



## PLANNING

**To: Mayor and Town Council**

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

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

**Re: Zoning Amendment Automotive Sales**

**Town Council Meeting – November 14, 2023**

**Strategic Visioning Priority: 4. Provide Excellent Municipal Services**

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**Agenda Item:**

Conduct a public hearing to consider and act upon amending Chapter 3, Section 1.4, Subpart 38 – Automobile Sales/Leasing, Used, of the Town of Prosper Zoning Ordinance to provide additional criteria for this use. (ZONE-23-0026)

**Description of Agenda Item:**

The Town's Zoning Ordinance regulates what types of uses are allowed in each zoning district. Uses can be permitted by right, permitted with conditions or require a Specific Use Permit. The use "Automobile Sales/Leasing, Used" is permitted with conditions in the Commercial, Commercial Corridor, and Industrial zoning districts. The two conditions that apply to this use are as follows:

- a) A Specific Use Permit is required in the Commercial and Commercial Corridor Districts.
- b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.

In accordance with direction from the Town Council, Staff recommend an amendment to add the following criteria that will only allow a used car dealership to operate in conjunction with a new car dealership.

Used vehicle sales are only permitted as an accessory use to new vehicle sales. (Prohibition includes car rental agencies.)

**Comprehensive Plan:**

Staff finds that the proposed modification is compliant with the following guiding principle and goals of the Comprehensive Plan:

***Guiding Principle: Quality Development - Maintain the community's small-town feel by ensuring quality development occurs in a cohesive manner, compatible with neighboring developments.***

***Goal 1: Provide a variety of desirable land uses that diversify the tax base and enable all types of people to live, work, shop, eat, and relax in Prosper.***

One of the takeaways from the Comprehensive Plan Advisory Committee exercises in preparation for creating the Comprehensive Plan was to “restrict uses like auto dealerships where little tax value is generated.”

**Goal 4:** *Require high-quality and visually attractive characteristics in both residential and nonresidential developments.*

**Budget Impact:**

There is no budgetary impact affiliated with this item.

**Legal Obligations and Review:**

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.

**Attached Documents:**

1. Redlined Text Amendments
2. Proposed Text Amendments

**Town Staff Recommendation:**

Town Staff recommends the Town Council approve amending Chapter 3, Section 1.4, Subpart 38 – Automobile Sales/Leasing, Used, of the Town of Prosper Zoning Ordinance to provide additional criteria for this use. The Planning & Zoning Commission voted to unanimously approve at their November 7, 2023, meeting.

**Proposed Motion:**

I move to approve amending Chapter 3, Section 1.4, Subpart 38 – Automobile Sales/Leasing, Used, of the Town of Prosper Zoning Ordinance to provide additional criteria for this use.