

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, CREATING A PROGRAM FOR THE REVITALIZATION OF DOWNTOWN RESIDENTIAL DEVELOPMENT; MAKING FINDINGS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Prosper, Texas ("Town Council"), has investigated and determined that the revitalization of the Downtown area is advantageous to the Town and its citizens; and

**WHEREAS**, the Town Council previously has provided certain incentives to non-residential development through its Neighborhood Empowerment Zone and the incentives referenced therein; and

**WHEREAS**, the following Downtown Residential Revitalization Program shall provide incentives relative to architectural standards and building materials for those residential structures constructed pursuant to this Program; and

**WHEREAS**, the Program allows for the recoupment of costs and fees incurred by the Town in the event of non-compliance with the terms and provisions of the Program, subject to any development agreement between the Town and a property owner in the Downtown area; and

**WHEREAS**, the Town Council hereby finds and determines that it will be advantageous, beneficial and in the best interests of the citizens of the Town to adopt a Program for Downtown residential revitalization.

**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**

There is hereby created a Downtown Residential Revitalization Program ("Program"), subject to the following conditions:

1. The Program shall only be offered to property owners in the Downtown area, as depicted in attached Exhibit A.

2. The Program shall be available for any single-family residential structure that has been on the Town's tax rolls for at least twenty-five (25) years prior to the date of application for participation in the Program. An application may be submitted by a property owner in the Downtown area, or an authorized representative thereof.

3. To be eligible to participate in the Program, an applicant must be in the process of (1) demolishing or otherwise removing an eligible single-family residential structure and replacing it with a new single-family residential structure; or (2) constructing on vacant property a new single-family residential structure. For vacant property, it shall be assumed that an eligible structure had been on the Town's tax rolls prior to the eligible structure's demolition.

4. In exchange for signing a development agreement with Town, the Town will not require the payment of any applicable impact fees or building permit fees. The development agreement will be prepared by the Town and, among others, the owner shall agree to construction standards for the residence and fee reimbursement requirements in the event that after five (5) years from the date of building final of the residence, the assessed value of the Town's component of the property tax (as determined by the Collin Central Appraisal District, or "CAD") for the property must have increased by at least the amount of the fees waived. If so, the owner is not required to reimburse the Town, and the development agreement shall expire. If the increase in assessed taxable value has not equaled the amount of fees waived by the Town, the owner shall be required to pay the difference within thirty (30) days of notification by the Town. If the owner does not timely pay the amount owed, a lien shall be placed on the property for the amount due the Town.

5. Any development agreement executed by the Parties pursuant to this Program, which agreement shall include repayment obligations, shall be filed in the Collin County real property records. In the development agreement, the Town and the owner shall establish the baseline value of the property, based on the most recent CAD figures. In the event of any dispute, the decision of the Town shall be final.

6. For vacant properties, there are no structures upon which to determine the baseline value. To establish a baseline value, the Town shall utilize an average dollar amount of all residences in the Downtown area in this zone, and determine an average home value. That amount will be utilized as the baseline.

7. Once the increase in the Town component of property tax values exceeds the baseline amount by the amount of fees deferred by the Town, the owner shall have met all obligations to the Town, and the Town shall file in the Collin County real property records a notice that all obligations by the owner have been met and the development agreement is of no further force and effect.

8. The Town Manager is hereby authorized to execute any development agreements under the Program.

### **SECTION 3**

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

**SECTION 4**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town 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.

**SECTION 5**

This Ordinance shall become effective and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the Town of Prosper, Texas.


**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 14TH DAY OF APRIL, 2020.**

**APPROVED:**



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**Ray Smith, Mayor**

**ATTEST:**

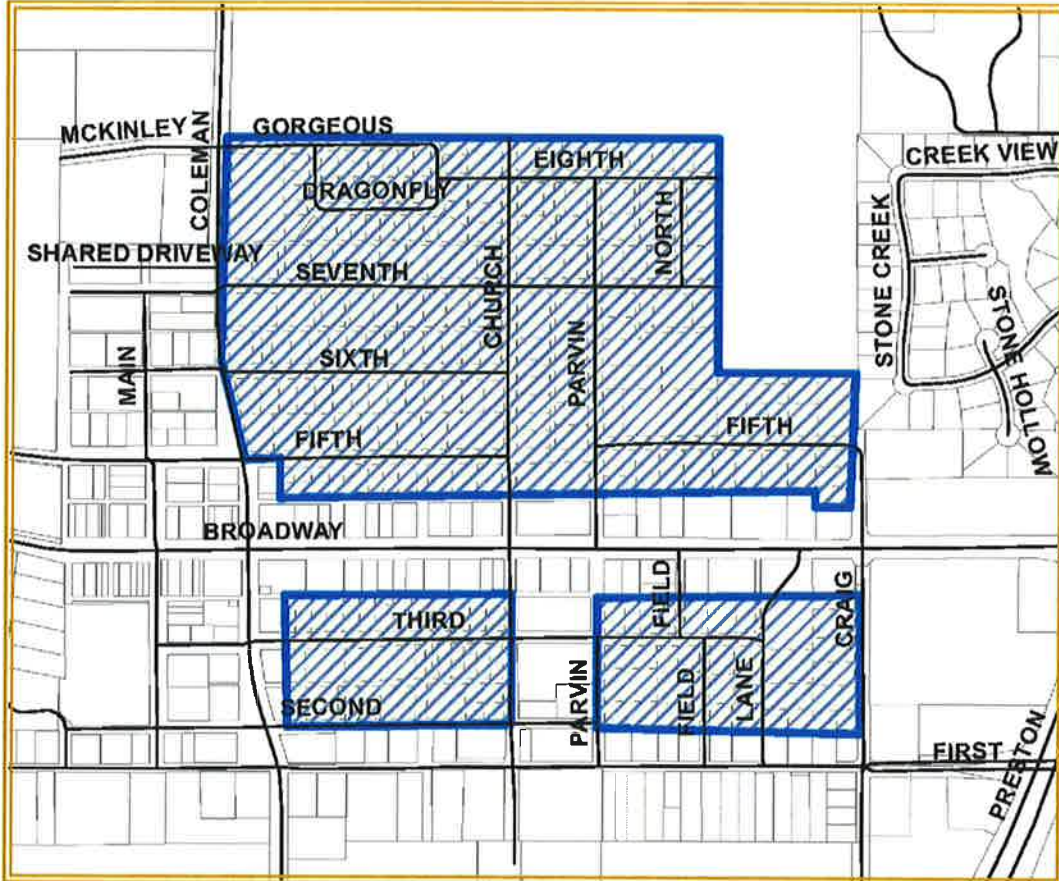
  
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**Melissa Lee, Town Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

  
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**Terrence S. Welch, Town Attorney**

**EXHIBIT A**

**TOWN OF PROSPER  
Downtown Residential Revitalization Program Area**



Prepared 12/20/2019