

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, AMENDING SUBSECTIONS 3.02. (USE CHART), 3.02.01. (CONDITIONAL DEVELOPMENT STANDARDS) AND 7.01. (TERMS AND WORDS DEFINED) OF THE ZONING ORDINANCE NO. 11-04-09; AMENDING THE REGULATIONS RELATING TO HOUSEHOLD CARE FACILITY AND REHABILITATION CARE FACILITY; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas (“City Council”) has investigated and determined that Subsections 3.02. (Use Chart), 3.02.01. (Conditional Development Standards) and 7.01. (Terms and Words Defined) of the City of Frisco, Texas (“Frisco”) Zoning Ordinance No. 11-04-09 should be amended regarding the regulations relating to “Household Care Facility” and “Rehabilitation Care Facility”; and

WHEREAS, Frisco has complied with all notices and public hearings as required by law; and

WHEREAS, the City Council finds that it will be advantageous, beneficial and in the best interest of the citizens of Frisco to amend Frisco's Zoning Ordinance No. 11-04-09 as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Subsection 3.02. (Use Chart). Subsection 3.02. (Use Chart) of Frisco’s Zoning Ordinance No. 11-04-09 is hereby amended to designate the use known as “Household Care Facility” as a use regulated by Conditional Development Standard No. 35 in lieu of a “P” Permitted Use in the following zoning districts: “RE-Residential Estate District”, “SF-16-Single Family Residential District”, “SF-12.5-Single Family Residential District”, “SF-10-Single Family Residential District”, “SF-8.5-Single Family Residential District”, “SF-7-Single Family Residential District”, “OTR-Original Town Residential District”, “PH-Patio Home District”, “2F-Two Family Residential (Duplex) District”, “TH-Townhome District”, “MF-15-Multifamily-15 District”, “MF-19-Multifamily-19 District” and the “MH-Manufactured Home District.”

SECTION 3: Amendment to Subsection 3.02. (Use Chart). Subsection 3.02. (Use Chart) of Frisco’s Zoning Ordinance No. 11-04-09 is hereby amended to amend the use known as “Rehabilitation In-Home Care” to read, “Rehabilitation Care Facility”.

SECTION 4: Amendment to Subsection 3.02.01. (Conditional Development Standards). Subsection 3.02.01. (Conditional Development Standards) of Frisco’s Zoning Ordinance No. 11-04-09 is hereby amended by replacing Conditional Development Standard No. 27 (Rehabilitation Care Facility) in its entirety as follows:

“3.02.01. Conditional Development Standards

...

(27) **Rehabilitation Care Facility**

Shall maintain a minimum separation of one thousand (1,000) feet measured linearly from property line to property line from any other Rehabilitation Care Facility or Household Care Facility. The distance requirement shall be verified by the Director.

....”

SECTION 5: Amendment to Subsection 3.02.01. (Conditional Development Standards). Subsection 3.02.01. (Conditional Development Standards) of Frisco’s Zoning Ordinance No. 11-04-09 is hereby amended to establish a new Conditional Development Standard No. 35 (Household Care Facility) as follows:

“3.02.01. Conditional Development Standards

...

(35) **Household Care Facility**

Shall maintain a minimum separation of one thousand (1,000) feet measured linearly from property line to property line from any other Household Care Facility or Rehabilitation Care Facility. The distance requirement shall be verified by the Director.”

SECTION 6: Amendment to Subsection 7.01. (Terms and Words Defined). Subsection 7.01. (Terms and Words Defined) of Frisco’s Comprehensive Zoning Ordinance No. 11-04-09 is hereby amended by replacing the definition of “Household Care Facility” in its entirety as follows:

“Subsection 7.01. Terms and Words Defined

...

Household Care Facility

A dwelling unit which provides residence and care to not more than nine persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; terminally ill; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two

supervisory personnel as a single housekeeping unit. Where applicable, a household care facility shall have appropriate licensing and/or registration by the State of Texas.

...”

SECTION 7: Amendment to Subsection 7.01. (Terms and Words Defined). Subsection 7.01. (Terms and Words Defined) of Frisco’s Comprehensive Zoning Ordinance No. 11-04-09 is hereby amended by replacing the term, “Rehabilitation In-Home Care” with “Rehabilitation Care Facility” as follows:

“Subsection 7.01. Terms and Words Defined

...

Rehabilitation Care Facility

Subject to being licensed to operate by the Texas Department of Aging and Disability Services (DADS), a dwelling unit which provides residence and care to not more than nine (9) persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two (2) supervisory personnel as a single housekeeping unit.

...”

SECTION 8: Savings/Repealing Clause. Frisco’s Zoning Ordinance No. 11-04-09 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

SECTION 9: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 10: Penalty Provision. Any person, firm, corporation or entity violating this Ordinance or any provision of Frisco’s Zoning Ordinance No. 11-04-09, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

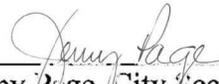
SECTION 11: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this 18th day of June, 2013.



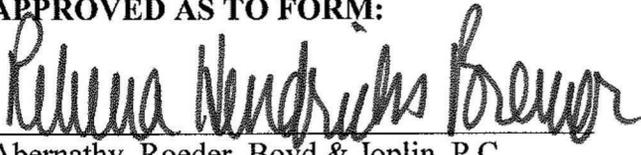
MAHER MASO, Mayor

**ATTESTED TO AND
CORRECTLY RECORDED BY:**


Jenny Page, City Secretary



APPROVED AS TO FORM:


Abernathy, Roeder, Boyd & Joplin, P.C.
Rebecca Hendricks Brewer, City Attorneys

Dates of Publication: June 21st and June 28th, 2013, Frisco Enterprise