0 Architectural Standards
3.1 The architectural standards within this Planned Development District are as follows:

- Exterior elevations shall be submitted to the Planning Division and are subject to the approval of the Director of Development Services or his/her designee. All construction must have an approved facade plan before issuance of a building permit.
- The primary building material will be fiber cement siding.
- Awnings will be architectural materials that complement the building such as metal roof or shingle.
- Color will be Sherwin Williams Cascades or similar (See Color and Inspiration on Exhibit F)

Image A:

Pin Pad for Door Access

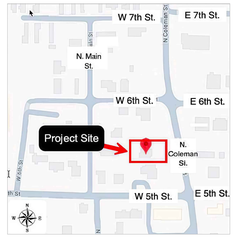


0 5ft 10ft 20ft

213 COLEMAN ST.

206 MAIN ST.

PROJECT LOCATION



NORTH SIDE (213 Coleman): A (Residential Single-family)
EAST SIDE (100/102 Coleman): B (Residential Duplex)
EAST SIDE (103 Coleman): F1 (Commercial - Real)
SOUTH SIDE (203 Coleman): F1 (Commercial - Real)
SOUTHWEST (112 Fifth): A (Residential Single-family)
WEST (206 Main): A (Residential Single-family)
NORTHWEST (208 Main): A (Residential Single-family)

85' ROW

8' X 22' PARALELL PARKING (TYPICAL)

10' SIDEWALK

NORTH COLEMAN STREET

5' MEDIAN

FIRE HYDRANT

WATER VALVE

20' RIGHT OF WAY CENTERED ON EXISTING ALLEY

5' FUTURE ALLEY WAY

EXISTING 10' ALLEY

OH

FUTURE USE

FIRE LANE

2'

5'

24' DRIVEWAY

14'-11"

2'

15'

N 80°09'46" E 140.30'

SETBACK

PROPERTY LINE

15' WIDE DRIVE

DRIVEWAY

15'-2¾"

5'

20'

24'

5'

87'-10"

5 FEET REQUIRED LANDSCAPE PERIMETER

4'-5¼"

5'

LANDSCAPE AREA

5'-1½"

5'-8½"

12'-1½"

8'-1¾"

PARKING SPOT

SETBACK

PROPERTY LINE

9'

PARKING SPOT

DRIVEWAY

10'-10½"

22'-2" (MEASURED FROM BACK OF CURB)

PROPOSED 2,282 SQFT BUILDING

44'

PROPERTY LINE

S 00°24'36"E 73.72'

N03°36'16"W 72.13'

5 FEET REQUIRED LANDSCAPE PERIMETER

9'

PARKING SPOT

9'

10' SIDEWALK

8' X 22' PARALELL PARKING (TYPICAL)

LANDSCAPE AREA

ADA PARKING SPOT

8'

ADA RAMP

22'

22'

8'

ACCESSIBLE ROUTE TO BUILDING

9'-10¾"

3'-10¼"

68'

5 FEET REQUIRED LANDSCAPE PERIMETER

PARKING SPOT

9'

17'-1¾"

5' SETBACK

18'-11"

SETBACK

5'

SETBACK

5'

20'

24'

20'

62'-2¼"

5'-0¼"

5 FEET REQUIRED LANDSCAPE PERIMETER

VARIABLE WIDTH RIGHT OF WAY

PROPERTY LINE

SETBACK

S 89°52'01"W 136.28'

5'-0" SETBACK

1

117

203 COLEMAN ST.

SITE DATA SUMMARY TABLE

CURRENT ZONING: Residential Single Family (SF-15)
PROPOSED ZONING: Planned Development
PROPOSED USE: Self Simulator
LOT AREA= 10,077 SQFT
GROSS BUILDING AREA = 2,282 SQFT
BUILDING HEIGHT = 331.5' (1 Story)
LOT COVERAGE = 20.7%
FLOOR AREA RATIO = 0.227:1
PARKING REQUIRED (1.5 Space per Simulator Bay) = 6 Spaces
PARKING PROVIDED = 6 Spaces
HANDICAP PARKING SPACES REQUIRED = 1 Space
HANDICAP PARKING SPACES PROVIDED = 1 Space
IMPERVIOUS SURFACE AREA = 6767 SQFT
OPEN SPACE REQUIRED = 7% - 705 SQFT
OPEN SPACE PROVIDED = 11.03% - 1,117.4 SQFT
LANDSCAPE AREA = 1981.1 SQFT

EXHIBIT D
ZONE-25-0009
0.231 ACRE TRACT
BEING PART OF BLOCK 2,
MITCHELL ADDITION,
SITUATED IN THE COLLIN
COUNTY SCHOOL LAND SURVEY,
ABSTRACT NO. 147,
TOWN OF PROSPER, COLLIN
COUNTY, TEXAS

207 N Coleman St, Prosper, TX 75078

DRAWING
ALT

DATE
FEBRUARY 2026

SCALE
1" = 10'

ZONE 25-0009

Exhibit E
Development Schedule

After the zoning approval, we anticipate the following development timeline:

3 months – Development Plan and Building Plan Approvals

4-6 months – Construction

12 months – Complete Project

We are eager to get this development moving quickly to add to the Prosper downtown charm and bring in Prosper residents and residents from neighboring towns to explore and engage in all of what Prosper has to offer.



EXHIBIT F
ZONE-25-0009
0.231 ACRE TRACT
BEING PART OF BLOCK 2, MITCHELL ADDITION,
SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY,
ABSTRACT NO. 147,
TOWN OF PROSPER, COLLIN COUNTY, TEXAS

207 N Coleman St, Prosper, TX 75078

DRAWING
FRONT/EAST ELEVATION

DATE
JANUARY 2026

SCALE
3/8" = 1'-0"

PG.1



EXHIBIT F
ZONE-25-0009
0.231 ACRE TRACT
BEING PART OF BLOCK 2, MITCHELL ADDITION,
SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY,
ABSTRACT NO. 147,
TOWN OF PROSPER, COLLIN COUNTY, TEXAS

207 N Coleman St, Prosper, TX 75078

DRAWING
REAR/WEST ELEVATION

DATE
JANUARY 2026

SCALE
3/8" = 1'-0"

PG.2

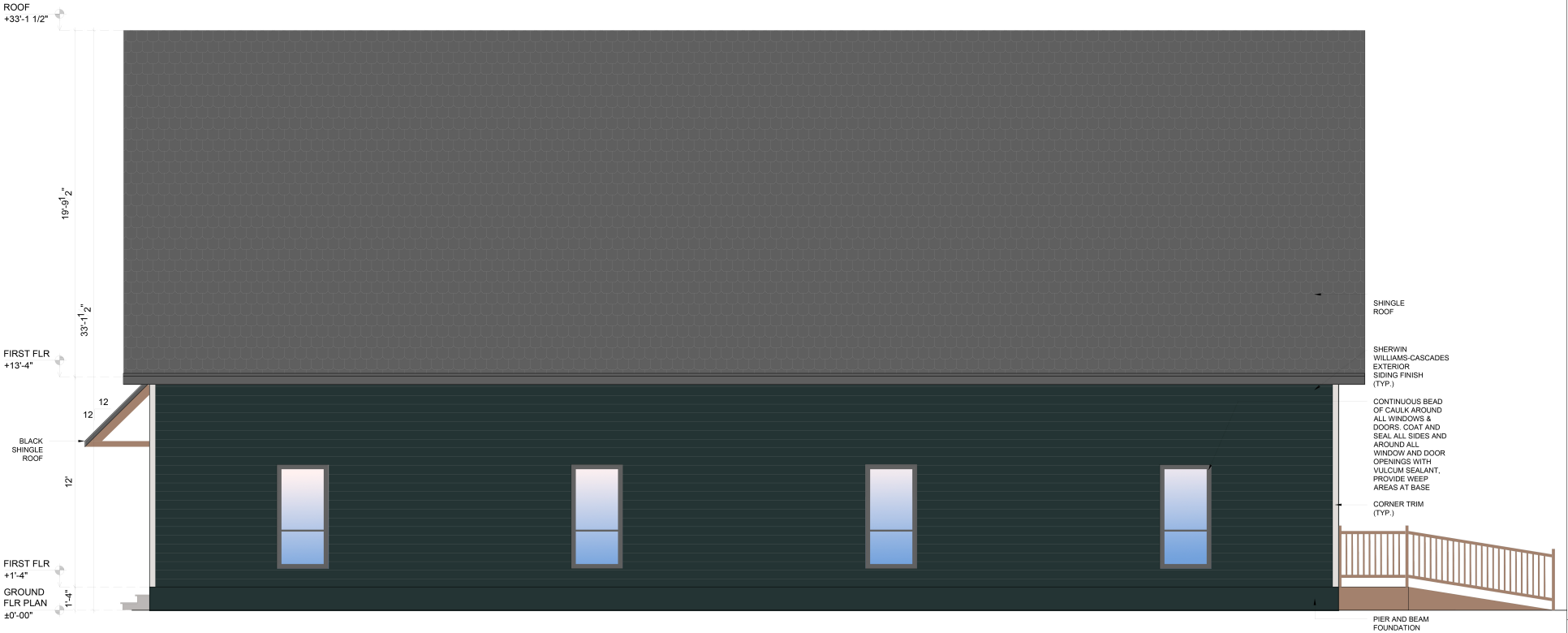


EXHIBIT F
ZONE-25-0009
0.231 ACRE TRACT
BEING PART OF BLOCK 2, MITCHELL ADDITION,
SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY,
ABSTRACT NO. 147,
TOWN OF PROSPER, COLLIN COUNTY, TEXAS

