

CITY OF FRISCO

ZONING ORDINANCE

Adoption Date: 04/05/11 (ORD. 11-04-09)

As Amended Through: 07/06/21 (Ord. 2021-07-47)



PROGRESS IN MOTION

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Adoption and Summary of Amendments

Ordinance Number	Date of Adoption	Case Number	Summary
11-04-09	04/05/2011	ZA09-0006	Adoption of new Zoning Ordinance; amends all previous Zoning Ordinances in their entirety.
11-08-27	08/01/2011	ZA10-0001	Amends Section 3.02.01. Conditional Development Standards regarding Convenience Store with Gas Pumps . Permits Tollway Overlay District in its entirety; permits a convenience store with gas pumps at the third corner of the intersection the Dallas North Tollway and a major thoroughfare upon approval of a Specific Use Permit.
11-08-29	08/01/2011	ZA11-0001	Amends Subsection 3.02 Use Chart permitting a Mortuary/Funeral Parlor in certain single family districts as a Conditional Use. Amends 3.02.01. Conditional Development Standards, establishing a new standard Mortuary/Funeral Parlor .
12-12-81	12/18/2012	ZA12-0002	Amends Subsection 3.02 Use Chart by amending "Package Sales" to read " Beverage Sales ". Amends 3.02.01. Conditional Development Standards by amending standard Beverage Sales in its entirety. Amends Subsection 7.01 Terms and Words Defined by deleting the term, "Package Sales" and adding a new term, " Alcoholic Beverage Sales ."
13-03-18	03/05/2013	ZA12-0001	Amends Subsection 3.02.01. Conditional Development Standards by amending standard Occupation in its entirety. Amends Subsection 7.01 Terms and Words Defined by deleting the term, "Cottage Food Production Operation."
13-06-36	06/18/2013	ZA13-0001	Amends Subsection 3.02 Use Chart by permitting Household Care Facilities per new Conditional Development Standard in lieu of permitted by right in multiple zoning districts. Amends Subsection 3.02.01. Conditional Development Standards by amending standard Rehabilitation Care Facility and establishing a new standard Household Care Facilities . Amends Subsection 7.01 Terms and Words Defined by amending definitions for " Household Care Facilities " and " Rehabilitation In-Home Care ."
13-09-49	09/03/2013	ZA13-0002	Amends Subsection 3.02 Use Chart by permitting a " Single Family Residential, Detached " and " Townhome " in the OTC-Original Town Commercial District as a Conditional Use. Amends 3.02.01. Conditional Development Standards by establishing a new standard Single Family Residential, Detached and Townhome . Amends Subsection 2.04.04(H)(3) OTC – Other Regulations. Amends Subsection 2.04.04(H)(5) OTC – Other Regulations.

Adoption and Summary of Amendments

Ordinance Number	Date of Adoption	Case Number	Summary
14-10-64	10/21/2014	ZA14-0001	<p>Amends Subsection 3.02 Use Chart by permitting a “Data Center” as a permitted use in the Industrial District and a specific use permit (S in the H- Highway District, C-1-Commercial District, and the C-2-Commercial District.</p> <p>Amends Subsection 4.04.08 Parking Requirements Based on Use by establishing a new use Data Center.</p> <p>Amends Subsection 7.01 Terms and Words Defined by establishing the new term “Data Center”.</p>
16-01-05	01/19/2016	ZA15-0002	<p>Amends Subsection 3.02 Use Chart by permitting a “Urban Living (integrated within Hotel land use)” in certain nonresidential zoning districts as a Conditional Use.</p> <p>Amends Subsection 3.02.01. Conditional Development Standards by establishing a new standard Urban Living (integrated with Hotel land use).</p> <p>Amends Subsection 7.01 Terms and Words Defined by establishing the new term “Urban Living (integrated with Hotel land use)”.</p>
16-05-42	05/17/2016	ZA16-0001	<p>Amends Subsection 4.04 to add Subsection 4.04.12 Bicycle Parking.</p> <p>Amends Subsection 7.01 Terms and Words Defined by adding the terms “Bicycle Corral”, “Bicycle Rack, Long-Term”, and “Bicycle Rack-Short-Term”.</p>
17-08-51	08/01/2017	ZA17-0001	Amends Subsection 4.13.03 Nonresidential Open Space Requirements.
17-08-55	08/15/2017	ZA17-0004	Amends Subsection 9.07 Form-Based Code Manual by amending the LU-2 Retail At-Grade Standards (Urban).
17-08-56	08/15/2017	ZA17-0006	<p>Amends Subsection 2.05.04 PRO- Preston Road Overlay Design District.</p> <p>Amends Subsection 2.05.05 TO-Tollway Overlay Design District.</p>
18-09-48	09/18/2018	ZA18-0001	<p>Amends Subsection 3.02 Use Chart by permitting a “Brewpub” in certain nonresidential zoning districts as a Conditional Use.</p> <p>Amends Subsection 3.02.01. Conditional Development Standards by establishing a new standard Brewpub.</p> <p>Amends Subsection 7.01 Terms and Words Defined by establishing the new term “Brewpub”.</p>

Adoption and Summary of Amendments

Ordinance Number	Date of Adoption	Case Number	Summary
18-11-68	11/26/2018	ZA18-0002	<p>Amends Subsection 2.03.09 PH-Patio Home District and Subsection 2.03.11 TH-Townhome District.</p> <p>Amends Subsection 2.06.04 Residential Districts Development Standards.</p> <p>Amends Subsection 4.07.02 Front Yard Setback.</p> <p>Amends Subsection 4.13.01 Patio Home (PH) and Townhome (TH) Usable Open Space.</p> <p>Amends Subsection 7.01 Terms and Words Defined by amending the definition for “Usable Open Space”.</p>
19-05-40	05/21/2019	ZA18-0003	<p>Amends Subsection 3.02 Use Chart by permitting a “Donation Box” in certain nonresidential districts as a Conditional Use.</p> <p>Amends 3.02.01. Conditional Development Standards, establishing a new standard Donation Box.</p> <p>Amends Subsection 7.01 Terms and Words Defined by establishing the new term “Donation Box”.</p>
18-11-64	11/5/2018	ZA18-0004	Amends Subsection 4.03.03 Screening/Buffer Areas.
19-04-24	4/2/2019	ZA18-0005	<p>Amends Subsection 4.02.04 Landscape Area and Tree Requirements for Nonresidential, Mixed Use, and Multifamily Zoning Districts.</p> <p>Amends Subsection 4.02.06 Water Resource Landscape Zones for Interior Landscape Areas.</p> <p>Amends Subsection 4.02.09 Landscape Type Requirements for Nonresidential, Mixed Use, and Multifamily Zoning Districts.</p> <p>Amends Subsection 4.03.03 Screening/Buffer Areas.</p>
19-10-82	10/1/2019	ZA19-0002	<p>Amends Subsection 3.02.01. Conditional Development Standards by amending the standard Antenna and/or Antenna Support Structure, Commercial.</p> <p>Amends Subsection 4.07.05 Special Height Regulations.</p> <p>Amends Subsection 4.07.07 Radio, Television and Microwave Towers.</p> <p>Amends Subsection 6.15.01 Specific Use Permit Regulations and Procedures.</p> <p>Amends Subsection 6.19.02 Appeal of a Denial of an Unlisted Commercial Stealth Antenna.</p> <p>Amends Subsection 7.01 Terms and Words Defined by amending definitions for “Antenna”, “Antenna, Stealth”, “Antenna and/or Antenna Support Structure, Commercial”, “Antenna and/or Antenna Support Structure, Non-Commercial” and established a new term “Antenna, Amateur Radio”.</p>

