

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING THE FUTURE LAND USE PLAN MAP OF THE TOWN OF PROSPER'S COMPREHENSIVE PLAN; PROVIDING FOR REPEALING, SAVING AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the Town Council of the Town of Prosper, Texas ("Town Council"), has investigated and determined that the Future Land Use Plan of the Town of Prosper ("Prosper") Comprehensive Plan, adopted by Ordinance No. 12-21, as amended, should be amended; and

**WHEREAS**, Prosper received a request to amend the Future Land Use Plan from Low Density Residential to Retail and Neighborhood Services, generally located on the east side of Preston Road and north of St. Peter Lane; and

**WHEREAS**, Prosper has complied with all notices and public hearings as required by law; and

**WHEREAS**, the Town Council finds that it will be advantageous, beneficial, and in the best interests of the citizens of Prosper to amend a portion of the Comprehensive Plan 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 Prosper's Comprehensive Plan, Ordinance No. 12-21. The Future Land Use Plan Map of the Town of Prosper's Comprehensive Plan, adopted by Ordinance No. 12-21, as amended, is hereby amended to reflect Retail and Neighborhood Services on the east side of Preston Road and north of St. Peter Lane, as depicted in Exhibit A, attached hereto and incorporated by reference.

**SECTION 3**

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 any and 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 4**

**Savings/Repealing Clause.** Prosper's Comprehensive Plan, adopted by Ordinance 12-21, 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 5**

**Effective Date.** This Ordinance shall become effective from and after its adoption.

**DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 13<sup>TH</sup> DAY OF JUNE, 2023.**

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**David F. Bristol, Mayor**

**ATTEST:**

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**Michelle Lewis-Sirianni, Town Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

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**Terrence S. Welch, Town Attorney**