

Subsection 7.01. Terms and Words Defined

For the purpose of this Zoning Ordinance, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word shall is mandatory and not discretionary. The following are the Zoning Ordinance definitions.

Accessory Structure

Any structure, either attached or detached from the main dwelling, the use of which is incidental to that of the main structure and located on the same lot. Accessory structures include, but are not limited to patio covers, arbors, gazebos, cabanas, outdoor kitchens and/or recreational fire enclosures, trellis, and structures/sheds or the like. A permit is required for all accessory structures. Also, referred to as accessory buildings.

Acts of Nature

An extraordinary interruption by a natural cause (such as a flood or earthquake) of the usual course of events that experience, prescience, or care cannot reasonably foresee or prevent.

Advertising Sign or Structure

Any cloth, card, paper, metal, glass, wooden, plastic, plaster or stone sign or other sign, device or structure of any character whatsoever, including a statuary or place for outdoor advertising purposes on the ground or any tree, wall, bush, rock, post, fence, building or structure. The term placed shall include erecting, constructing, posting, painting, printing, tacking, mailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner whatsoever. The area of an advertising structure shall be determined as the area of the largest cross-section of such structure. Neither directional, warning nor other signs posted by public officials in the course of their public shall be construed as advertising signs for the purpose of this Ordinance. See Sign Ordinance for further details.

Agricultural Use

A use that consist of the growing of crops mainly for food and fiber, or the keeping, grazing, breeding, or feeding of animals for the products they produce or for eventual sale.

Airport/Heliport

A place where aircraft and/or helicopters can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

Alcoholic Beverage Establishment

Any establishment that derives seventy-five (75) percent or more of its gross revenue on a quarterly basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, as amended, for on-premise consumption.

Alley

A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Amenity Center

A recreational facility, including, but not limited to, clubhouse, swimming pool, play area, operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public.

3.02.01. Conditional Development Standards

(A) A use is permitted in the zoning district as indicated in the Use Chart, [Subsection 3.02 Use Chart](#) (Page [85](#)), if the following conditional development standards or limitations are met.

(1) **Accessory Structure**

Accessory buildings shall match the scale and character of the main structure when in the [OTR – Original Town Residential District](#).

(2) **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. Specific Use Permit Required

1. An Alcoholic Beverage Establishment is permitted only by Specific Use Permit in the following zoning districts.

Zoning Districts Permitting an Alcoholic Beverage Establishment by SUP		
Section	District Abbreviation – District Name	Page Number
2.04.02.	O-2 – Office-2 District	36
2.04.03.	R – Retail District	38
2.04.04.	OTC – Original Town Commercial District	39
2.04.05.	H – Highway District	45
2.04.06.	C-1 – Commercial-1 District	46
2.04.07.	C-2 – Commercial-2 District	47
2.04.08.	IT – Information and Technology District	48
2.04.09.	I – Industrial District	49

2. An Alcoholic Beverage Establishment is also permitted in the following zoning districts only as an accessory use when in conjunction with the operation of a golf course.

Zoning Districts Permitting a Private Club as an Accessory Use by SUP		
Section	District Abbreviation – District Name	Page Number
2.03.01.	AG – Agricultural District	18
2.03.02.	RE – Residential Estate District	19
2.03.03.	SF-16 – Single Family Residential-16 District	20
2.03.04.	SF-12.5 – Single Family Residential-12.5 District	21
2.03.05.	SF-10 – Single Family Residential-10 District	22
2.03.06.	SF-8.5 – Single Family Residential-8.5 District	23
2.03.07.	SF-7 – Single Family Residential-7 District	24
2.03.09.	PH – Patio Home District	27
2.03.10.	2F – Two Family Residential (Duplex) District	29
2.03.11.	TH – Townhome District	30
2.03.12.	MF-15 – Multifamily-15 District	32
2.03.13.	MF-19 – Multifamily-19 District	33

c. An Alcoholic Beverage Establishment shall not be located within:

1. Eight hundred (800) feet from a church, public hospital, public school, private school, and/or residential zoning district;

(i) For this purpose, residential zoning districts shall include, but are not limited to,

properties that are zoned Neighborhood Service (see [Subsection 2.02 Equivalency Table](#) (Page 17) and residential Planned Development Districts.

- (ii) Separation from residential zoning districts does not apply to Alcoholic Beverage Establishments that are an accessory use in conjunction with the operation of a golf course.
2. One thousand (1,000) feet from a public school if the City Council receives a request for this additional spacing requirement from the school district, and the City Council adopts such additional spacing requirements by resolution; and
 3. One thousand (1,000) feet from a private school if the City Council receives a request for this additional spacing requirement from the board of the private school, and the City Council adopts the additional spacing requirements by resolution.
- d. Measurement for the distance between an Alcoholic Beverage Establishment and the uses listed above or the nearest residential zoning district shall be in a straight line from the nearest property line of the lot where the Alcoholic Beverage Establishment is located, without regard to intervening structures or objects, to the nearest property line of the lot where the church, public hospital, public school, and/or private school is located.
 - e. If a use were operating as a private club in accordance with Frisco's Zoning Ordinance and pursuant to a valid Specific Use Permit before August 18, 2009, and now only qualifies as an Alcoholic Beverage Establishment, the use shall be reclassified as an Alcoholic Beverage Establishment, the SUP shall be treated as if it were originally issued for an Alcoholic Beverage Establishment, and if the use fails to comply with the new regulations set forth in this Paragraph, that Alcoholic Beverage Establishment shall be allowed to continue operating in the same location, subject to the continued rights of the City Council to terminate the use's Specific Use Permit, in accordance with the law.
 - f. In accordance with Texas Alcoholic Beverage Code Section 109.33, in this section, "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 twelve; and
 2. Has more than 100 students enrolled and attending courses at a single location.
 - g. If at the time an original alcoholic beverage permit or license is granted by the Texas Alcoholic Beverage Commission for a premises, the premises satisfies the requirement regarding distance from public schools, private schools, churches, public hospitals, and/or residential zoning districts, then the premises shall be deemed to satisfy the distance requirements for all subsequent renewals of the license or permit. This shall not be the case if the Texas Alcoholic Beverage Commission revokes the license or permit.

(3) Antenna and/or Antenna Support Structure, Commercial

- a. All commercial antennae and antenna support structures located on property owned by the City shall be permitted with a Specific Use Permit in any district.
- b. All commercial antennae and antenna support structures shall be permitted by Specific Use Permit the following zoning districts:

Districts Permitting by Specific Use Permit		
Section	District Abbreviation – District Name	Page Number
2.04.01.	O-1 – Office-1 District	35
2.04.02.	O-2 – Office-2 District	36
2.04.03.	R – Retail District	38

Outdoor Lighting

The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

Outside Storage and Display

A primary land use providing outdoor storage or display of commodities, materials, goods, equipment, vehicles, or merchandise in its normal day-to-day business activities. This definition excludes new and used sale or lease of automobiles, motorcycles recreational vehicles, boats, or watercrafts.

This definition does not include temporary outside merchandise display, such as a sidewalk sale.

Outside Merchandise Display, Temporary

A temporary display of merchandise for sale outside of a building for no more than 72 hours.

Package Sales

An establishment principally for the retail sale of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, as amended, to the general public for off-premise consumption and rendering services that are incidental to the sale of such goods.

Park or Playground

An area developed for active play and recreation that includes, but is not limited to, open space, sports courts, play equipment, and trails.

Parking Lot

An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

Parking Space

An area reserved exclusively for the parking of a motor vehicle.

Patio Home (or Zero Lot Line Residence)

A lot which is designed in such a manner that the side yard and adjacent use easement make maximum use of available land area to preserve an open, yet private, use of the side yard, and permits construction of a detached single family dwelling with one side of such dwelling placed on the side property line.

Pawn Shop

An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker).

Permit

A license, certificate, approval, registration, consent, permit, contract or other agreement for the construction or provision of service from a utility owned, operated, or controlled by the City, or other form of authorization required by law, rule, regulation, order, or ordinance, which has been approved by the City, that a person or entity must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought, and for which the application for the permit or information required to be submitted for consideration provides fair notice of the project to the City. Notwithstanding, an ordinance establishing or changing a zoning district, including but not limited to an ordinance establishing or amending a Planned Development District or Specific Use Permit, is not considered a permit.

Photometric Plan

A point-by-point plan depicting the intensity and location of lighting on the property.

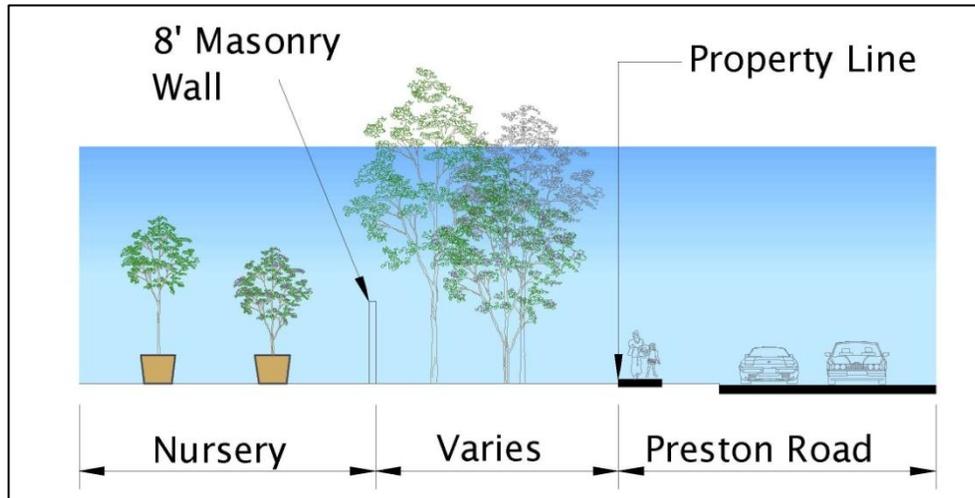


Figure 3.02.01.3 Landscape Buffer

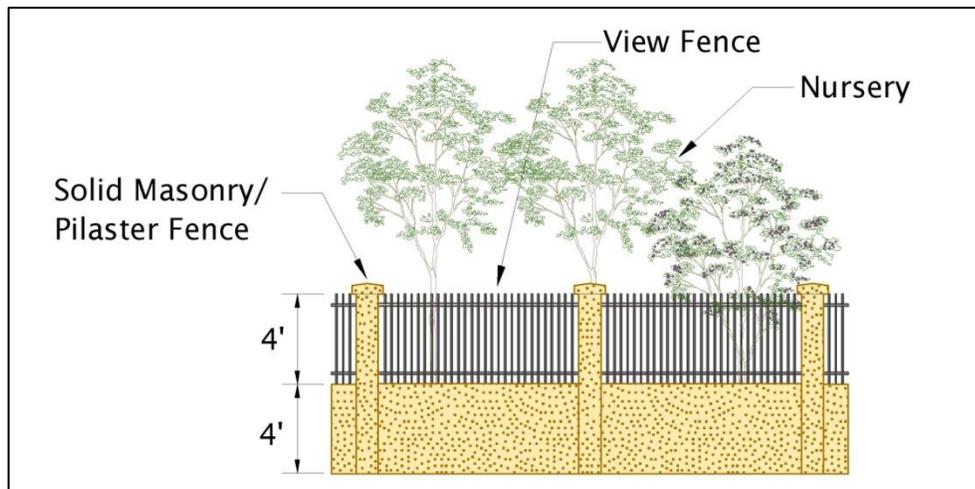


Figure 3.02.01.4 Screening Wall

(23) Oil Well/Gas Well and Mineral Extraction

Refer to the International Fire Code currently adopted by the City for a complete list of procedures and requirements.

(24) Package Sales

- a. A Package Sales establishment shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended, and any applicable local option elections.
- b. A Package Sales establishment is permitted only in the following districts.

Zoning Districts Permitting Package Sales		
Section	District Abbreviation – District Name	Page Number
2.04.03.	R – Retail District	38
2.04.04.	OTC – Original Town Commercial District	39
2.04.05.	H – Highway District	45
2.04.06.	C-1 – Commercial-1 District	46
2.04.07.	C-2 – Commercial-2 District	47

- c. A Package Sales establishment in the [2.04.04. OTC – Original Town Commercial District](#) (Page [39](#)):
1. Package Sales establishments are only permitted in the OTC – Original Town Commercial District, between North and South County Road and the BNSF Rail Line; and
 2. Only two (2) Package Sales establishments may be located in the OTC – Original Town Commercial District, and only one (1) Package Sales establishment may be located on any given block.
- d. Beer sales are not permitted in residential zoning districts.
- e. A Package Sales establishment shall not be located within the following.
1. Three hundred (300) feet from a church, public hospital, public school, and/or private school. However, a Package Sales establishment may be located within three hundred (300) feet of a private school if minors are prohibited from entering the package store.
 2. One thousand (1,000) feet from a private school if the City Council receives a request for this additional spacing requirement from the board of the private school, and the City Council adopts the additional spacing requirements by resolution. But, the City Council may not adopt this additional spacing required if minors are prohibited from entering the Package Sales establishment.
- f. Measurement of the distance between the Package Sales establishment and the 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. Measurement for the distance between the Package Sales establishment 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 the Package Sales establishment is located on or above the fifth (5th) 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 of the floor on which the Package Sales establishment is located.
- g. In accordance with Texas Alcoholic Beverage Code Section 109.33, in this section, “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 twelve; 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 for a premises, the premises satisfies the requirements regarding the distance requirements in this section, then the premises shall be deemed to satisfy the distance requirements for all subsequent renewals of the license or permit. This shall not be the case if the Texas Alcoholic Beverage Commission revokes the license or permit.