Adoption and Summary of Amendments

Ordinance Number	Date of Adoption	Case Number	Summary
19-10-83	10/1/2019	ZA19-0003	Amends Subsection 4.06.03 Garage Apartment or Guest House. Amends Subsection 7.01 Terms and Words Defined by amending the definitions of “Garage Apartment” and “Guest House” .
19-08-70	08/20/2019	ZA19-0004	Amends Subsection 1.02.04 Zoning Ordinance Reference Documents and Subsection 1.02.05 Compliance with City Plans and Ordinances Required. Amends Subsection 4.01.07 Tree Surveys and Tree Preservation Plans. Amends Subsection 4.13.03. Nonresidential Open Space Requirement. Amends Subsection 6.05. Site Plan Requirements. Amends Subsection 6.07. Vesting and Complete Application Filing Requirements. Amends Subsection 6.13. Landscape Plan Review. Amends Subsection 6.14.02 Appropriate Plans and Standards for Planned Developments (Zoning Exhibit "B" and "C"). Amends Subsection 6.16. Facade Plan Review. Amends Subsection 7.01 Terms and Words Defined by adding the terms “Application” , “Construction Plans” , “Development Application Handbook” , “Land Development Application” , and “Landscape Plan” .
2020-03-11	3/17/2020	ZA19-0005	Amends Subsection 4.02.03 Approved Plant Materials and Landscape Standards. Amends Subsection 7.01 Terms and Words Defined by adding the definitions of “Artificial Plant” and “Artificial Turf” .
2020-04-24	4/21/2020	ZA20-0001	Amends Subsection 3.02 Use Chart by permitting a “Brewery” , “Distillery” , and “Winery” in certain nonresidential districts as a Conditional Use and in the Industrial District as a permitted use. Amends Subsection 3.02.01 Conditional Development Standards by adding Brewery , Distillery , and Winery . Amends Subsection 4.04.08. Parking Requirements Based on Use by adding Brewery/Brewpub/Distillery/Winery . Amends Subsection 7.01. Terms and Words Defined by adding the definitions of “Brewery” , “Distillery” , and “Winery” .
2020-07-35	7/7/2020	ZA20-0002	Amends Subsection 6.19.13 Appeal of a Planning & Zoning Commission Decision to Deny a Zoning Amendment.
2020-08-43	7/7/2020	ZA20-0003	Amends Subsection 5.02 by adding Subsection 5.02.04. Commission Membership.

Adoption and Summary of Amendments

Ordinance Number	Date of Adoption	Case Number	Summary
2020-11-72	11/2/2020	ZA20-0004	Amends Subsection 3.02 Use Chart by adding “ Indoor Gun Range ” as a conditional use in certain nonresidential zoning districts. Amends Subsection 3.02.01 Conditional Development Standards for Indoor Gun Range . Amends Subsection 7.01 Terms and Words Defined by adding the definitions of “ Commercial Amusement, Indoor ” and “ Indoor Gun Range ”.
2020-11-74	11/17/2020	ZA20-0005	Amends Subsection 3.02.01 Conditional Development Standards for Alcoholic Beverage Sales , by removing certain regulations relating to alcoholic beverage sales in the OTC-Original Town Commercial District.
2020-12-84	12/1/2020	ZA20-0006	Amends Subsection 2.05.04 PRO — Preston Road Overlay District to allow certain Industrial uses where Industrial zoning exists between Parvin Branch and PGA Parkway.
2021-03-18	3/2/2021	ZA20-0008	Amends Subsection 3.02.01 Conditional Development Standards for Alcoholic Beverage Establishment, Alcoholic Beverage Sales, Brewery, Brewpub, Distillery, Private Club, Restaurant, and Winery .
2021-04-32	4/20/21	ZA20-0010	Amends Subsection 3.02 Use Chart by adding terms “Food Truck Court”, “Food Truck Temporary Site”, and “Stationary Food Vendor”. Amends Subsection 3.02.01 Conditional Development Standards by adding Stationary Food Vendor and Food Truck Court and Food Truck Temporary Site . Amends Subsection 4.04.08. Parking Requirements Based on Use by establishing a new use Food Truck Court . Amends Subsection 7.01 Terms and Words Defined by adding the definitions of “ Food Truck ”, “ Food Truck Court ”, “ Food Truck Temporary Site ”, and “ Stationary Food Vendor ”.
2021-07-47	7/6/21	ZA20-0009	Amends Subsection 4.06 Accessory Structure Standards. Amends Subsection 7.01 Terms and Words Defined by changing the definition of Carport .

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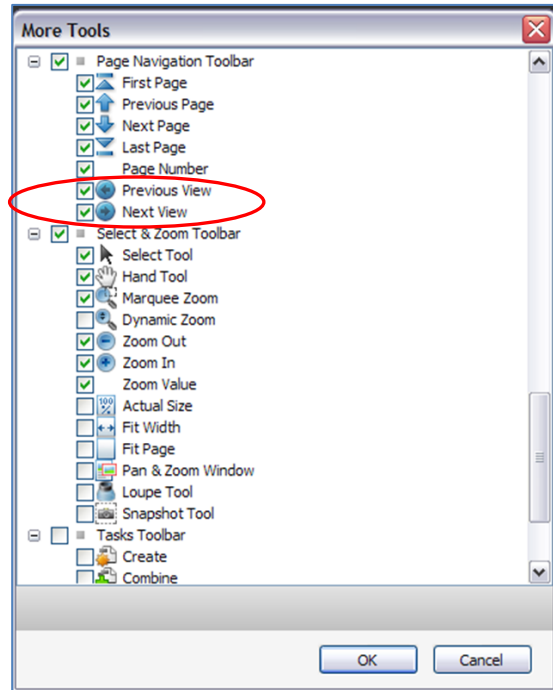
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Section 1. General Provisions



Subsection 1.01. Enacting Clause

That the Zoning Ordinance, Ordinance Number 11-04-09, of the City of Frisco, Texas, as passed and approved on April 5, 2011, together with all amendments thereto is hereby amended in its entirety to read as follows.

Subsection 1.02. Purpose

1.02.01. Zoning Ordinance Guiding Principles

The zoning regulations and districts as herein established have been made in accordance with an adopted comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the City.

1.02.02. Zoning Ordinance Intent

The zoning regulations and districts have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to ensure adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

1.02.03. Zoning Ordinance Considerations

The zoning regulations and districts have been made with reasonable consideration, among other things, for the character of the district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City consistent with the Comprehensive Plan. The Comprehensive Plan has been used as a guide to develop the regulations within this Zoning Ordinance.

1.02.04. Zoning Ordinance Reference Documents

(Ord. No. 19-10-83;10/1/19)

The City Council hereby delegates all future authority to draft, amend, approve and/or adopt any and all Zoning Ordinance Reference Documents to the City Manager, or his/her designee. For the purposes of this section the Zoning Ordinance Reference Documents shall refer to the Development Application Handbook and Façade Plan Booklet referenced herein. Zoning Ordinance Reference Documents may be drafted, amended, approved and/or adopted, from time to time, at the discretion and determination of the City Manager, or his/her designee. As the Zoning Ordinance Reference Documents are drafted, amended, approved and/or adopted by the City Manager, or his/her designee, said standards shall thereafter have the same force of law and effect as if originally adopted hereby.

1.02.05. Compliance with City Plans and Ordinances Required

(Ord. No. 19-10-83;10/1/19)

Compliance with all City ordinances pertaining to the subdivision and development of land, and the Comprehensive Plan (where applicable), shall be required prior to approval of any application pursuant to this Ordinance. All such ordinances and the Comprehensive Plan shall be construed to mean those documents as they exist or may be amended. It is the property owner's responsibility to be familiar with, and to comply with, City ordinances, the Comprehensive Plan, and the provisions of this Ordinance.

Applicable City ordinances and plans with which all applications must comply include, but are not limited to, the following:

- (A) Comprehensive Plan (including all associated maps and plans);
- (B) Subdivision Ordinance;
- (C) Building Codes;
- (D) Flood Damage Prevention Ordinance (*Ord. No. 12-06-42*);
- (E) International Fire Code;
- (F) Other Applicable portions of the Municipal Code of Ordinances;
- (G) Impact Fee Ordinance;
- (H) Park Dedication Ordinance;
- (I) Engineering Documents including:
 - (1) Engineering Standards; and
 - (2) Other development-related engineering standards.
- (J) Federal, State and Local Environmental Regulations.

Subsection 1.03. Zoning District Map

1.03.01. Zoning Districts Shown on the Zoning District Map

The boundaries of zoning districts set out herein are delineated upon a Zoning District Map of the City, adopted as part of this ordinance as fully as if the same were set forth herein in detail.

1.03.02. Official Zoning District Map

(A) Official Zoning District Map Filing

- (1) One original of the Zoning District Map shall be filed in the office of the City Secretary and labeled as Ordinance Number 11-04-09.
- (2) This copy shall be the "Official Zoning District Map" and shall bear the signature of the Mayor and attestation of the City Secretary.

(B) Official Zoning District Map Management

- (1) The Official Zoning District Map shall not be changed in any manner.
- (2) In case of any question, the Official Zoning District Map, together with amending ordinances, shall be controlling.

1.03.03. Current Zoning District Map

(A) Chief Building Official Maintains the Current Zoning District Map

An additional copy of the original Zoning District Map shall be placed in the office of the Chief Building Official.

- (1) The copy shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent amendments and shall be identified as the Current Zoning District Map.
- (2) In order to provide and maintain a current-to-date and accurate map of all zoning district boundaries, the City shall maintain electronic mapping files or other similar Geographic Information

System (GIS) files of the Official Zoning District Map with all approved zoning amendments.

- (3) In case of any question involving a district designation within the City, the updated copy of the Official Zoning District Map on file in the office of the Chief Building Official is presumed correct, and the person challenging the accuracy of that copy has the burden of presenting the Official Zoning Map, together with the ordinances amending the Map, to prove the inaccuracy of the updated copy.

(B) Zoning Map Reproductions

Reproductions for informational purposes may be made of the Official or Current Zoning District Map.

Subsection 1.04. Zoning District Boundaries

1.04.01. District Boundary Interpretation Rules

The district boundary lines shown on the Official Zoning District Map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning District Map, the following rules shall apply.

(A) Centerlines

Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerline.

(B) Platted Lot Lines

Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(C) City Limits

Boundaries indicated as approximately following City limits shall be construed as following city limits.

(D) Railroad Lines

Boundaries indicated as following railroad lines shall be construed to be midway between the right-of-way lines.

(E) Shore Lines

Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerline of streams, lakes, or other bodies of water shall be construed to follow such centerline, and in the event of change in the centerline, shall be construed to move with such centerline.

(F) Parallel to or Extensions of Features

Boundaries indicated as a parallel to or extensions of features indicated in Subsections [\(A\)](#) through [\(E\)](#) above shall be so construed. Distances not specifically indicated on the original zoning maps shall be determined by the scale of the map.

(G) Vacated Public Way

Whenever any street, alley, or other public way is vacated by official action of the City Council or whenever such area is franchised for building purposes, the vacated area shall be rezoned according to [Subsection 6.06 Amendments to the Zoning Ordinance / Districts and Administrative Procedures](#) (Page [263](#)).

(H) Boundary as a Condition of Zoning Approval

The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street, unless as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.

(I) Zoning Ambiguity

Where physical features on the ground conflict with information shown on the Official Zoning District Map, or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of Subsections [\(A\)](#) through [\(H\)](#), the property shall be considered as classified, [AG – Agricultural District](#), in the same manner as provided for newly annexed territory and the issuance of a building permit and the determination of permanent zoning shall be in accordance with the provisions provided in [Subsection 6.01. Zoning Upon Annexation](#) (Page [247](#)) for temporarily zoned areas.

Subsection 1.05. Compliance Required / Interpretation / Rules of Construction

1.05.01. Compliance Required

(A) Applicability

Compliance with the Zoning Ordinance shall apply to all land, buildings, structures or appurtenances located within the City which are hereafter:

- (1) Occupied,
- (2) Used,
- (3) Erected,
- (4) Altered,
- (5) Removed,
- (6) Placed,
- (7) Demolished, or
- (8) Converted.

(B) Compliance with Zoning District

The land, buildings, structures, or appurtenances described in [1.05.01. \(A\) above](#) shall be in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided or subject to penalties as per [Subsection 8.02. Penalty for Violations](#) (Page [343](#)) of this ordinance.

1.05.02. Interpretation

(A) Restrictiveness

Where the regulations imposed herein are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards are the requirements that shall govern.

(B) Abrogation

The provisions of these regulations are not intended to abrogate any easement, covenant or other private agreement, provided that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of these regulations shall govern.

(C) Cumulative Effect

The provisions of these regulations are cumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter set forth in the provisions of these regulations.

(D) Error Correction

In the event that any property or Zoning District set forth on the Zoning District Map as provided in [Subsection 1.03 Zoning District Map](#) (Page [15](#)) of this ordinance is misnamed, designated incorrectly, the boundaries are incorrect or the property is omitted, in part or in whole, the Zoning District Map may be amended and/or supplemented according to the following.

(1) Applicants

The property owner of said tract, the City Council, or the Planning & Zoning Commission may submit an application to the Director to initiate the error correction process.

(2) Process

The error correction shall be processed as a zoning map or text amendment according [Subsection 6.06 Amendments to the Zoning Ordinance / Districts and Administrative Procedures](#) (Page [263](#)).

(E) Director Authority to Interpret the Zoning Ordinance

(1) Unless specified within a section, the Director shall have the authority to interpret and enforce this Zoning Ordinance.

(2) A person aggrieved by the Director's interpretation may appeal the interpretation to the Board of Adjustment pursuant to [6.19.07. Appeal of an Administrative Decision](#) (Page [295](#)).

1.05.03. Rules of Construction

The language set forth in these regulations shall be interpreted in accordance with the following rules of construction.

(A) Number

The singular number includes the plural and the plural the singular.;

(B) Tense

The present tense includes the past and future tenses and the future the present.

(C) Mandatory and Permissive Language

The word "shall" and "must" are mandatory while the word "may" is permissive.

(D) Gender Terms

The masculine gender includes the feminine and neuter.

(E) Parentheses

Any word appearing in parentheses directly after a word herein defined shall be construed in the same sense as that word.

(F) Conflicts

If there is an expressed conflict:

(1) The text of this ordinance controls over the charts or any other graphic display in this ordinance; and

(2) The use regulations control over the district regulations in this ordinance.

Subsection 1.06. Nonconforming Uses and Structures

1.06.01. Intent of Provisions

(A) Existence of Nonconformities

- (1) The purpose of this Subsection 1.06 is to establish provisions for the allowance and potential alteration of uses, lots and/or structures which do not conform to currently applicable standards or regulations, but which were in conformance with standards in place at the time of their inception, and have been rendered nonconforming due to a change in the applicable standards and regulations.
 - a. Nonconformities occur in three (3) general categories, or combinations thereof.
 1. Nonconforming lots as described in 1.06.02. (A)(1). For example, a nonconforming lot can be nonconforming as to lot area or dimension requirement.
 2. Nonconforming structures as described in 1.06.02. (A)(1). For example, a nonconforming structure can be nonconforming as to setback, yard, or height lot area or dimension requirement.
 3. Nonconforming uses are uses as described in 1.06.02. (A)(1).
- (2) It is the declared intent of this section that nonconforming uses and structures eventually be eliminated and be required to comply with the regulations of the Zoning Ordinance, having due regard for the property rights of the person affected, the public welfare, and the character of the surrounding area.

(B) Limit Incompatibility

It is further the intent of this Subsection 1.06 that nonconforming uses shall not be:

- (1) Enlarged upon,
- (2) Expanded or extended, or
- (3) Used as a basis for adding other structures or uses prohibited elsewhere in the same district.

(C) Incompatible Uses

Notwithstanding anything to the contrary, nonconforming uses are hereby declared incompatible with the permitted uses in the districts involved.

1.06.02. Establishment of Legal Nonconforming Status

(A) Existence

For purposes of interpretation of this subsection, any uses, structures and/or lots which in whole or part are not in conformance with current zoning standards shall be considered as follows.

(1) Legal Nonconforming

Those uses, structures or lots which in whole or part are not in conformance with current zoning standards, but were legally established at a prior date at which time they were in conformance with applicable standards. Such uses, structures or lots may be maintained or potentially altered subject to the provisions of this subsection.

(2) Illegal Status

Those uses, structures or lots which in whole or part are not in conformance with current zoning standards and were not in conformance with applicable standards at the time of their inception shall not be considered nonconforming, but shall be considered illegal uses, structures, or lots and shall not be approved for any alteration or expansion, and shall undertake necessary remedial measures to reach conformance with current standards, or be discontinued.

(B) Time of Adoption

Any use, platted lot, and/or structure is a lawful use at the time of the adoption of any amendment to this ordinance but by such amendment is placed in a district wherein such use, platted lot, and/or structure is not otherwise permitted shall be deemed legal nonconforming.

(C) Annexation

If a use, platted lot and/or structure was in existence at the time of annexation to the City and has since been in regular and continuous use shall be deemed legal nonconforming.

1.06.03. Burden of Demonstration

The burden of establishing that any nonconformity is a legal nonconformity as defined in this subsection shall be borne by the owner or proponent of such nonconformity.

1.06.04. Continuing Lawful Use of Property and Existence of Structures**(A) Abandonment of Nonconforming Use**

If a nonconforming use on a particular parcel of land shall cease operations for a period of more than six (6) months, then such nonconforming use shall be deemed to be permanently abandoned. Unless the Board of Adjustment reinstates the nonconforming rights pursuant to [Subsection 6.12 Reinstatement of Nonconforming Rights](#) (Page 276) of this Ordinance, such a use shall not be instituted on that parcel or other parcel in any district which does not permit the discontinued use. For the purpose of this paragraph, to “cease operations” shall mean to intentionally terminate operations of the nonconforming use. Any nonconforming use which does not involve a permanent type of structure or operation and which is moved from the premises shall be considered to have been abandoned.

(B) Reinstatement of Nonconforming Use Rights

An owner and/or operator of a nonconforming use that has been deemed permanently abandoned pursuant to [1.06.04. \(A\)](#), may request that the nonconforming rights to the use be reinstated pursuant to [Subsection 6.12 Reinstatement of Nonconforming Rights](#) (Page 276) of this Ordinance.

(C) Prohibited Expansion or Reoccupation

A nonconforming use or structure shall not be expanded, reoccupied with another nonconforming use, or increased as of the effective date of this ordinance except as provided in [1.06.06. Expansion of Nonconforming Uses and Structures](#) (Page 22).

(D) Single Family Residential Uses

- (1) Conforming single family residential uses on platted lots approved prior to April 5, 2011, which may now be nonconforming due to stricter standards, shall be deemed in conformance with this ordinance as long as the use of the lot is allowed in the respective district.
- (2) Only the lot size, depth, setbacks and width shall be allowed to be less than the regulations prescribed in the zoning district in which it is located. All other regulations of this ordinance shall be met, or the lot shall be considered nonconforming.

(E) Existing Platted Lots are Conforming Lots

Any existing vacant lot platted prior to April 5, 2011, which was legally conforming, shall be deemed a conforming lot.

1.06.05. Changing Uses and Nonconforming Rights

(A) Nonconforming Use to Conforming Use

Any nonconforming use may be changed to a conforming use, and once such change is made, the use shall not be changed back to a nonconforming use.

(B) Nonconforming Use to Another Nonconforming Use

A nonconforming use may not be changed to another nonconforming use.

(C) Conforming Use in a Nonconforming Structure

Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by the process outlined in [1.06.06. Expansion of Nonconforming Uses and Structures](#) (Page [22](#)).

1.06.06. Expansion of Nonconforming Uses and Structures

An expansion of a nonconforming use or structure is allowed in accordance with the following.

(A) Nonconforming Use Expansion in Existing Building

A nonconforming use located within a building may be extended throughout the existing building, provided.

- (1) No structural alteration, except as provided in [1.06.06. \(E\) below](#), may be made on or in the building except those required by law to preserve such building in a structurally sound condition.
- (2) The number of dwelling units or rooms in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units or rooms existing at the time said use became a nonconforming use.

(B) Nonconforming Use Prohibited from Expansion beyond Existing Building

Nonconforming use within a building shall not be extended to occupy any land outside the building.

(C) Off-Street Loading and Parking

Nonconforming use of land or building shall not be enlarged, increased, or extended to occupy a greater area of land than was occupied at the time the land became a nonconforming use, except to provide off-street loading or off-street parking space.

(D) Residential Lot Exemption

The minimum residential lot areas for the various zoning districts shall be in accordance with their respective districts except that a lot having less area than herein required which was an official "lot of record" prior to April 5, 2011, may be used for a single-family dwelling.

(E) Expansion of Nonconforming Buildings with Conforming Uses

Buildings or structures which do not conform to the area regulations or development standards in this ordinance but where the uses are deemed conforming shall not increase the gross floor area greater than ten (10) percent from the date when the building became nonconforming.

(F) Reuse of Abandoned or Vacant Buildings by Conforming Uses Allowed

Buildings or structures which have been vacant or abandoned for more than six (6) months and do not meet the current area regulations or development standards shall be allowed to be re-occupied by a conforming use.

1.06.07. Restoration of Nonconforming Structures**(A) Total Destruction**

If a nonconforming structure is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of this Ordinance.

(B) Partial Destruction

In the case of partial destruction of a nonconforming structure not exceeding fifty-one (51) percent of its total appraised value as determined by the Appraisal District, reconstruction will be permitted, but the existing square footage or function of the nonconforming structure cannot be expanded.

