

Section 3. Land Uses



PROGRESS IN MOTION

Subsection 3.01. Use of Land and Buildings

3.01.01. Uses Permitted by District

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 [Subsection 3.02 Use Chart](#) (Page 89) and in accordance with [Subsection 1.05 Compliance Required / Interpretation / Rules of Construction](#) (Page 13) and the provisions of this ordinance.

(A) Legend for Use Chart within [Subsection 3.01. Use of Land and Buildings](#) (Page 88)

Base Zoning	
P	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
#	Use is permitted in the district indicated if the use complies with conditional development standards or limitations in the corresponding numeric end note in 3.02.01. Conditional Development Standards (Page 95).

Overlay Zoning Districts (Preston Road and Tollway)	
	Use is subject to base zoning standards
X	Use is prohibited in the Overlay District

3.01.02. 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 City. If the Director is unable to classify the use under one of the existing listed uses, then the director shall initiate a zoning text amendment pursuant to procedures set forth in this ordinance.

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 [89](#)), 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	40
2.04.03.	R – Retail District	42
2.04.04.	OTC – Original Town Commercial District	43
2.04.05.	H – Highway District	49
2.04.06.	C-1 – Commercial-1 District	50
2.04.07.	C-2 – Commercial-2 District	51
2.04.08.	IT – Information and Technology District	52
2.04.09.	I – Industrial District	53

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	22
2.03.02.	RE – Residential Estate District	23
2.03.03.	SF-16 – Single Family Residential-16 District	24
2.03.04.	SF-12.5 – Single Family Residential-12.5 District	25
2.03.05.	SF-10 – Single Family Residential-10 District	26
2.03.06.	SF-8.5 – Single Family Residential-8.5 District	27
2.03.07.	SF-7 – Single Family Residential-7 District	28
2.03.09.	PH – Patio Home District	31
2.03.10.	2F – Two Family Residential (Duplex) District	33
2.03.11.	TH – Townhome District	34
2.03.12.	MF-15 – Multifamily-15 District	36
2.03.13.	MF-19 – Multifamily-19 District	37

- 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 21) 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	39
2.04.02.	O-2 – Office-2 District	40
2.04.03.	R – Retail District	42
2.04.05.	H – Highway District	49
2.04.06.	C-1 – Commercial-1 District	50
2.04.07.	C-2 – Commercial-2 District	51
2.04.08.	IT – Information and Technology District	52
2.04.09.	I – Industrial District	53

- c. All commercial antennae and antenna support structures allowed by an SUP shall be subject to the following regulations.
1. Antenna support structures shall be setback a distance equal to or greater than the tower's height measured from the property lines.
 2. Antenna support structures shall be constructed to support at least two carriers.
 3. Antenna facilities shall be screened by a six (6) foot masonry screening wall or a six (6) foot [Open Ornamental Fence](#) (Page [298](#)) with living screen.
- d. An antenna located on an existing antenna support structure is permitted by right upon site substantially conforming plan approval.
- (4) Antenna and/or Antenna Support Structure, Non-Commercial
- a. Free-standing antenna and/or antenna support structures shall be prohibited within the [OTR – Original Town Residential District](#) or the [OTC – Original Town Commercial District](#).
 - b. All antenna and/or antenna support structures shall be attached to a building.
- (5) Antenna, Stealth
- a. Commercial 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, athletic stadium or field, or public utility structure.
 - b. Commercial Stealth Antennas are permitted by right in the Nonresidential Districts.
 - c. Approval of a Listed Commercial Stealth Antenna
 1. The Director 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](#) (Page [275](#)).
 - d. Approval of an Unlisted Commercial Stealth Antenna
 1. For commercial stealth antenna requests of a type that are not specifically listed in this definition, the Planning & Zoning Commission may determine if a proposed commercial antenna is a stealth antenna or not when considering Site Plan approval for the proposal.
 - e. For appeals, see [Subsection 6.19 Appeals and the Appeal Process](#) (Page [268](#)).
- (6) Athletic Stadium or Field, Private
- Permitted by Specific Use Permit when developed as an accessory use with a School, Private or Parochial.