Private Club

An establishment holding a Private Club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code, as amended, that derives thirty-five (35) percent or more of its gross revenue from the sale or service of alcoholic beverages for on-premise consumption and that is located within a dry area as defined in Title 6 (Local Option Elections) of the Texas Alcoholic Beverage Code, as amended.

Private Club does not include a fraternal or veteran's organization, as defined in the Texas Alcoholic Beverage Code, as amended, holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code.

A Private Club does not include the holder of a food and beverage certificate, as defined in the Texas Alcoholic Beverage Code, as amended. Unless the person owning or operating the use supplies the Chief Building Official with records to prove otherwise, an establishment holding a Private Club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code, as amended, is presumed to derive thirty-five (35) percent or more of its gross revenue from the sale or service of alcoholic beverages for on-premise consumption.

Private Street Development

A development of two (2) or more lots sharing private gated vehicular access ways that are not dedicated to the public and are not publicly maintained. Private streets and alleys may be established only under the terms of the Subdivision Ordinance. The term "Private Street" shall be inclusive of alleys.

Private Utility (other than listed)

A non-public utility requiring special facilities in residential areas or on public property such as electricity, natural gas, or telecommunications not customarily provided by the municipality or public utilities. All radiating equipment must comply with current Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Occupational Health and Safety Administration (OSHA), and all other applicable State and Federal regulatory agency requirements and guidelines for human safety.

Progress Towards Completion

See Section 245.005(c) of the Texas Local Government Code, as it exists or may be amended, unless another meaning is specified.

Project

An endeavor over which the City exerts its jurisdiction and for which one or more permits are required to initiate, continue, or complete the endeavor.

Protected Residential Property

Any property within the City that meets one of the following requirements:

- (A) The property is zoned a residential district as defined within the Zoning Ordinance or zoned a planned development for residential uses;
- (B) The property is designated in the Comprehensive Plan as any type of residential; or
- (C) The property is used or subdivided for use as residential.

Public/Semi-Public Uses

Any uses that are educational, governmental or institutional in nature.

Railroad Track and Right-Of-Way

The right-of-way and track used by a railroad, but not including railroad stations, sidings, team tracks, loading facilities, dockyards, or maintenance areas.

(25) Private Club

- a. Private Clubs shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended and any applicable local option elections.
- b. Specific Use Permit Required
 - 1. A Private Club is permitted only by Specific Use Permit in the following zoning districts.

Zoning Districts Permitting a Private Club by SUP		
Section	District Abbreviation – District Name	Page Number
2.04.02.	O-2 – Office-2 District	36
2.04.03.	R – Retail District	38
2.04.04.	OTC – Original Town Commercial District	39
2.04.05.	H – Highway District	45
2.04.06.	C-1 – Commercial-1 District	46
2.04.07.	C-2 – Commercial-2 District	47
2.04.08.	IT – Information and Technology District	48
2.04.09.	I – Industrial District	49

- 2. A Private Club is also permitted by Specific Use Permit in the following zoning districts only as an accessory use when in conjunction with the operation of a golf course.

Zoning Districts Permitting a Private Club as an Accessory Use by SUP		
Section	District Abbreviation – District Name	Page Number
2.03.01.	AG – Agricultural District	18
2.03.02.	RE – Residential Estate District	19
2.03.03.	SF-16 – Single Family Residential-16 District	20
2.03.04.	SF-12.5 – Single Family Residential-12.5 District	21
2.03.05.	SF-10 – Single Family Residential-10 District	22
2.03.06.	SF-8.5 – Single Family Residential-8.5 District	23
2.03.07.	SF-7 – Single Family Residential-7 District	24
2.03.09.	PH – Patio Home District	27
2.03.10.	2F – Two Family Residential (Duplex) District	29
2.03.11.	TH – Townhome District	30
2.03.12.	MF-15 – Multifamily-15 District	32
2.03.13.	MF-19 – Multifamily-19 District	33

- c. A Private Club shall not be located within the following.
 - 1. Eight hundred (800) feet from a church, public hospital, public school, private school, and/or residential zoning district.
 - (i) Separation from residential zoning districts does not apply to Alcoholic Beverage Establishments that are an accessory use in conjunction with the operation of a golf course.
 - 2. One thousand (1,000) feet from a private school if the City Council receives a request for this additional spacing requirement from the board of the private school, and the City 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 straight line from the nearest property line of the lot where the alcoholic beverage establishment is located, without regard to intervening

structures or objects, to the nearest property line of the lot where the church, public hospital, public school, and/or private school is located.