1.06.08. Movement of Nonconforming Structures**(A) Relocation of a Nonconforming Structure within a Platted Lot**

Nonconforming structures may be relocated within the same platted lot.

(B) Compliance

Nonconforming structures shall comply with all setback and screening requirements.

1.06.09. Completion of Structures

Nothing herein contained shall require any change in the plans, construction, or designated use of the following.

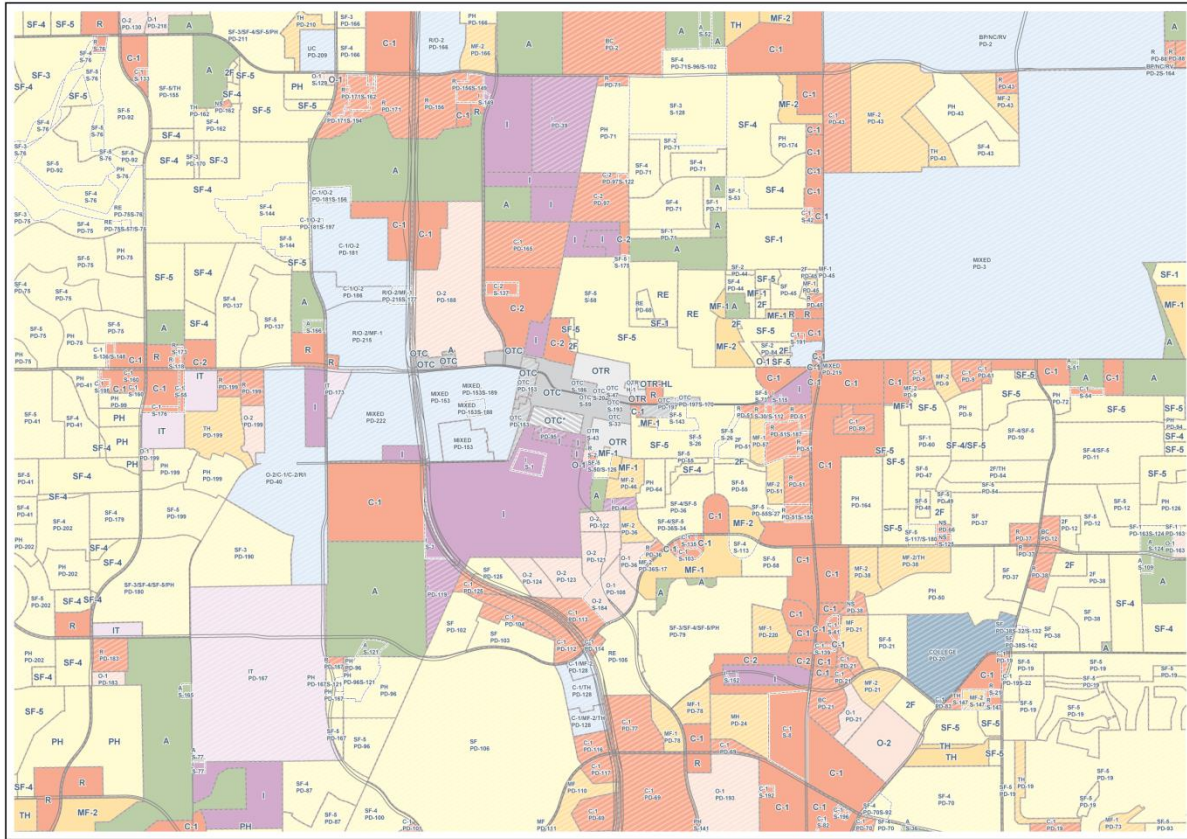
(A) Approved Building

A building or structure for which a building permit has been issued or a Site Plan approved prior to April 5, 2011.

(B) Building in the Approval Process

A building or structure for which a complete application for a building permit was accepted by the Chief Building Official on or before the effective date of these regulations, provided however, that such building permit shall comply with all applicable ordinances in effect on the date such application was filed.

Section 2. Zoning Districts



Subsection 2.01. Zoning Districts Established

2.01.01. Zoning Districts Established

The City is hereby divided into the following zoning districts. The use, height and area regulations as set out herein apply to each district. The districts established herein shall be known as the following.

ZONING DISTRICTS TABLE		
Section	District Abbreviation – District Name	Page Number
Residential Zoning Districts		
2.03.01.	AG – Agricultural District	27
2.03.02.	RE – Residential Estate District	28
2.03.03.	SF-16 – Single Family Residential-16 District	28
2.03.04.	SF-12.5 – Single Family Residential-12.5 District	29
2.03.05.	SF-10 – Single Family Residential-10 District	30
2.03.06.	SF-8.5 – Single Family Residential-8.5 District	30
2.03.07.	SF-7 – Single Family Residential-7 District	31
2.03.08.	OTR – Original Town Residential District	32
2.03.09.	PH – Patio Home District	33
2.03.10.	2F – Two Family Residential (Duplex) District	35
2.03.11.	TH – Townhome District	36
2.03.12.	MF-15 – Multifamily-15 District	37
2.03.13.	MF-19 – Multifamily-19 District	38
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Nonresidential Zoning Districts		
2.04.01.	O-1 – Office-1 District	40
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
Special Zoning Districts		
2.05.01.	PD – Planned Development District	54
2.05.02.	SUP or “S” – Specific Use Permits	55
2.05.03.	HL – Historic Landmark District	56
2.05.04.	PRO – Preston Road Overlay District	57
2.05.05.	TO – Tollway Overlay District	80

Subsection 2.02. Equivalency Table

The following table will identify zoning districts adopted in previous Ordinances and the District which now applies in this Ordinance to those Districts.

Equivalency Table				
Prior To Ordinance 84-02-03	Abbreviated Designation Ord. 84-02-03	Abbreviated Designation Ord. 93-07-11 and This Ordinance	Abbreviated Designation Ord. 00-11-01	Current Zoning District
	A	A		AG – Agricultural District
		RE		RE – Residential Estate District
SF-1	R-1	SF-1		SF-16 – Single Family Residential-16 District
SF-1.5	R-2	SF-2		SF-12.5 – Single Family Residential-12.5 District
		SF-3		SF-10 – Single Family Residential-10 District
SF-2	R-3	SF-4		SF-8.5 – Single Family Residential-8.5 District
SF-3	R-4 & R-5	SF-5		SF-7 – Single Family Residential-7 District
		SF-6	OTR	OTR – Original Town Residential District
	PH	PH		PH – Patio Home District
	D-1 & D-2	2F		2F – Two Family Residential (Duplex) District
	TH	TH		TH – Townhome District
	MF-1	MF-1		MF-15 – Multifamily-15 District
	MF-2	MF-2		MF-19 – Multifamily-19 District
	MH	MH		MH – Manufactured Home District
	O	O-1		O-1 – Office-1 District
		O-2		O-2 – Office-2 District
	NS	NS		
	SC & LR	R		R – Retail District
	CB	OT	OTC	OTC – Original Town Commercial District
		H		H – Highway District
	LC	C-1		C-1 – Commercial-1 District
	HC	C-2		C-2 – Commercial-2 District
				IT – Information and Technology District
	LI & HI	I		I – Industrial District
		IP		
	PD	PD		PD – Planned Development District
	S	SUP or S		SUP or “S” – Specific Use Permits
				HL – Historic Landmark District
				PRO – Preston Road Overlay District
				TO – Tollway Overlay District

Subsection 2.03. Residential Zoning Districts

2.03.01. AG – Agricultural District

(A) General Purpose and Descriptions

The AG – Agricultural District is intended to provide a location for principally undeveloped or vacant land situated on the fringe of an urban area and used for agricultural purposes, but may become an urban area in the future.

Generally, the AG – Agricultural District, will be near development; therefore, the agricultural activities conducted in the AG – Agricultural District should not be detrimental to urban land uses.

The types of uses and the area and intensity of uses permitted in this District shall encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

(B) Permitted Uses

Uses permitted in the AG – Agricultural District are outlined in [Subsection 3.01. Use of Land and Buildings](#) (Page 88).

(1) Barns or Stables

Barns and stables shall not be considered an accessory building or use and shall be treated according to [Subsection 3.02 Use Chart](#) (Page 89) under the definition [Farm, Ranch, Stable, Garden, or Orchard](#) (Page 314).

(C) Area Regulations

Property and buildings shall conform to the related standards listed within [2.06.04. Residential Districts Development Standards](#) (Page 85) and the following regulations. If there is a conflict between [2.06.04.](#) and the following regulations, the following regulations shall control.

(1) Front Yard Coverage

The cumulative area of any driveway plus any impermeable surface area located between the front property line and any front building wall shall not exceed fifty (50) percent of the area between the front property line and any front building wall, as shown in [Figure 9.01.01.4: Front Yard Coverage](#) (Page 348).

(D) Other Regulations

- (1) [Subsection 4.03 Screening Standards](#) (Page 139)
- (2) [Subsection 4.04 Off-Street Parking and Loading Requirements](#) (Page 151)
- (3) [Subsection 4.06 Accessory Structure Standards](#) (Page 174)
- (4) [Subsection 4.07 Supplementary Regulations](#) (Page 181)

2.03.02. RE – Residential Estate District

(A) General Purpose and Descriptions

The RE – Residential Estate District will provide single family detached dwelling units on large parcels of land.

(B) Permitted Uses

Uses permitted in the RE – Residential Estate District are outlined in [Subsection 3.01. Use of Land and Buildings](#) (Page 88).

(C) Area Regulations

Property and buildings shall conform to the related standards listed within [2.06.04. Residential Districts Development Standards](#) (Page 85) and the following regulations. If there is a conflict between [2.06.04.](#) and the following regulations, the following regulations shall control.

(1) Front Yard Coverage

The cumulative area of any driveway plus any impermeable surface area located between the front property line and any front building wall shall not exceed fifty (50) percent of the area between the front property line and any front building wall, as shown in [Figure 9.01.01.4: Front Yard Coverage](#) (Page 348).

(D) Other Regulations

- (1) [Subsection 4.03 Screening Standards](#) (Page 139)
- (2) [Subsection 4.04 Off-Street Parking and Loading Requirements](#) (Page 151)
- (3) [Subsection 4.06 Accessory Structure Standards](#) (Page 174)
- (4) [Subsection 4.07 Supplementary Regulations](#) (Page 181)

2.03.03. SF-16 – Single Family Residential-16 District

(A) General Purpose and Descriptions

The SF-16 – Single Family Residential-16 District is intended to provide for development of single family detached dwelling units on lots of not less than sixteen thousand (16,000) square feet.

Other uses, such as religious and educational facilities will be provided for to maintain a balanced, orderly, convenient and attractive residential area.

(B) Permitted Uses

Uses permitted in the SF-16 – Single Family Residential-16 District are outlined in [Subsection 3.01. Use of Land and Buildings](#) (Page 88).

(C) Area Regulations

Property and buildings shall conform to the related standards listed within [2.06.04. Residential Districts Development Standards](#) (Page 85) and the following regulations. If there is a conflict between [2.06.04.](#) and the following regulations, the following regulations shall control.

(1) Front Yard Coverage

The cumulative area of any driveway plus any impermeable surface area located between the front

property line and any front building wall shall not exceed fifty (50) percent of the area between the front property line and any front building wall, as shown in [Figure 9.01.01.4: Front Yard Coverage](#) (Page [348](#)).

(D) Other Regulations

- (1) [Subsection 4.03 Screening Standards](#) (Page [139](#))
- (2) [Subsection 4.04 Off-Street Parking and Loading Requirements](#) (Page [151](#))
- (3) [Subsection 4.06 Accessory Structure Standards](#) (Page [174](#))
- (4) [Subsection 4.07 Supplementary Regulations](#) (Page [181](#))

2.03.04. SF-12.5 – Single Family Residential-12.5 District

(A) General Purpose and Descriptions

The SF-12.5 – Single Family Residential-12.5 District is intended to provide for development of single family detached dwelling units on lots of not less than twelve thousand, five hundred (12,500) square feet.

(B) Permitted Uses

Uses permitted in the SF-12.5 – Single Family Residential-12.5 District are outlined in [Subsection 3.01. Use of Land and Buildings](#) (Page [88](#)).

(C) Area Regulations

Property and buildings shall conform to the related standards listed within [2.06.04. Residential Districts Development Standards](#) (Page [85](#)) and the following regulations. If there is a conflict between [2.06.04.](#) and the following regulations, the following regulations shall control.

(1) Front Yard Coverage

The cumulative area of any driveway plus any impermeable surface area located between the front property line and any front building wall shall not exceed fifty (50) percent of the area between the front property line and any front building wall, as shown in [Figure 9.01.01.4: Front Yard Coverage](#) (Page [348](#)).

(D) Other Regulations

- (1) [Subsection 4.03 Screening Standards](#) (Page [139](#))
- (2) [Subsection 4.04 Off-Street Parking and Loading Requirements](#) (Page [151](#))
- (3) [Subsection 4.06 Accessory Structure Standards](#) (Page [174](#))
- (4) [Subsection 4.07 Supplementary Regulations](#) (Page [181](#))

2.03.05. SF-10 – Single Family Residential-10 District

(A) General Purpose and Descriptions

The SF-10 – Single Family Residential-10 District is intended to be similar to the SF-12.5 – Single Family Residential-12.5 District except composed of detached, single family residences on lots of not less than ten thousand (10,000) square feet.

(B) Permitted Uses

Uses permitted in the SF-10 – Single Family Residential-10 District are outlined in [Subsection 3.01. Use of Land and Buildings](#) (Page [88](#)).

(C) Area Regulations

Property and buildings shall conform to the related standards listed within [2.06.04. Residential Districts Development Standards](#) (Page [85](#)) and the following regulations. If there is a conflict between [2.06.04.](#) and the following regulations, the following regulations shall control.

(1) Front Yard Coverage

The cumulative area of any driveway plus any impermeable surface area located between the front property line and any front building wall shall not exceed fifty (50) percent of the area between the front property line and any front building wall, as shown in [Figure 9.01.01.4: Front Yard Coverage](#) (Page [348](#)).

(D) Other Regulations

- (1) [Subsection 4.03 Screening Standards](#) (Page [139](#))
- (2) [Subsection 4.04 Off-Street Parking and Loading Requirements](#) (Page [151](#))
- (3) [Subsection 4.06 Accessory Structure Standards](#) (Page [174](#))
- (4) [Subsection 4.07 Supplementary Regulations](#) (Page [181](#))

2.03.06. SF-8.5 – Single Family Residential-8.5 District

(A) General Purpose and Descriptions

The SF-8.5 – Single Family Residential-8.5 District is intended to be similar to the SF-12.5 and SF-10 Districts except composed of detached, single family residences on lots of not less than eight thousand five hundred (8,500) square feet.

(B) Permitted Uses

Uses permitted in the SF-8.5 – Single Family Residential-8.5 District are outlined in [Subsection 3.01. Use of Land and Buildings](#) (Page [88](#)).

(C) Area Regulations

Property and buildings shall conform to the related standards listed within [2.06.04. Residential Districts Development Standards](#) (Page [85](#)) and the following regulations. If there is a conflict between [2.06.04.](#) and the following regulations, the following regulations shall control.

(1) Front Yard Coverage

The cumulative area of any driveway plus any impermeable surface area located between the front property line and any front building wall shall not exceed fifty (50) percent of the area between the

front property line and any front building wall, as shown in [Figure 9.01.01.4: Front Yard Coverage](#) (Page [348](#)).

(D) Other Regulations

- (1) [Subsection 4.03 Screening Standards](#) (Page [139](#))
- (2) [Subsection 4.04 Off-Street Parking and Loading Requirements](#) (Page [151](#))
- (3) [Subsection 4.06 Accessory Structure Standards](#) (Page [174](#))
- (4) [Subsection 4.07 Supplementary Regulations](#) (Page [181](#))

2.03.07. SF-7 – Single Family Residential-7 District

(A) General Purpose and Descriptions

The SF-7 – Single Family Residential-7 District is designed to provide for a suitable residential environment for family life on parcels of land smaller and more compact in size, having a minimum lot area of seven thousand (7,000) square feet, while limiting the uses to single family residences and their community services and facilities.

(B) Permitted Uses

Uses permitted in the SF-7 – Single Family Residential-7 District are outlined in [Subsection 3.01. Use of Land and Buildings](#) (Page [88](#)).

(C) Area Regulations

Property and buildings shall conform to the related standards listed within [2.06.04. Residential Districts Development Standards](#) (Page [85](#)) and the following regulations. If there is a conflict between [2.06.04.](#) and the following regulations, the following regulations shall control.

(1) Front Yard Coverage

The cumulative area of any driveway plus any impermeable surface area located between the front property line and any front building wall shall not exceed fifty (50) percent of the area between the front property line and any front building wall, as shown in [Figure 9.01.01.4: Front Yard Coverage](#) (Page [348](#)).

(D) Other Regulations

- (1) [Subsection 4.03 Screening Standards](#) (Page [139](#))
- (2) [Subsection 4.04 Off-Street Parking and Loading Requirements](#) (Page [151](#))
- (3) [Subsection 4.06 Accessory Structure Standards](#) (Page [174](#))
- (4) [Subsection 4.07 Supplementary Regulations](#) (Page [181](#))

2.03.08. OTR – Original Town Residential District

(A) General Purpose and Descriptions

The OTR – Original Town Residential District is designed specifically for the "Old Donation" section of the City, a recognized subdivision of land.

The OTR – Original Town Residential District standards will provide for a suitable residential environment for family life on small parcels of land.

Platted lots in the "Old Donation" are in twenty-five (25) foot widths with a preponderance of ownerships in multiples of this width. Therefore, standards are set forth in this District which accommodate the original platting, as well as the preferable standard for a minimum fifty (50) foot lot width, or two platted lots constituting a building site.

(B) Permitted Uses

Uses permitted in the OTR – Original Town Residential District are outlined in [Subsection 3.01. Use of Land and Buildings](#) (Page [88](#)).

(C) Area Regulations

Property and buildings shall conform to the related standards listed within [2.06.04. Residential Districts Development Standards](#) (Page [85](#)) and the following regulations. If there is a conflict between [2.06.04.](#) and the following regulations, the following regulations shall control.

(1) Minimum Side Yard

Six (6) feet; twelve (12) feet on corner lot adjacent to side street; twenty four (24) feet for swing-in garage.

(2) Minimum Rear Yard

Eight (8) feet; twenty (20) feet for garage facing alley (can be reduced to twelve (12) feet but requires additional parking surface); twenty-four (24) feet for swing-in garage.

(3) Front Yard Coverage

The cumulative area of any driveway plus any impermeable surface area located between the front property line and any front building wall shall not exceed fifty (50) percent of the area between the front property line and any front building wall, as shown in [Figure 9.01.01.4: Front Yard Coverage](#) (Page [348](#)).

(D) Other Regulations

- (1) [Subsection 4.03 Screening Standards](#) (Page [139](#))
- (2) [Subsection 4.04 Off-Street Parking and Loading Requirements](#) (Page [151](#))
- (3) [Subsection 4.06 Accessory Structure Standards](#) (Page [174](#))
- (4) [Subsection 4.07 Supplementary Regulations](#) (Page [181](#))
- (5) "Lot of Record" in "Old Donation" – [4.07.01. Residential Lot Regulations](#) (Page [181](#))
- (6) [4.07.09. \(E\) OTR Façade Plan Requirement](#) (Page [189](#))
- (7) Non-combustible fiber cement siding allowed per Chief Building Official approval. (See [4.07.09. Exterior Construction of Main Buildings](#) (Page [188](#)))

(8) Front Porch Required

- a. Porches shall be a minimum of seven (7) feet deep and may extend ten (10) feet past front building line provided that such encroachment does not result in a threat to the occupant's or public's health, safety or welfare.
- b. The porch shall have a minimum area of seventy (70) square feet.

(E) OTR – Downtown Architectural Design Standards

The Downtown Architectural Design Standards that apply to this district are contained in [Subsection 9.06 Downtown Architectural Design Standards; OTC & OTR](#) (Page 360), to this Zoning Ordinance and are incorporated as if fully set forth herein.

2.03.09. PH – Patio Home District

(A) General Purpose and Descriptions

The PH – Patio Home District is provided to allow for development of "zero-lot line" homes in a modified residential district, which encourages greater use of the side yard areas. Clustered lot patterns with a common usable open space system can be incorporated as an integral part of the development.

(B) Permitted Uses

Uses permitted in the PH – Patio Home District are outlined in [Subsection 3.01. Use of Land and Buildings](#) (Page 88). In addition, the following uses are permitted.

- (1) Zero-lot line, or patio home, residential detached dwellings in a platted subdivision.
- (2) Community Owned or Multiple Ownership Areas.

Open space, community center, an access gate, an entrance guard facility, recreational building and facilities are permitted uses provided they are incidental to the above-described residential uses, are approved on a Final Plat, and meet the following conditions.

- a. In accordance with the Subdivision Ordinance, a HOA shall be established to maintain open space, recreational areas, and other commonly owned facilities.
 1. The developer is responsible for drafting the HOA documents pertaining to the HOA's responsibilities to maintain these areas.
 2. Major creek areas delineated as the City's linear park system shown on either the City's Parks Master Plan or City's Hike & Bike Trail Master Plan shall not count towards the required open space. The Major Creeks areas not shown as part of either plan may count toward the required open space where lots do not back to the open space.
- b. Prior to approval of a Final Plat, a document establishing the HOA shall be submitted to the city for review and approved by the City Attorney for conformance with all requirements and other applicable ordinances.
 1. The City Attorney shall review and approve the HOA documents pertaining to maintenance of the HOA areas prior to their recording at the County.
 2. The developer is responsible for reimbursement of the City Attorney's fees for reviewing these documents.

(C) Area Regulations

Property and buildings shall conform to the related standards listed within [2.06.04. Residential Districts Development Standards](#) (Page 85) and the following regulations. If there is a conflict between [2.06.04.](#) and the following regulations, the following regulations shall control.