(7) Big Box Retail Development

a. Big Box Permitted by Right Criteria

Big Box uses are permitted by right if:

1. The lot has frontage on the Dallas North Tollway, S.H. 121, or U.S. 380;
2. The use is located within a retail center that has frontage on F.M. 423 and the entire Big Box building, all of its required parking, and its required loading area are located within 1,650 feet of F.M. 423; or
3. The use is located within the area bounded by the Dallas North Tollway, Warren Parkway, Ohio Drive, and S.H. 121.

b. Big Box Permitted by Specific Use Permit (SUP)

Big Box uses are permitted by Specific Use Permit (SUP) in all other areas where zoning is indicated on the [Subsection 3.02 Use Chart](#) (Page 89).

(8) Body Art Studio

Must be set back 1,000 feet, as measured by a singular straight line (i.e., air distance), from any other Body Art Studio, Residential Zoning District, church, Public, Private, or Parochial School, and day care. The measurement for this distance requirement shall be in a straight line from the nearest property line of the lot where the Body Art Studio is located without regard to intervening structures or objects, to the nearest property line of the lot where the Residential Zoning District, church, Public, Private, or Parochial School, and day care is located.

(9) Bus Terminal

- a. Permitted by right in the [H – Highway District](#).
- b. Permitted by Specific Use Permit in the [C-1 – Commercial-1 District](#), [C-2 – Commercial-2 District](#), and [I – Industrial District](#).
- c. Bus parking and storage areas shall be screened with a six (6) foot ornamental metal fence, three (3) inch caliper evergreen trees on twenty (20) foot centers, and five (5) gallon evergreen shrubs on three (3) foot centers.

(10) Car Wash

Permitted as an accessory use to Convenience Store with Gas Pumps.

(11) Child-Care: Licensed Child-Care Center

- a. Notwithstanding anything to the contrary herein, a public independent school district is not required to obtain a SUP for the operation of a day-care in a public school.
- b. A day-care not operated by a public independent school district is permitted by SUP in all districts except [OTR – Original Town Residential District](#) and [I – Industrial District](#), where it is prohibited.
- c. The approved SUP shall establish the maximum enrollment capacity for a [Child-Care: Licensed Child-Care Center](#) (Page 281).
- d. Day-care facilities shall provide annual reporting data, upon request, that confirms child-care is provided for less than 24 hours a day.
- e. Outdoor Play Space Requirement
 1. All centers shall provide outdoor play space at a rate of sixty-five (65) square feet per child.
 2. This requirement shall be based on the maximum licensed capacity of the facility.
 3. The outdoor play space shall have no dimension of less than thirty (30) feet.

4. If the facility provides care to all children for less than four hours per day, then the facility shall be exempt from this requirement.
- f. Outdoor Play Space Defined
 1. Outdoor play space is defined as the area used for outside recreational purposes for children.
 2. The outdoor play area must be enclosed by a fence of at least four (4) feet in height with at least two exits.
 3. One exit may be an entrance to the building.
- g. Pre-Existing Exemption

[3.02.01. \(A\)\(11\)e](#) (Page 98) and [3.02.01. \(A\)\(11\)f](#) (Page 99) shall not apply to a day care center with a Certificate of Occupancy, Site Plan, or Specific Use Permit issued or approved prior to February 15, 2000.

(12) Child-care: Home

Permitted by right as a home occupation in the designated zoning districts and is subject to the regulations of Home Occupation.

(13) Concrete/Asphalt Batching Plan, Temporary

Temporary building permit issued by the building official.

(14) Convenience Store with Gas Pumps

(Ord. No. 11-08-27; 08/01/2011)

Convenience Stores with Gas Pumps shall be subject to the following development standards:

- a. Gas pumps are permitted by right at a maximum of two (2) corners at an intersection of two (2) major thoroughfares. Within the TO - Tollway Overlay District, if two gas pumps are currently located at two corners at an intersection of two (2) major thoroughfares, then a convenience store with gas pumps may be located at a third corner of said intersection along the Dallas North Tollway upon approval of a Specific Use Permit.
- b. Gas pumps shall be located at least two hundred and fifty (250) feet from a property line of a residential lot.
 1. For the purposes of this section, a residential lot means a lot on which a residential use is located, a lot zoned residential, or a lot designated as residential on the Comprehensive Land Use Plan.
 2. This provision intends to alter [4.07.12. \(A\) Structures in Conjunction with any Automotive Use](#) (Page 182) as it would apply to gas pumps.
 3. Gas pumps do not have to meet the spacing requirement if:
 - (i) A major thoroughfare separates the accessory gas pumps from the residential lot; or
 - (ii) The Future Land Use Plan designates a lot as residential, but City Council subsequently rezones the property to a nonresidential zoning district and no residential use is located on the lot.
- c. Roofs of convenience stores and pump canopies shall be pitched. Within the TO - Tollway Overlay District, the requirement for a pitched roof on the canopy or convenience store shall be determined during preliminary site plan or site plan review depending on the existing or planned architectural style of adjacent development.
- d. Within the [TO – Tollway Overlay District](#), a maximum of ten (10) pump islands shall be permitted. This restriction shall not limit the number of fuel dispensers per pump island.
- e. The maximum length of the canopy shall not exceed one hundred sixty (160) feet.

- f. Within the [TO – Tollway Overlay District](#), the clearance height of the canopy, measured from the finished grade to the lowest point on the canopy fascia, shall not exceed fourteen (14) feet. The maximum clearance height of the canopy may be increased to sixteen (16) feet where grade changes under the canopy necessitate the increase in height.
 - g. Within the [TO – Tollway Overlay District](#), the color of the various components of the pump islands, including dispensers, bollards and all appurtenances shall be consistent with the color of the main structure within the TO - Tollway Overlay District.
 - h. Within the [TO – Tollway Overlay District](#), a three (3) foot water course shall be provided on the base of the main building and the columns of the canopy. During preliminary site plan or site plan review, alternate designs may be considered by the Planning & Zoning Commission.
 - i. Canopy support columns shall be fully encased with masonry materials that are complementary to that used on the main building.
 - j. The canopy band face shall be of a color consistent with the main structure or an accent color and may not be backlit or used as signage.
 - k. Convenience stores with gas pumps shall be prohibited in a vertical mixed-use development except where permitted along S.H. 121, U.S. 380, FM 423, and the Dallas North Tollway.
 - l. Special landscaping is required from the curb cut on Preston Road to the curb cut on the intersecting street. The landscaping shall include the following.
 1. A thirty (30) foot landscape buffer shall be provided adjacent to the right-of-way rather than a slip road.
 2. A double row of minimum three (3) inch caliper large trees shall be planted nominally twenty five (25) feet on center along the frontage of both streets.
 - (i) The first row of trees shall be planted sixteen (16) feet from the back of the street curb.
 - (ii) The second row of trees shall be planted thirty (30) feet from the back of the curb.
 3. Shrubs and annual plants shall be planted and maintained adjacent to Preston Road and the intersecting street.
 - m. Within the [TO – Tollway Overlay District](#), convenience stores with gas pumps shall be permitted by right within the Historic, Typical, and U.S. 380 Gateway Sub-Districts.
 - n. Within the [TO – Tollway Overlay District](#) U.S. 380 Gateway Sub-District, the following additional landscape elements are required.
 1. A fifty (50) foot front landscape edge
 - (i) Twenty (20) feet of this landscape edge may be counted toward the seven (7) percent open space requirement.
 2. The front landscape edge tree requirement is increased by fifty (50) percent.
- (15) Equipment and Machinery Sales and Rental, Minor
Use must be completely maintained within the main structure.
- (16) Gas Pumps as Accessory Use
Accessory gas pumps are only allowed as an accessory use to a big box tenant and are subject to the following development standards.
- a. Accessory gas pumps must be located on the same lot as a big box tenant.
 - b. Gas Pumps are permitted at a maximum of two corners at an intersection of two major thoroughfares.
 - c. A sales kiosk servicing the accessory gas pumps shall be less than five hundred (500) square-feet in floor area.

- d. Accessory gas pumps shall be located at least two hundred and fifty (250) feet from a property line of a residential lot.
 1. For the purposes of this section, a residential lot means a lot on which a residential use is located, a lot zoned residential, or a lot designated as residential on the Comprehensive Land Use Plan.
 2. This provision intends to alter [4.07.12. \(A\) Structures in Conjunction with any Automotive Use](#) (Page [182](#)) as it would apply to accessory gas pumps.
 3. Accessory gas pumps do not have to meet the spacing requirement if:
 - (i) A major thoroughfare separates the accessory gas pumps from the residential lot; or
 - (ii) The Future Land Use Plan designates a lot as residential, but City Council subsequently rezones the property to a nonresidential zoning district and no residential use is located on the lot.
 - e. Canopies shall have pitched roofs.
 - f. Canopy support columns shall be fully encased with masonry materials that are complementary to that used on the main building.
 - g. The canopy band face shall be of a color consistent with the main structure or an accent color and may not be backlit or used as signage.
 - h. Special landscaping is required from the curb cut on Preston Road to the curb cut on the intersecting street. The landscaping shall include the following.
 1. A thirty (30) foot landscape edge shall be provided adjacent to the right-of-way rather than a slip road.
 2. A double row of minimum three (3) inch caliper large trees shall be planted nominally twenty five (25) feet on center along the frontage of both streets.
 - (i) The first row of trees shall be planted sixteen (16) feet from the back of the street curb.
 - (ii) The second row of trees shall be planted thirty (30) feet from the back of the curb.
 3. Shrubs and annual plants shall be planted and maintained adjacent to Preston Road and the intersecting street.
 - i. Within the [TO – Tollway Overlay District](#) gas pumps shall be permitted by right within the Historic, Typical, and U.S. 380 Gateway Sub-Districts.
 - j. Within the [TO – Tollway Overlay District](#) U.S. 380 Gateway Sub-District, the following additional landscape elements are required.
 1. A fifty (50) foot front landscape edge.
 2. A three (3) foot earthen berm located within the front landscape edge.
 3. The front landscape edge tree requirement is increased by fifty (50) percent.
- (17) Hall, Reception/Banquet/Meeting
- a. Reception, banquet or meeting halls may provide live or recorded entertainment, and, may serve catered meals and alcoholic beverages when the owner or operator holds the appropriate licenses and permits.
 - b. Reception, banquet or meeting halls shall minimize disturbances to surrounding properties which includes restricting activities inside the structure or if located outside, no electronically amplified sound generated shall be audible at any time beyond the boundary of the property on which the facility is located.
 - c. Pre-purchased tickets and ticket sales at the door are not allowed.
 - d. Non-profit events (i.e., political fundraisers or a registered charitable program in compliance with all state statutes) held at a reception, banquet or meeting hall are allowed to be open to the general public and have pre-purchased tickets and ticket sales at the door.

- e. The certificate of occupancy, occupant load, and hours of operation shall at all times be posted in a conspicuous place on the premises.

(18) Home Occupation

(Ord. No. 13-03-18; 03/05/2013)

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. 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.
 - 1. 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;
 - 2. No exterior storage of material, equipment, vehicles, and/or supplies used in conjunction with the home occupation;
 - 3. No storage of hazardous materials for business purposes shall be allowed on the premises;
 - 4. The home occupation shall not have a separate entrance;
 - 5. Not more than two (2) patron- or business-related vehicles shall be present at any one time, and the proprietor shall provide adequate off-street parking for such vehicles;
 - 6. A maximum of one (1) commercial vehicle, capacity one (1) 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;
 - 7. The home occupation shall not require regular or frequent deliveries by large delivery trucks or vehicles in excess of one and one-half (1½) tons. This shall not be construed to prohibit deliveries by commercial package delivery companies;
 - 8. The home occupation shall not display advertising signs or other visual or audio devices which call attention to the business use;
 - 9. 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; and
 - 10. 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.
- c. The home occupation shall be clearly incidental and secondary to the use of the premises for residential purposes.
- d. The home occupation shall employ no more than two (2) individuals who are not an occupant of the residence. This shall not include the coordination or supervision of employees who do not regularly visit the house for purposes related to the business.
- e. The home occupation shall not offer a ready inventory of any commodity for sale, except as specifically listed under [3.02.01. \(A\)\(18\)h.3 Author, artist, sculptor](#); (Page [103](#)).
- f. 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 childcare home occupations. Hours of operation shall be limited to 8:00 a.m. to 8:00 p.m. for outdoor activities.

- g. Outdoor activities are not allowed, unless the activities are screened from neighboring property and public rights-of-way.
- h. Uses allowed 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 (3) pupils may be present at any one time;
 - 6. Swimming lessons or water safety instruction provided that a maximum of six (6) pupils may be present at any one time;
 - 7. Home crafts, such as weaving, model making, etc.;
 - 8. Repair shop for small electrical appliances, cameras, watches, or other small items, provided that items can be carried by one person with no special equipment, and provided that no internal combustion engine repair is allowed;
 - 9. [Child-Care: Licensed Child-Care Home](#), [Child-Care: Listed Family Home](#), or [Child Care: Registered Child-Care Home](#);
 - (i) Homes with six (6) or more children shall meet the City's building and/or fire codes.
 - 10. Barbershop, beauty salon, or manicure studio, provided that no more than one (1) customer is served at any one time;
 - 11. 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;
 - 12. Internet based businesses; and
 - 13. 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, dry herbs, and dry herb mixes.
- i. Uses prohibited as home occupations shall include the following:
 - 1. Animal hospital, commercial stable, kennel;
 - 2. [Boardinghouse or roominghouse](#);
 - 3. Schooling or instruction with more than five (5) pupils;
 - 4. Restaurant or on-premise food/beverage consumption of any kind;
 - 5. 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;
 - 6. Cabinetry, metal work, or welding shop;
 - 7. Office for doctor, dentist, veterinarian, or other medical-related profession;
 - 8. On-premise retail or wholesale sale of any kind, except home craft items produced entirely on premises;
 - 9. Commercial clothing laundering or cleaning;
 - 10. Mortuary or funeral home;

11. Trailer, vehicle, tool, or equipment rental;
 12. Antique, gift, or specialty shop;
 13. Any use defined by the building code as assembly, factory/industrial, hazardous, institutional, or mercantile occupancy; and
- j. Determination of a Home Occupation Use not Specifically Listed:
1. The Director 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.
- k. Appeal of the Director's Home Occupation Determination:
1. If the applicant disagrees with the determination of the Director, the applicant may appeal to the Planning & Zoning Commission.
- l. 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.

(19) Homebuilder Marketing Center

- a. Shall be used only to market homes/lots in the development where it is located when located in a residential zoning district.
- b. The use must be removed when all homes/lots in the development have been sold.

(20) Mobile Vendor

Mobile food vendors are subject to the following regulations:

- a. Mobile food vendors are permitted in [R – Retail District](#), [H – Highway District](#), [C-1 – Commercial-1 District](#), [C-2 – Commercial-2 District](#), or [PD – Planned Development District](#) with [O-1 – Office-1 District](#) or [O-2 – Office-2 District](#) as the base zoning only;
- 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 City 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 Health and Food Safety Division, 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 City;
- 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 City's Thoroughfare Plan;
- h. Mobile food vendors may operate only during the business hours of the primary business on the property;
- i. The operator shall possess a City 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 parking spaces, driveways, fire lanes or public roads;

- I. Sales of food from a stationary vehicle excludes catering trucks; and
- m. Mobile food vendors are prohibited in a temporary building.

(21) Motel

Motel developments shall be subject to the following development standards.

- a. Shall provide staff on-site 24 hours a day.
- b. Shall provide at least three amenities from the list below.
 - 1. Indoor/Outdoor Pool
 - 2. Spa/Sauna
 - 3. Weight Room/Fitness Center
 - 4. Playground
 - 5. Sports Court
 - 6. Plaza/Atrium
 - 7. Game Room
 - 8. Conference Room (1,000 square foot minimum)
- c. Full Service Restaurant (minimum seating capacity of 35)
- d. Shall maintain a minimum separation of one thousand five hundred (1,500) feet measured linearly from property line to property line from any other Hotel, Motel, or Residence Hotel property.

(22) Nursery, Major

Permitted by Specific Use Permit in an AG – Agricultural District if designated as nonresidential on the Future Land Use Plan. Major nurseries may be permitted by City Council approval of a Specific Use Permit in the Retail Corridor subdistrict of the PRO – Preston Road Overlay District, south of Wade Boulevard with the following conditions, including but not limited to the following.

- a. Major nurseries must be located beyond one thousand (1,000) feet of a major intersection.
- b. Only allowed as infill development with directly adjacent properties already developed. See [Figure 3.02.01.1 Infill Development](#).
- c. All landscape inventory must be screened from Preston Road with an eight (8) foot masonry screening wall and plant material or a combination four foot masonry wall with an [Open Ornamental Fence](#) (Page 298) and plant material. See [Figure 3.02.01.3 Landscape Buffer](#).
- d. and [Figure 3.02.01.3 Landscape Buffer](#).
- e. Landscape inventory must be screened from adjacent properties with an eight (8) foot [Open Ornamental Fence](#) (Page 298) with a living screen. See [Figure 3.02.01.4 Screening Wall](#) (Page 106).



Figure 3.02.01.1 Infill Development

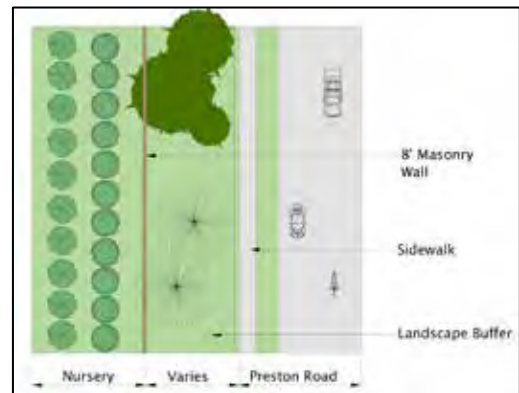


Figure 3.02.01.2 Landscape Buffer

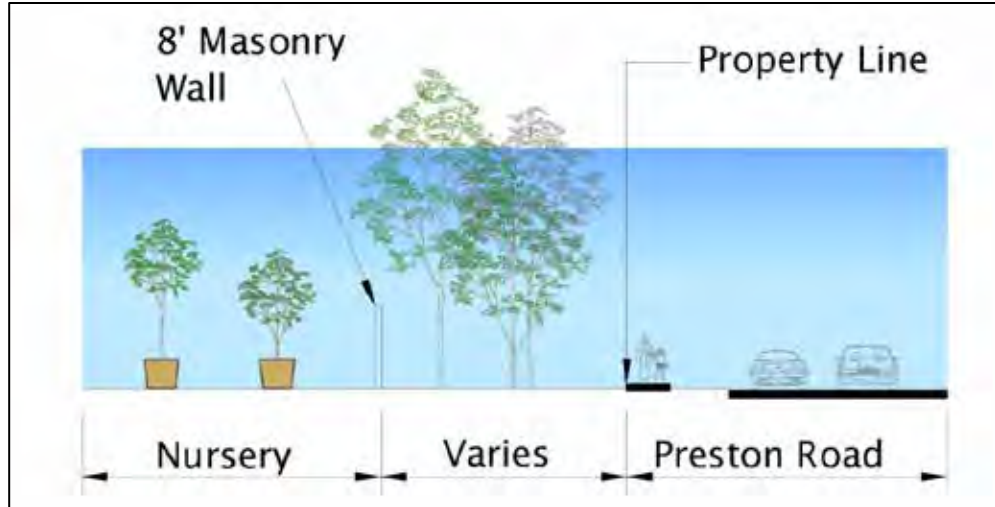


Figure 3.02.01.3 Landscape Buffer

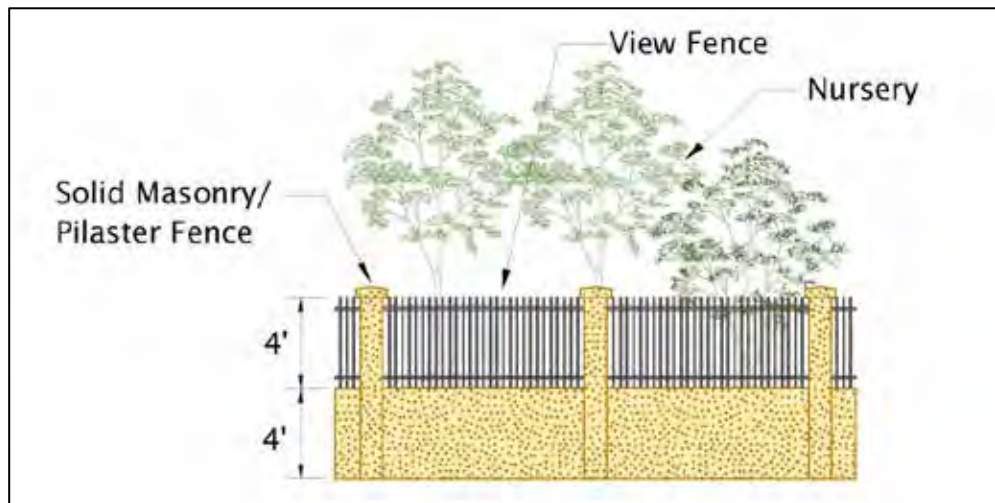


Figure 3.02.01.4 Screening Wall

- f. Non-plant inventory (i.e., hardscape packages, supplies) shall not extend above the height of the screening fence/wall. Only live plant materials, trees, and shrubs may extend above the screening wall/fence.
- g. All structures and greenhouses must comply with the exterior material requirements of the PRO – Preston Road Overlay District.

(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) Alcoholic Beverage Sales

(Ord. No. 12-12-81; 12/18/2012)

Alcoholic Beverage Sales, as defined by the 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 following districts.

Zoning Districts Permitting Alcoholic Beverage Sales		
Section	District Abbreviation – District Name	Page Number
2.04.03.	R – Retail District	42
2.04.04.	OTC – Original Town Commercial District	43
2.04.05.	H – Highway District	49
2.04.06.	C-1 – Commercial-1 District	50
2.04.07.	C-2 – Commercial-2 District	51

- c. Alcoholic Beverage Sales in the 2.04.04. [OTC – Original Town Commercial District](#) are permitted as follows:
1. Alcoholic Beverage Sales 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) places of business engaged in Alcoholic Beverage Sales may be located in the [OTC – Original Town Commercial District](#), and only one (1) place of business engaged in Alcoholic Beverage Sales may be located on any given block.
- d. Beer sales are not permitted in residential zoning districts.
- e. Alcoholic Beverage Sales shall not be located within the following:
