

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING THE TOWN'S ZONING ORDINANCE BY AMENDING EXISTING SUBSECTION 1.3(C), "EDUCATIONAL, INSTITUTIONAL, PUBLIC, AND SPECIAL USES," OF SUBSECTION 1.3, "SCHEDULE OF USES," OF SECTION 1, "USE OF LAND AND BUILDINGS," OF CHAPTER 3, "PERMITTED USES," BY ADDING "FOOD PANTRY" AS A PERMITTED USE IN THE AGRICULTURAL, "A," ZONING DISTRICT WITH CONDITIONAL DEVELOPMENT STANDARDS; AMENDING EXISTING SUBSECTION 1.4, "CONDITIONAL DEVELOPMENT STANDARDS," OF SECTION 1, "USE OF LAND AND BUILDINGS," OF CHAPTER 3, "PERMITTED USES AND DEFINITIONS," BY ADDING CONDITIONAL DEVELOPMENT STANDARDS FOR ANY FOOD PANTRY USE; AMENDING EXISTING SUBSECTION 2.2 OF SECTION 2, "DEFINITIONS," OF CHAPTER 3, "PERMITTED USES AND DEFINITIONS," BY ADDING A DEFINITION OF "FOOD PANTRY"; 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 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, existing Subsection 1.3(C), "Educational, Institutional, Public, and Special Uses," of Subsection 1.3, "Schedule of Uses," of Section 1, "Use of Land and Buildings," of Chapter 3, "Permitted Uses and Definitions," of the Town's Zoning Ordinance, is hereby amended by adding "Food Pantry" as a permitted use in the Agricultural, "A," zoning district with conditional development standards, to read as follows:

SECTION 1.3(C) EDUCATIONAL, INSTITUTIONAL, PUBLIC, AND SPECIAL USES	Residential Districts							Non-Residential Districts							
	A - Agricultural	SF - Single Family	DTSF - Downtown	TH - Townhome	2F - Two Family	MF - Multifamily	MH - Mobile Home	O - Office	DTO - Downtown	NS - Neighborhood	DTR - Downtown	R - Retail	DTC - Downtown	C - Commercial	CC - Commercial

Food Pantry	48														
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SECTION 3

From and after the effective date of this Ordinance, existing Subsection 1.4, “Conditional Development Standards,” of Section 1, “Use of Land and Buildings,” of Chapter 3, “Permitted Uses and Definitions,” of the Town’s Zoning Ordinance, as amended, is hereby amended by adding new Conditional Development Standards for “Food Pantry,” to read as follows:

“1.4 Conditional Development Standards

* * *

48. Food Pantry

A food pantry shall be subject to the following development standards:

- a) All food in storage must meet Town public health regulations.
- b) Food must be distributed in its original packaging, except fresh produce may be distributed unpackaged.
- c) Hours of operation must be clearly displayed on or near its entrance.
- d) It is not allowed for money or services to be required as a condition of receiving food.
- e) No food shall be stored on the exterior of the facility.”

SECTION 4

From and after the effective date of this Ordinance, Subsection 2.2 of Section 2, "Definitions," of Chapter 3, "Permitted Uses and Definitions," of the Town's Zoning Ordinance, is hereby amended by adding a definition of "Food Pantry," to read as follows:

"2.2

* * *

Food Pantry – A non-profit organization authorized pursuant to § 501(c)(3) of the Internal Revenue Code, not affiliated with a religious land use, that provides food directly to individuals and families in need at no cost to those individuals and families. Food pantries may receive, buy, store and/or distribute food; however, on-site preparation of food is not permitted.

* * *

SECTION 5

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 6

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 7

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 8

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 26TH DAY OF JULY, 2022.**

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney