

Chapter 63. Zoning Ordinance

Section 3. LAND USES



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 and in accordance with Subsection **1.05** Compliance Required/Interpretation/Rules of Construction and the provisions of this ordinance.

(A) Legend for Use Chart within Subsection **3.01** Use of Land and Buildings.

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.

Overlay Zoning Districts (Preston Road and Tollway)	
	Use is subject to base zoning standards

Building Material and Hardware Sales, Major																		S		S	S	P		P			X	X	X	X	X	X	X	X	\$ 4.04.08(A) (45)	
Building Material and Hardware Sales, Minor																		P	P	P	P	P		P							X	X	X	X	\$ 4.04.08(A) (45)	
Bus Terminal																			(12)	(12)	(12)		(12)			X	X	X	X	X		X	X	X	\$ 4.04.08(A) (52)	
Business Service														P	P	P		P	P	P	P	P												\$ 4.04.08(A) (52)		
Cabinet/Upholstery Shop																		P	P	P	P		P												\$ 4.04.08(A) (45)	
Campground or Recreational Vehicle Park	S												S																							\$ 4.04.08(A) (52)
Carwash, Full Service																	(13)		P	P	P	(13)	P							X	X	X	X	\$ 4.04.08(A) (8)		
Carwash, Self Service																					S		P			X	X	X	X	X	X	X	X	X	\$ 4.04.08(A) (9)	
Cemetery or Mausoleum	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	S		S	S	S										X	X	X		\$ 4.04.08(A) (52)	
Child-Care: Foster Family Home (Independent)	P	P	P	P	P	P	P	P	P																										None	
Child-Care: Foster Group Home (Independent)	P	P	P	P	P	P	P	P	P																										None	
Child-Care: Licensed Child-Care Center	(14)	(14)	(14)	(14)	(14)	(14)	(14)	(14)	(14)	(14)	(14)	(14)	(14)	(14)	(14)	(14)	(14)	(14)	(14)	(14)	(14)	(14)														\$ 4.04.08(A) (10)
Child-Care: Licensed Child-Care Home	(15)	(15)	(15)	(15)	(15)	(15)	(15)	(15)	(15)																										None	
Child-Care: Listed Family Home	(15)	(15)	(15)	(15)	(15)	(15)	(15)	(15)	(15)																										None	
Child Care: Registered Child-Care Home	(15)	(15)	(15)	(15)	(15)	(15)	(15)	(15)	(15)																										None	
Church, Temple, Synagogue, Mosque, or Other Place of Worship	(46)	(46)	(46)	(46)	(46)	(46)	(46)	(46)	(46)	(46)	(46)	(46)	(46)	(46)	(46)	(46)	(46)	(46)	(46)	(46)	(46)	(46)														\$ 4.04.08(A) (11)
Civic/Convention Center														P	P	P	P	P	P	P	P	P													\$ 4.04.08(A) (13)	
College, University, Trade, or Private Boarding School														P	P	S	P	P	P	P	P														\$ 4.04.08(A) (12), (A)(23)	
Commercial Amusement, Indoor														P	P	P	P	P	P		P														\$ 4.04.08(A) (14)	
Commercial Amusement, Outdoor														S	S	S	S	S	S	S	S			X	X	X	X	X							\$ 4.04.08(A) (15)	
Community Center											S	S	S	P	P	P	P	P	P	P	P														\$ 4.04.08(A) (13)	
Concrete/Asphalt Batching Plant, Permanent																						S		X	X	X	X	X	X	X	X	X	X		\$ 4.04.08(A) (32)	
Concrete/Asphalt Batching Plant, Temporary	(16)	(16)	(16)	(16)	(16)	(16)	(16)	(16)	(16)	(16)	(16)	(16)	(16)	(16)	(16)	(16)	(16)	(16)	(16)	(16)	(16)	(16)														\$ 4.04.08(A) (32)
Construction Yard and Field Office, Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P													\$ 4.04.08(A) (51)	
Contractor's Shop and/or Storage Yard																				P		P		X	X	X	X	X		X	X	X		\$ 4.04.08(A) (51)		
Convenience Store with Gas Pumps														(17)		(17)	(17)	(17)	(17)	(17)			X		X		X	(17)							\$ 4.04.08(A) (16), (A)(24)	
Convenience Store without Gas Pumps														P	P	P	P	P	P	P															\$ 4.04.08(A) (45)	
Data Center																	S	S	S		P														\$ 4.04.08(A) (18)	
Day Services, Adult	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P													\$ 4.04.08(A) (52)	
Distillery																	(18)	(18)			P															
Donation Box														(19)			(19)	(19)																	None	
Dry Cleaning, Major																			P		P		X	X	X	X	X								\$ 4.04.08(A) (45)	
Dry Cleaning, Minor														P	P	P	(49)	P	P	P		P												\$ 4.04.08(A) (45)		

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Machine Shop																				P		P								X	X	X	\$ 4.04.08(A) (32)	
Massage Therapy, Licensed																				P	P	P	P	P		P							\$ 4.04.08(A) (45)	
Massage Therapy, Unlicensed																							S										\$ 4.04.08(A) (45)	
Mini-Warehouse/Self-Storage																				S	S		P			X	X	X	X	X	X	X	X	\$ 4.04.08(A) (33)
Miscellaneous Hazardous Industrial Use																						S			X	X	X	X	X	X	X	X	\$ 4.04.08(A) (32)	
Mortuary/Funeral Parlor			(28)	(28)	(28)	(28)	(28)													P	P	P		P						X	X	X	\$ 4.04.08(A) (34)	
Motel																				(29)	(29)	(29)											\$ 4.04.08(A) (35)	
Motorcycle Sales/Service																				S		S		P		X	X	X		X	X	X	X	\$ 4.04.08(A) (45)
Municipal Uses Operated by the City	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P										\$ 4.04.08(A) (52)	
Museum/Art Gallery															P	P	P	P	P	P	P	P	P										\$ 4.04.08(A) (13)	
Nursery, Major	(30)																			P	P	P		P		X	X	X	(30)	X		S	S	\$ 4.04.08(A) (38)
Nursery, Minor																	P			P	P	P		P									\$ 4.04.08(A) (38)	
Nursing/Convalescent Home												S	S		S	S	S			S	S	S											\$ 4.04.08(A) (1)	
Office and Storage Area for Public/Private Utility																						P		P									\$ 4.04.08(A) (52)	
Office, Administrative, Medical, or Professional															P	P	P	P	P	P	P	P	P										\$ 4.04.08(A) (39), (A),(40)	
Office/Showroom																				P	P	P	P	P									\$ 4.04.08(A) (51)	
Office/Warehouse/Distribution Center																				S	S	S		P		X	X	X	X	X	X	X	\$ 4.04.08(A) (51)	
Oil Well/Gas Well and Mineral Extraction	(31)	(31)	(31)	(31)	(31)	(31)	(31)	(31)	(31)	(31)	(31)	(31)	(31)	(31)	(31)	(31)	(31)	(31)	(31)	(31)	(31)	(31)	(31)										\$ 4.04.08(A) (32)	
Outside Storage and Display (Incidental Use)																	P			P	P	P		P						X	X	X	None	
Outside Storage and Display (Primary Use)																								P		X	X	X	X	X	X	X	X	\$ 4.04.08(A) (51)
Park or Playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P										\$ 4.04.08(A) (52)	
Pawn Shop																							P		X	X	X	X	X	X			\$ 4.04.08(A) (45)	
Portable Building Sales																							S							X	X	X	\$ 4.04.08(A) (45)	
Print Shop, Major																				P	P	P		P									\$ 4.04.08(A) (39)	
Print Shop, Minor																	P	P	P	P	P	P	P	P									\$ 4.04.08(A) (45)	
Private Club	(32)	(32)	(32)	(32)	(32)	(32)	(32)		(32)	(32)	(32)	(32)	(32)		(32)	(32)	(32)	(32)	(32)	(32)	(32)	(32)	(32)										\$ 4.04.08(A) (41)	
Private Utility (other than listed)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P										\$ 4.04.08(A) (52)	
Recreational Vehicle Sales and Service, New/Used																				S		S		P		X	X	X	X	X	X	X	X	\$ 4.04.08(A) (52)
Recreational Vehicle/Truck Parking Lot or Garage																						S		P		X	X	X	X	X	X	X	X	\$ 4.04.08(A) (37)
Recycling Center																						S		P							X	X	X	\$ 4.04.08(A) (42)
Recycling Collection Point																P	P	P		P	P	P	P	P						X	X	X	\$ 4.04.08(A) (42)	
Recycling Plant																								P						X	X	X	\$ 4.04.08(A) (42)	
Rehabilitation Care Facility	(34)	(34)	(34)	(34)	(34)	(34)	(34)	(34)	(34)	(34)	(34)	(34)	(34)	(34)															X				\$ 4.04.08(A) (46)	

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Zoning Districts Permitting Alcoholic Beverage Sales	
Section	District Abbreviation – District Name
§ 2.04.03.	R – Retail District
§ 2.04.04.	OTC – Original Town Commercial District
§ 2.04.05.	H – Highway District
§ 2.04.06.	C-1 – Commercial-1 District
§ 2.04.07.	C-2 – Commercial-2 District
§ 2.04.09.	I – Industrial District

- c. (Reserved)
- d. Beer sales are not permitted in residential zoning districts.

(4) **Antenna and/or antenna support structure, commercial.**

- a. All commercial antennas 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 antennas and antenna support structures shall be permitted by Specific Use Permit in the following zoning districts:

Districts Permitting by Specific Use Permit	
Section	District Abbreviation – District Name
§ 2.04.01.	O-1 – Office-1 District
§ 2.04.02.	O-2 – Office-2 District
§ 2.04.03.	R – Retail District
§ 2.04.05.	H – Highway District
§ 2.04.06.	C-1 – Commercial-1 District
§ 2.04.07.	C-2 – Commercial-2 District
§ 2.04.08.	IT – Information and Technology District
§ 2.04.09.	I – Industrial District

- c. All commercial antennas and antenna support structures allowed by an SUP shall be subject to the following regulations.
 - 1. Commercial antenna support structures shall be setback from all property lines a distance equal to or greater than the support structure or tower's height, measured from ground level to the highest point of the support structure or tower, including any attached antennas;
 - 2. Commercial antenna support structures shall be constructed to support at least three carriers;
 - 3. Antenna facilities shall be screened by an eight (8) foot masonry screening wall or an eight (8) foot Open Ornamental Fence with living screen composed of evergreen shrubs eight (8) feet in height at time of planting; and
 - 4. Commercial antennas and antenna support structures shall be either silver, gray or black in color.
- d. A new commercial antenna to be located on a lawfully existing antenna support structure or on a lawfully existing antenna facility site that does not substantially change the physical dimensions of the support structure or base station is permitted with the approval of a substantially conforming site plan. A new commercial antenna to be located on a lawfully existing antenna support structure or on a lawfully existing antenna facility site that substantially changes the physical dimensions of the support structure or base station must obtain a new Specific Use Permit. (Refer to 47 U.S.C. § 1455(a) and Federal Communications Commission regulations interpreting the same, as they exist or may be amended.)
- e. The maintenance and repair of a support structure, the replacement of antennas or ground equipment of the same dimensions and/or the addition of a carrier to an existing colocation spot that does not substantially change the physical dimensions of the support structure or base station require a building permit only, subject to approval by the Building Inspections Division.
- f. For Network Nodes, refer to the Network Node Overlay District and the City of Frisco, Texas Design Manual for the Installation of Network Nodes and Node Support Poles for applicable regulations and processes, as they exist or may be amended.

(5) **Antenna and/or antenna support structure, non-commercial.**

- a. Freestanding 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.

(6) **Antenna, commercial stealth.**

- a. Commercial Stealth Antennas and the associated equipment and/or structures are permitted by right in the Single-Family Residential Districts only as a secondary use when the primary use on the lot is a church, school, public or private athletic stadium or field, or public or private utility structure (such as water towers and electrical towers).
- b. Commercial Stealth Antennas and the associated equipment and/or structures are permitted by right in the Nonresidential Districts.
- c. Commercial Stealth Antennas and the associated equipment and/or structures shall be permitted by Specific Use Permit in the Multifamily-15 and Multifamily-19 zoning districts and on property developed as urban living residential.

- d. Commercial Stealth Antennas and the associated equipment and/or structures are subject to the following development requirements:
 - 1. Commercial Stealth Antennas shall comply with the setbacks prescribed by the zoning district.
 - 2. Commercial Stealth Antennas may exceed the maximum building height prescribed by the zoning district. Commercial Stealth Antennas constructed on or adjacent to Residential Districts or properties identified as Residential on the Future Land Use Plan may exceed the maximum building height prescribed by the zoning district provided the required setbacks are increased by two (2) feet for every one (1) foot that the Commercial Stealth Antenna exceeds the maximum building height prescribed by the zoning district.
 - 3. Associated buildings and/or structures shall be architecturally compatible with the development in which the building or structure is located. For purposes of this section, architecturally compatible shall mean designed utilizing similar building materials as building(s) and/or structure(s) within the development.
 - 4. The placement of ground-mounted equipment shall be incorporated into the design of the Commercial Stealth Antenna or screened with an eight (8) foot tall masonry screening wall. Ground-mounted equipment shall be placed in a location and designed in a manner to be compatible with and blend in to the surrounding area. This may be accomplished through the use of architecturally compatible elements such as materials, color, texture, scale, and character.
- e. The Director must determine that the request complies with the Antenna, Commercial Stealth definition per Zoning Ordinance Subsection **7.01**, where permitted in this Subsection. Should the Director deny the request, the determination may be appealed in accordance with the appeal procedure outlined in Subsection **6.19.02**.

(7) **Athletic stadium or field, private.**

- a. The site shall front to a collector street, minor thoroughfare or major thoroughfare.
 - 1. If fronting to a collector street, the collector street is required to have a direct connection to a major or minor thoroughfare.
- b. When developed as an accessory use with a School, Private or Parochial, the site must have direct access to a major thoroughfare.

(8) **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.

(9) **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.

(10) **Brewery.**

- a. Specific Use Permit required.
- b. A traffic circulation study, compliant with Engineering Standards Section 2.12.C. I, shall be submitted at the time of filing of the Specific Use Permit application and must be approved prior to the issuance of a Specific Use Permit and shall be included as an exhibit to the ordinance approving the Specific Use Permit.
- c. All components of manufacturing, brewing, bottling, canning, packaging and labeling should be contained completely within the primary structure. If outdoor components of manufacturing, brewing, bottling, canning, packaging and/or labeling are proposed, the applicant shall submit, at the time of filing of the Specific Use Permit application, an exhibit detailing the following:
 - 1. Compliance with Section **2.06.05** Nonresidential District Development Standards;
 - 2. Compliance with Section **4.03.05(A)** Outdoor Storage and Display Requirements; and
 - 3. Proximity of proposed outdoor components to the closest Residential Zoning District.
- d. Permitting & Licensing:
 - 1. Breweries shall be subject to compliance with the Texas **Alcoholic Beverage Code**, as amended, and any applicable local option elections. Breweries shall obtain any other permits and/or licenses as required by the Texas Alcoholic Beverage Commission for any ancillary activities related to the sale of alcoholic beverages on and/or off-premises. These ancillary uses shall also comply with the regulations of this ordinance.

(11) **Brewpub.**

- a. Brewpubs shall be subject to compliance with the Texas **Alcoholic Beverage Code**, as amended, and any applicable local option elections.
- b. A Brewpub meeting applicable requirements established by the Texas **Alcoholic Beverage Code** and the Texas Alcoholic Beverage Commission to sell malt liquor, ale or beer to qualified retailers, private clubs, distributors, wholesalers or others for off-

premises consumption shall conform to the following:

1. All components of manufacturing, brewing, bottling, canning, packaging and labeling shall be contained completely within the primary Brewpub structure; and
2. The primary Brewpub structure shall provide a minimum of one (1) loading space, in accordance with Subsection **4.04.04** Off-Street [Parking and] Loading [Requirement] Space: All Districts.

(12) **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 one of the following:
 1. Option 1: Provide a Type B4 buffer (or equivalent buffer as approved by the Director). (For Screening Buffer, see Figure **4.03.03** Site Screening Type B4 - Screening Wall with View Fence.
 2. Option 2: Provide a Type B1 buffer (or equivalent buffer as approved by the Director). (For Screening Buffer, see Figure **4.03.03** Site Screening Type B1 - Screening Wall.

(13) **Carwash.** Permitted as an accessory use to Convenience Store with Gas Pumps.

(14) **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.
- 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. Subsection (A)(14)e. and (A)(14)f. 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.
- h. Drive-throughs are not permitted in the OTC - Original Town Commercial District.

(15) **Child-care: home.** Permitted by right as a home occupation in the designated zoning districts and is subject to the regulations of Home Occupation.

(16) **Concrete/asphalt batching plan, temporary.** Temporary building permit issued by the building official.

(17) **Convenience store with gas pumps.** 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 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. Within the PRO – Preston Road Overlay Design District and the TO – Tollway Overlay Design District, a landscape buffer is required according to the following:
 - 1. A thirty (30) foot landscape buffer shall be provided adjacent to the right-of-way rather than a slip road according to Section **4.02.05** Street Frontage Landscape Areas - Street Type S3 - Double Row Street Frontage.
- 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 element is required.
 - 1. A fifty (50) foot landscape buffer according to Section **4.02.05** Street Frontage Landscape Areas – Street Type S3 – Double Row Street Frontage.

(18) Distillery.

- a. Specific use permit required.
- b. A traffic circulation study, compliant with Engineering Standards Section 2.12.C. I, shall be submitted at the time of filing of the Specific Use Permit application and must be approved prior to the issuance of a Specific Use Permit and shall be included as an exhibit to the ordinance approving the Specific Use Permit.
- c. All components of manufacturing, brewing, bottling, canning, packaging and labeling should be contained completely within the primary structure. If outdoor components of manufacturing, brewing, bottling, canning, packaging and/or labeling are proposed, the applicant shall submit, at the time of filing of the Specific Use Permit application, an exhibit detailing the following:
 - 1. Compliance with Section **2.06.05** Nonresidential District Development Standards;
 - 2. Compliance with Section **4.03.05(A)** Outdoor Storage and Display Requirements; and
 - 3. Proximity of proposed outdoor components to the closest Residentially Zoned District. These exhibits shall be used in the evaluation of the application, but any such outdoor components must be expressly approved for use in an ordinance approving the Specific Use Permit.
- d. Permitting & licensing:
 - 1. Distilleries shall be subject to compliance with the Texas **Alcoholic Beverage Code**, as amended, and any applicable local option elections. Distilleries shall obtain any other permits and/or licenses as required by the Texas Alcoholic Beverage Commission for any ancillary activities related to the sale of alcoholic beverages on and/or off-premises. These ancillary uses shall also comply with the regulations of this ordinance. 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 subsequent renewals of the license or permit. This shall not be the case if the Texas Alcoholic Beverage Commission revokes the license or permit.