1. Three hundred (300) feet from a church, public school, and/or private school. However, Alcoholic Beverage Sales may be located within three hundred (300) feet of a private school if minors are prohibited from entering the place of business, as required by Section 109.53 of the Texas Alcoholic Beverage Code, as amended; and
 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 requirement if minors are prohibited from entering the place of business engaged in Alcoholic Beverage Sales, pursuant to Section 109.53 of the Texas Alcoholic Beverage Code, as amended.
- f. Measurement of the distance between the place of business engaged in Alcoholic Beverage Sales and the church or public hospital shall be along 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 (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 floor on which Alcoholic Beverage Sales are 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 one hundred (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 section, 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.

(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	40
2.04.03.	R – Retail District	42
2.04.04.	OTC – Original Town Commercial District	43
2.04.05.	H – Highway District	49
2.04.06.	C-1 – Commercial-1 District	50
2.04.07.	C-2 – Commercial-2 District	51
2.04.08.	IT – Information and Technology District	52
2.04.09.	I – Industrial District	53

- 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	22
2.03.02.	RE – Residential Estate District	23
2.03.03.	SF-16 – Single Family Residential-16 District	24
2.03.04.	SF-12.5 – Single Family Residential-12.5 District	25
2.03.05.	SF-10 – Single Family Residential-10 District	26
2.03.06.	SF-8.5 – Single Family Residential-8.5 District	27
2.03.07.	SF-7 – Single Family Residential-7 District	28
2.03.09.	PH – Patio Home District	31
2.03.10.	2F – Two Family Residential (Duplex) District	33
2.03.11.	TH – Townhome District	34
2.03.12.	MF-15 – Multifamily-15 District	36
2.03.13.	MF-19 – Multifamily-19 District	37

- 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 55) 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;
4. Re-platting of existing subdivision to reflect changes; and/or
5. Applicant agreeing to contract with the City for purchase of the converted infrastructure and rights-of-way from the City.

(27) Rehabilitation Care Facility

(Ord. No. 13-06-36; 06/18/13)

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.

(28) 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.

(29) Residence Hotel

Residence Hotel developments shall be subject to the following development standards:

- a. Not more than 23 room units per acre.
- b. Shall maintain laundry facilities on-site for guest use.
- c. Shall provide staff on-site 24 hours a day.
- d. Shall provide at least three amenities from the list below.
 1. Indoor/Outdoor Pool
 2. Spa/Sauna
 3. Weight Room/Fitness Center
 4. Playground
 5. Sports Court
 6. Plaza/Atrium
 7. Game Room
 8. Jogging Trail
 9. Conference Room (1,000 square foot minimum)
 10. Full Service Restaurant (minimum seating capacity of 35)
- e. Shall be set back a minimum of one hundred (100) feet from any residential district.
- f. Shall maintain fifteen (15) percent of the lot area as open space, exclusive of required setbacks and parking areas, but including amenities from the above list except for Conference Room and Full Service Restaurant.
- g. Shall maintain a minimum separation of one thousand five hundred (1,500) feet measured linearly from property line to property line from any other Hotel, Motel, or Residence Hotel property.
- h. A minimum of fifty (50) percent of the room units shall contain kitchen facilities.
- i. Location
 1. Shall be permitted only with frontage along S.H. 121, Preston Road, the Dallas North Tollway, FM 423, or US 380.

(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	40
2.04.03.	R – Retail District	42
2.04.04.	OTC – Original Town Commercial District	43
2.04.05.	H – Highway District	49
2.04.06.	C-1 – Commercial-1 District	50
2.04.07.	C-2 – Commercial-2 District	51
2.04.08.	IT – Information and Technology District	52
2.04.09.	I – Industrial District	53

- 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	22
2.03.02.	RE – Residential Estate District	23
2.03.03.	SF-16 – Single Family Residential-16 District	24
2.03.04.	SF-12.5 – Single Family Residential-12.5 District	25
2.03.05.	SF-10 – Single Family Residential-10 District	26
2.03.06.	SF-8.5 – Single Family Residential-8.5 District	27
2.03.07.	SF-7 – Single Family Residential-7 District	28
2.03.09.	PH – Patio Home District	31
2.03.10.	2F – Two Family Residential (Duplex) District	33
2.03.11.	TH – Townhome District	34
2.03.12.	MF-15 – Multifamily-15 District	36
2.03.13.	MF-19 – Multifamily-19 District	37

- 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](#) with conditions.
- 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 274) 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 306)
- 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;
 - (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 to the Development Services Department, providing for a permanent solution to the immediate need for a new temporary building(s) showing the permanent building(s), the temporary building(s), and the required parking, which is subject to the review and approval of the Planning & Zoning Commission; and
- 3. A Site Plan for the temporary building(s) to the Development Services Department, which is subject to the review and approval of the Planning & Zoning Commission
- c. The temporary building(s) shall be removed within thirty (30) calendar 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.
- d. A request for a one (1) year extension of the temporary building permit may be granted by the Planning & Zoning Commission provided the applicant:
 - 1. Has an approved and valid Preliminary Site Plan for the permanent building(s) and an approved and valid Site Plan for the temporary building(s); and
 - 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) House of worship (church), school, or government 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 & Zoning Commission.
- e. For appeals, see [Subsection 6.19 Appeals and the Appeal Process](#) (Page [268](#)).

(33) Townhome (Single Family Residence, Attached)

Only allowed in the [OTR – Original Town Residential District](#), if south of Main Street.

(34) Mortuary/Funeral Parlor

(Ord. No. 11-08-29; 08/01/2011)

Permitted by Specific Use Permit and subject to the following development standards:

- a. The site shall front or side to a minor or major thoroughfare;
- b. Parking and drive aisles shall be screened from adjacent residential uses by a screening wall, minimum of six (6) feet in height, or by a combination of open fencing and living screening materials;
- c. The number and location of driveways shall be determined by Engineering Services;
- d. The application shall contain information indicating how the traffic generated by the use will not negatively impact the residential neighborhood;
- e. Additional screening, landscape buffers and other development criteria may be required by the Planning & Zoning Commission and City Council to address potential impacts of the use on adjacent properties;
- f. The maximum height shall be one story, 30 feet;

- g. All buildings shall be designed to have an appearance of a single family dwelling including the pitch and composition of the roof; and
- h. Unless otherwise noted, all other requirements of the applicable Single Family District shall apply.

(35) Household Care Facilities

(Ord. No. 13-06-36; 06/18/13)

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.