



PLANNING

To: Planning & Zoning Commission **Item No. 5**

From: Suzanne Porter, Planning Manager

Through: David Hoover, Director of Development Services

Re: Planning & Zoning Commission Meeting – December 5, 2023

Agenda Item:

Conduct a Public Hearing to consider an ordinance amending Chapter 3, Section 1.4 – Conditional Development Standards and Chapter 4 – Development Requirements of the Town of Prosper Zoning Ordinance to modify requirements related to drive-throughs. (ZONE-23-0033)

Description of Agenda Item:

In accordance with the Comprehensive Plan's recommendations regarding establishments with drive-throughs, Staff is proposing several amendments to the Town's Zoning Ordinance regarding the location of drive-throughs, landscape screening, and stacking and escape lane standards.

Often, when thinking of drive-throughs, one may picture a restaurant where you can order and pick up food without exiting a vehicle. This is one type of drive-through and one type of business that requires stacking. There are several types of businesses that have drive-throughs and/or stacking, and the development standards for these establishments can vary based on use and proximity to residential zoning. These standards are found in several sections of the ordinance. Below is some information to assist in distinguishing the requirements of the Ordinance.

The Zoning Ordinance makes a distinction between Restaurants, which can be with or without a drive-through, and Restaurants with Drive-Ins. Examples of each would be:

- Restaurant: Olive Garden
- Restaurant with a drive-through: McDonald's
- Restaurant, Drive In: Sonic

Restaurants (without a drive-through) are permitted as follows:

- Permitted in the Office Zoning District only if the subject property is located along a roadway classified as a major or minor thoroughfare, as defined by the Thoroughfare Plan.
- Permitted by right in the Office, Downtown Retail, Retail, Downtown Commercial, Commercial, and Commercial Corridor Zoning Districts subject.

- Permitted by Specific Use Permit in the Neighborhood Services Zoning District.

Restaurants with a drive-through are permitted as follows:

- Permitted by Specific Use Permit in the Retail, Commercial, and Commercial Corridor Zoning Districts.
- A distance requirement from residential zoning is applied.

Restaurants, Drive-In are permitted as follows:

- Permitted by right in Retail, Downtown Commercial, Commercial, and Commercial Corridor
- A distance requirement from residential zoning is applied.

Restaurants are not the only type of establishment that can include a drive-through. A bank or pharmacy, for example, are uses that could have a drive-through. Unlike a restaurant, when these types of uses include drive-throughs, they do not trigger a requirement for a Specific Use Permit.

Every business that has a drive-through must have adequate stacking behind the order point, whether that be a service window, call box or service island. Businesses that do not have drive-throughs but would also require stacking include automobile oil change facilities and similar establishments.

Standards for the length of stacking, according to use, are established in the Zoning Ordinance. An escape lane must also be provided in conjunction with the stacking lane. There are specific screening requirements for drive-throughs, stacking lanes, and escape lanes.

Description of Amendments:

The proposed amendments will establish additional requirements when drive-throughs and stacking are proposed. The following is a summary of the proposed amendments:

Chapter 3, Section 1.4, Subpart 26

- Prohibit Restaurants with drive-throughs being on lots adjacent to each other.

Chapter 4, Section 2.6(C)

- Where a non-residential development is adjacent to the property line of residential zoned parcels or areas shown as residential on the future land use plan, a 15-foot landscape area is required along the perimeter of the non-residential use. There are different landscape requirements for uses that have truck docks or loading spaces and for any lot that contains a drive-through restaurant, drive-in restaurant and/or automotive use.
 - *Typical Requirement* – The current requirement is for one large tree, three inch caliper minimum, planted on 30 foot centers.
 - *Uses with truck docks or loading spaces* – The current requirement is for one evergreen tree, three-inch caliper minimum, planted on 20 foot centers where the truck docks or loading spaces are adjacent to single family property.

The amendment will clarify that the evergreen trees will need to reach a minimum height of 15 feet and that the landscaping is required where adjacent to all residentially zoned properties and areas shown as residential on the future land use plan. The height standard was added to match the current standard applied to lots containing a drive-through restaurant, drive-in restaurant and/or automotive use.

- *Drive-through restaurant, drive-in restaurant, and/or automotive use as defined in Chapter 4, Section 9.11(A)* – The current requirement is for one large tree, three-inch caliper minimum, planted on 20 foot centers adjacent to a residential zoning district. A minimum of 50 percent of the trees shall be of an evergreen variety that will reach a minimum of 15 feet in height. All landscape screening materials shall be maintained in a manner to provided the intended screening.

The amendment will change the tree type requirement so that all trees will be evergreen and will reach a minimum height of 15 feet so that the screening is consistent throughout all seasons. It will also clarify that these standards are to be applied not only when these uses are adjacent to property in a residential zoning district but also when identified as residential on the future land use plan.

- Where a non-residential development is adjacent to the property line of another non-residentially zoned property or property shown for non-residential on the future land use plan, a five-foot wide area is required along the property line with one small tree and one five-gallon shrub planted every 15 linear feet. These trees and shrubs may be clustered. There is an allowance for the 5-foot wide area to be shifted or eliminated when drive-aisles/fire lanes allow access to parking along the property line, per Staff's discretion. It may also be eliminated where buildings attach along a common property line.

The amendment adds a new section specifically for all uses containing a drive-in, drive-through, or that require stacking. For these lots, the landscape area along the property lines will be 10 feet, which is twice the current width. The landscaping will be enhanced with a minimum three-inch caliper evergreen tree planted every 15 linear feet, rather than small tree that could be deciduous. This will ensure a consistent screen throughout the year. There will be five-gallon shrubs every three feet rather than one every 15 feet. For these uses, there is no allowance to cluster the trees and shrubs in order to ensure a solid screen. The landscape area can be shifted to the edge of a fire lane/drive aisle, but there is no situation where it could be eliminated.

- The standards include a requirement for a 10-foot wide landscape island around the outer edge of the drive-through lane. As the standard is written, it may be misconstrued that the landscape island is only required for the stacking area, which is located behind the order point. The intent is that the island wrap around the entire drive-through facility from the point of entry into the stacking area to the exit of the drive-through lanes. Essentially, it would wrap the outer edge of the escape lane. If the landscape island is located on the perimeter of the property, perimeter landscaping requirements may be applied towards this requirement.

The language has been updated to clarify that the island is required for uses containing a drive-in, drive-through, or that require stacking. Clarity is provided regarding the location of the island and uses the escape lane as a reference. The landscape standards for the island have been modified to remove the use of deciduous trees and requires that all trees are evergreen. The current allowance for ornamental trees to be substituted for shrubs has been revised to allow a mixture of ornamental trees and shrubs. The reason for this is that shrubs can give year-round coverage.

Chapter 4, Sections 4.9 and 4.10

- Stacking and escape lane requirements for drive-throughs are currently within the section describing loading areas.

The amendment creates a new section (Section 4.10) for stacking requirements and breaks down the standards into individual subsections. It prohibits the placement of stacking and drive-through lanes between the building and the adjacent public right-of-way. Escape lanes are better defined and described as a nine-foot wide aisle that provides access around the entirety of the drive-through facility from the point of entry, around the stacking lane, and to the exit. Finally, the landscape standards are mentioned by referencing Chapter 4, Section 2.6(C).

Chapter 4, Section 5.2(A)

- The screening wall requirements for lots containing drive-through restaurant, drive-in restaurant, and/or automotive uses were moved from Chapter 4, Section 9.11(A) into this section. The amendment to this section will clarify that these standards apply when adjacent to residentially zoned property or areas shown as residential on the future land use plan rather than simply a “residential zoning district.”

Chapter 4, Section 9.11

- This section of the ordinance provides additional standards for when a drive-thru restaurant, drive-in restaurant, and/or an automotive use, as defined in this section, are adjacent to residential zoning.

Throughout this section, additional language was added to specify that the distance requirements apply not only when adjacent property is any residential zoning district but also when adjacent property is shown as residential on the future land use plan.

- The current ordinance states that all buildings, structures, and outdoor speakers used in conjunction with any drive-through or drive-in restaurant shall be located a minimum of 200 feet from any residential zoning district. Then, there is a stipulation that buildings and outdoor speakers may be located closer than 200 feet from a residential zoning district when the building is located between the speaker box and adjacent residentially zoned property.

The proposed amendment removes the stipulation that would allow the buildings, structures and outdoor speakers to be closer to the residential zoning district if the building is between the speaker and the residential property.

- This section currently contains landscape and screening wall requirements that are best located in Sections 2.6(C) and 5.2(A). These standards have been moved to the corresponding sections with this amendment proposal. All that is needed in Section 9.11 is a reference to the location of the landscape and screening standards.

Comprehensive Plan:

The Comprehensive Plan includes a section regarding drive-throughs. The following is an excerpt addressing this use:

Commercial development and traffic go hand in hand, and developments that provide drive-thru access exacerbate traffic concerns. Drive-thru proliferation in commercial areas

can cause unsightly development, excessive ingress and egress points, queuing complications, noise, and clunky internal circulation. Although this plan can suggest where drive-thru locations may be most desirable, the Town's development regulations control development design. In Prosper's instance, it may be beneficial for the Town to revisit its development regulations pertaining to drive-thrus and revise standards that create traffic issues.

Six possible regulations are proposed to reduce the adverse impact of large multi-use developments on the Town. These regulations are listed below with Staff's response regarding how each was considered with the proposed amendments:

- *Require increased standards that specify queuing and drive-thru lane requirements* – The escape lane and stacking lanes have been clarified. Landscape standards have been updated to include a 10 foot perimeter landscape width and evergreen plantings.
- *Restrict drive-thru allowances for buildings that front higher classified roadways* – This item was not addressed with the proposed amendments.
- *Apply a distance requirement from residential uses and zoning districts* – The allowance for a reduction of the 200 foot separation for drive-throughs restaurants, drive-in restaurants, and automotive uses, as defined in Chapter 4, Section 9.11, has been removed. This distance requirement does not apply to other establishments that would have a drive-through, such as a bank or pharmacy.
- *Require uses that incorporate drive-thrus to have an increased minimum setback to ensure vehicle queuing does not occur at the front of the property* – The minimum setback has not been increased; however, a requirement has been added that stacking/drive-through lanes are not permitted between a building and an adjacent public right-of-way.
- *Require drive-thru approval through the specific use permit process* – Restaurants with drive-throughs currently require a Specific Use Permit in certain zoning districts. The amendments do not impose a Specific Use Permit requirement for other uses that may include a drive-through.
- *Restrict drive-thrus by lot size* – The amendment does not restrict drive-throughs by lot size; however, the lot size will likely be increased to ensure compliance with the wider perimeter landscape area and the defined escape lane around which a 10 foot wide landscape island must wrap. The amended language also prohibits restaurants with drive-throughs from being on adjacent properties.

Staff finds that the proposed amendments uphold the Town's Comprehensive Plan.

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 text amendment to date.

Attached Documents:

1. A red lined version of the current Zoning Ordinance sections that are proposed to be amended with additions shown in blue and underlined, and the deleted sections shown in red with ~~strike~~ through.
2. A final version of the proposed text amendments.

Town Staff Recommendation:

Town Staff recommends approval of the development criteria amendments for drive-throughs within the Town of Prosper Zoning Ordinance.

Town Council Public Hearing:

Upon a recommendation by the Planning & Zoning Commission, a Public Hearing for this item will be scheduled for the Town Council at their Regular meeting on December 12, 2023.

Attachment No. 1

A red lined version of the current Zoning Ordinance sections that are proposed to be amended with additions shown in **blue** and underlined, and the deleted sections shown in **red** with ~~strike~~ through.

CHAPTER 3 PERMITTED USES

Section 1. USE OF LAND AND BUILDINGS

1.4 Conditional development standards.

26. Restaurant.

- a) A Restaurant is permitted by Specific Use Permit in the NS Zoning District and is permitted by right in the O, DTR, R, DTC, C, and CC Zoning Districts subject.
- b) Restaurants with a drive-through are only permitted in the R, C, and CC Zoning Districts upon approval of a Specific Use Permit. Restaurants with drive-throughs shall not be developed on adjacent lots.
- c) Restaurants are only permitted in the O Zoning District, if the subject property is located along a roadway classified as a major or minor thoroughfare as defined by the Thoroughfare Plan.
- d) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 applies to restaurants with a drive-through.
- e) Restaurants that sell Alcoholic Beverages for on-premise consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended, and any applicable local option elections.
- f) A Restaurant that sells Alcoholic Beverages for on-premise consumption shall not be located within the following:
 - 1. Three hundred feet from a church, public hospital, public school and/or private school. However, Alcoholic Beverage Sales may be located within 300 feet of a private school if the holder of a license or permit holds a food and beverage certificate covering a premise that is located within 300 feet of a private school; or
 - 2. One thousand feet from a private school if the Town Council receives a request for this additional spacing requirement from the board of the private school, and the Town Council adopts such additional spacing requirements by resolution. Measurement for the distance between a Restaurant or Cafeteria where Alcoholic Beverages for on-premise consumption are sold and a church or public

hospital shall be along the property lines of the street fronts, from front door to front door, and in a direct line across intersections.

- g) Measurement for the distance between a Restaurant where Alcoholic Beverages for on-premise consumption are sold and a public and/or private school shall be:
 - 1. In a direct line from the Property Line of the public and/or private school to the Property Line of the place of business, and in a direct line across intersections; or
 - 2. If the Restaurant that sells Alcoholic Beverages for on-premise consumption is located on or above the fifth story of a multistory building, in a direct line from the Property Line of the public and/or private school to the Property Line of the place of business, in a direct line across intersections, and vertically up the building at the Property Line to the base of the floor on which the Restaurant or Cafeteria is located.
- h) If a Restaurant receives 75 percent or more of its gross revenue on a quarterly basis from the sale or service of Alcoholic Beverages for on-premise consumption, the use will no longer qualify as a Restaurant and will be classified and regulated by the Town as an Alcoholic Beverage Establishment under the Zoning Ordinance.
- i) There shall be no variances considered with regard to the regulations set forth herein.

CHAPTER 4 DEVELOPMENT REQUIREMENTS

SECTION 2. LANDSCAPING

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2.6 Landscape area requirements.

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C. Non-residential landscaped area requirements. These standards apply to all non-residential uses. Any area within a PD containing landscaping standards shall comply with the standards set forth in the PD district.

1. Perimeter requirements:

- a. A landscaped area consisting of living trees (as specified below), turf, or other living ground cover and being at least 25 feet in width measured from the property line interior to the property shall be provided adjacent to and outside of the right-of-way on all properties located adjacent to a major or minor thoroughfare as defined by the Town of Prosper Thoroughfare and Circulation Designs Standards.
 - i. The landscaped area may be reduced to 15 feet for the portion of a property adjacent to a collector or equivalent street as defined by the Town of Prosper Thoroughfare and Circulation Designs Standards.
 - ii. The landscaped area shall be increased to 30 feet for properties adjacent to Preston Road, University Drive, and Dallas Parkway.
 - iii. One large tree, three-inch caliper minimum per 30 linear feet of roadway frontage shall be planted within the required landscape area. The trees may be planted in groups with appropriate spacing for species.
 - iv. In the DTO District, one large tree, three inch caliper minimum per 30 linear feet of roadway frontage, excluding the width of driveways at the property line, shall be planted within the required landscape area. Where the width of the roadway frontage is greater than 80 feet, excluding the width of driveways at the property line, the number of large trees may be planted at a rate of one, three-inch large tree per 40 feet of roadway frontage, in lieu of the required one tree per 30 linear feet. The trees may be planted in groups with appropriate spacing for species. In the DTO District, the substitution of three small, ornamental trees for one large tree shall not be permitted.
 - v. A minimum of 15 shrubs with a minimum size of five gallons each will be planted in the landscaped area for each 30 feet of linear frontage.
 - vi. Parking abutting the landscape area shall be screened from the adjacent roadway. The required screening may be accomplished with shrubs or earthen berms.
 - vii. Unless there is parking adjacent to the landscape area, shrubs are not required in the landscape area in the DTO District.

- viii. Required landscape areas adjacent to public streets shall be exclusive easements or other restrictions which could inhibit planting, growth, or permanence of landscaping.
- ix. Berms ranging in height from three feet to six feet, and an overall minimum average of four and a half feet, shall be required along US 380, Frontier Parkway/FM 1461/Parvin Road, Custer Road/FM 2478, Preston Road, Dallas Parkway, and FM 1385.
- b. Where a non-residential development is adjacent to the property line of residential zoned parcels or areas shown as residential on the future land use plan, one large tree, three inch caliper minimum, will be planted on 30 foot centers in a 15 foot landscape area- with the following exceptions:
 - i. Evergreen trees, three-inch caliper minimum, that will reach a minimum of 15 feet in height, shall be planted on 20 foot centers within the 15 foot landscape area where truck docks or loading spaces are adjacent to ~~single family property~~ residentially zoned property or areas shown as residential on the future land use plan.
 - ii. Evergreen trees, three-inch caliper minimum, that will reach a minimum of 15 feet in height, shall be planted on 20 foot centers within the 15 foot landscape area on any lot containing a drive-through restaurant, drive-in restaurant, and/or automotive use as defined in Chapter 4, Section 9.11(A) that is adjacent to a residential zoning district or area shown as residential on the future land use plan. All landscape screening materials shall be maintained in a manner to provided the intended screening.
 - iii. In the DTO District, regardless of the adjacent use, zoning or future land use designation; the width of perimeter landscape area adjacent to the property line may be reduced to a minimum of five feet.
 - iv. In the DTO District, in lieu of the required large trees, one small (ornamental) tree shall be planted 30 foot centers along the adjacent property lines."
- c. Where a non-residential development is adjacent to the property line of parcels zoned for uses other than residential or parcels not shown as residential on the future land use plan:
 - i. A five foot wide landscape area is required.
 - ii. If the property line is the centerline of a fire lane or drive aisle, the five foot wide landscape area will begin at the edge of the lane/aisle. If the drive aisle or fire lane only allows access to parking spaces, the landscape area may be eliminated or moved at the discretion of the town.
 - iii. The five foot wide landscape area may be eliminated for a building where the building is attached to another building and the attached buildings are shown on an approved site plan.

- iv. One small tree and one five-gallon shrub shall be planted every 15 linear feet. These trees and shrubs may be clustered in lieu of placing them every 15 feet.

v. All uses containing a drive-in, drive-through, or that require stacking shall provide a ten foot wide landscape area along the perimeter of the property. If the property line is the centerline of a fire lane or drive aisle, the ten foot wide landscape area will begin at the edge of the lane/aisle. The landscape area shall contain a minimum three-inch caliper evergreen trees planted 15 feet on-center with minimum five gallon shrubs planted three feet on center.

- 2. Interior parking requirements. Any non-residential parking area that contains 20 or more parking spaces shall provide interior landscaping, in addition to the required landscaped edge, as follows:
 - a. Fifteen square feet of landscaping for each parking space shall be provided within the paved boundaries of the parking lot area.
 - b. Where an existing parking lot area is altered or expanded to increase the number of spaces to 20 or more, interior landscaping shall be provided on the new portion of the lot in accordance with this section.
 - c. All landscaped areas shall be protected by a raised six inch concrete curb. Pavement shall not be placed closer than four feet from the trunk of a tree unless a town approved root barrier is utilized.
 - d. Landscaped islands shall be located at the terminus of all parking rows, and shall contain at least one large tree, three inch caliper minimum, with no more than 15 parking spaces permitted in a continuous row without being interrupted by a landscaped island. Where there is a minimum eight foot wide landscaped median between two rows of head-in parking, landscaped islands are required every 20 spaces.
 - e. Landscaped islands shall be a minimum of 160 square feet, not less than nine feet wide and a length equal to the abutting space.
 - f. Subject to approval by the town, islands may be grouped to form one large island.
 - g. There shall be at least one large tree, three-inch caliper minimum, within 150 feet of every parking space. This minimum distance may be expanded with town approval in the event that required islands are grouped to form larger islands.
 - h. Required parking lot trees may be consolidated into groups under the following conditions:
 - i. The number of required trees is one per ten parking spaces.
 - ii. Consolidated tree islands require 180 square feet per tree.
 - iii. The maximum run of parking spaces is increased from 15 to 30.

- iv. This consolidation does not include the tree islands at the end of a row of parking or along perimeter parking rows that face a drive aisle or street.
- v. A consolidated tree island shall not be located closer than five parking spaces from an end of row tree island.
- i. All uses containing a drive-in, ~~or drive-thru~~ drive-through, or that require stacking shall be subject to the following standards:
 - i. A minimum ten foot wide landscape island shall be constructed around the outer edge of the ~~drive-thru lane for a minimum distance to equal the length of stacking required for the drive-thru facility.~~ drive-through lane(s) along the outer edge of the escape lane, extending from the point entry to the exit.
 - ~~j-~~ ii. The landscape island shall contain minimum three inch caliper evergreen ~~or deciduous~~ trees planted 15 feet on-center with minimum five gallon shrubs planted three feet on center. ~~Ornamental trees evenly interspersed between the evergreen or deciduous trees may be substituted for the shrubs.~~ Ornamental trees may be used in place of a portion of shrubs to create a mixture of species and types of vegetation. If the landscape island is located on the perimeter of the property, perimeter landscaping requirements may be applied towards this requirement.

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CHAPTER 4 DEVELOPMENT REQUIREMENTS

SECTION 4. PARKING, CIRCULATION, AND ACCESS

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4.9 Loading space requirements.

- A. A minimum of one loading space shall be required for big box uses. Loading spaces for other non-residential uses may be required as determined by the Director of Development Services, if it is determined the use or configuration of the site warrants such.
- B. All non-residential uses providing loading spaces shall provide such loading spaces in accordance with the following requirements:
 - 1. A loading space shall consist of an area of a minimum of 12 feet wide and 30 feet long.
 - 2. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks. Each site shall provide a designated maneuvering area for trucks. (See Chapter 5, Section 2.3, Illustration H)

4.10 Stacking Requirements.

1. Stacking Space Definition

Stacking spaces provide the ability for vehicles to queue on site prior to receiving a service.

2. Stacking Space Size and Location

- a. A stacking space shall be a minimum of nine feet wide and 20 feet long and shall not be located within or interfere with any other circulation driveway, parking space, or maneuvering aisle.
- b. Stacking spaces shall be provided behind the vehicle bay door, middle of the service window, or middle of the service island, whichever is applicable.
- c. The stacking/drive-through lanes shall not placed be between the building and the adjacent public right-of-way.

3. Number of Required Stacking Spaces (All Districts)

In all zoning districts, at the time any building or structure is erected or altered, stacking spaces shall be provided in the number and manner set forth in the following list of property uses:

- **Automated teller machine (ATM):** Three stacking spaces.
- **Automobile oil change and similar establishments:** Three stacking spaces per bay.

- **Car wash:** Three stacking spaces for drive-through, or one stacking space per bay.
- **Dry cleaning, pharmacy, or other retail establishments with a ~~drive-thru~~ drive-through:** Three stacking spaces for first service window.
- **Financial institution:** Five stacking spaces per window or service lane.
- **Kiosk (with food service):** Five stacking spaces for first window, order board, or other stopping point.
- **Kiosk (without food service):** Two stacking spaces for first window, order board, or other stopping point.
- **Restaurant with ~~drive-thru~~ drive-through:** Five stacking spaces for first window, order board, or other stopping point.

4. Single Stacking Space Required after the Final Window, Order Board, or Stopping Point

A single stacking space shall be provided after the final window, order board, or stopping point to allow vehicles to pull clear of the transaction area prior to entering an intersecting on-site driveway or maneuvering aisle.

5. Setback Requirement

Buildings and other structures shall be setback a minimum of ten feet from the back of the curb of the intersecting driveway or maneuvering aisle to provide adequate visibility and to allow vehicles to safely exit ~~drive-thru~~ drive-through lanes and escape lanes prior to merging into intersecting driveways or maneuvering aisles.

6. Escape Lane Requirement for Drive-Through Facilities

- An escape lane shall be provided for any use containing a drive-through facility.
- An escape lane shall be provided in proximity to the first stopping point for any use containing a ~~drive-thru~~ drive-through facility.
- An escape lane shall be nine (9) feet in width and shall provide access around the entirety of the drive-through facility from the point of entry, around the stacking lane, and to the exit.

7. Landscape Requirements

Landscaping shall comply with the requirements set forth in Chapter 4, Section 2.6(C).

CHAPTER 4 DEVELOPMENT REQUIREMENTS

SECTION 5. SCREENING FENCES AND WALLS

5.1 Purpose.

Standards set forth in this section are intended to encourage the appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this section in accordance with the following standards.

5.2 Location of required screening.

- A. When a boundary of a multifamily, institutional, or non-residential use sides or backs to a property that is zoned or designated on the future land use plan for residential (non-multifamily) uses, or when any institutional or non-residential use sides or backs to a MF District, a solid screening wall or fence of not less than six feet nor more than eight feet in height shall be erected on the property line separating these uses. The purpose of the screening wall or fence is to provide a visual barrier between the properties.

Any lot containing drive-through restaurant, drive-in restaurant, and/or automotive use, as defined in Chapter 4, Section 9.11(A), and that is adjacent to a residentially zoned property or areas shown as residential on the future land use plan, shall have a screening wall eight feet in height and shall be maintained in a manner to provide the intended screening.

The owner of such property of the lesser restrictive use shall be responsible for and shall build the required wall or fence on his property line dividing his property from the more restrictive zoning district. In cases where the Planning and Zoning Commission finds this requirement to be better met by an irrigated living screen, the same may be substituted for the screening wall after a landscape plan has been prepared to demonstrate equal visual screening.

A screening wall or fence required under the provisions of this section, under a specific use permit, a Planned Development District, or other requirement shall be constructed of clay-fired brick masonry units or other suitable permanent materials which do not contain openings constituting more than 40 square inches in each one square foot of wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence. Concrete masonry units, poured in place concrete, tilt-up concrete, or concrete panels may be used upon approval by the Planning and Zoning Commission.

Properties zoned for the DTC, DTR, or DTO District are only required to provide screening along property lines that are adjacent to properties shown as residential on the future land use plan. The screening shall consist of an eight foot cedar board-on-board wooden fence constructed in accordance with the fence ordinance as it exists or may be amended. In the DTO District, the height of the fence may be reduced to six feet.

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CHAPTER 4 DEVELOPMENT REQUIREMENTS

SECTION 9. ADDITIONAL AND SUPPLEMENTAL

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9.11 Adjacency of certain uses to residential zoning.

- A. All buildings, gasoline pump islands, vacuums, outdoor speakers, gasoline or fuel storage tanks, air and water dispensers, and other structures in conjunction with any automotive use shall be located a minimum of 200 feet from any residential zoning district or areas shown as residential on the future land use plan. No service bay shall face a residential zoning district or areas shown as residential on the future land use plan. An automotive use shall be defined as the sales, leasing, renting, servicing, repair, or washing of automobiles, boats, motorcycles, trucks, or any other motor vehicle.
- B. All buildings, structures, and outdoor speakers used in conjunction with any ~~drive-thru~~ drive-through restaurant or drive-in restaurant shall be located a minimum of 200 feet from any residential zoning district or areas shown as residential on the future land use plan.
~~Buildings and outdoor speakers may be located closer than 200 feet from a residential zoning district provided that the building is located between the speaker box and adjacent residentially-zoned property.~~
- C. Any lot containing a ~~drive-thru~~ drive-through restaurant, drive-in restaurant, and/or an automotive use as defined in Chapter 4, Section 9.11(A) and that is adjacent to a ~~residential zoning district~~ residentially zoned property or areas shown as residential on the future land use plan shall comply with the ~~following requirements:~~ landscape requirements set forth in Chapter 4, Section 2.6(C) and screening wall requirements set forth in Chapter 4, Section 5.2.
- ~~1. One large tree, three-inch caliper minimum shall be planted on 20-foot centers within the 15-foot landscape area, required by Chapter 4, Section 2.6(C). Of the trees required within the 15-foot landscape area, a minimum of 50 percent of the trees shall be of an evergreen variety that will reach a minimum of 15 feet in height.~~
 - ~~2. The screening wall, required by Chapter 4, Section 5.2, shall be eight feet in height.~~
 - ~~3. All screening materials, both wall and landscape materials, shall be maintained in a manner to provide the intended screening.~~
- D. The requirements listed in Chapter 4, Section 9.11(A) and 9.11(B) shall not apply to a ~~drive-thru~~ drive-through restaurant, drive-in restaurant, and/or an automotive use within 200 feet of a residential zoning district that is separated from the residential area by an existing or future major thoroughfare identified on the town's thoroughfare plan.

Attachment No. 2

A final version of the proposed text amendments.

CHAPTER 3 PERMITTED USES

Section 1. USE OF LAND AND BUILDINGS

1.4 Conditional development standards.

26. Restaurant.

- a) A Restaurant is permitted by Specific Use Permit in the NS Zoning District and is permitted by right in the O, DTR, R, DTC, C, and CC Zoning Districts subject.
- b) Restaurants with a drive-through are only permitted in the R, C, and CC Zoning Districts upon approval of a Specific Use Permit. Restaurants with drive-throughs shall not be developed on adjacent lots.
- c) Restaurants are only permitted in the O Zoning District, if the subject property is located along a roadway classified as a major or minor thoroughfare as defined by the Thoroughfare Plan.
- d) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 applies to restaurants with a drive-through.
- e) Restaurants that sell Alcoholic Beverages for on-premise consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended, and any applicable local option elections.
- f) A Restaurant that sells Alcoholic Beverages for on-premise consumption shall not be located within the following:
 - 1. Three hundred feet from a church, public hospital, public school and/or private school. However, Alcoholic Beverage Sales may be located within 300 feet of a private school if the holder of a license or permit holds a food and beverage certificate covering a premise that is located within 300 feet of a private school; or
 - 2. One thousand feet from a private school if the Town Council receives a request for this additional spacing requirement from the board of the private school, and the Town Council adopts such additional spacing requirements by resolution. Measurement for the distance between a Restaurant or Cafeteria where Alcoholic Beverages for on-premise consumption are sold and a church or public hospital shall be along the property lines of the street fronts, from front door to front door, and in a direct line across intersections.

- g) Measurement for the distance between a Restaurant where Alcoholic Beverages for on-premise consumption are sold and a public and/or private school shall be:
 - 1. In a direct line from the Property Line of the public and/or private school to the Property Line of the place of business, and in a direct line across intersections; or
 - 2. If the Restaurant that sells Alcoholic Beverages for on-premise consumption is located on or above the fifth story of a multistory building, in a direct line from the Property Line of the public and/or private school to the Property Line of the place of business, in a direct line across intersections, and vertically up the building at the Property Line to the base of the floor on which the Restaurant or Cafeteria is located.
- h) If a Restaurant receives 75 percent or more of its gross revenue on a quarterly basis from the sale or service of Alcoholic Beverages for on-premise consumption, the use will no longer qualify as a Restaurant and will be classified and regulated by the Town as an Alcoholic Beverage Establishment under the Zoning Ordinance.
- i) There shall be no variances considered with regard to the regulations set forth herein.

CHAPTER 4 DEVELOPMENT REQUIREMENTS

SECTION 2. LANDSCAPING

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2.6 Landscape area requirements.

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C. Non-residential landscaped area requirements. These standards apply to all non-residential uses. Any area within a PD containing landscaping standards shall comply with the standards set forth in the PD district.

1. Perimeter requirements:

- a. A landscaped area consisting of living trees (as specified below), turf, or other living ground cover and being at least 25 feet in width measured from the property line interior to the property shall be provided adjacent to and outside of the right-of-way on all properties located adjacent to a major or minor thoroughfare as defined by the Town of Prosper Thoroughfare and Circulation Designs Standards.
 - i. The landscaped area may be reduced to 15 feet for the portion of a property adjacent to a collector or equivalent street as defined by the Town of Prosper Thoroughfare and Circulation Designs Standards.
 - ii. The landscaped area shall be increased to 30 feet for properties adjacent to Preston Road, University Drive, and Dallas Parkway.
 - iii. One large tree, three-inch caliper minimum per 30 linear feet of roadway frontage shall be planted within the required landscape area. The trees may be planted in groups with appropriate spacing for species.
 - iv. In the DTO District, one large tree, three inch caliper minimum per 30 linear feet of roadway frontage, excluding the width of driveways at the property line, shall be planted within the required landscape area. Where the width of the roadway frontage is greater than 80 feet, excluding the width of driveways at the property line, the number of large trees may be planted at a rate of one, three-inch large tree per 40 feet of roadway frontage, in lieu of the required one tree per 30 linear feet. The trees may be planted in groups with appropriate spacing for species. In the DTO District, the substitution of three small, ornamental trees for one large tree shall not be permitted.
 - v. A minimum of 15 shrubs with a minimum size of five gallons each will be planted in the landscaped area for each 30 feet of linear frontage.
 - vi. Parking abutting the landscape area shall be screened from the adjacent roadway. The required screening may be accomplished with shrubs or earthen berms.
 - vii. Unless there is parking adjacent to the landscape area, shrubs are not required in the landscape area in the DTO District.

- viii. Required landscape areas adjacent to public streets shall be exclusive easements or other restrictions which could inhibit planting, growth, or permanence of landscaping.
 - ix. Berms ranging in height from three feet to six feet, and an overall minimum average of four and a half feet, shall be required along US 380, Frontier Parkway/FM 1461/Parvin Road, Custer Road/FM 2478, Preston Road, Dallas Parkway, and FM 1385.
- b. Where a non-residential development is adjacent to the property line of residential zoned parcels or areas shown as residential on the future land use plan, one large tree, three inch caliper minimum, will be planted on 30 foot centers in a 15 foot landscape area, with the following exceptions:
- i. Evergreen trees, three-inch caliper minimum, that will reach a minimum of 15 feet in height, shall be planted on 20 foot centers within the 15 foot landscape area where truck docks or loading spaces are adjacent to residentially zoned property or areas shown as residential on the future land use plan.
 - ii. Evergreen trees, three-inch caliper minimum, that will reach a minimum of 15 feet in height, shall be planted on 20 foot centers within the 15 foot landscape area on any lot containing a drive-through restaurant, drive-in restaurant, and/or automotive use as defined in Chapter 4, Section 9.11(A) that is adjacent to a residential zoning district or area shown as residential on the future land use plan. All landscape screening materials shall be maintained in a manner to provided the intended screening.
 - iii. In the DTO District, regardless of the adjacent use, zoning or future land use designation; the width of perimeter landscape area adjacent to the property line may be reduced to a minimum of five feet.
 - iv. In the DTO District, in lieu of the required large trees, one small (ornamental) tree shall be planted 30 foot centers along the adjacent property lines."
- c. Where a non-residential development is adjacent to the property line of parcels zoned for uses other than residential or parcels not shown as residential on the future land use plan:
- i. A five foot wide landscape area is required.
 - ii. If the property line is the centerline of a fire lane or drive aisle, the five foot wide landscape area will begin at the edge of the lane/aisle. If the drive aisle or fire lane only allows access to parking spaces, the landscape area may be eliminated or moved at the discretion of the town.
 - iii. The five foot wide landscape area may be eliminated for a building where the building is attached to another building and the attached buildings are shown on an approved site plan.

- iv. One small tree and one five-gallon shrub shall be planted every 15 linear feet. These trees and shrubs may be clustered in lieu of placing them every 15 feet.
 - v. All uses containing a drive-in, drive-through, or that require stacking shall provide a ten foot wide landscape area along the perimeter of the property. If the property line is the centerline of a fire lane or drive aisle, the ten foot wide landscape area will begin at the edge of the lane/aisle. The landscape area shall contain a minimum three-inch caliper evergreen trees planted 15 feet on-center with minimum five gallon shrubs planted three feet on center.
2. Interior parking requirements. Any non-residential parking area that contains 20 or more parking spaces shall provide interior landscaping, in addition to the required landscaped edge, as follows:
- a. Fifteen square feet of landscaping for each parking space shall be provided within the paved boundaries of the parking lot area.
 - b. Where an existing parking lot area is altered or expanded to increase the number of spaces to 20 or more, interior landscaping shall be provided on the new portion of the lot in accordance with this section.
 - c. All landscaped areas shall be protected by a raised six inch concrete curb. Pavement shall not be placed closer than four feet from the trunk of a tree unless a town approved root barrier is utilized.
 - d. Landscaped islands shall be located at the terminus of all parking rows, and shall contain at least one large tree, three inch caliper minimum, with no more than 15 parking spaces permitted in a continuous row without being interrupted by a landscaped island. Where there is a minimum eight foot wide landscaped median between two rows of head-in parking, landscaped islands are required every 20 spaces.
 - e. Landscaped islands shall be a minimum of 160 square feet, not less than nine feet wide and a length equal to the abutting space.
 - f. Subject to approval by the town, islands may be grouped to form one large island.
 - g. There shall be at least one large tree, three-inch caliper minimum, within 150 feet of every parking space. This minimum distance may be expanded with town approval in the event that required islands are grouped to form larger islands.
 - h. Required parking lot trees may be consolidated into groups under the following conditions:
 - i. The number of required trees is one per ten parking spaces.
 - ii. Consolidated tree islands require 180 square feet per tree.
 - iii. The maximum run of parking spaces is increased from 15 to 30.

- iv. This consolidation does not include the tree islands at the end of a row of parking or along perimeter parking rows that face a drive aisle or street.
- v. A consolidated tree island shall not be located closer than five parking spaces from an end of row tree island.
- i. All uses containing a drive-in, drive-through, or that require stacking shall be subject to the following standards:
 - i. A minimum ten foot wide landscape island shall be constructed around the outer edge of the drive-through lane(s) along the outer edge of the escape lane, extending from the point entry to the exit.
 - ii. The landscape island shall contain minimum three inch caliper evergreen trees planted 15 feet on-center with minimum five gallon shrubs planted three feet on center. Ornamental trees may be used in place of a portion of shrubs to create a mixture of species and types of vegetation. If the landscape island is located on the perimeter of the property, perimeter landscaping requirements may be applied towards this requirement.

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CHAPTER 4 DEVELOPMENT REQUIREMENTS

SECTION 4. PARKING, CIRCULATION, AND ACCESS

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4.9 Loading space requirements.

- A. A minimum of one loading space shall be required for big box uses. Loading spaces for other non-residential uses may be required as determined by the Director of Development Services, if it is determined the use or configuration of the site warrants such.
- B. All non-residential uses providing loading spaces shall provide such loading spaces in accordance with the following requirements:
 - 1. A loading space shall consist of an area of a minimum of 12 feet wide and 30 feet long.
 - 2. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks. Each site shall provide a designated maneuvering area for trucks. (See Chapter 5, Section 2.3, Illustration H)

4.10 Stacking Requirements.

1. Stacking Space Definition

Stacking spaces provide the ability for vehicles to queue on site prior to receiving a service.

2. Stacking Space Size and Location

- a. A stacking space shall be a minimum of nine feet wide and 20 feet long and shall not be located within or interfere with any other circulation driveway, parking space, or maneuvering aisle.
- b. Stacking spaces shall be provided behind the vehicle bay door, middle of the service window, or middle of the service island, whichever is applicable.
- c. The stacking/drive-through lanes shall not be placed between the building and the adjacent public right-of-way.

3. Number of Required Stacking Spaces (All Districts)

In all zoning districts, at the time any building or structure is erected or altered, stacking spaces shall be provided in the number and manner set forth in the following list of property uses:

- **Automated teller machine (ATM):** Three stacking spaces.
- **Automobile oil change and similar establishments:** Three stacking spaces per bay.

- **Car wash:** Three stacking spaces for drive-through, or one stacking space per bay.
- **Dry cleaning, pharmacy, or other retail establishments with a drive-through:** Three stacking spaces for first service window.
- **Financial institution:** Five stacking spaces per window or service lane.
- **Kiosk (with food service):** Five stacking spaces for first window, order board, or other stopping point.
- **Kiosk (without food service):** Two stacking spaces for first window, order board, or other stopping point.
- **Restaurant with drive-through:** Five stacking spaces for first window, order board, or other stopping point.

4. Single Stacking Space Required after the Final Window, Order Board, or Stopping Point

A single stacking space shall be provided after the final window, order board, or stopping point to allow vehicles to pull clear of the transaction area prior to entering an intersecting on-site driveway or maneuvering aisle.

5. Setback Requirement

Buildings and other structures shall be setback a minimum of ten feet from the back of the curb of the intersecting driveway or maneuvering aisle to provide adequate visibility and to allow vehicles to safely exit drive-through lanes and escape lanes prior to merging into intersecting driveways or maneuvering aisles.

6. Escape Lane Requirement for Drive-Through Facilities

- a. An escape lane shall be provided for any use containing a drive-through facility.
- b. An escape lane shall be provided in proximity to the first stopping point for any use containing a drive-through facility.
- c. An escape lane shall be nine (9) feet in width and shall provide access around the entirety of the drive-through facility from the point of entry, around the stacking lane, and to the exit.

7. Landscape Requirements

Landscaping shall comply with the requirements set forth in Chapter 4, Section 2.6(C).

CHAPTER 4 DEVELOPMENT REQUIREMENTS

SECTION 5. SCREENING FENCES AND WALLS

5.1 Purpose.

Standards set forth in this section are intended to encourage the appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this section in accordance with the following standards.

5.2 Location of required screening.

- A. When a boundary of a multifamily, institutional, or non-residential use sides or backs to a property that is zoned or designated on the future land use plan for residential (non-multifamily) uses, or when any institutional or non-residential use sides or backs to a MF District, a solid screening wall or fence of not less than six feet nor more than eight feet in height shall be erected on the property line separating these uses. The purpose of the screening wall or fence is to provide a visual barrier between the properties.

Any lot containing drive-through restaurant, drive-in restaurant, and/or automotive use, as defined in Chapter 4, Section 9.11(A), and that is adjacent to a residentially zoned property or areas shown as residential on the future land use plan, shall have a screening wall eight feet in height and shall be maintained in a manner to provide the intended screening.

The owner of such property of the lesser restrictive use shall be responsible for and shall build the required wall or fence on his property line dividing his property from the more restrictive zoning district. In cases where the Planning and Zoning Commission finds this requirement to be better met by an irrigated living screen, the same may be substituted for the screening wall after a landscape plan has been prepared to demonstrate equal visual screening.

A screening wall or fence required under the provisions of this section, under a specific use permit, a Planned Development District, or other requirement shall be constructed of clay-fired brick masonry units or other suitable permanent materials which do not contain openings constituting more than 40 square inches in each one square foot of wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence. Concrete masonry units, poured in place concrete, tilt-up concrete, or concrete panels may be used upon approval by the Planning and Zoning Commission.

Properties zoned for the DTC, DTR, or DTO District are only required to provide screening along property lines that are adjacent to properties shown as residential on the future land use plan. The screening shall consist of an eight foot cedar board-on-board wooden fence constructed in accordance with the fence ordinance as it exists or may be amended. In the DTO District, the height of the fence may be reduced to six feet.

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CHAPTER 4 DEVELOPMENT REQUIREMENTS

SECTION 9. ADDITIONAL AND SUPPLEMENTAL

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9.11 Adjacency of certain uses to residential zoning.

- A. All buildings, gasoline pump islands, vacuums, outdoor speakers, gasoline or fuel storage tanks, air and water dispensers, and other structures in conjunction with any automotive use shall be located a minimum of 200 feet from any residential zoning district or areas shown as residential on the future land use plan. No service bay shall face a residential zoning district or areas shown as residential on the future land use plan. An automotive use shall be defined as the sales, leasing, renting, servicing, repair, or washing of automobiles, boats, motorcycles, trucks, or any other motor vehicle.
- B. All buildings, structures, and outdoor speakers used in conjunction with any drive-through restaurant or drive-in restaurant shall be located a minimum of 200 feet from any residential zoning district or areas shown as residential on the future land use plan.
- C. Any lot containing a drive-through restaurant, drive-in restaurant, and/or an automotive use as defined in Chapter 4, Section 9.11(A) and that is adjacent to a residentially zoned property or areas shown as residential on the future land use plan shall comply with the landscape requirements set forth in Chapter 4, Section 2.6(C) and screening wall requirements set forth in Chapter 4, Section 5.2.
- D. The requirements listed in Chapter 4, Section 9.11(A) and 9.11(B) shall not apply to a drive-through restaurant, drive-in restaurant, and/or an automotive use within 200 feet of a residential zoning district that is separated from the residential area by an existing or future major thoroughfare identified on the town's thoroughfare plan.