- e. In accordance with Texas Alcoholic Beverage Code Section 109.33, in this section, “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 twelve; and
 2. Has more than 100 students enrolled and attending courses at a single location.
- f. If at any time an original alcoholic beverage permit or license is granted by the Texas Alcoholic Beverage Commission for a premises, the premises satisfies the requirements regarding the distance requirements in this section, then the premises shall be deemed to satisfy the distance requirements for all subsequent renewals of the license or permit. This shall not be the case if the Texas Alcoholic Beverage Commission revokes the license or permit.

(26) Private Street Development

Private Street Developments are subject to provisions of the Thoroughfare Design Standards 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 this ordinance 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 requests for [2.05.02. SUP or “S” – Specific Use Permits](#) (Page [51](#)) for Private Street Developments, the City 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.
- 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 one hundred (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 streets and rights-of-way;

(30) Restaurant

- a. A Restaurant is permitted by right in the following zoning districts.

Restaurants are Permitted by Right within the Following Districts		
Section	District Abbreviation – District Name	Page Number
2.04.02.	O-2 – Office-2 District	36
2.04.03.	R – Retail District	38
2.04.04.	OTC – Original Town Commercial District	39
2.04.05.	H – Highway District	45
2.04.06.	C-1 – Commercial-1 District	46
2.04.07.	C-2 – Commercial-2 District	47
2.04.08.	IT – Information and Technology District	48
2.04.09.	I – Industrial District	49

- b. A Restaurant is also permitted in the following zoning districts only as an accessory use when in conjunction with the operation of a golf course.

Zoning Districts Permitting a Restaurant as an Accessory Use by SUP		
Section	District Abbreviation – District Name	Page Number
2.03.01.	AG – Agricultural District	18
2.03.02.	RE – Residential Estate District	19
2.03.03.	SF-16 – Single Family Residential-16 District	20
2.03.04.	SF-12.5 – Single Family Residential-12.5 District	21
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2.03.09.	PH – Patio Home District	27
2.03.10.	2F – Two Family Residential (Duplex) District	29
2.03.11.	TH – Townhome District	30
2.03.12.	MF-15 – Multifamily-15 District	32
2.03.13.	MF-19 – Multifamily-19 District	33

- c. Except as otherwise provided, restaurants with drive-through are permitted in any zoning district where a Restaurant is permitted.
1. Restaurants with drive-through are not permitted in the O-2 – Office-2 District and are only permitted in the PRO – Preston Road Overlay District.
- d. Restaurants that sell alcohol shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended and any applicable local option elections.
- e. Except along Main Street in the OTC – Original Town Commercial District, a Restaurant that sells alcohol shall not be located within the following.
1. Three hundred (300) feet from a church, public hospital, and/or public school.
- f. Measurement for the distance between a Restaurant where alcohol beverages 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 are sold and a public school shall be:
1. In a direct line from the property line of the public school to the property line of the place of business, and in a direct line across intersections; or

2. If the restaurant that sells alcohol is located on or above the fifth story of a multistory building, in a direct line from the property line of the public 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 is located.
- h. If a Restaurant receives seventy-five (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 City as an [Alcoholic Beverage Establishment](#) (Page [276](#)) under the Frisco Zoning Ordinance.
- i. If at any time an original alcoholic beverage permit or license is granted by the Texas Alcoholic Beverage Commission for a premises, the premises satisfies the requirements regarding the distance requirements in this section, then the premises shall be deemed to satisfy the distance requirements for all subsequent renewals of the license or permit. This shall not be the case if the Texas Alcoholic Beverage Commission revokes the license or permit.

(31) 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 & Zoning Commission, School District Bus Yards shall be screened using one of the following methods.

- a. Option 1
 1. A six-foot ornamental metal fence,
 2. Three-inch caliper evergreen trees on 20-foot centers, and
 3. Five-gallon evergreen shrubs on three-foot centers.
- b. Option 2
 1. A six-foot clay-fired brick wall, and
 2. Three-inch caliper evergreen trees on 20-foot centers.

(32) Temporary Buildings

- a. Temporary buildings may be utilized by houses of worship (churches), public schools, and government agencies only. See [Temporary Building](#) (Page [304](#))
- b. Houses of worship (churches), public schools (Kindergarten (K) through Twelfth (12th) grade), and government agencies may apply for a permit to erect a temporary building for an initial period of three (3) years provided the applicant submits.
 1. An application with documented evidence of an immediate need for space to the Chief Building Official, who shall evaluate each application for a temporary building based on the following criteria:
 - (i) Capacity of the existing 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 existing 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 church, or school, or new government facility;