207 N Coleman St, Prosper, TX 75078

DRAWING
NORTH SIDE ELEVATION

DATE
JANUARY 2026

SCALE
3/8" = 1'-0"

PG.3

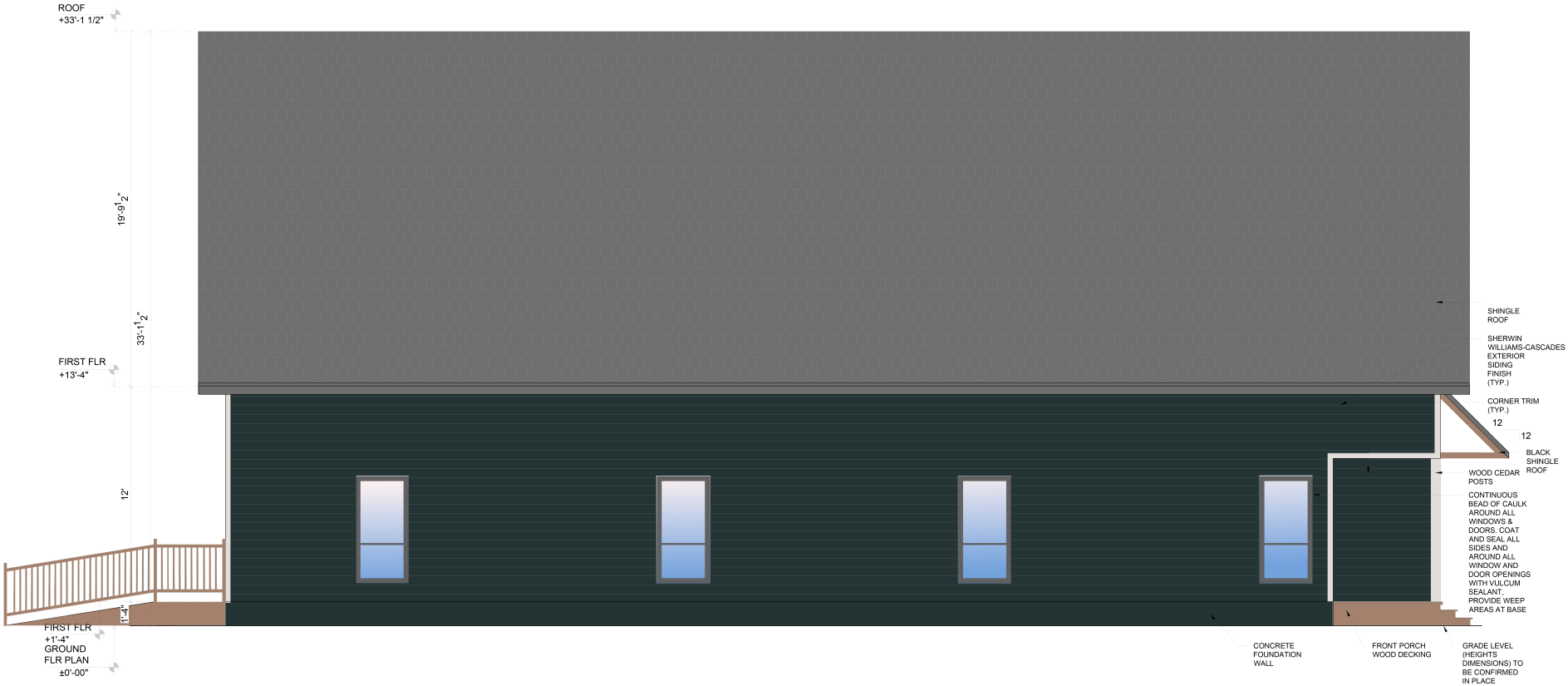


EXHIBIT F
ZONE-25-0009
0.231 ACRE TRACT
BEING PART OF BLOCK 2, MITCHELL ADDITION,
SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY,
ABSTRACT NO. 147,
TOWN OF PROSPER, COLLIN COUNTY, TEXAS

207 N Coleman St, Prosper, TX 75078

DRAWING
SOUTH SIDE ELEVATION

DATE
JANUARY 2026

SCALE
3/8" = 1'-0"

PG.4

Color Inspiration for Building (Sherwin Williams -Cascades or Similiar)



Shingle Color Options:



EXHIBIT F
ZONE-25-0009
0.231 ACRE TRACT
BEING PART OF BLOCK 2, MITCHELL ADDITION,
SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY,
ABSTRACT NO. 147,
TOWN OF PROSPER, COLLIN COUNTY, TEXAS

207 N Coleman St, Prosper, TX 75078

COLOR INSPIRATION

DATE
JANUARY 2026

SCALE
3/8" = 1'-0"

PG.5

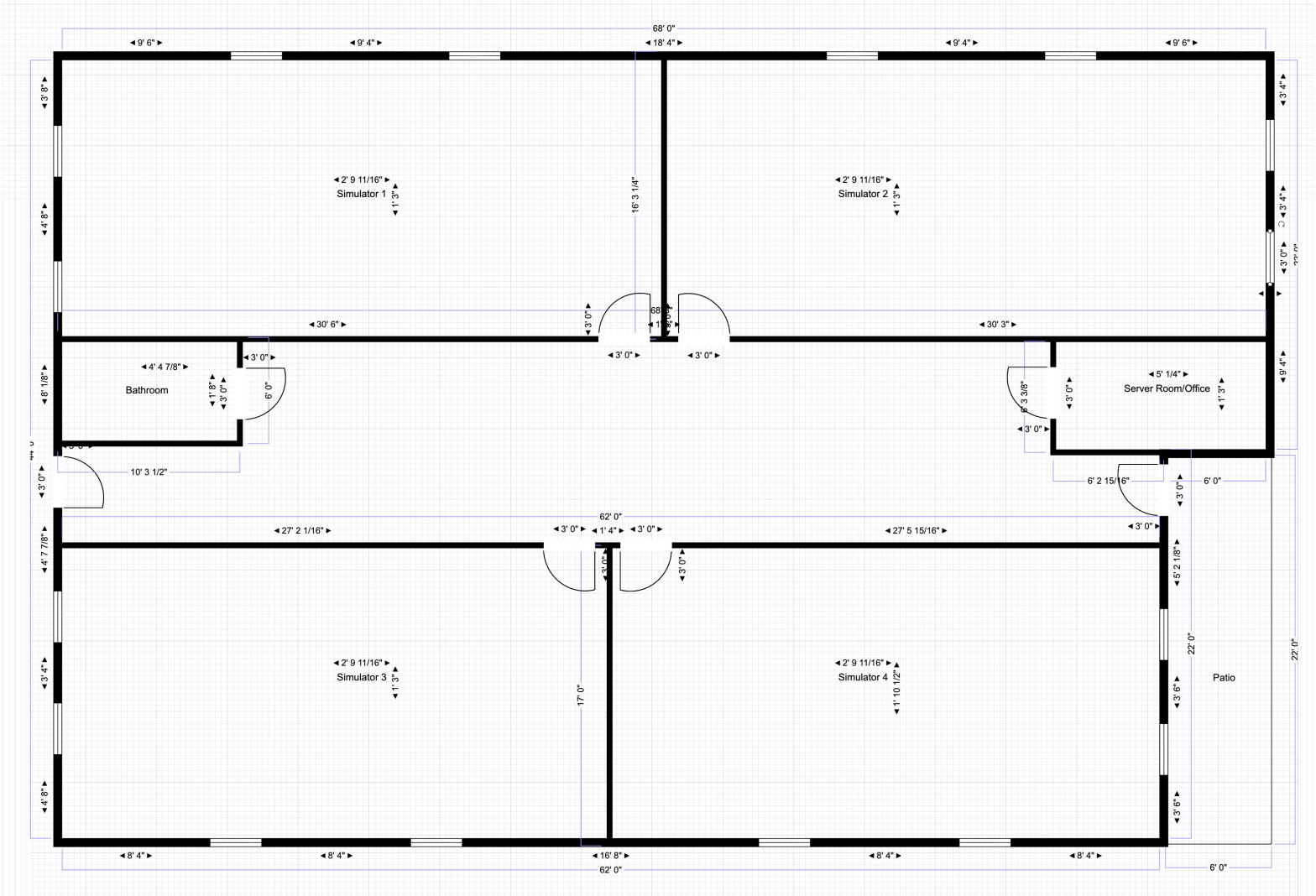


EXHIBIT F
ZONE-25-0009
0.231 ACRE TRACT
BEING PART OF BLOCK 2, MITCHELL ADDITION,
SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY,
ABSTRACT NO. 147,
TOWN OF PROSPER, COLLIN COUNTY, TEXAS

207 N Coleman St, Prosper, TX 75078

CONCEPTUAL FLOOR PLAN

DATE
JANUARY 2026

SCALE
3/8" = 1'-0"

PG.6

0 5ft 10ft 20ft

OPEN SPACE
1117.4 SQFT

LANDSCAPING
1961.1 SQFT

10' SIDEWALK

8' X 22' PARALELL PARKING (TYPICAL)

NORTH COLEMAN STREET

5' MEDIAN

10' SIDEWALK

FIRE LANE

PROPERTY LINE

DRIVEWAY

PARKING SPOT

PARKING SPOT

PARKING SPOT

ADA PARKING SPOT

PARKING SPOT

PARKING SPOT

PROPERTY LINE

ADA RAMP

PROPOSED BUILDING 2860 SQFT

SIDEWALK

PROPERTY LINE

8' X 22' PARALELL PARKING (TYPICAL)

8' X 22' PARALELL PARKING (TYPICAL)

PROPERTY LINE

EXHIBIT G
ZONE-25-0009
0.231 ACRE TRACT
BEING PART OF BLOCK 2,
MITCHELL ADDITION,
SITUATED IN THE COLLIN
COUNTY SCHOOLLAND
SURVEY,
ABSTRACT NO. 147
TOWN OF PROSPER, COLLIN
COUNTY, TEXAS

207 N Coleman St, Prosper, TX 75078

DRAWING
OPEN SPACE PLAN

DATE
FEBRUARY 2026

SCALE
1" = 10'

MITCHELL ADDITION DEVELOPMENT AGREEMENT

THIS MITCHELL ADDITION DEVELOPMENT AGREEMENT ("Agreement") is entered into by and between the Town of Prosper, Texas ("Town"), and Jimit Patel and Christa Patel ("Developer"), individually, a "Party" and collectively, the "Parties," to be effective (the "Effective Date") on the latest date executed by a Party.

WHEREAS, the Town is a home-rule municipal corporation, located in Collin County and Denton County, Texas, organized and existing under the laws of the State of Texas; and

WHEREAS, Developer is developing a project in the Town known as Mitchell Addition ("Property"), a legal description of which Property is attached hereto as Exhibit A and incorporated by reference; and

WHEREAS, the Property was rezoned by the Town Council on or about April _____, 2026, and this Agreement seeks to incorporate, in part, the negotiated and agreed upon development standards contained in the underlying zoning ordinance, as may be amended, and/or this Development Agreement, to recognize Developer's reasonable investment-backed expectations in said development, as may be amended, and as more fully described herein.

NOW, THEREFORE, in consideration of the foregoing premises, and for other good and valuable consideration the receipt and adequacy of which are hereby acknowledged, the Parties to this Agreement agree as follows:

1. Development Standards. For any structure built on the Property following the Effective Date, it shall comply with the requirements contained in Exhibit B, "Building Materials," attached hereto and incorporated herein. The Parties agree and acknowledge that the provisions of this Paragraph shall apply to any structure constructed subsequent to the execution of this Agreement. Nothing in this Agreement shall be deemed to modify or otherwise amend any zoning regulation duly adopted by the Town, previously or in the future.

2. Covenant Running with the Land. The terms, conditions, rights, obligations, benefits, covenants and restrictions of the provisions of this Agreement shall be deemed covenants running with the land and shall be binding upon and inure to the benefit of the Developer and its heirs, representatives, successors and assigns. This Agreement shall be deemed to be incorporated into each deed and conveyance of the Property or any portion thereof hereafter made by any other Developers of the Property, regardless of whether this Agreement is expressly referenced therein.

3. Applicability of Town Ordinances. Developer shall develop the Property, and construct all structures on the Property, in accordance with all applicable Town ordinances and building/construction codes.

4. **Default**. No Party shall be in default under this Agreement until notice of the alleged failure of such Party to perform has been given (which notice shall set forth in reasonable detail the nature of the alleged failure) and until such Party has been given a reasonable time to cure the alleged failure (such reasonable time determined based on the nature of the alleged failure, but in no event less than thirty (30) days after written notice of the alleged failure has been given). In addition, no Party shall be in default under this Agreement if, within the applicable cure period, the Party to whom the notice was given begins performance and thereafter diligently and continuously pursues performance until the alleged failure has been cured. If either Party is in default under this Agreement, the other Party shall have the right to enforce the Agreement in accordance with applicable law, provided, however, in no event shall any Party be liable for consequential or punitive damages

5. **Venue**. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Denton County, Texas. Exclusive venue for any action arising under this Agreement shall lie in Denton County, Texas.

6. **Notice**. Any notices required or permitted to be given hereunder (each, a "Notice") shall be given by certified or registered mail, return receipt requested, to the addresses set forth below or to such other single address as either party hereto shall notify the other:

If to the Town: The Town of Prosper
250 W. First Street
Prosper, Texas 75078
Attention: Town Manager

If to Developer: Jimit and Christa Patel
1412 Ellicott Drive
Celina, TX 75009

7. **Prevailing Party**. In the event any person initiates or defends any legal action or proceeding to enforce or interpret any of the terms of this Agreement, the prevailing party in any such action or proceeding shall be entitled to recover its reasonable costs and attorney's fees (including its reasonable costs and attorney's fees on any appeal).

8. **Entire Agreement.** This Agreement contains the entire agreement between the Parties hereto with respect to development of the Property and supersedes all prior agreements, oral or written, with respect to the subject matter hereof. The provisions of this Agreement shall be construed as a whole and not strictly for or against any Party.

9. **Savings/Severability**. In the event any provision of this Agreement shall be determined by any court of competent jurisdiction to be invalid or unenforceable, the

Agreement shall, to the extent reasonably possible, remain in force as to the balance of its provisions as if such invalid provision were not a part hereof.

10. Binding Agreement. A telecopied facsimile of a duly executed counterpart of this Agreement shall be sufficient to evidence the binding agreement of each party to the terms herein, including without limitation a scanned copy sent via electronic mail by either Party.

11. Authority to Execute. This Agreement shall become a binding obligation on the Parties upon execution by all Parties hereto. The Town warrants and represents that the individual executing this Agreement on behalf of the Town has full authority to execute this Agreement and bind the Town to the same. Developer warrants and represents that the individual executing this Agreement on behalf of Developer has full authority to execute this Agreement and bind Developer to the same. The Town Council hereby authorizes the Town Manager of the Town to execute this Agreement on behalf of the Town.

12. Filing in Deed Records. This Agreement, and any and all subsequent amendments to this Agreement, shall be filed in the deed records of Denton County, Texas.

13. Mediation. In the event of any disagreement or conflict concerning the interpretation of this Agreement, and such disagreement cannot be resolved by the signatories hereto, the signatories agree to submit such disagreement to nonbinding mediation.

14. Notification of Sale or Transfer; Assignment of Agreement. Developer shall notify the Town in writing of any sale or transfer of all or any portion of the Property, within ten (10) business days of such sale or transfer. Developer has the right (from time to time without the consent of the Town, but upon written notice to the Town) to assign this Agreement, in whole or in part, and including any obligation, right, title, or interest of Developer under this Agreement, to any person or entity (an “Assignee”) that is or will become a Developer of any portion of the Property or that is an entity that is controlled by or under common control with Developer. Each assignment shall be in writing executed by Developer and the Assignee and shall obligate the Assignee to be bound by this Agreement. A copy of each assignment shall be provided to the Town within ten (10) business days after execution. Provided that the successor Developer assumes the liabilities, responsibilities, and obligations of the assignor under this Agreement, the assigning party will be released from any rights and obligations under this Agreement as to the Property that is the subject of such assignment, effective upon receipt of the assignment by the Town. No assignment by Developer shall release Developer from any liability that resulted from an act or omission by Developer that occurred prior to the effective date of the assignment. Developer shall maintain true and correct copies of all assignments made by Developer to Assignees, including a copy of each executed assignment and the Assignee’s Notice information.

15. Sovereign Immunity. The Parties agree that the Town has not waived its sovereign immunity from suit by entering into and performing its obligations under this Agreement.

16. Effect of Recitals. The recitals contained in this Agreement: (a) are true and correct as of the Effective Date; (b) form the basis upon which the Parties negotiated and entered into this Agreement; (c) are legislative findings of the Town Council; and (d) reflect the final intent of the Parties with regard to the subject matter of this Agreement. In the event it becomes necessary to interpret any provision of this Agreement, the intent of the Parties, as evidenced by the recitals, shall be taken into consideration and, to the maximum extent possible, given full effect. The Parties have relied upon the recitals as part of the consideration for entering into this Agreement and, but for the intent of the Parties reflected by the recitals, would not have entered into this Agreement.

17. Consideration. This Agreement is executed by the Parties hereto without coercion or duress and for substantial consideration, the sufficiency of which is forever confessed.

18. Counterparts. This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes. A facsimile signature will also be deemed to constitute an original.

19. Amendment. This Agreement shall not be modified or amended except in writing signed by the Parties. A copy of each amendment to this Agreement, when fully executed and recorded, shall be provided to each Party, Assignee and successor Developer of all or any part of the Property; however, the failure to provide such copies shall not affect the validity of any amendment.

20. Miscellaneous Drafting Provisions. This Agreement shall be deemed drafted equally by all Parties hereto. The language of all parts of this Agreement shall be construed as a whole according to its fair meaning, and any presumption or principle that the language herein is to be construed against any Party shall not apply.

21. Waiver of Texas Government Code § 3000.001 *et seq.* With respect to any and all Structures to be constructed on the Property pursuant to this Agreement, Developer hereby waives any right, requirement or enforcement of Texas Government Code §§ 3000.001-3000.005, as amended.

22. Third-Party Beneficiaries. Nothing in this Agreement shall be construed to create any right in any Third-Party not a signatory to this Agreement, and the Parties do not intend to create any third-party beneficiaries by entering into this Agreement.

23. Rough Proportionality. Developer hereby agrees that any land or property donated and/or dedicated pursuant to this Agreement, whether in fee simple or otherwise, to the Town relative to any development on the Property is roughly proportional to the need for such land and Developer hereby waives any claim therefor that it may have. Developer further acknowledges and agrees that all prerequisites to

such a determination of rough proportionality have been met, and that any costs incurred relative to said donation are related both in nature and extent to the impact of the development referenced herein. Both Developer and the Town further agree to waive and release all claims one may have against the other related to any and all rough proportionality and individual determination requirements mandated by the United States Supreme Court in *Dolan v. City of Tigard*, 512 U.S. 374 (1994), and its progeny, as well as any other requirements of a nexus between development conditions and the provision of roadway services to the Property.

24. Exactions/Infrastructure Costs. Developer has been represented by legal counsel in the negotiation of this Agreement and been advised or has had the opportunity to have legal counsel review this Agreement and advise Developer, regarding Developer's rights under Texas and federal law. Developer hereby waives any requirement that the Town retain a professional engineer, licensed pursuant to Chapter 1001 of the Texas Occupations Code, to review and determine that the exactions required by the Town are roughly proportional or roughly proportionate to the proposed development's anticipated impact. Developer specifically reserves its right to appeal the apportionment of municipal infrastructure costs in accordance with § 212.904 of the Texas Local Government Code; however, notwithstanding the foregoing, Developer hereby releases the Town from any and all liability under § 212.904 of the Texas Local Government Code, as amended, regarding or related to the cost of those municipal infrastructure requirements imposed by this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this document to be executed as of the date referenced herein.

(INTENTIONALLY LEFT BLANK)

TOWN:

THE TOWN OF PROSPER, TEXAS

By: _____
Name: Mario Canizares
Title: Town Manager, Town of Prosper

STATE OF TEXAS)
)
COUNTY OF COLLIN)

This instrument was acknowledged before me on the ___ day of _____, 2026, by Mario Canizares, Town Manager of the Town of Prosper, Texas, on behalf of the Town of Prosper, Texas.

_____
Notary Public, State of Texas
My Commission Expires:

_____

DEVELOPER:

George L. McCasland

By: _____
Name: Jimit Patel

Title: _____

By: _____
Name: Christa Patel

Title: _____

STATE OF TEXAS)
)
COUNTY OF _____)

This instrument was acknowledged before me on the ___ day of _____, 2026, by George L. McCasland, known to be the person whose name is subscribed to the foregoing instrument, and that he executed the same on behalf of and as the act of Developer.

_____
Notary Public, State of Texas
My Commission Expires:

_____

EXHIBIT A-1

ZONE-25-0009

METES AND BOUNDS DESCRIPTION

AMERICAN MERIDIAN, LLC
Surveying + 3D Scanning

DESCRIPTION OF
0.231 ACRES OR 10,077 SQ FT.

LEGAL DESCRIPTION:

BEING A 0.231 ACRE TRACT OF LAND SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NUMBER 147, COLLIN COUNTY, TEXAS AND BEING ALL OF THAT TRACT CONVEYED TO LIBRADO PEREZ ET UX IN VOLUME 1088, PAGE 625 OF THE DEED RECORDS OF COLLIN COUNTY,TEXAS AND BEING A PART OF BLOCK 2 OF THE MITCHELL ADDITION RECORDED IN VOLUME 107, PAGE 588 OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" SQUARE TUBING FOUND IN THE WEST LINE OF NORTH COLEMAN STREET (A VARIABLE WIDTH RIGHT-OF-WAY) FOR THE SOUTHEAST CORNER OF SAID 0.231 ACRE TRACT, ALSO BEING THE NORTHEAST CORNER OF LOT 3R OF THE MITCHELL ADDITION, AN ADDITION TO THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS AS RECORDED IN VOLUME 5816, PAGE 2443 OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS AND HAVING A TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE, U.S. SURVEY FOOT GRID COORDINATE VALUE OF **N: 7137363.98, E: 2487533.21 FEET** FOR REFERENCE, FROM WHICH A 1/2" SQUARE TUBING FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 3R BEARS S 00°03'00" E, A DISTANCE OF 98.71 FEET;

THENCE FROM SAID POINT OF BEGINNING, DEPARTING THE WEST LINE OF NORTH COLEMAN STREET, S 89°52'01" W, PASSING THE NORTHWEST CORNER OF SAID LOT 3R AT A DISTANCE OF 134.08 FEET AND CONTINUING IN ALL A DISTANCE OF 136.28 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID 0.231 ACRE TRACT, ALSO BEING THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO JAMES SARTIN ET UX UNDER INSTRUMENT NUMBER 19960213000117320 OF THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS;

THENCE, GENERALLY WITH A WOOD FENCE, N 03°36'16" W, PASSING A 2.5" GALVANIZED POST AT A DISTANCE OF 71.16 FEET AND CONTINUING IN ALL A DISTANCE OF 72.13 FEET TO A POINT IN A TREE IN THE SOUTH LINE OF A 10 FOOT ALLEY FOR THE NORTHWEST CORNER OF SAID 0.231 ACRE TRACT, ALSO BEING THE NORTHEAST CORNER OF SAID SARTIN TRACT, FROM WHICH A 1/2" IRON ROD FOUND IN THE NORTH LINE OF SAID 10 FOOT ALLEY BEARS N 42°27'59" W, A DISTANCE OF 13.38 FEET;

THENCE, WITH THE SOUTH LINE OF SAID 10 FOOT ALLEY, N 89°09'46" E, A DISTANCE OF 140.30 FEET TO A 1/2" IRON ROD FOUND IN THE WEST LINE OF NORTH COLEMAN STREET FOR THE NORTHEAST CORNER OF SAID 0.231 ACRE TRACT, ALSO BEING THE SOUTHEAST CORNER OF SAID 10 FOOT ALLEY, FROM WHICH A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 10 FOOT ALLEY BEARS N 00°24'36" W, A DISTANCE OF 10.00 FEET;

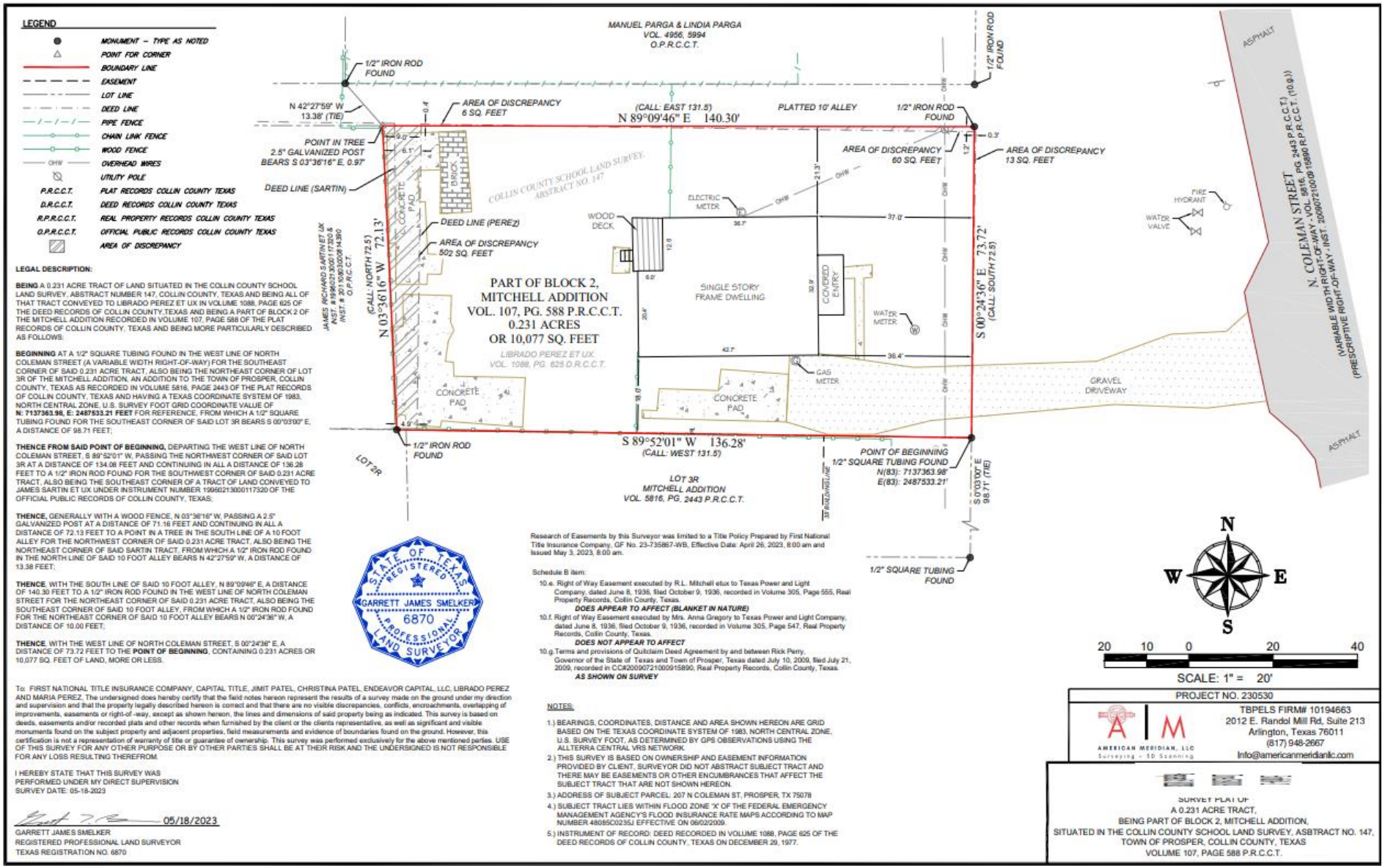
THENCE, WITH THE WEST LINE OF NORTH COLEMAN STREET, S 00°24'36" E, A DISTANCE OF 73.72 FEET TO THE **POINT OF BEGINNING**, CONTAINING 0.231 ACRES OR 10,077 SQ. FEET OF LAND, MORE OR LESS.