(19) Donation box.

- a. Donation Boxes are permitted as a secondary use to a commercial primary use on the property.
- b. No more than one (1) donation box may be permitted for placement on any one lot. In the case of a shopping center or office development that consists of multiple platted lots, the Director shall treat the shopping center or office development as if it is only one contiguous lot. In the case of a shopping center or office development, the Director shall permit a single additional donation box, provided that neither box is within fifty (50) feet of the other, unless both donation boxes are operated by the same person.
- c. The placement and size of Donation Boxes shall comply with the following:
 - 1. Donation Boxes shall not be located in a designated parking or loading space.

2. Donation Boxes shall conform to all applicable building setbacks on the property.
 3. Donation Boxes shall be located so as to facilitate pickup of donated items by the operator or collection agency.
 4. Donation boxes shall be located within twenty-five (25) feet of the front facade of a building. For the purposes of this subsection, a front facade of a building shall mean the primary entrance point for the public. Donation Boxes shall not be in the rear of any building which is not a pad site (defined as a nonresidential building of 6,000 square feet or less).
 5. Donation Boxes may be located in the rear of pad sites (defined as a nonresidential building of 6,000 square feet or less) provided that they meet the other locational criteria.
 6. Donation Boxes shall be located a minimum distance of twenty-five (25) feet away from the intersection of two (2) or more fire lanes and/or drive aisles, with the distance measured from the intersecting center lines of the fire lanes and/or drive aisles.
 7. The maximum dimensions of a Donation Box shall be twelve (12) feet in width, twelve (12) feet in depth and seven (7) feet in height.
 8. Donation Boxes shall not be located within in any required landscape buffers.
 9. Donation Boxes shall not be located in any designated open space areas.
- d. Approval process for donation boxes:
1. The placement of Donation Boxes must be approved as part of a Site Plan or a Substantially Conforming Site Plan.
 2. The property owner shall sign and notarize the development application for the Site Plan or Substantially Conforming Site Plan authorizing the placement of the Donation Box on the property.
 3. A decal to allow a Donation Box to be placed and used at a designated location shall be issued by Development Services at the time of the approval of the Site Plan or Substantially Conforming Site Plan. The decal shall be placed on the Donation Box in a visible location to identify the Donation Box as an allowed use on the property.
 4. The operator of the Donation Box shall serve as the applicant on the development application. A separate application is required for each Donation Box operator for each site. If the Donation Box operator changes, the new operator must submit a new Substantially Conforming Site Plan prior to the change in operation.
 5. The Site Plan or Substantially Conforming Site Plan shall detail a service plan for each Donation Box. The operator of each Donation Box shall be responsible for collecting the contents of the Donation Box to prevent overflow and littering and shall pick up all donated items at least once per week. The service plan shall include information regarding how many times a week donated items will be collected, the time of day the items will be collected, a vehicular circulation plan and a graffiti and litter abatement plan.
- e. Required maintenance of Donation Boxes and drop-off collection areas:
1. The operator of each Donation Box shall keep the real property situated within twenty-five (25) feet of the location of a Donation Box clean and free of trash, debris, broken glass, coat hangers, clothes, clothing accessories or excess donations.
 2. The Donation Box operator and the real property owner shall be jointly and severally liable and responsible for the maintenance, upkeep and servicing of the Donation Box and the cleanup and removal of any donations left on the property outside of the Donation Box.
 3. A violation of this Subsection **(A)(19)** shall constitute a public nuisance, and the City shall have the authority to abate any such violation as such. This provision does not exclude or limit the use of any other remedy available to the City under this Ordinance, the Code of Ordinances or the laws of the State of Texas.
 4. Each Donation Box shall clearly indicate in writing on the front side of each box that all donations must fit into and be placed within the Donation Box. The size of lettering for the notice shall not be less than one-half inch in height.
 5. A Donation Box operator or real property owner that fails to maintain the cleanliness of the surrounding real property may receive a notice of violation from the City. If the City elects to send a notice of violation to the e-mail address on file for the operator, the operator shall have forty-eight (48) hours to remedy the complaint. Failure to comply with a notice of violation may result in the issuance of a citation by the City. An operator who is issued more than one (1) citation in a twelve (12) month period for the same offense on the same Donation Box is subject to revocation of the approval for such Donation Box.
 6. The requirements of this Subsection **(A)(19)** shall apply to all Donation Boxes regardless of whether the boxes were placed prior to the effective date of these regulations, except that any Donation Boxes existing on the effective date of these regulations shall come into compliance with the requirements of Subsection **(A)(19)(b)–(d)** and (f) not later than one (1) year after the effective date of these regulations. Donation Boxes existing on or before the effective date of these regulations shall have no legally existing nonconforming rights and shall immediately comply with the requirements of Subsection 3.02.01(A) (19)(e).
- f. It shall be unlawful for any person who owns, leases, is in control of or is entitled to possession of real property within the City of Frisco to authorize or allow any Donation Box to be placed on or remain on such real property without a valid Site Plan or Substantially Conforming Site Plan in compliance with the provisions of this Ordinance.

(20) **Equipment and machinery sales and rental, minor.** Use must be completely maintained within the main structure.

(21) **Food truck court and food truck temporary site.** Food Truck Courts and Food Truck Temporary Sites shall comply with the provisions of the Frisco Code of Ordinances, Chapter 22 (Businesses and Business Regulation), Article VI (Food Truck Vendors), as it exists or may be amended.

(22) **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 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. Within the PRO – Preston Road Overlay District and the TO-Tollway Overlay Design District, a landscape buffer is required according to the following:
 - 1. A thirty (30) foot landscape buffer shall be provided adjacent to the right-of-way rather than a slip road according to Section **4.02.05** Street Frontage Landscape Areas - Street Type S3 - Double Row Street Frontage.
 - 2. Shrubs and annual and perennial 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.

(23) Hall, reception/banquet/meeting/dance.

- a. Reception, banquet meeting or dance 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, meeting or dance 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, meeting or dance 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.

(24) Home occupation. A home occupation, in districts where allowed, shall meet the following standards to maintain the residential character of the neighborhood while providing opportunities for home-based businesses.

- a. Unless specifically permitted by this section, home occupations shall be conducted entirely within the main building.
- b. 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 (1-1/2) 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 subsection **(A) (24)h.3** Author, artist, sculptor;
 - 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 rooming house;
 3. Schooling or instruction with more than five (5) pupils;
 4. Restaurant or on-premises 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-premises 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.

(25) 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.

(26) Household care facilities. 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.

(27) Indoor gun range.

- a. Allowed by right in the following nonresidential district only, provided that it meets the criteria in Subsections c.1 and c.2 below (failure to meet such criteria shall result in such use not being allowed by right or with Specific Use Permit in that district):
 1. I-Industrial.
- b. Specific Use Permit required in the following nonresidential districts:
 1. R - Retail;
 2. H - Highway;
 3. C-1 - Commercial-1; and
 4. C-2 - Commercial-2.
- c. All Specific Use Permit applications will be evaluated using the following criteria:
 1. Indoor Gun Range buildings must be set back a minimum of 325 feet, as measured by straight line, from the Indoor Gun Range building to the property line of property on which single-family residential uses are allowed; civic uses such as schools and golf courses shall be excluded from this requirement;
 2. Indoor Gun Range buildings shall be constructed and/or sound-proofed to prohibit any noise exceeding 75 decibels beyond the walls of the building. Decibel readings shall be measured at the exterior of each building wall;
 3. A Facade Plan shall be required to be submitted by the applicant and adopted as part of the Specific Use Permit; and
 4. A Zoning Exhibit shall be required to be submitted by the applicant and adopted as part of the Specific Use Permit.

(28) Mortuary/funeral parlor. 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.

(29) 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.
- (30) **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.



Figure 3.02.01.1: Infill Development

- 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 (4) foot masonry wall with an Ornamental Fence and plant material. See Figure 4.03.03. Site Screening Type B4 – Screening Wall with View Fence.
 - d. Landscape inventory must be screened from adjacent properties with an eight (8) foot Open Ornamental Fence with a living screen. See Figure 4.03.03 Site Screening Type B2 – Living Screen.
 - e. Non-plant inventory (i.e., hardscape packages, and 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.
 - f. All structures and greenhouses must comply with the exterior material requirements of the PRO – Preston Road Overlay District.
- (31) **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.
- (32) **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
§ 2.04.02.	O-2 – Office-2 District
§ 2.04.03.	R – Retail District
§ 2.04.04.	OTC – Original Town Commercial District
§ 2.04.05.	H – Highway District
§ 2.04.06.	C-1 – Commercial-1 District
§ 2.04.07.	C-2 – Commercial-2 District
§ 2.04.08.	IT – Information and Technology District
§ 2.04.09.	I – Industrial District

