

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING DIVISION 13, "MULTIFAMILY DISTRICT," OF ARTICLE 2, "ZONING DISTRICTS," OF THE ZONING ORDINANCE OF THE TOWN OF PROSPER, TEXAS; AMENDING SUBSECTIONS (E) AND (U) OF SECTION 4.4.3, "NON-RESIDENTIAL AND MULTIFAMILY PARKING PROVISIONS," OF DIVISION 4, "PARKING, CIRCULATION, AND ACCESS," OF ARTICLE 4, "DEVELOPMENT REQUIREMENTS," OF THE ZONING ORDINANCE OF THE TOWN OF PROSPER, TEXAS; AMENDING SECTION 4.8.1, "APPLICABILITY," OF SUBDIVISION 1, "APPLICABILITY," OF DIVISION 8, "NON-RESIDENTIAL & MULTIFAMILY DESIGN AND DEVELOPMENT," OF ARTICLE 4, "DEVELOPMENT REQUIREMENTS," OF THE ZONING ORDINANCE OF THE TOWN OF PROSPER, TEXAS; REPEALING CURRENT SUBDIVISION IV, "MULTIFAMILY DEVELOPMENT STANDARDS," OF DIVISION 8, "NON-RESIDENTIAL & MULTIFAMILY DESIGN AND DEVELOPMENT," OF ARTICLE 4, "DEVELOPMENT REQUIREMENTS," OF THE TOWN'S ZONING ORDINANCE; AMENDING THE TITLE OF DIVISION 8, "NON-RESIDENTIAL & MULTIFAMILY DESIGN AND DEVELOPMENT," OF ARTICLE 4, "DEVELOPMENT REQUIREMENTS," OF THE ZONING ORDINANCE OF THE TOWN OF PROSPER, TEXAS, TO READ "NON-RESIDENTIAL DESIGN AND DEVELOPMENT"; 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 Council of the Town of Prosper, Texas (the "Town Council"), has investigated and determined that the Zoning Ordinance should be amended; and

WHEREAS, after public notice and public hearing as required by law, the Planning & Zoning Commission of the Town of Prosper, Texas, has recommended amending the Town's Zoning Ordinance 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 & 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

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

SECTION 2

From and after the effective date of this Ordinance, Division 13, "Multifamily District," of Article 2, "Zoning Districts," of the Town's Zoning Ordinance, is hereby amended to read as follows:

"ARTICLE 2. ZONING DISTRICTS

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DIVISION 13. MULTIFAMILY DISTRICT

§ 2.13.1 General purpose and description.

Multifamily Districts 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 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.

§ 2.13.2 Regulations.

- A. **Density:** The density shall be determined at the time of development.
- B. **Size of Yards:** The size of Front, Side, and Rear Yards shall be determined at the time of development.
- C. **Size of Lots:** The size of lots shall be determined at the time of development.
- D. **Minimum Dwelling Area:**
 - 1. One or two bedroom — 850 square feet.
 - 2. Additional bedrooms — 150 square feet per additional bedroom.
- E. **Maximum Height:** Eight stories, no greater than 110 feet.
- F. **Lot Coverage:** 45 percent.
- G. **Minimum Usable Open Space:** 30 percent.
- H. **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.
- I. **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.

- J. **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 completely screened.
- K. **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.

§ 2.13.3 Permitted uses.

Permitted uses shall be in accordance with the "Schedule of Uses" as outlined in § 3.1.3 of Article 3.”

SECTION 3

From and after the effective date of this Ordinance, Subsections (E) and (U) of Section 4.4.3, “Non-Residential and Multifamily Parking Provisions,” of Division 4, “Parking, Circulation, and Access,” of Article 4, “Development Requirements,” of the Town’s Zoning Ordinance, is hereby amended to read as follows:

“ARTICLE 4. DEVELOPMENT REQUIREMENTS

* * *

DIVISION 4. PARKING, CIRCULATION, AND ACCESS

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§ 4.4.3 Non-Residential and Multifamily Parking Provisions.

* * *

- E. Each head-in parking space shall be a minimum of nine feet wide and 20 feet long, exclusive of driveways and maneuvering aisles, and shall be of usable shape and condition (see Article 5, Section 5.2.3, Illustrations A-G). Where it is possible for a vehicle to overhang the front of a parking space above a paved, stoned, mulched, or grassed area other than a sidewalk, street right-of-way, or adjacent property, the depth of the standard space may be reduced to 18 feet. No parking space shall overhang required landscape areas. Parallel parking spaces must be a minimum of eight feet wide and 22 feet long. Parking spaces within non-residential and multifamily structured parking garages shall be a minimum of nine feet wide and 20 feet long.

* * *

- U. Multifamily parking shall be in a structured garage that is wrapped by the residential units or clad to match the exterior of the attached residential units, as described in Article 2, Division 13, Section 13.2.H. Any surface parking associated with a Multifamily development for leasing area, guest parking, retail uses, etc. 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.

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SECTION 4

From and after the effective date of this Ordinance, Section 4.8.1, “Applicability,” of Subdivision 1, “Applicability,” of Division 8, “Non-Residential & Multifamily Design and Development,” of Article 4, “Development Requirements,” of the Town’s Zoning Ordinance, is hereby amended to read as follows:

“ARTICLE 4. DEVELOPMENT REQUIREMENTS

* * *

DIVISION 8. NON-RESIDENTIAL & MULTIFAMILY DESIGN AND DEVELOPMENT

SUBDIVISION 1. APPLICABILITY

§ 4.8.1 Applicability.

The regulations provided in Section 4.8.2 shall apply to all office, retail, restaurant, service, automobile, and commercial uses. The regulations provided in Section 4.8.3 shall apply to all industrial, wholesale, and institutional uses. Where the regulations of this section conflict with other sections of this ordinance, the regulations of this section shall apply.

The intent of these provisions is to promote high-quality architecture that relates to the street, scale of development, and surrounding land uses by utilizing three properties of good design: massing, use of materials, and attention to detail.”

SECTION 5

From and after the effective date of this Ordinance, current Subdivision IV, “Multifamily Development Standards,” of Division 8, “Non-Residential & Multifamily Design and Development,” of Article 4, “Development Requirements,” of the Town’s Zoning Ordinance, shall be repealed in its entirety.

SECTION 6

From and after the effective date of this Ordinance, the title of Division 8, “Non-Residential & Multifamily Design and Development,” of Article 4, “Development Requirements,” of the Town’s Zoning Ordinance, shall be amended to read “Non-Residential Design and Development.”

SECTION 7

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 8

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 9

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 10

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 ___ DAY OF _____, 2024.

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney