

SECTION 1. - USE OF LAND AND BUILDINGS

1.1 - Uses permitted by district.

A. Land and buildings in each of the zoning districts may be used for any of the indicated uses but no land shall hereafter be used, and no building or structure shall hereafter be erected, altered, or converted, which is arranged or designed or used for other than those uses specified as permitted uses in the district in which it is located, according to the chapter 3, section 1.3 and in accordance with chapter 1, section 3 and the provisions of this ordinance.

B. Legend for Schedule of Uses in Section 1.3

•	Use is permitted in district indicated
	Use is prohibited in district indicated
S	Use is permitted in district upon approval of a specific use permit
1	Use is permitted in the district indicated if conditional development standards or limitations in the corresponding numeric end note in <u>chapter 3</u> , section 1.4 are complied with

C. If a use is not on the Schedule of Uses, it is prohibited subject to compliance with Section 1.2 below.

1.2 - Classification of new and unlisted uses.

It is recognized that new types of land use will develop and forms of land use not presently anticipated may seek to locate in the Town. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

- A. The Building Official shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing, among other things, the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.
- B. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and recommend to the Town Council the zoning district(s), use, and classification.
- C. The Planning and Zoning Commission shall transmit its recommendations to the Town Council as to the zoning district(s), use, and classification proposed for any new or unlisted use. The Town Council shall make such determination concerning the zoning district(s) and classification of such use as it determines appropriate.
- D. Standards for new and unlisted uses may be interpreted as those of a similar use. When determination of the minimum requirements cannot be readily ascertained, the same process outlined in chapter 3, section 1.2 (1-3) shall be followed for determination of the new standards.

1.3 - Schedule of uses.

The Schedule of Uses appears on the following charts.

SECTION 1.3(A) RESIDENTIAL USES	Residential Districts	Non-Residential Districts

Caretaker's/Guard's Residence										.	.	.	.	.	.	.	.	.	.
Construction Yard and Field Office, Temporary	TEMPORARY BLDG PERMIT ISSUED BY BLDG OFFICIAL								TEMPORARY BLDG PERMIT ISSUED BY BLDG OFFICIAL										
Donation or Recycling Bin (Ord. 15-74; 12-08-15)		32	32									32		32					
Gas Pumps												3		3					
Guest House (Ord. 17-43; 06-13-17)	45	45	45																
Helistop (Ord. 15-74; 12-08-15)									S				S		S	S	S	S	
Homebuilder Marketing Center		4	4	4	4				.	.	.	.	.	.	.	.	.	.
Home Occupation	5	5	5	5	5	5	5												
Mobile Food Vendor												6	6	6	6				
Outdoor Merchandise Display, Incidental											S	S	S	S	S	S	S		
Outdoor Merchandise Display, Temporary												31	31	31	31				
Outside Storage, Incidental											S	S	S	S	S	S	S		
Residential Garage Loft	46	46	46																
Retail/Service Incidental Use									.	.		.	.	.	.	.	.	.	.
Temporary Building	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7

SECTION 1.3(C) EDUCATIONAL, INSTITUTIONAL, PUBLIC, AND SPECIAL USES	Residential Districts	Non-Residential Districts

Open Storage													48	48	48	48
Park or Playground	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Private Recreation Center	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Rehabilitation Care Facility	9	9	9	9	9	9	9									
Rehabilitation Care Institution								S		S		S	S	S	S	S
School, Public	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
School, Private or Parochial	S	S	S	S	S	S	S	•	•	•	•	•	•	•	•	•

SECTION 1.3(D) TRANSPORTATION, UTILITY, AND COMMUNICATIONS 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	
Antenna and/or Antenna Support Structure, Non-Commercial	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	
Stealth Antenna, Commercial	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	
Bus Terminal															<u>13</u>	<u>13</u>	<u>13</u>
Electric Power Generating Plant																S	
Landfill																S	
Office and Storage Area for Public/Private Utility														•		•	
Private Utility, Other Than Listed	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
School District Bus Yard	14	14	14	14	14	14	14	14		14		14		14	14	14	

Commercial Amusement, Outdoor													S	S	S	S	S
Contractor's Shop and/or Storage Yard															•		•
Day Care Center, Adult	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Dry Cleaning, Major															•		•
Dry Cleaning, Minor								•	•	•	•	•	•	•	•	•	•
Fairgrounds/Exhibition Area															S	S	S
Food Truck Park											49	49	49	49			
Fortune Teller/Psychic																	•
Funeral Home														33	33	33	33
Furniture Restoration										•	•	•	•	•	•	•	•
Golf Course and/or Country Club	•	•		•	•	•	•	•		•		•			•	•	•
Gymnastics/Dance Studio									•	•	•	•	•	•	•	•	
Health/Fitness Center								•	•	S	•	•	•	•	•	•	•
Hotel, Full Service											22	22	22	22	22		
Hotel, Limited Service											<u>23</u>	<u>23</u>	<u>23</u>	<u>23</u>	<u>23</u>		
Hotel, Residence/Extended Stay												<u>24</u>		<u>24</u>	<u>24</u>		
Indoor Gun Range															S	S	•
Laundromat										•		•	•	•	•	•	
Locksmith/Security System Company											•	•	•	•	•	•	•
Massage Therapy, Licensed									•		•	•	•	•	•	•	•
Massage Therapy, Unlicensed																	S
Meeting/Banquet/Reception Facility												S	S	S	S		

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Mini-Warehouse/Public Storage														S		•
Office/Showroom											•		•	•	•	•
Office/Warehouse/Distribution Center													•	•	•	•
Storage or Wholesale Warehouse													•	•	•	•
Winery	28												•	•	•	•

SECTION 1.3(J) MANUFACTURING AND INDUSTRIAL 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
Concrete/Asphalt Batching Plant, Permanent																S
Concrete/Asphalt Batching Plant, Temporary	TEMPORARY BLDG PERMIT ISSUED BY BLDG OFFICIAL							TEMPORARY BLDG PERMIT ISSUED BY BLDG OFFICIAL								
General Manufacturing/Industrial Use Complying with Performance Standards														S	S	•

Limited Assembly and Manufacturing Use Complying with Performance Standards														S	.	.	.
Machine Shop															.	.	.
Mineral Extraction																	S
Miscellaneous Hazardous Industrial Uses																	S
Portable Building Sales																	S
Recycling Collection Point								.	.	.	.	.	.	.	.	.	.
Recycling Center														S	S	.	.
Recycling Plant																	.
Trailer/Mobile Home Display and Sales																	S

(Ord. No. 13-48, 9-10-13, Ord. No. 15-74, 12-8-15, Ord; No. 2020-59, 9-8-2020)

1.4 - Conditional development standards.

1. **Private Street Development.** Private Street Developments are subject to provisions of the Thoroughfare and Circulation Design Requirements ordinance, as it exists or may be amended. Private Street Developments are permitted by Specific Use Permit in the referenced districts. Private Street Developments that exist as of the adoption of the Thoroughfare and Circulation Design Requirements ordinance (May 10, 2005), and properties that are zoned by a planned development that permits Private Street Developments are excluded from the requirement for a Specific Use Permit. In considering a request for a Specific Use Permit for a Private Street Development, the Town Council shall use any of the following criteria:

a) **New Development.**

- 1) Non-disruption of planned public roadways or facilities/projects (thoroughfares, parks, park trails, public pedestrian pathways, etc.);
- 2) Non-disruption to and from properties of future developments either on-site or off-site to the proposed subdivision;
- 3) No negative effect on traffic circulation on public streets;
- 4) No impairment of access to and from public facilities including schools or parks;
- 5) Adequate and timely provision of essential municipal services (emergency services, water/sewer improvements or maintenance, etc.);
- 6) Existence of natural and/or man-made boundaries around the development (creeks, floodplain, golf courses, parks); and/or
- 7) Absence of a concentration of Private Street Developments in the vicinity of the requested Private Street Development.
- 8) And any other criteria deemed appropriate by the Town Council

b) **Conversion of existing subdivision to private streets.**

- 1) Criteria would include all the issues and procedures involved with new developments;
- 2) Petition signed by 100 percent of the owners in the existing subdivision requesting approval to convert to private streets;

- 3) Formation of a property owners' association, if none exists, that would be responsible for owning and maintaining the converted st rights-of-way;
 - 4) Replatting of existing subdivision to reflect changes; and/or
 - 5) Applicant agreeing to contract with the Town for purchase of the converted infrastructure and rights-of-way from the Town.
2. **Single Family Dwelling, Detached.** Single family dwellings, detached may be developed in the referenced districts using the minimum development standards for the SF residential districts. The district standards selected shall be indicated on the preliminary and final plats for the property to be developed as single family dwellings, detached.
3. **Gas Pumps.** Gas pumps shall be subject to the following development standards:
- a) Gas Pumps are permitted only within 200 feet of the right-of-way lines of intersecting major thoroughfares;
 - b) Gas Pumps are permitted at a maximum of two corners at an intersection of two major thoroughfares;
 - c) Canopies shall have pitched roofs;
 - d) Canopy support columns shall be entirely masonry encased;
 - e) A raised landscape planter of the same material as the masonry columns shall be provided at both ends of all pump islands. Raised landscape planters shall be between 18 inches and 24 inches tall and a minimum of four feet wide and four feet long;
 - f) Raised planters shall be landscaped with a combination of shrubs and ground cover as approved by the Director of Planning, or his/her Designee.
 - g) Landscape island(s) totaling a length equal to 50 percent of the canopy perimeter and a minimum of six feet wide shall be provided for screening and traffic flow purposes. These areas shall have a minimum of one ornamental tree per 12 linear feet or portion thereof and one five-gallon shrub per one linear foot arranged as approved by the Director of Planning, or his/her Designee.
 - h) Use shall be removed if closed for more than six months; and
 - i) The canopy band face shall be of a color consistent with the main structure or an accent color and may not be backlit.
4. **Homebuilder Marketing Center.** Shall be used only to market homes/lots in the development where it is located when located in a residential zoning district. The use must be removed when all homes/lots in the development have been sold.
5. **Home Occupation.** A home occupation, in districts where allowed, shall meet the following standards to maintain the residential character of the neighborhood while providing opportunities for home-based businesses:
- a) Unless specifically permitted by this section, home occupations shall be conducted entirely within the main building.
 - b) The home occupation shall be clearly incidental and secondary to the use of the premises for residential purposes.
 - c) Home occupations shall not produce any alteration or change in the exterior appearance of the residence which is inconsistent with the typical appearance of a residential dwelling.
 - d) No external evidence of the occupation shall be detectable at any lot line, including advertising, signs, smoke, dust, noise, fumes, glare, vibration, or electrical disturbance beyond the property line.
 - e) No exterior storage of material, equipment, vehicles, and/or supplies used in conjunction with the home occupation.
 - f) No storage of hazardous materials for business purposes shall be allowed on the premises.
 - g) The home occupation shall not have a separate entrance.
 - h) Not more than two patron- or business-related vehicles shall be present at any one time, and the proprietor shall provide adequate off-street parking for such vehicles. A business-related vehicle is one with a sign relating to the home occupation displayed on the exterior of the vehicle.
 - i) A maximum of one commercial vehicle, capacity one ton or less, may be used or parked on the property in connection with the home occupation. The commercial vehicle shall not be parked on the street.
 - j) The home occupation shall not require regular or frequent deliveries by large delivery trucks or vehicles in excess of one and one-half tons. This shall not be construed to prohibit deliveries by commercial package delivery companies.
 - k) The home occupation shall not display advertising signs or other visual or audio devices which call attention to the business use.
 - l) Merchandise shall not be offered or displayed for sale on the premises. Sales incidental to a service shall be allowed; and orders previously made via the telephone, internet, or at a sales party may be filled on the premises.
 - m) No traffic shall be generated by a home occupation in greater volumes than normally expected in a residential neighborhood, and any need for parking must be accommodated within the off-street parking provided for the residence (i.e. the driveway or garage) and along the street frontage of the lot.
 - n) The home occupation shall prohibit more than one non-resident employee from regularly visiting the home for purposes related to

the business.

- o) The home occupation shall not offer a ready inventory of any commodity for sale.
- p) The home occupation shall not accept clients or customers before 7:00 a.m. or after 10:00 p.m. This limitation on hours of operation shall not apply to allowed child care home occupations. Hours of operation shall be limited to 8:00 a.m. to 8:00 p.m. for outdoor activities.
- q) Outdoor activities are not allowed, unless the activities are screened from neighboring property and public rights-of-way.
- r) Uses permitted as home occupations shall include the following:
 - (1) Office of an accountant, architect, attorney, engineer, realtor, minister, rabbi, clergyman, or similar profession;
 - (2) Office of a salesman or manufacturer's representative, provided that no retail or wholesale transactions or provision of services may be personally and physically made on premises;
 - (3) Author, artist, sculptor;
 - (4) Dressmaker, seamstress, tailor, milliner;
 - (5) Music/dance teacher, tutoring, or similar instruction, provided that no more than three pupils may be present at any one time;
 - (6) Swimming lessons or water safety instruction provided that a maximum of six pupils may be present at any one time;
 - (7) Home crafts, such as weaving, model making, etc.
 - (8) Child Care: Licensed Child Care Home and Registered Child Care Home. Homes with seven or more children shall meet the Town's building and/or fire codes.
 - (9) Community home and other residential care facility that qualifies as a community home under the Community Homes for Disabled Persons Location Act, Chapter 123 of the Texas Human Resources Code and as amended, provided such facilities meet the requirements set out within this ordinance;
 - (10) Internet based businesses; and
 - (11) Food Production Operations that produce non-potentially hazardous food. Examples of non-potentially hazardous foods include; bread, rolls, biscuits, sweet breads, muffins, cakes, pastries, cookies, fruit pies, jams, jellies, dried fruit and vegetables, pickles, and dry herbs.
- s) Uses prohibited as home occupations shall include, but are not limited to the following:
 - (1) Animal hospital, commercial stable, kennel;
 - (2) Hair or Nail Salon/Barbershop;
 - (3) Boarding house or rooming house;
 - (4) Schooling or instruction with more than five pupils;
 - (5) Restaurant or the sale of on premise food/beverage consumption of any kind;
 - (6) Automobile, boat, or trailer repair, small engine or motorcycle repair, large appliance repair, repair of any items with internal combustion engines, or other repairs shops;
 - (7) Cabinetry, metal work, or welding shop;
 - (8) Office for doctor, dentist, veterinarian, or other medical-related profession for the purpose of providing care to patients;
 - (9) On-premise retail or wholesale sale of any kind, except cottage food items produced entirely on premises as indicated in Paragraph r, (11) above;
 - (10) Commercial clothing laundering or cleaning;
 - (11) Mortuary or funeral home;
 - (12) Trailer, vehicle, tool, or equipment rental;
 - (13) Antique, gift, or specialty shop;
 - (14) Office or storage facility for a vehicle fleet operation; and
 - (15) Any use defined by the building code as assembly, factory/industrial, hazardous, institutional, or mercantile occupancy.
- t) Determination of a Home Occupation Use not specifically listed. The Director of Development Services, or designee, shall determine whether a proposed use not specifically listed is appropriate as a home occupation. The Director shall evaluate the proposed home occupation in terms of its impact on neighboring property, its similarity to other allowed and prohibited uses, and its conformance with the regulations herein.
- u) **Appeal of the Director's Home Occupation Determination.** If the applicant disagrees with the determination of the Director, the

applicant may appeal to the Planning and Zoning Commission.

- v) Any home occupation that was legally in existence as of the effective date of this ordinance and that is not in full conformity with these provisions shall be deemed a legal nonconforming use.

6. Mobile Food Vendor. Mobile food vendors are subject to the following regulations:

- a) Mobile food vendors are permitted by a Specific Use Permit (SUP) in the Retail, Downtown Retail, Downtown Commercial, and Commercial zoning districts;
- b) Mobile food vendors shall be located on private property where an existing, permanent business operates in a building with a Certificate of Occupancy;
- c) Mobile food vendors shall provide the Town with a copy of written permission from the property owner on an annual basis to allow the operation of a mobile vendor and to allow the mobile vendor and their customers access to a commercially plumbed public restroom on-site;
- d) A mobile food vendor shall submit a site plan depicting the location of the mobile food vendor on the property, shall secure a health permit from the Town, and a permit from Building Inspections prior to the operation of such use;
- e) Temporary connections to potable water are prohibited. Water shall be from an internal tank, and electricity shall be from a generator or an electrical outlet via a portable cord that is in conformance with the Electrical Code as adopted by the Town, including amendments thereto;
- f) Mobile food vendors shall be located within 50 feet of an entrance of a primary building that holds the Certificate of Occupancy;
- g) Mobile food vendors shall be setback a minimum of 100 feet from major thoroughfares, as designated on the Town's Thoroughfare Plan, as it exists or may be amended;
- h) Mobile food vendors may operate only during the business hours of the primary business on the property;
 - i) The operator shall possess a Town tax certificate showed as paid;
 - j) A drive through is not permitted in conjunction with the mobile food vendor;
 - k) Mobile food vendors shall not operate in required parking spaces, driveways, fire lanes or public roads;
 - l) Sales of food from a stationary vehicle excludes catering trucks; and
- m) Mobile food vendors are prohibited in a temporary building.

7. Temporary Building.

- a) Temporary buildings are permitted by right for houses of worship, public schools (kindergarten through twelfth grade only), and government agencies (see [Chapter 3](#), Section 2.2).
- b) Temporary buildings for private enterprises are permitted by Specific Use Permit.
- c) A permit to erect a temporary building for a house of worship may be issued for an initial period of three years.
- d) The application for temporary building(s) shall be submitted to the Development Services Department in the form of a Preliminary Site Plan or Site Plan application with the accompanying material and exhibits:
 - (1) Written report documenting the following:
 - i. capacity of the permanent building(s), which is located or planned to be located on the same property for which the temporary building permit is being sought, compared to the enrollment, employment, and/or number of people attending the permanent building(s) at one time;
 - ii. total enrollment, employment, and/or membership size;
 - iii. documentation of growth records depicting the number of people in the congregation, school and/or office;
 - iv. whether the facility is a start-up or new facility;
 - v. indication of alternative options that were explored before a temporary building application was considered;
 - vi. acts of nature; and/or
 - vii. any other evidence which is reasonably related to the immediate need for additional space;
 - (2) A Preliminary Site Plan or Site Plan depicting the following:
 - i. a permanent solution to the immediate need for a new temporary building(s) showing the permanent building(s),
 - ii. the temporary building(s), and
 - iii. the required parking.
 - (3) Where an approved Preliminary Site Plan or Site Plan is in effect on the property, the applicant may note the location of the

proposed temporary building(s) on the approved plan in lieu of submitting a new plan.

- e) The temporary building(s) shall be removed within 30 days of the date:
 - (1) a Certificate of Occupancy is issued for the permanent building; or
 - (2) the permit for the temporary building expires, whichever occurs first.
- f) After the initial three-year period, a request for a one-year extension of the temporary building permit for a house of worship may be granted by the Planning and Zoning Commission provided the applicant:
 - (1) has an approved and valid preliminary site plan or site plan for the permanent building(s).
 - (2) has a specific plan of how an additional year would allow the applicant to construct the permanent building(s) by providing:
 - i. evidence of numeric growth, beyond that which was specifically anticipated by the applicant;
 - ii. membership, enrollment, and/or employment growth records;
 - iii. evidence that alternative options were explored before an extension of the temporary building permit was requested; and
 - iv. any other criteria reasonably deemed appropriate by the Planning and Zoning Commission.
- 8. **Athletic Stadium or Field, Private.** Permitted by Specific Use Permit when developed in conjunction with a School, Private or Parochial.
- 9. **Rehabilitation Care Facility.** Shall maintain a minimum separation of 1,500 feet measured linearly from property line to property line from any other Rehabilitation Care Facility.
- 10. **Antenna, Non-Commercial.**
 - a) **Satellite Dishes and Wireless Broadband Antennas**
 - (1) In the A, SF, DTSF, 2F, and MH districts, satellite dishes and wireless broadband antennas are permitted only on the back half of a residential structure or in the back yard of a residential lot unless a signal cannot be received in these areas. Should a satellite dish or wireless broadband antenna be placed somewhere other than on the back half of a residential structure or in the back yard of a residential lot, it shall be limited to not more than two feet in diameter. Only three satellite dishes and/or wireless broadband antennas shall be permitted per lot or primary structure. One of the three satellite dishes and/or wireless broadband antennas on a residential structure and/or lot may be up to 12 feet in diameter. The other two satellite dishes and/or wireless broadband antennas shall not exceed two feet in diameter.
 - (2) In the TH and MF districts, satellite dishes and wireless broadband antennas are permitted only on the back half of a residential structure or in the back yard of a residential lot unless a signal cannot be received in these areas. Should a satellite dish or wireless broadband antenna be placed somewhere other than on the back half of a residential structure or in the back yard of a residential lot, it shall be limited to not more than two feet in diameter. Only three satellite dishes and/or wireless broadband antennas shall be permitted per residential unit. One of the three satellite dishes and/or wireless broadband antennas on a residential unit may be up to 12 feet in diameter. The other two satellite dishes and/or wireless broadband antennas shall not exceed two feet in diameter.
 - b) Non-commercial antennas shall not interfere with radio or television reception of adjoining property owners, and shall comply with all regulations of the Federal Communications Commission (FCC). In no case shall the height of such antennas exceed 45 feet, unless located on property owned or leased by the Town of Prosper, and proper guy wire securement shall be followed. In no manner shall the use of such equipment infringe upon adjoining property owners. Roof mounted satellite dishes in excess of 50 pounds shall be approved by a registered architect or professional engineer by written letter to the building official, prior to installation, stating the antenna's stability and support and shall not extend more than six feet above the first story.
- 11. **Wireless Communications and Support Structures.** Permitted by Specific Use Permit in the referenced districts subject to the following standards:
 - a) The distance of a wireless communications support structure from an adjacent property line shall be determined by the Specific Use Permit.
 - b) The height of the support structure shall be determined by the Specific Use Permit.
 - c) Additional antennas may be placed on a wireless communications support structure with an existing Specific Use Permit without approval of a separate Specific Use Permit subject to approval of a site plan as necessary for the property.
 - d) Screening of the ground-mounted equipment shall be determined by the Specific Use Permit.
 - e) Temporary Wireless Communications and Support Structures shall be subject to the above-noted conditions; however, wireless communications and support structures and related equipment used on a temporary basis in conjunction with a special event, emergency situation, or equipment failure are not required to obtain a Specific Use Permit nor subject to the above-noted requirements but shall be required to obtain any and all permits as required by the Town. In no event shall any temporary wireless

communications and support structures related to a special event, emergency situation, or equipment failure be maintained for more than 60 days except with the express written approval of the Director of Development Services or designee, for any extension of time.

12. Antenna, Stealth.

- a) Stealth antennas are permitted by right in the residential districts only as a secondary use when the primary use on the lot is a church, school, or athletic stadium or field.
- b) Stealth antennas are permitted by right in the non-residential districts.
- c) The Director of Development Services, or his /her designee, may approve a request to install a stealth antenna when the proposed stealth antenna is of a type that is specifically listed in the definition of Antenna, Stealth in Chapter 2, Section 1.2.
- d) For stealth antenna requests of a type that are not specifically listed in this definition, the Town Council may determine if a proposed commercial antenna is a stealth antenna or not when considering site plan approval for the proposal.

13. Bus Terminal. Permitted by right in the CC district. Permitted by Specific Use Permit in the C and I districts. Bus parking and storage areas will be screened with a six foot ornamental metal fence, three inch caliper evergreen trees on 20-foot centers, and five gallon evergreen shrubs on three foot centers located within a 15 foot landscape edge.

14. School District Bus Yard. A School District Bus Yard shall be owned and/or operated by a public Independent School District. Unless otherwise approved by the Planning and Zoning Commission, School District Bus Yards shall be screened using one of the following methods:

Option 1:

- a) A six-foot ornamental metal fence;
- b) Three inch caliper evergreen trees on 20 foot centers; and
- c) Five gallon evergreen shrubs on three foot centers.

Option 2:

- a) A six foot clay-fired brick wall; and
- b) Three inch caliper evergreen trees on 20 foot centers.

15. Research and Development Center. Any Research and Development Center that includes animal or biological testing will be permitted by Specific Use Permit in the designated districts; otherwise they are permitted by right.

16. Alcoholic Beverage Sales. Alcoholic Beverage Sales, as defined by the Prosper Zoning Ordinance, as amended, shall mean any establishment, place of business or person engaged in the selling of Alcoholic Beverages, as defined in the Texas Alcoholic Beverage Code, as amended, to the general public for off-premise personal or household consumption.

- a) Alcoholic Beverage Sales shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended, and any applicable local option elections.
- b) Alcoholic Beverage Sales are permitted only in the NS, DTR, R, DTC, C, CC and I zoning districts.
- c) Beer sales are not permitted in residential zoning districts.
- d) Pursuant to the Town Charter, the sale of liquor, as defined in the Texas Alcoholic Beverage Code, as amended, shall be prohibited by a person or entity holding a package store permit, as described in the Texas Alcoholic Beverage Code, as amended, in any zoning district which allows, in whole or in part, residential development in the Town.
- e) Alcoholic Beverage Sales shall not be located within the following:
 - (1) Three hundred feet from a church, public school, private school, and/or public hospital. However, Alcoholic Beverage Sales may be located within 300 feet of a private school if minors are prohibited from entering the place of business, as required by Section 109.53, Texas Alcoholic Beverage Code, as amended; 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 the additional spacing requirements by resolution. But, the Town Council may not adopt this additional spacing requirement if: (i) minors are prohibited from entering the place of business engaged in Alcoholic Beverage Sales, pursuant to Section 109.53, Texas Alcoholic Beverage Code, as amended; (ii) the holder of a retail off-premise consumption permit or license if less than 50 percent of the gross receipt for the premises, excluding the sale of items subject to the motor fuels are from the sale or service of alcoholic beverages; or (iii) the holder of a license or permit issued under Chapter 27, 31 or 72, Texas Alcoholic Beverage Code, as amended, who is operating on the premises of a private school.

- f) Measurement of the distance between the place of business engaged in Alcoholic Beverage Sales and the church or public hospital shall be the property line of the street fronts, from front door to front door, and in a direct line across intersections. Measurement for the distance between the place of business engaged in Alcoholic Beverage Sales and a public or private school shall be:
1. In a direct line from the Property Line of the public or private school to the Property Line of the place of business, and in a direct line across intersections; or
 2. If Alcoholic Beverage Sales are located on or above the fifth story of a multistory building, in a direct line from the Property Line of the public 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 floor on which Alcoholic Beverage Sales are located.
- g) In accordance with Section 109.33, Texas Alcoholic Beverage Code, as amended, in this Paragraph 16, "private school" means a private school, including a parochial school, that:
1. Offers a course of instruction for students in one or more grades from kindergarten through grade 12; and
 2. Has more than 100 students enrolled and attending courses at a single location.
- h) If at any time an original Alcoholic Beverage permit or license is granted by the Texas Alcoholic Beverage Commission to an establishment, place of business, or person and the establishment, place of business or person satisfies the requirements regarding the distance requirements in this Paragraph 16, then the same shall be deemed to satisfy the distance requirements for all subject renewals of the license or permit. This shall not be the case if the Texas Alcoholic Beverage Commission revokes the license or permit.
17. **Convenience Store With Gas Pumps.** Convenience Stores with Gas Pumps shall be subject to the following development standards:
- a) Permitted in the designated districts only within 200 feet of the right-of-way lines of intersecting major thoroughfares;
 - b) Gas Pumps are permitted at a maximum of two corners at an intersection of two major thoroughfares;
 - c) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
 - d) Canopies shall have pitched roofs;
 - e) Canopy support columns shall be entirely masonry encased;
 - f) The canopy band face shall be a color consistent with the main structure or an accent color and may not be backlit; and
 - g) Use shall be removed if closed for more than six months.
18. **Nursery, Major.** Permitted by Specific Use Permit in an Agricultural zoning district if designated as non-residential on the Future Land Use Plan.
19. **Body Art Studio.** Must be set back 1,000 feet from any other Body Art Studio, Residential Zoning District, church, Public, Private, or Parochial School, and day care.
20. **Child Care Center, Licensed.** Notwithstanding anything to the contrary herein, a public independent school district is not required to obtain a SUP for the operation of a Licensed Child Care in a public school. A Licensed Child Care Center not operated by a public independent school district is permitted by SUP in all districts except the Industrial District.
21. **Child Care Center, Home.** Permitted by right as a home occupation in the designated zoning districts and is subject to the regulations of Home Occupation.
22. **Hotel, Full Service.** Full Service Hotel developments shall be subject to the following development standards:
- a) External balconies and walkways shall be set back 200 feet from any residential zoning district.
 - b) Shall provide management staff on-site 24 hours a day.
 - c) Shall provide at least four amenities from the list below:
 - Indoor/Outdoor Pool
 - Spa/Sauna
 - Weight Room/Fitness Center
 - Playground
 - Sports Court
 - Game Room
 - Jogging Trail

- d) Shall provide a full service restaurant offering three meals a day.
 - e) Shall provide a minimum total of 10,000 square feet of meeting/event space.
 - f) No more than five percent of the total number of guest rooms shall have cooking facilities.
 - g) All room units must be accessed through an internal hallway, lobby, or courtyard.
23. **Hotel, Limited Service.** Limited Service Hotel developments shall be subject to the following development standards:
- a) A Specific Use Permit is required.
 - b) Access to guest rooms shall be restricted to exclusively to interior corridors.
 - c) External balconies and walkways shall be set back 200 feet from any residential zoning district.
 - d) Shall provide management staff on-site 24 hours a day.
 - e) Shall provide at least four amenities from the list below:
 - Indoor/Outdoor Pool
 - Spa/Sauna
 - Weight Room/Fitness Center
 - Playground
 - Sports Court
 - Game Room
 - Jogging Trail
 - Conference Room (1,000 square foot minimum)
 - f) Shall provide daily housekeeping.
 - g) The guest rooms shall not contain any cooking facility that includes a conventional oven, convection oven, stove top burner, grill, hibachi or hotplate.
24. **Hotel, Residence/Extended Stay.** Residence/Extended Stay Hotel developments shall be subject to the following development standards:
- a) A Specific Use Permit is required.
 - b) External balconies and walkways shall be set back 200 feet from any residential zoning district.
 - c) Shall provide laundry facilities on-site for guest use.
 - d) Access to guest rooms shall be restricted exclusively to interior corridors.
 - e) Shall provide management staff on-site 24 hours a day.
 - f) Shall provide at least five amenities from the list below:
 - Indoor/Outdoor Pool
 - Spa/Sauna
 - Weight Room/Fitness Center
 - Playground
 - Sports Court
 - Game Room
 - Jogging Trail
 - Conference Room (1,000 square foot minimum)
 - g) Shall be set back a minimum of 100 feet from any residential district.
 - h) Shall maintain 15 percent of the lot area as outdoor open space, exclusive of required setbacks and parking areas, but including amenities from the above list except for the indoor pool and conference room(s) shall not count toward meeting the open space requirement. The minimum 15 percent open space may be reduced by the Town Council upon approval of a Specific Use Permit

providing evidence of other amenities meeting the intent of the open space requirement.

- i) Shall provide daily housekeeping.
- j) Any guest room indoor cooking facility shall not include a grill, hibachi or hotplate.
- k) Shall provide a restaurant offering a minimum of one meal per day.
- l) Shall be permitted only with frontage along US 380, Preston Road, or the Dallas Parkway.

25. **Pet Day Care.** Permitted by right subject to the following standards:

- a) Hours of operation limited to 6:00 a.m. to 8:00 p.m.
- b) A Pet Day Care must be located a minimum of 100 feet from restaurants and food preparation establishments (property line to property line).
- c) Overnight boarding of animals and outdoor kennels are prohibited.
- d) Provisions must be made for the sanitary disposal of all animal waste in accordance with the Animal Control ordinance and Building Codes, as they exist or may be amended.

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 drive-through are only permitted in the R, C, and CC Zoning Districts upon approval of a Specific Use Permit.
- 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.

27. **Car Wash.**

- a) Permitted as only as an accessory use to a Convenience Store with Gas Pumps in the Commercial Corridor District.
- b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.

28. **Winery.** A winery is permitted by right in the Agricultural District only when located on the same lot as a vineyard. The vineyard shall occupy a minimum of 80 percent of the lot, and the winery may not exceed 20 percent of the lot.

29. **Private Club.** Private Clubs shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended, and any applicable local or elections.

- a) A Private Club is permitted only by specific use permit in R, C and CC zoning districts. A Private Club is also permitted by specific use permit as an accessory use in any zoning district only when in conjunction with the operation of a golf course.
- b) The regulations herein applicable to a public school shall also apply to a day-care center or a child-care center as provided in Section 109.331, Texas Alcoholic Beverage Code, as amended.
- c) A Private Club shall not be located within:
 1. Eight hundred feet from a church, public hospital, public school, private school, and/or residential zoning district. For this purpose, residential zoning districts shall include, but are not limited to, properties that are zoned Neighborhood Service and residential Planned Development Districts;
 2. One thousand feet from a public school if the Town Council receives a request for this additional spacing requirement from the school district, and the Town Council adopts such additional spacing requirements by resolution; or
 3. 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 the additional spacing requirements by resolution.
- d) Measurement for the distance between a Private Club and the uses listed above or the nearest residential zoning district shall be in a direct line from the Property Line of the applicable use listed above or the nearest residential zoning district to the Property Line of the Private Club, and in a direct line across intersections.
- e) There shall be no variances considered with regard to the regulations set forth herein however, a variance from the distances referenced herein may be approved by the Town Council for any property annexed by the Town after May 13, 2006, and upon which a restaurant is, or is proposed to be, located. In considering a distance variance, the following shall apply:
 1. An application shall be submitted to the Town on a form provided by the Department of Development Services.
 2. The application shall contain all required information on the form.
 3. The Department of Development Services shall set a date for consideration of the application by the Town Council at a public hearing.
 4. No less than ten days before the date of consideration by the Town Council, the Director of Development Services or his or her designee shall provide notice to each owner, as indicated by the most recently approved municipal tax roll, of property within 200 feet of the property on which the distance variance is proposed. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail.
 5. In considering the application for a variance to any distance requirement, the Town Council shall consider if the distance requirement in the particular instance:
 - i. is not in the best interest of the public;
 - ii. constitutes waste or inefficient use of land or other resources;
 - iii. creates an undue hardship on an applicant for a private club permit;
 - iv. does not serve its intended purpose;
 - v. is not effective or necessary; or
 - vi. for any other reason that the Town Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.
 6. The Town Council may impose reasonable conditions on the granting of a distance variance.
 7. A variance granted pursuant to this section is valid for any subsequent renewals for the state-issued alcohol permit. A distance variance granted pursuant to this section may not be transferred to another location.

30. **Alcoholic Beverage Establishment.**

- a) Alcoholic Beverage Establishments shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended, and any applicable local option elections.
- b) An Alcoholic Beverage Establishment is permitted only by specific use permit in R, C and CC zoning districts.
- c) The regulations herein applicable to a public school shall also apply to a day-care center or a child-care center as provided in Section 109.331, Texas Alcoholic Beverage Code, as amended.
- d) An Alcoholic Beverage Establishment shall not be located within:
 1. Eight hundred feet from a church, public hospital, public school, private school, and/or residential zoning district. For this

purpose, residential zoning districts shall include, but is not limited to, properties that are zoned Neighborhood Service and residential Planned Development Districts;

2. One thousand feet from a public school if the Town Council receives a request for this additional spacing requirement from the school district, and the Town Council adopts such additional spacing requirements by resolution; or
 3. 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 the additional spacing requirements by resolution.
- e) Measurement for the distance between an Alcoholic Beverage Establishment and the uses listed above or the nearest residential zoning district shall be in a direct line from the Property Line of the applicable use listed above or the nearest residential zoning district to the Property Line of the Alcoholic Beverage Establishment, and in a direct line across intersections.
 - f) There shall be no variances considered with regard to the regulations set forth herein.

31. Outdoor Merchandise Display, Temporary.

- a) The outdoor display of merchandise shall be associated with the merchandise offered for sale on the same premise.
- b) The outdoor display of merchandise shall not exceed 72 consecutive hours with a minimum of 28 days between each occurrence.
- c) The outdoor display of merchandise shall not block or impede required accessibility.

32. Donation or Recycling Bin.

- a) In the Single Family Districts and the Downtown Single Family District, a donation or recycling bin shall only be permitted on a lot or tract owned and occupied by a public school or a private/parochial school.
- b) A donation or recycling bin requires approval of a Site Plan by the Planning and Zoning Commission and a permit issued by the Building Inspections Division.
- c) The permit shall contain written authorization of the property owner.
- d) A maximum of one donation or recycling bin shall be permitted per lot or tract.
- e) The donation or recycling bin shall be located within 100 feet of the main structure but not located within the required front, side or rear property lines.
- f) The donation or recycling bin shall not be located on any required parking space(s), nor located in a manner that blocks pedestrian access or a driver's visibility.
- g) The donation or recycling bin shall not exceed six feet, six inches in height, six feet in width and six feet in length.
- h) The donation or recycling bin shall clearly identify the name, address and telephone number of the permittee and operator, if different from the permittee.
- i) The permittee shall maintain the area surrounding the donation or recycling bin free of any junk, garbage, trash, debris or other refuse material.
- j) The permittee and operator shall be responsible for abating and removing all junk, garbage, trash, debris and other refuse material in the area surrounding the donation or recycling bin within 24 hours of written or verbal notice from the Town.
- k) The Town shall have the right to revoke any permit issued hereunder if permittee or operator fails to comply with the provisions of this subsection. The Town shall provide a written notification to the permittee or operator stating the specific grounds for revocation. Upon revocation, the donation or recycling bin shall be removed from the permittee's real property within 30 calendar days and, if not removed within this time period, the Town may remove, store and dispose of the donation or recycling bin at the permittee's sole cost and expense.

33. Funeral Home. On-site cremation services shall require a Specific Use Permit.

34. Restaurant, Drive In. The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.

35. Automobile Repair, Major.

- a) A Specific Use Permit is required in the Commercial District
- b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
- c) Shall not orient bay doors toward right-of-way or a single family district, unless setback a minimum of 250 feet from the right-of-way or residentially zoned property.

36. Automobile Repair, Minor.

- a) A Specific Use Permit is required in the R, DTC, C, CC, and I Districts.
- b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.

- c) Shall not orient bay doors toward right-of-way or a single family district, unless setback a minimum of 250 feet from the right-of-way or residentially zoned property.
37. **Automobile Sales/Leasing, New.**
- a) A Specific Use Permit is required in the Commercial and Commercial Corridor Districts.
 - b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
38. **Automobile Sales/Leasing, Used.**
- a) A Specific Use Permit is required in the Commercial and Commercial Corridor Districts.
 - b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
39. **Car Wash, Self-Serve.**
- a) A Specific Use Permit is required in the Commercial District.
 - b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
40. **Motorcycle Sales/Service.**
- a) A Specific Use Permit is required in the Commercial and Commercial Corridor Districts.
 - b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
41. **Recreational Vehicle Sales and Service, New/Used.**
- a) A Specific Use Permit is required in the Commercial District.
 - b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
42. **Truck/Bus Repair.** The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
43. **Truck Sales, Heavy Trucks.**
- a) A Specific Use Permit is required in the Commercial District.
 - b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
44. **Truck Terminal.** The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
45. **Guest House.** A guest house shall be subject to the following development standards:
- a) The guest house, if detached, shall be located on a lot or tract containing a minimum of one acre.
 - b) To be classified as an attached guest house, the second living quarters shall be integral to primary dwelling and be accessed through conditioned interior corridors. A guest house that is connected to the primary dwelling by a covered or enclosed walkway shall meet all conditions of a detached guest house.
 - c) The guest house shall be located on the same lot or tract as the existing primary dwelling.
 - d) If detached, the guest house shall be located behind the primary structure at a point no closer than ten feet from the rear wall line of the primary dwelling.
 - e) If detached, the guest house shall meet all rear yard and side yard setbacks that are required of the primary dwelling.
 - f) If detached, the height of the guest house shall not exceed the height of the primary dwelling.
 - g) If detached, a guest house shall not be finalized/approved for occupancy prior to the final/approval for occupancy of the primary dwelling.
 - h) No more than one guest house per lot or tract shall be permitted.
 - i) The guest house shall not be rented or leased or offered for rent or lease, independently of the primary dwelling.
 - j) The guest house shall not be sold separately from the sale of the entire property, including the primary dwelling.
 - k) The guest house shall be serviced by the same electric and natural gas utility meters as the primary dwelling.
 - l) The exterior building materials shall be consistent with the exterior materials of the primary dwelling.
 - m) The maximum total area of a detached guest house, including garages, covered patios and any enclosed storage areas shall not exceed 50 percent of the dwelling area of the primary dwelling. However, in no instance, shall the maximum total area of a detached guest house, including garages, covered patios and any enclosed storage areas exceed 2,000 square feet.
 - n) In no case shall the combined area of the primary dwelling, guest house and/or other accessory buildings exceed the maximum percentage of lot coverage permitted for the zoning district in which the structures are located.
46. **Residential Garage Loft.** A residential garage loft shall be subject to the following development standards:
- a) The residential garage loft shall be located on the same lot or tract as the primary dwelling unit.

- b) The residential garage loft shall be located above the garage and the total area of the unit shall not exceed 800 square feet.
 - c) The height of the residential garage loft shall not exceed the height of the primary dwelling.
 - d) No more than one residential garage loft per lot or tract shall be permitted.
 - e) The residential garage loft shall not be rented or leased or offered for rent or lease, independently of the primary dwelling.
 - f) The residential garage loft shall not be sold separately from the sale of the entire property, including the primary dwelling.
 - g) The residential garage loft shall be serviced by the same electric and natural gas utility meters as the primary dwelling.
 - h) The exterior building materials shall be consistent with the exterior materials of the primary dwelling.
47. **Community Home.** Community Homes are permitted in any residential zoning district but may not be located within one-half mile of an existing Community Home. That distance is to be measured in a straight line. The number of motor vehicles permitted on the site or on a public right-of-way adjacent to the site shall not exceed the number of bedrooms in the home.
48. **Open Storage.** Open Storage shall be subject to the following development standards:
- a) It shall only contain equipment, vehicles, commodities, materials, goods, or merchandise that is sold, rented, or distributed within the inside of a building of a primary use, unless it is demonstrated to the Director of Development Services or his/her designee that such products or materials could not be located indoors.
 - b) It shall not be located within any required front, side, or rear yard setbacks.
 - c) It shall be screened from all streets and adjacent properties with the following:
 1. A minimum six foot ornamental metal fence, not to be more than ten feet in height, with a solid living screen located in a ten foot landscape setback, containing a minimum of three inch caliper evergreen trees on 15 foot centers with a continuous row of minimum seven gallon evergreen shrubs along the exterior or interior of the fence; or
 2. A minimum six foot masonry wall, not to be more than ten feet in height, matching the materials of the primary building with three inch caliper evergreen trees on 15 foot centers, located in a ten foot landscape setback along the interior or exterior of the wall. If landscaping is provided along the interior of the wall tree species shall provide mature canopy exceeding the height of the wall, subject to review and approval by the Parks Department
 3. Alternative types of screening shall be reviewed by the Planning and Zoning Commission with a recommendation forwarded to Town Council.
 - d) It shall not exceed a height of one foot below the top of the solid living screen or wall screening, whichever is greater, or be visible from the property line. A Nursery, Major may store plants that exceed the height of the living screen or wall.
 - e) All gates and doors shall provide an opaque screen. The total of all openings for access may not exceed 24 feet in width.
 - f) It shall not be located within any required parking spaces, loading areas, fire lanes, vehicular maneuvering aisles, customer pick-up lanes, or on the roof of any structure.
 - g) It shall not apply to new and used sales or lease of automobiles, motorcycles, recreational vehicles, watercraft, or similar facilities as approved by the Director of Development Services or his/her designee requiring open storage.
 - h) The Planning and Zoning Commission may waive these requirements if no public purpose would be served by the construction of the required screen, or natural features (i.e. vegetation or topography) exist that sufficiently screen the open storage.
49. **Food Truck Park.** Permitted by Specific Use Permit (SUP) in the referenced districts, subject to the following standards:
- a) Mobile food vendors may be located on public property other than public street travel lanes;
 - b) Mobile food vendors may be located on private property with the written consent of the owner, including a site plan that identifies permitted locations;
 - c) Mobile food vendors shall not operate in driveways or fire lanes;
 - d) Prior to issuance of a permit, an application shall be submitted to the Development Services Department and contain any information required by staff to evaluate the impacts including but limited to location, parking and accessibility.

(Ord. No. 15-74, 12-8-15; Ord. No. 16-60, 9-13-16; Ord. No. 16-79, 12-13-16; Ord. No. 17-32, 4-11-17; Ord. No. 17-43, 6-13-17; Ord. No. 17-49; 6-27-17; Ord. No. 17-62; 8-22-17; Ord. No. 18-93; 11-13-18; Ord. No. 18-12; 1-23-18; Ord. No. 18-39; 5-22-18; Ord. No. 2020-59; 9-8-20)