

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING THE TOWN'S ZONING ORDINANCE, BY REPEALING EXISTING SECTION 1, "USE OF LAND AND BUILDINGS," OF CHAPTER 3, "PERMITTED USES AND DEFINITIONS," AND REPLACING IT WITH A NEW SECTION 1, "USE OF LAND AND BUILDINGS," OF CHAPTER 3, "PERMITTED USES AND DEFINITIONS"; REPEALING EXISTING SECTION 2, "DEFINITIONS," OF CHAPTER 3, "PERMITTED USES AND DEFINITIONS," AND REPLACING IT WITH A NEW SECTION 2, "DEFINITIONS," OF CHAPTER 3, "PERMITTED USES AND DEFINITIONS"; REPEALING EXISTING SECTION 1, "SITE PLAN PROCESS," OF CHAPTER 4, "DEVELOPMENT REQUIREMENTS," AND REPLACING IT WITH A NEW SECTION 1, "SITE PLAN PROCESS," OF CHAPTER 4, "DEVELOPMENT REQUIREMENTS"; REPEALING EXISTING SECTION 2, "LANDSCAPING," OF CHAPTER 4, "DEVELOPMENT REQUIREMENTS," AND REPLACING IT WITH A NEW SECTION 2, "LANDSCAPING," OF CHAPTER 4, "DEVELOPMENT REQUIREMENTS"; REPEALING EXISTING SECTION 4, "PARKING AND LOADING," OF CHAPTER 4, "DEVELOPMENT REQUIREMENTS," AND REPLACING AND RENAMING IT WITH A NEW SECTION 4, "PARKING, CIRCULATION, AND ACCESS," OF CHAPTER 4, "DEVELOPMENT REQUIREMENTS"; REPEALING EXISTING SECTION 5, "SCREENING FENCES AND WALLS," OF CHAPTER 4, "DEVELOPMENT REQUIREMENTS," AND REPLACING IT WITH A NEW SECTION 5, "SCREENING FENCES AND WALLS," OF CHAPTER 4, "DEVELOPMENT REQUIREMENTS"; REPEALING EXISTING SECTION 8, "NON-RESIDENTIAL DESIGN AND DEVELOPMENT," OF CHAPTER 4, "DEVELOPMENT REQUIREMENTS," AND REPLACING AND RENAMING IT WITH A NEW SECTION 8, "NON-RESIDENTIAL AND MULTIFAMILY DESIGN AND DEVELOPMENT," OF CHAPTER 4, "DEVELOPMENT REQUIREMENTS"; REPEALING EXISTING SECTION 9, "ADDITIONAL AND SUPPLEMENTAL," OF CHAPTER 4, "DEVELOPMENT REQUIREMENTS," AND REPLACING IT WITH A NEW SECTION 9, "ADDITIONAL AND SUPPLEMENTAL," OF CHAPTER 4, "DEVELOPMENT REQUIREMENTS"; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, after public notice and public hearing as required by law, the Planning and Zoning Commission of the Town of Prosper, Texas, has recommended amending the Town's Zoning Ordinance (Z20-0010) to encompass those amendments as set forth herein; and

WHEREAS, after public notice and public hearing as required by law, and upon due deliberation and consideration of the recommendation of said Planning and Zoning Commission and of all testimony and information submitted during said public hearing, the Town Council of the Town of Prosper, Texas, has determined that it is in the public's best interest and in furtherance of the health, safety, morals, and general welfare of the citizens of the Town to amend the Town's Zoning Ordinance as set forth herein.

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

SECTION 1

All of the above premises are hereby found to be true and correct legislative and factual findings of the Town of Prosper, and they are hereby approved and incorporated into the body of this Ordinance as if restated herein in their entirety.

SECTION 2

From and after the effective date of this Ordinance, these amendments to the Town's Zoning Ordinance, as referenced in the caption of this Ordinance, are hereby adopted, as more fully described in Exhibit A, attached hereto and incorporated by reference.

SECTION 3

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, 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

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, and any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5

Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 6

This Ordinance shall become effective from and after its adoption and publication as required by law; however, the provisions of this Ordinance shall not be applicable to any residential development or tract of land for which one or more final plats has been approved by the Town as of the effective date of this Ordinance.

**DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE
TOWN OF PROSPER, TEXAS, ON THIS 8TH DAY OF SEPTEMBER, 2020.**

Ray Smith, Mayor

ATTEST:

Melissa Lee, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney