



PLANNING

To: Mayor and Town Council

From: David Soto, Planning Manager

Through: Harlan Jefferson, Town Manager
Hulon T. Webb, Jr., Interim Executive Director of Development and Infrastructure Services

Re: Town Council Meeting – June 28, 2022

Agenda Item:

Conduct a Public Hearing, and consider and act upon a request to amend the Zoning Ordinance, Chapter 3, Section 1.3 Schedule of Uses, Chapter 3, Section 1.4 Conditional Development Standards, and Chapter 3, Section 2.2 Definitions, to include “Food Pantry”, in the Agricultural, “A,” zoning district. (MD22-0005).

Description of Agenda Item:

The purpose of this request is to amend the zoning ordinance to include a new use and definition “Food Pantry”, in the Agricultural, “A,” zoning district with conditional development standards as shown below.

Currently the Town of Prosper does not have a term for Food Pantry. Any food pantry use will be allowed in the Agricultural District subject to the conditional development standards. The purpose of those standards is to allow flexibility, but also to have some standards that mitigate the use since it will be allowed in the Agricultural District. Staff has created some of these conditional standards based off an existing food pantry operation.

Chapter 3 Permitted Uses and Definition

1.3 – Schedule of Uses.

| SECTION 1.3(C) EDUCATIONAL, INSTITUTIONAL, PUBLIC, AND SPECIAL USES | Residential Districts | | | | | | | Non-Residential Districts | | | | | | | | |
|---|-----------------------|-----------------------------|--------------------|---------------|-----------------|------------------|------------------|---------------------------|-----------------------|---------------------------|-----------------------|------------|---------------------------|----------------|--------------------------|----------------|
| | A - Agricultural | SF – Single Family (E – 10) | DTSF – Downtown SF | TH - Townhome | 2F – Two Family | MF – Multifamily | MH – Mobile Home | O – Office | DTO – Downtown Office | NS – Neighborhood Service | DTR – Downtown Retail | R – Retail | DTC – Downtown Commercial | C – Commercial | CC – Commercial Corridor | I – Industrial |
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| Food Pantry | 48 | | | | | | | | | | | | | | | |
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“1.4 Conditional Development Standards

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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 outside storage of food shall be permitted.
- f) Except for fresh produce, food distribution shall occur no more than two (2) days per calendar week for no more than five (5) hours each day.
- g) Distribution of fresh produce shall be authorized once per week when available, and fresh produce distribution may occur no more than once per calendar week.”

Section 2, 2.2 – Definitions

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.

Legal Obligations and Review:

Notice of the Town Council Public Hearing was provided in the newspaper as required by the Zoning Ordinance and state law. To date, Town staff has not received any correspondence.

Planning & Zoning Commission Recommendation:

At their June 21, 2022, meeting, the Planning & Zoning Commission recommended the Town Council approve the request, by a vote of 7-0 subject to the following:

- 1. Revise condition e) to state “no food shall be stored on the exterior of the facility”
- 2. Remove conditions f) and g).

Town Staff Recommendation:

Staff recommends approval of the request to amend the Zoning Ordinance, Chapter 3, Section 1.3 Schedule of Uses, Chapter 3, Section 1.4 Conditional Development Standards, and Chapter 3, Section 2.2 Definitions, to include “Food Pantry”, in the Agricultural, “A,” zoning district. (MD22-0005).

- 1. Revise condition e) to state “No food shall be stored on the exterior of the facility.”
- 2. Remove condition g).

Proposed Motion:

I move to approve the request to amend the Zoning Ordinance, Chapter 3, Section 1.3 Schedule of Uses, Chapter 3, Section 1.4 Conditional Development Standards, and Chapter 3, Section 2.2 Definitions, to include "Food Pantry", in the Agricultural, "A," zoning district per Town Staff Recommendation. (MD22-0005).