STATE OF TEXAS
REGISTERED
GARRETT JAMES SMELKER
6870
PROFESSIONAL
LAND SURVEYOR

I HEREBY STATE THAT THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION
SURVEY DATE: 05-18-2023

05/18/2023
GARRETT JAMES SMELKER
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6870

Exhibit A-1
0.231 ACRE TRACT
BEING PART OF BLOCK 2, MITCHELL ADDITION,
SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY,
ABSTRACT NO. 147,
TOWN OF PROSPER, COLLIN COUNTY, TEXAS
5/18/2023



LEGAL DESCRIPTION:

BEING A 0.231 ACRE TRACT OF LAND SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NUMBER 147, COLLIN COUNTY, TEXAS AND BEING ALL OF THAT TRACT CONVEYED TO LIBRADO PEREZ ET UX IN VOLUME 1088, PAGE 625 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS AND BEING A PART OF BLOCK 2 OF THE MITCHELL ADDITION RECORDED IN VOLUME 107, PAGE 588 OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" SQUARE TUBING FOUND IN THE WEST LINE OF NORTH COLEMAN STREET (A VARIABLE WIDTH RIGHT-OF-WAY) FOR THE SOUTHEAST CORNER OF SAID 0.231 ACRE TRACT, ALSO BEING THE NORTHEAST CORNER OF LOT 3R OF THE MITCHELL ADDITION, AN ADDITION TO THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS AS RECORDED IN VOLUME 5816, PAGE 2443 OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS AND HAVING A TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE, U.S. SURVEY FOOT GRID COORDINATE VALUE OF **N: 7137363.98, E: 2487533.21 FEET** FOR REFERENCE, FROM WHICH A 1/2" SQUARE TUBING FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 3R BEARS S 00°03'00" E, A DISTANCE OF 98.71 FEET;

THENCE FROM SAID POINT OF BEGINNING, DEPARTING THE WEST LINE OF NORTH COLEMAN STREET, S 89°52'01" W, PASSING THE NORTHWEST CORNER OF SAID LOT 3R AT A DISTANCE OF 134.08 FEET AND CONTINUING IN ALL A DISTANCE OF 136.28 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID 0.231 ACRE TRACT, ALSO BEING THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO JAMES SARTIN ET UX UNDER INSTRUMENT NUMBER 19960213000117320 OF THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS;

THENCE, GENERALLY WITH A WOOD FENCE, N 03°36'16" W, PASSING A 2.5" GALVANIZED POST AT A DISTANCE OF 71.16 FEET AND CONTINUING IN ALL A DISTANCE OF 72.13 FEET TO A POINT IN A TREE IN THE SOUTH LINE OF A 10 FOOT ALLEY FOR THE NORTHWEST CORNER OF SAID 0.231 ACRE TRACT, ALSO BEING THE NORTHEAST CORNER OF SAID SARTIN TRACT, FROM WHICH A 1/2" IRON ROD FOUND IN THE NORTH LINE OF SAID 10 FOOT ALLEY BEARS N 42°27'59" W, A DISTANCE OF 13.38 FEET;

THENCE, WITH THE SOUTH LINE OF SAID 10 FOOT ALLEY, N 89°09'46" E, A DISTANCE OF 140.30 FEET TO A 1/2" IRON ROD FOUND IN THE WEST LINE OF NORTH COLEMAN STREET FOR THE NORTHEAST CORNER OF SAID 0.231 ACRE TRACT, ALSO BEING THE SOUTHEAST CORNER OF SAID 10 FOOT ALLEY, FROM WHICH A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 10 FOOT ALLEY BEARS N 00°24'36" W, A DISTANCE OF 10.00 FEET;

THENCE, WITH THE WEST LINE OF NORTH COLEMAN STREET, S 00°24'36" E, A DISTANCE OF 73.72 FEET TO THE **POINT OF BEGINNING**, CONTAINING 0.231 ACRES OR 10,077 SQ. FEET OF LAND, MORE OR LESS.

To: FIRST NATIONAL TITLE INSURANCE COMPANY, CAPITAL TITLE, JIMIT PATEL, CHRISTINA PATEL, ENDEAVOR CAPITAL, LLC, LIBRADO PEREZ AND MARIA PEREZ, The undersigned does hereby certify that the field notes hereon represent the results of a survey made on the ground under my direction and supervision and that the property legally described hereon is correct and that there are no visible discrepancies, conflicts, encroachments, overlapping of improvements, easements or right-of -way, except as shown hereon, the lines and dimensions of said property being as indicated. This survey is based on deeds, easements and/or recorded plats and other records when furnished by the client or the clients representative, as well as significant and visible monuments found on the subject property and adjacent properties, field measurements and evidence of boundaries found on the ground. However, this certification is not a representation of warranty of title or guarantee of ownership. This survey was performed exclusively for the above mentioned parties. USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR RISK AND THE UNDERSIGNED IS NOT RESPONSIBLE FOR ANY LOSS RESULTING THEREFROM.

I HEREBY STATE THAT THIS SURVEY WAS
PERFORMED UNDER MY DIRECT SUPERVISION
SURVEY DATE: 05-18-2023

05/18/2023

GARRETT JAMES SMELKER
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6870

STATE OF TEXAS REGISTERED GARRETT JAMES SMELKER 6870 PROFESSIONAL LAND SURVEYOR

Research of Easements by this Surveyor was limited to a Title Policy Prepared by First National Title Insurance Company, GF No. 23-735867-WB, Effective Date: April 26, 2023, 8:00 am and Issued May 3, 2023, 8:00 am.

Schedule B item:

10.e. Right of Way Easement executed by R.L. Mitchell etux to Texas Power and Light Company, dated June 8, 1936, filed October 9, 1936, recorded in Volume 305, Page 555, Real Property Records, Collin County, Texas.
DOES APPEAR TO AFFECT (BLANKET IN NATURE)

10.f. Right of Way Easement executed by Mrs. Anna Gregory to Texas Power and Light Company, dated June 8, 1936, filed October 9, 1936, recorded in Volume 305, Page 547, Real Property Records, Collin County, Texas.
DOES NOT APPEAR TO AFFECT

10.g. Terms and provisions of Quitclaim Deed Agreement by and between Rick Perry, Governor of the State of Texas and Town of Prosper, Texas dated July 10, 2009, filed July 21, 2009, recorded in CC#20090721000915890, Real Property Records, Collin County, Texas.
AS SHOWN ON SURVEY

NOTES:

1.) BEARINGS, COORDINATES, DISTANCE AND AREA SHOWN HEREON ARE GRID BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE, U.S. SURVEY FOOT, AS DETERMINED BY GPS OBSERVATIONS USING THE ALLTERRA CENTRAL VRS NETWORK.

2.) THIS SURVEY IS BASED ON OWNERSHIP AND EASEMENT INFORMATION PROVIDED BY CLIENT, SURVEYOR DID NOT ABSTRACT SUBJECT TRACT AND THERE MAY BE EASEMENTS OR OTHER ENCUMBRANCES THAT AFFECT THE SUBJECT TRACT THAT ARE NOT SHOWN HEREON.

3.) ADDRESS OF SUBJECT PARCEL: 207 N COLEMAN ST, PROSPER, TX 75078

4.) SUBJECT TRACT LIES WITHIN FLOOD ZONE "X" OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAPS ACCORDING TO MAP NUMBER 48085C0235J EFFECTIVE ON 06/02/2009.

5.) INSTRUMENT OF RECORD: DEED RECORDED IN VOLUME 1088, PAGE 625 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS ON DECEMBER 29, 1977.

PROJECT NO. 230530

AMERICAN MERIDIAN, LLC
Surveying - 3D Scanning
TBPELS FIRM# 10194663
2012 E. Randol Mill Rd, Suite 213
Arlington, Texas 76011
(817) 948-2667
Info@americanmeridianllc.com

SURVEY PLAT OF
A 0.231 ACRE TRACT,
BEING PART OF BLOCK 2, MITCHELL ADDITION,
SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ASBTRACT NO. 147,
TOWN OF PROSPER, COLLIN COUNTY, TEXAS
VOLUME 107, PAGE 588 P.R.C.C.T.

ZONE-25-0009

Exhibit B

Architectural Standards

1. The architectural standards within this Planned Development District are as follows:

    • Exterior elevations shall be submitted to the Planning Division and are subject to the approval of the Director of Development Services or his/her designee. All construction must have an approved facade plan before issuance of a building permit.

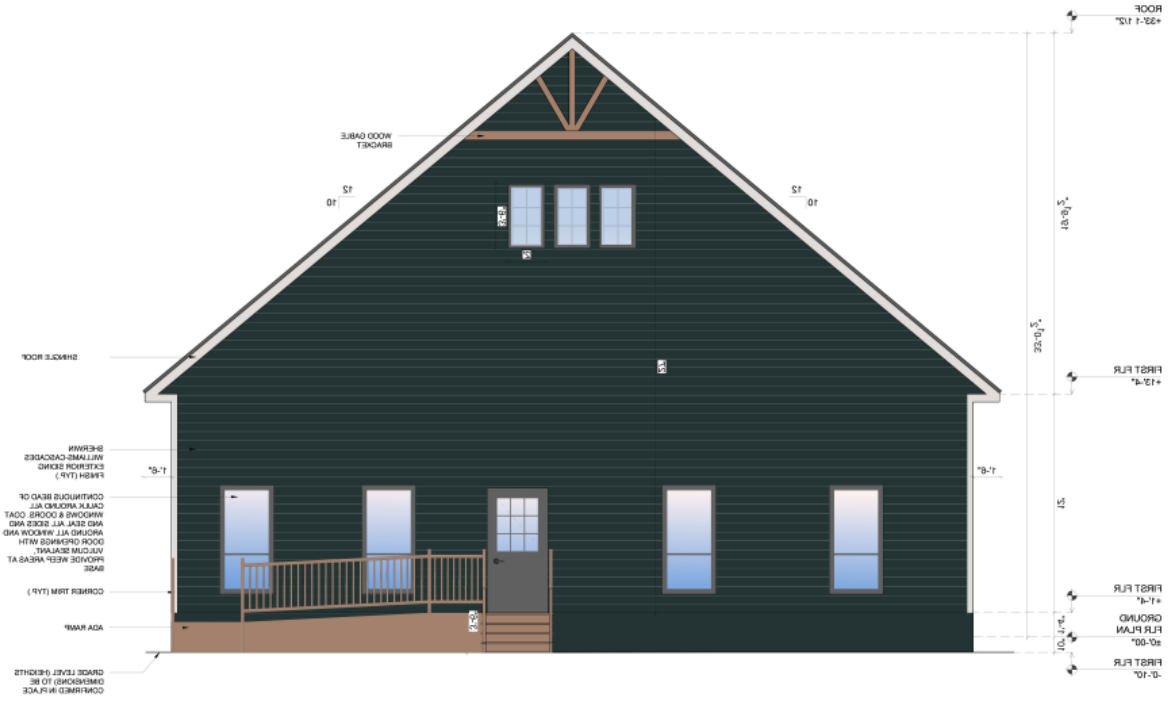
    • The primary building material will be fiber cement siding.

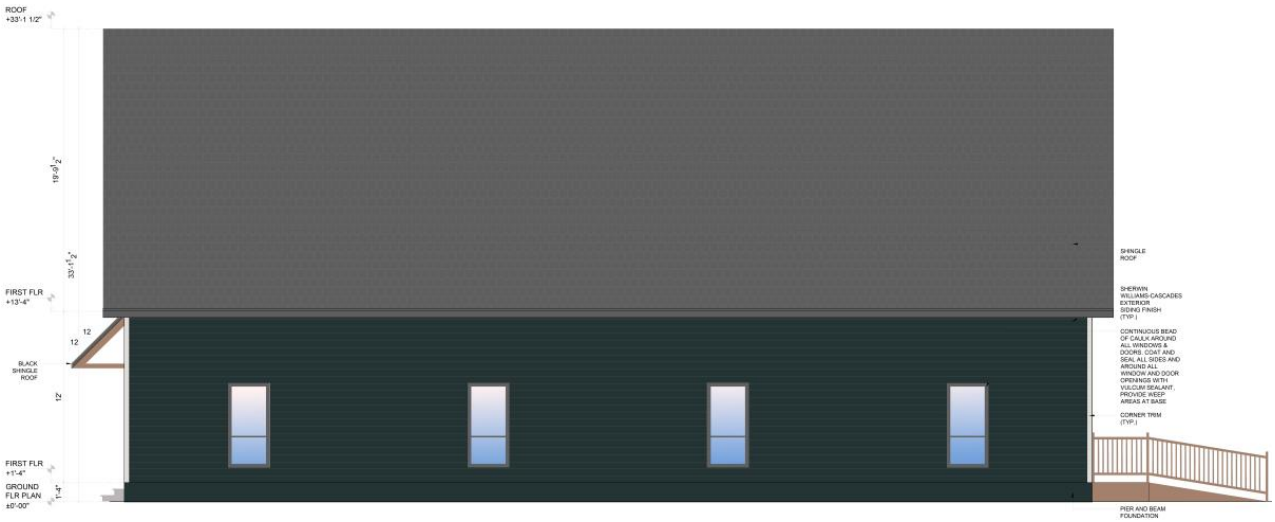
    • Awnings will be architectural materials that complement the building such as metal roof or shingle.

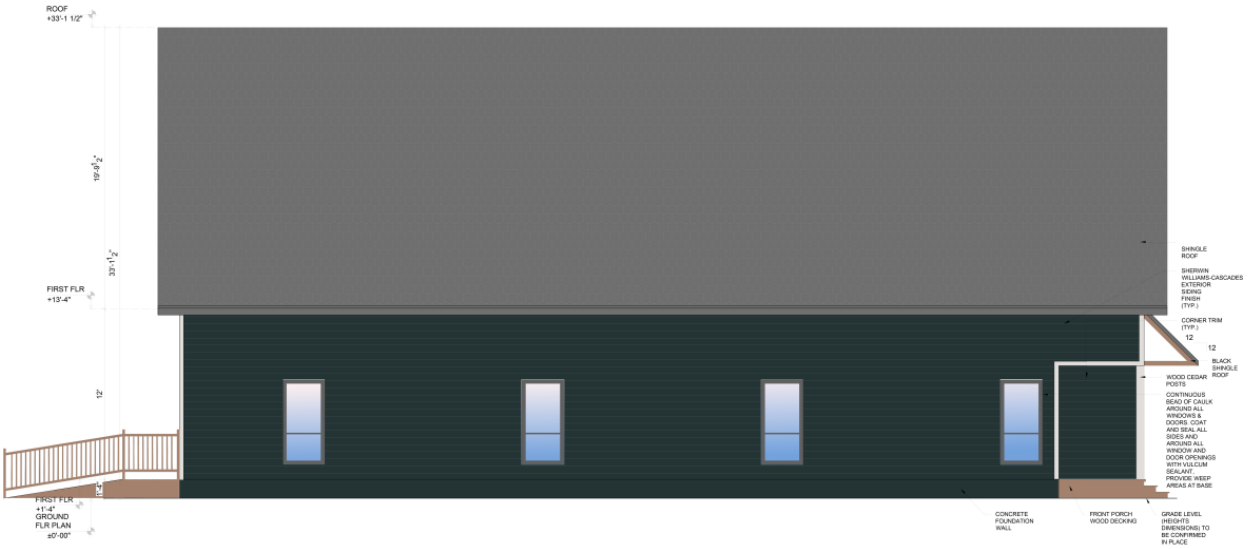
    • Color will be Sherwin Williams Cascades or similar (See Color and Inspiration on Exhibit F)

ELEVATIONS






ROOF
+33'-1 1/2"
19'-9 1/2"
33'-1 1/2"
FIRST FLR
+13'-4"
12
12
BLACK
SHINGLE
ROOF
12'
FIRST FLR
+1'-4"
GROUND
FLR PLAN
±0'-00"
1'-4"
SHINGLE
ROOF
SHERWIN
WILLIAMS-CASCADES
EXTERIOR
SIDING FINISH
(TYP.)
CONTINUOUS BEAD
OF CAULK AROUND
ALL WINDOWS &
DOORS. COAT AND
SEAL ALL SIDES AND
AROUND ALL
WINDOW AND DOOR
OPENINGS WITH
VULCUM SEALANT.
PROVIDE WEEP
AREAS AT BASE
CORNER TRIM
(TYP.)
PIER AND BEAM
FOUNDATION


ROOF
+33'-1 1/2"
19'-9 1/2"
33'-1 1/2"
FIRST FLR
+13'-4"
12'
FIRST FLR
+1'-4"
GROUND
FLR PLAN
±0'-00"
1'-4"
SHINGLE
ROOF
SHERWIN
WILLIAMS-CASCADES
EXTERIOR
SIDING
FINISH
(TYP.)
CORNER TRIM
(TYP.)
12
12
BLACK
SHINGLE
ROOF
WOOD CEDAR
POSTS
CONTINUOUS
BEAD OF CAULK
AROUND ALL
WINDOWS &
DOORS. COAT
AND SEAL ALL
SIDES AND
AROUND ALL
WINDOW AND
DOOR OPENINGS
WITH VULCUM
SEALANT.
PROVIDE WEEP
AREAS AT BASE
CONCRETE
FOUNDATION
WALL
FRONT PORCH
WOOD DECKING
GRADE LEVEL
(HEIGHTS
DIMENSIONS) TO
BE CONFIRMED
IN PLACE

Color Inspiration for Building (Sherwin Williams -Cascades or Similiar)



Shingle Color Options:



Planned Development
207 North Coleman Street
(ZONE-25-0009)

Agenda Item

Conduct a Public Hearing and consider and act upon a request for a Planned Development for an Indoor Golf Simulator Facility on a part of Block 2 of the Mitchell Addition, on 0.2± acre, located on the west side of Coleman Street and 120± feet north of Fifth Street. (ZONE-25-0009)

Proposal

Purpose:

- Renovate existing single-family home (2,992 square feet) and convert into an indoor golf simulator.

Permitted Uses:

- Golf Simulator

Location and Zoning



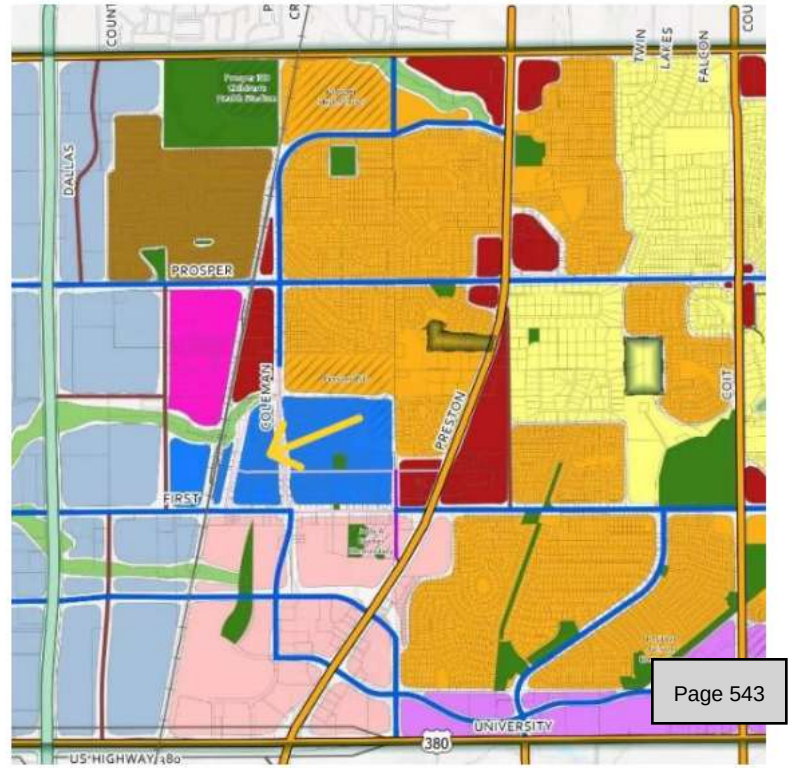


Surrounding Zoning

	Zoning	Current Land Use	Future Land Use Plan
Subject Property	Single Family-15	Single-Family	Old Town District
North	Single Family-15	Single-Family	Old Town District
East	Planned Development-45 (Downtown Office)	Commercial	Old Town District
South	Downtown Office	Chamber of Commerce	Old Town District
West	Single Family-15	Single-Family	Old Town District

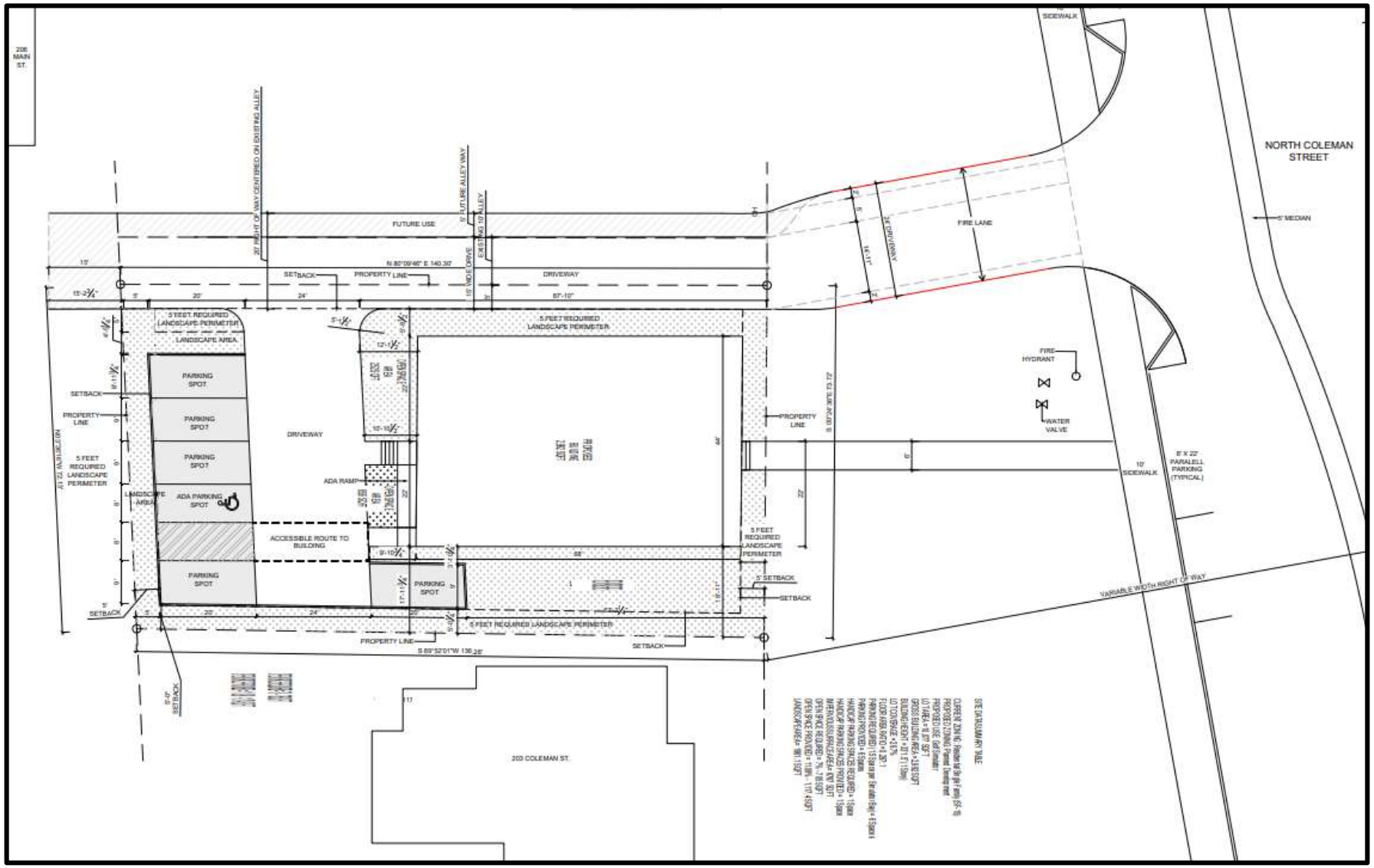
Future Land Use Exhibit





District Regulations

	District Regulations (Downtown Retail)	District Regulations (Development Standards)
Front Setback (Coleman Street)	**Setback:** None	**Setback:** None
Side Setback (Adjacent to Residential)	**Setback:** 10’	**Setback:** 10’
Side Setback (Adjacent to DTO)	**Setback:** 10’	**Setback:** 10’
Rear Setback (Adjacent to Residential)	**Setback:** 10’	**Setback:** 10’


NORTH COLEMAN STREET
FUTURE USE
FIRE LANE
DRIVEWAY
PROPERTY LINE
SETBACK
5 FEET REQUIRED LANDSCAPE PERIMETER
LANDSCAPE AREA
PARKING SPOT
ADA PARKING SPOT
ACCESSIBLE ROUTE TO BUILDING
ADA RAMP
FIRE HYDRANT
WATER VALVE
10' SIDEWALK
8' X 22' PARALLEL PARKING (TYPICAL)
5' MEDIAN
VARIABLE WIDTH RIGHT-OF-WAY
203 COLEMAN ST.

Building Materials

Primary Building:

- Fiber Cement Siding

Architectural Features:

- Awnings (Metal Roof or Shingle)

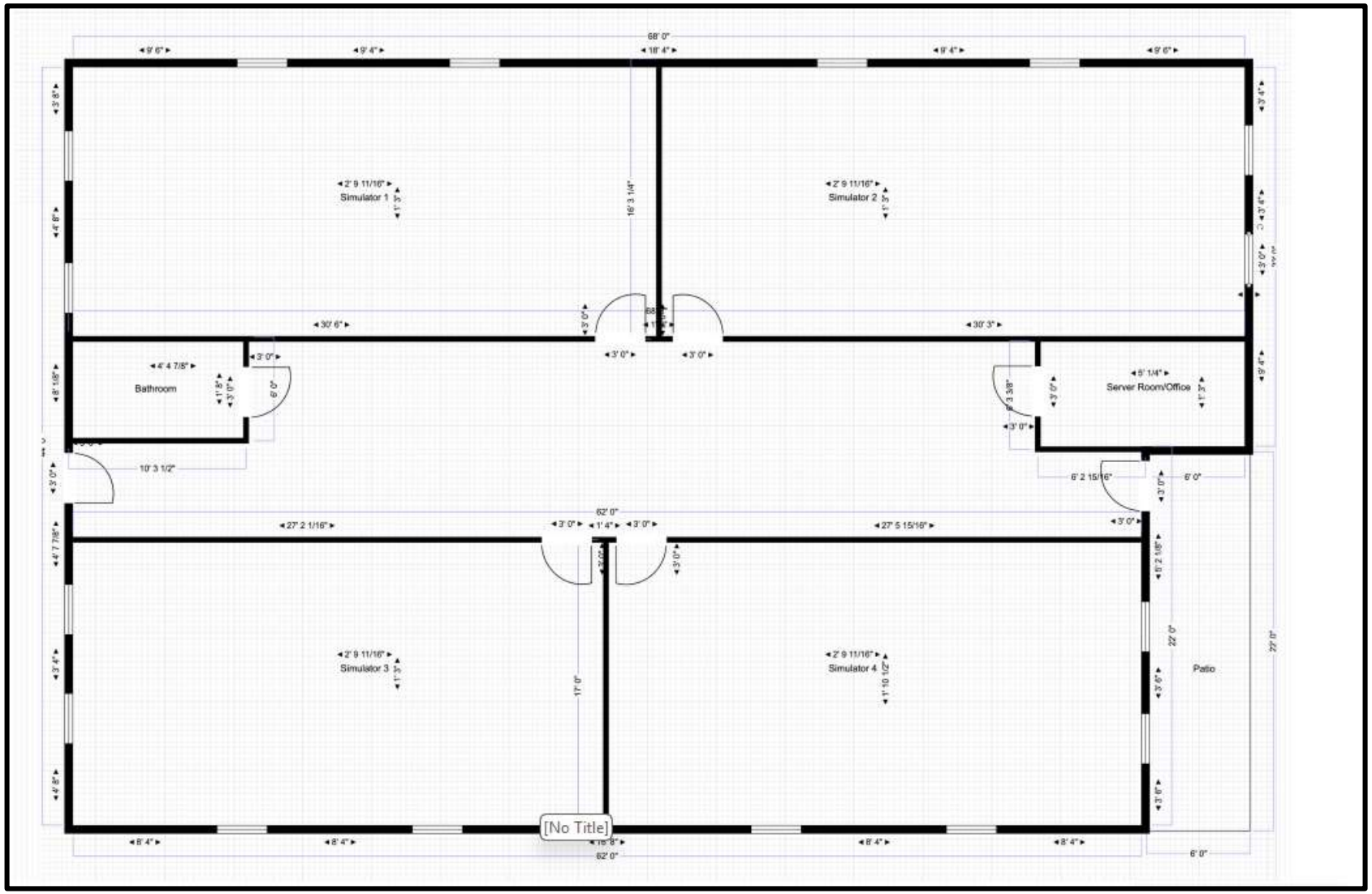






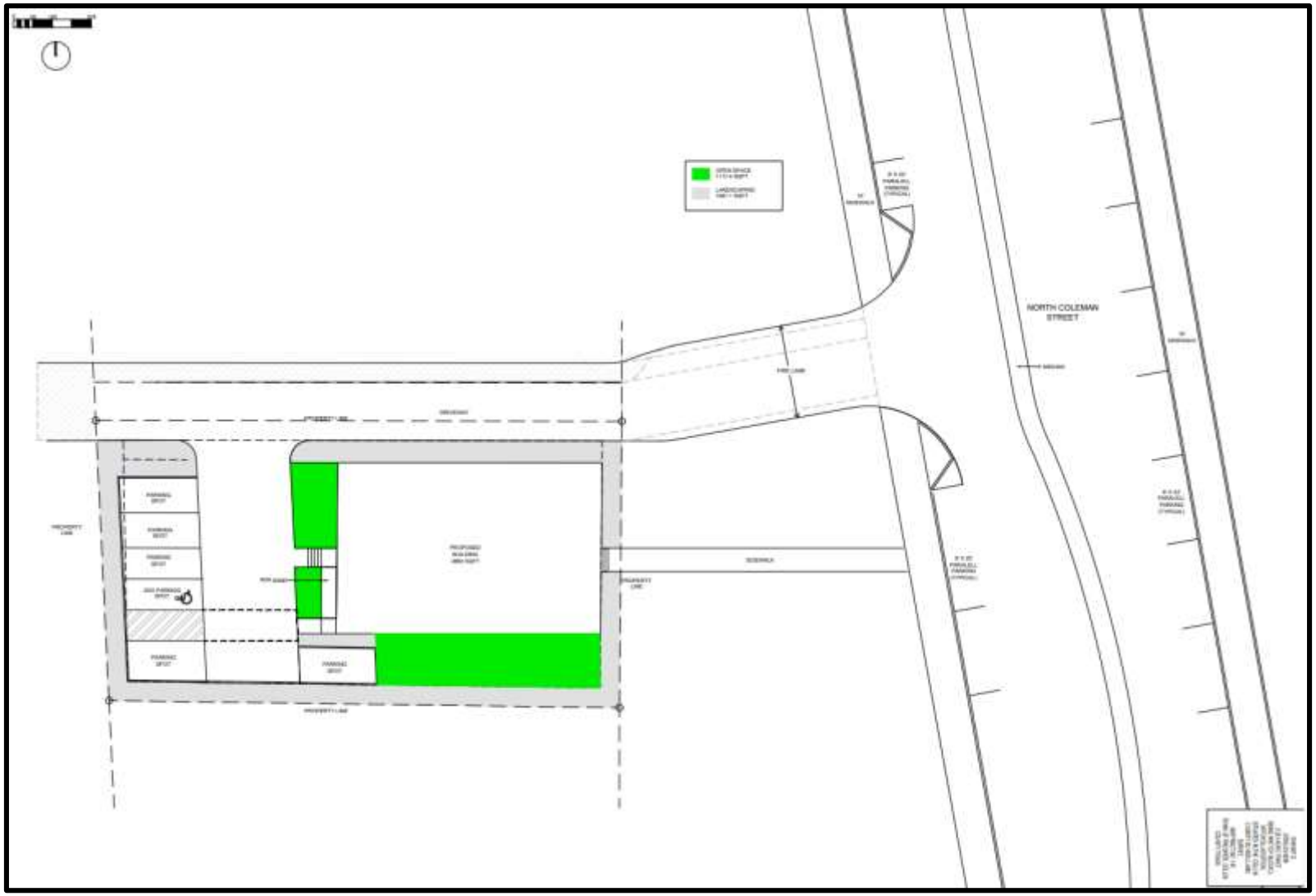





68' 0"
Simulator 1
Simulator 2
Bathroom
Server Room/Office
62' 0"
Simulator 3
Simulator 4
Patio
[No Title]

Landscaping and Open Space

	Required Landscaping (Downtown Retail)	Proposed Landscaping (Development Standards)
Northern Boundary	**Buffer:** 15’ Landscape Buffer	**Buffer:** 5’ Landscape Buffer
Eastern Boundary (Coleman Street)	**Buffer:** 15’ Landscape Easement	**Buffer:** 5’ Landscape Easement
Southern Boundary	**Buffer:** 5’ Landscape Buffer	**Buffer:** 5’ Landscape Buffer
Western Boundary	**Buffer:** 15’ Landscape Buffer	**Buffer:** 5’ Landscape Buffer
Open Space	**Requirement:** 7% of Net Lot Area	**Requirement:** 7% of Net Lot Area


NORTH COLEMAN STREET

Recommendation

Town Staff:

- Town Staff recommends approval of the Planned Development.

Planning and Zoning Commission:

- Planning and Zoning Commission recommended approval of the Planned Development. (6-0)

Noticing:

- Friday, April 10th (No Response)