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
§ 2.03.01.	AG – Agricultural District
§ 2.03.02.	RE – Residential Estate District
§ 2.03.03.	SF-16 – Single-Family Residential-16 District

Zoning Districts Permitting a Private Club as an Accessory Use by SUP	
Section	District Abbreviation - District Name
§ 2.03.04.	SF-12.5 – Single-Family Residential-12.5 District
§ 2.03.05.	SF-10 – Single-Family Residential-10 District
§ 2.03.06.	SF-8.5 – Single-Family Residential-8.5 District
§ 2.03.07.	SF-7 – Single-Family Residential-7 District
§ 2.03.09.	PH – Patio Home District
§ 2.03.10.	2F – Two-Family Residential (Duplex) District
§ 2.03.11.	TH – Townhome District
§ 2.03.12.	MF-15 – Multifamily-15 District
§ 2.03.13.	MF-19 – Multifamily-19 District

(33) **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 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.

(34) **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.

(35) **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.

(36) **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.

(37) **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
§ 2.04.02.	O-2 – Office-2 District
§ 2.04.03.	R – Retail District
§ 2.04.04.	OTC – Original Town Commercial District
§ 2.04.05.	H – Highway District
§ 2.04.06.	C-1 – Commercial-1 District
§ 2.04.07.	C-2 – Commercial-2 District
§ 2.04.08.	IT – Information and Technology District
§ 2.04.09.	I – Industrial District

- 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 District Permitting a Restaurant as an Accessory Use by SUP	
Section	District Abbreviation – District Name
§ 2.03.01.	AG – Agricultural District
§ 2.03.02.	RE – Residential Estate District
§ 2.03.03.	SF-16 – Single-Family Residential-16 District
§ 2.03.04.	SF-12.5 – Single-Family Residential-12.5 District
§ 2.03.05.	SF-10 – Single-Family Residential-10 District
§ 2.03.06.	SF-8.5 – Single-Family Residential-8.5 District
§ 2.03.07.	SF-7 – Single-Family Residential-7 District
§ 2.03.09.	PH – Patio Home District
§ 2.03.10.	2F – Two-Family Residential (Duplex) District
§ 2.03.11.	TH – Townhome District
§ 2.03.12.	MF-15 – Multifamily-15 District
§ 2.03.13.	MF-19 – Multifamily-19 District

- c. Except as otherwise provided below, restaurants with drive-throughs are permitted in any zoning district where a Restaurant is permitted.
 1. Restaurants with drive-throughs are not permitted in the O-2 - Office-2 District and the OTR - Original Town Commercial District.
- d. 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-premises consumption, the use will no longer qualify as a Restaurant and will be classified and regulated by the City as an Alcoholic Beverage Establishment under the Frisco Zoning Ordinance.

(38) **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.

(39) Single-family residential, detached and townhome. Only allowed in the area known as OTC* as described in Subsection 2.04.04(H)(5). A single-family residential, detached structure must be constructed under the regulations of the Original Town Residential District.

(40) Stationary food vendor. Stationary food vendors are subject to the following regulations:

- a. Stationary 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. Stationary food vendors shall be located on private property where an existing, permanent business operates in a building with a Certificate of Occupancy;
- c. Stationary 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 stationary food vendor and to allow the stationary food vendor and their customers access to a commercially plumbed public restroom on-site;
- d. A stationary food vendor shall submit a Site Plan depicting the location of the stationary 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. Stationary food vendors shall be located within 50 feet of an entrance of a primary building that holds the Certificate of Occupancy;
- g. Stationary food vendors shall be setback a minimum of 100 feet from major thoroughfares, as designated on the City's Thoroughfare Plan;
- h. Stationary 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 stationary food vendor;
- k. Stationary food vendors shall not operate in parking spaces, driveways, fire lanes or public roads;
- l. Sales of food from a stationary vehicle excludes catering trucks; and
- m. Stationary food vendors are prohibited in a temporary building.

(41) Temporary buildings.

- a. Temporary buildings may be utilized by houses of worship (churches), public schools, and government agencies only. See Temporary Building.
- 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.

(42) Townhome (single-family residence, attached). Only allowed in the OTR – Original Town Residential District, if south of Main Street.

(43) Urban living (integrated with hotel land use). Permitted by Specific Use Permit and subject to the following development standards:

- a. The development must meet the development standards of the base zoning district or Planned Development District.
- b. The residential units shall be vertically integrated in the hotel building.
- c. The development shall be part of a mixed-use development.
- d. Parking for the hotel and residential uses shall not be shared. Parking standards should follow the established standards for hotel and urban livings requirements, including the structured parking requirement for urban living.
- e. For every three floors of hotel use within the building, one floor of residential use shall be allowed. Support space for the hotel/residential uses, such as event function space and restaurants, shall not count towards this ratio.
- f. The hotel use and urban living units shall be located in a tower no less than 10 stories.

(44) Winery.

- a. Specific use permit required.
- b. A traffic circulation study, compliant with Engineering Standards Section 2.12.C.I, shall be submitted at the time of filing of the Specific Use Permit application and must be approved prior to the issuance of a Specific Use Permit and shall be included as an exhibit to the ordinance approving the Specific Use Permit.
- c. All components of manufacturing, brewing, bottling, canning, packaging and labeling should be contained completely within the primary structure. If outdoor components of manufacturing, brewing, bottling, canning, packaging and/or labeling are proposed, the applicant shall submit, at the time of filing of the Specific Use Permit application, an exhibit detailing the following:
 - 1. Compliance with Section **2.06.05** Nonresidential District Development Standards;
 - 2. Compliance with Section **4.03.05(A)** Outdoor Storage and Display Requirements; and
 - 3. Proximity of proposed outdoor components to the closest Residentially Zoned District.These exhibits shall be used in the evaluation of the application, but any such outdoor components must be expressly approved for use in an ordinance approving the Specific Use Permit.
- d. Permitting & licensing:
 - 1. Wineries shall be subject to compliance with the Texas **Alcoholic Beverage Code**, as amended, and any applicable local option elections. Wineries shall obtain any other permits and/or licenses as required by the Texas Alcoholic Beverage Commission for any ancillary activities related to the sale of alcoholic beverages on and/or off-premises. These ancillary uses shall also comply with the regulations of this ordinance.

(45) Athletic stadium or field, public.

- a. The site shall front to a collector street, minor thoroughfare, or major thoroughfare.
 - 1. If fronting to a collector street, the collector street is required to have a direct connection to a major or minor thoroughfare.

(46) Church, temple, synagogue, mosque, or other place of worship.

- a. The site shall front to a collector street, minor thoroughfare, or major thoroughfare.
 - 1. If fronting to a collector street, the collector street is required to have a direct connection to a major or minor thoroughfare.

(47) Golf course and/or country club.

- a. The site shall front to a collector street, minor thoroughfare, or major thoroughfare.
 - 1. If fronting to a collector street, the collector street must have a direct connection to a major or minor thoroughfare.

(48) Bank, savings and loan, or credit union.

- a. Drive-throughs are not permitted in the OTC - Original Town Commercial District.

(49) Dry cleaning, minor.

- a. Drive-throughs are not permitted in the OTC - Original Town Commercial District.

(50) Smoke shop.

- a. Smoke shops shall be located at least 1,000 feet from a property line of a residential zoning district, church, temple, synagogue, mosque, or other place of worship, hospital, licensed child-care center, school (public or private), and any other smoke shops with a valid certificate of occupancy. The measurement of the distances in this subsection shall be in a direct from the property line of the applicable use to the property line of the smoke shop, and in a direct line across intersections, with the exception of smoke shops located in a multi-tenant building in which case the distance shall be measured to the smoke shop tenant space. A certified survey prepared by a licensed surveyor or licensed engineer showing distance measurements in accordance with this subsection shall be submitted to the Building Official as part of the application for any new building permit or certificate of occupancy.

(Ordinance 11-08-27 adopted 8/1/11; Ordinance 11-08-29 adopted 8/1/11; Ordinance 12-12-81 adopted 12/18/12; Ordinance 13-03-18 adopted 3/5/13; Ordinance 13-06-36 adopted 6/18/13; Ordinance 13-09-49 adopted 9/3/13; Ordinance 16-01-05 adopted 1/9/16; Ordinance 18-09-48 adopted 9/18/18; Ordinance 19-05-40 adopted 5/21/19; Ordinance 2020-04-24 adopted 4/21/20; Ordinance 2020-11-72 adopted 11/2/20; Ordinance 2020-11-74 adopted 11/17/20; Ordinance 2021-03-18 adopted 3/2/21; Ordinance 2021-04-32 adopted 4/20/21; Ordinance 2021-04-33 adopted 4/20/21; Ordinance 2021-07-47 adopted 7/6/21; Ordinance 2021-12-67 adopted 12/7/2021; Ordinance 2022-03-10 adopted 3/15/2022; Ordinance 2024-05-21 adopted 5/7/2024; Ordinance 2025-01-02 adopted 1/7/2025; Ordinance 2025-12-55 adopted 12/2/2025; Ordinance 2026-02-20 adopted 2/3/2026)