- (1) For lots with a zero (0) side yard setback
 - a. A roof overhang equipped with a gutter may extend a maximum of eight (8) inches into a neighboring property. No other roof overhangs or extensions from a wall may extend into a neighboring lot.
 - b. The closest exterior roofline to an adjacent property shall be storm guttered if the general slope of the roof falls toward the neighboring property. Gutters shall include returns to direct the water to the lot of origin.
 - c. The "zero" side shall be designated on the Final Plat. All access, maintenance, and use easements shall be provided on preliminary and Final Plats.
 - d. A five (5) foot wide access, maintenance, and use easement shall be dedicated on the Final Plat for all lots adjacent to lots with a "zero" side. The purpose of this easement is to give the adjoining owner access for maintenance of his/her dwelling.
 - e. The majority of one side of the structure shall be located within three (3) feet of one side lot line. Building walls which are located adjacent to the "zero" side of the lot shall not have any doors, windows, ducts, grills, vents, or other openings. This requirement precludes exterior walls forming enclosures for courts, patios, or similar indentations to the "zero" wall.
- (2) Center Option Lots
 - a. Lots not using a zero (0) side yard setback shall be considered center option lots.
 - b. Center option lots shall conform to the related standards listed within [2.06.04. Residential Districts Development Standards](#) (Page [85](#)).
- (3) Minimum Front Yard
 - a. Twenty-five (25) feet
- (4) Minimum Rear Yard
 - a. Thirty (30) feet
 - b. Garages on alley entry lots shall meet one of the following conditions:
 1. Garage shall be set back ten (10) feet; or
 2. Garage shall be set back a minimum of twenty (20) feet, but may exceed this distance.

(D) Other Regulations

- (1) [Subsection 4.03 Screening Standards](#) (Page [139](#))
- (2) [Subsection 4.04 Off-Street Parking and Loading Requirements](#) (Page [151](#))
- (3) [Subsection 4.06 Accessory Structure Standards](#) (Page [174](#))
- (4) [Subsection 4.07 Supplementary Regulations](#) (Page [181](#))
- (5) [Subsection 4.13 Usable Open Space Requirements](#) (Page [221](#))

2.03.10. 2F – Two Family Residential (Duplex) District

(A) General Purpose and Description

The 2F – Two Family Residential (Duplex) District is intended to promote quality duplex residential development. Individual ownership of the two family or duplex unit is encouraged.

This District may include neighborhoods consisting entirely of duplexes, or, when in accordance with the intent of the Comprehensive Plan, may provide a transition district between lower density residential areas and more intense residential, nonresidential areas, or Major Thoroughfares.

(B) Permitted Uses

Uses permitted in the 2F – Two Family Residential (Duplex) District are outlined in [Subsection 3.01. Use of Land and Buildings](#) (Page [88](#)).

(C) Area Regulations

Property and buildings shall conform to the related standards listed within [2.06.04. Residential Districts Development Standards](#) (Page [85](#)).

(D) Other Regulations

- (1) [Subsection 4.03 Screening Standards](#) (Page [139](#))
- (2) [Subsection 4.04 Off-Street Parking and Loading Requirements](#) (Page [151](#))
- (3) [Subsection 4.06 Accessory Structure Standards](#) (Page [174](#))
- (4) [Subsection 4.07 Supplementary Regulations](#) (Page [181](#))

(E) Special District Requirements

- (1) Land within the 2F District may be platted in a manner in which each dwelling unit is situated on a separately platted lot of record where the property line runs coincident with the common wall separating the dwelling units. This provision allows for the creation of two [Single Family Residence, Attached](#) (Page [334](#)) dwelling units.
 - a. Where lots are platted in this manner, the subdivision plat shall designate the location of lot lines which run coincident with the common wall between the dwelling units and the lot lines which run between the structures.
 - b. There shall be only one dwelling unit per lot, and no dwelling unit shall cross a designated outside lot line.
 - c. No single family dwelling may be constructed on one of the designated pair of lots.
- (2) All utilities shall be provided to each separate unit of each duplex in a 2F District such that each unit is individually metered.
- (3) Special provisions shall be made when land is platted in a 2F District into lots consisting of [Single Family Residence, Attached](#) (Page [334](#)) dwelling units permitting a separately owned building unit to be placed on a separately platted lot.
 - a. Plats shall be submitted and approved subject to a legal instrument(s) setting forth the manner in which common facilities or shared elements of a structure on a lot are to be maintained, or repaired, and shall include façades, roofs, and fencing.
 - b. Building permits shall only be issued for a structure comprised of two dwelling units to be built either as a duplex or as two single family attached dwelling units but not for a single family detached dwelling unit.

2.03.11. TH – Townhome District

(A) General Purpose and Descriptions

The TH – Townhome District provides for the development of attached residential dwelling units in structures built to accommodate three to eight units per structure.

Open space is encouraged in this District through provisions set forth in the standards for the District.

(B) Permitted Uses

Uses permitted in the TH – Townhome District are outlined in [Subsection 3.01. Use of Land and Buildings](#) (Page 88).

(1) Community Owned or Multiple Ownership Areas.

Common open space, community centers, an access gates, an entrance guard facilities, recreational buildings and facilities are permitted uses provided they are incidental to the above-described residential uses, are approved on a Final Plat, and meet the following conditions.

- a. In accordance with the Subdivision Ordinance, a homeowners association (HOA) shall be established to maintain open space, recreational areas, and other commonly owned facilities.
 1. The developer is responsible for drafting the HOA documents pertaining to the HOA's responsibilities to maintain these areas.
- b. Prior to approval of a Final Plat, a document establishing the HOA shall be submitted to the city for review and approved by the City Attorney for conformance with all requirements and other applicable ordinances.
 1. The City Attorney shall review and approve the HOA documents pertaining to maintenance of the HOA areas prior to their recording at the County.
 2. The developer is responsible for reimbursement of the City Attorney's fees for reviewing these documents.

(C) Area Regulations

Property and buildings shall conform to the related standards listed within [2.06.04. Residential Districts Development Standards](#) (Page 85) and the following regulations. If there is a conflict between [2.06.04.](#) and the following regulations, the following regulations shall control.

(1) Minimum Front Yard: Twenty-five (25) feet

(2) Minimum Side Yard

- a. Five (5) feet from a side property line when adjacent to open space lots or amenity center lots
- b. Fifteen (15) feet from a side property line when adjacent to detached residential dwelling units
- c. Twenty (20) feet from a side property line when adjacent to a dedicated street

(3) Minimum Rear Yard

Twenty (20) feet, sixty (60) feet when the building is in excess of one story and adjacent to a Single Family Zoning District.

(4) Structure Separation: Structures on the same parcel shall have the following setbacks and/or minimum distance between structures.

- a. Minimum Front Yard: Twenty-five (25) feet
- b. Minimum Side Yard: Ten (10) feet between buildings without openings (windows); fifteen (15) feet between buildings with openings and when adjacent to side street; sixty (60) feet when building is in excess of one story in height and adjacent to Single Family Zoning District

- c. Minimum Rear Yard: Twenty-five (25) feet; sixty (60) feet when the building is in excess of one story and adjacent to a Single-Family Zoning District

(D) Other Regulations

- (1) [Subsection 4.03 Screening Standards](#) (Page [139](#))
- (2) [Subsection 4.04 Off-Street Parking and Loading Requirements](#) (Page [151](#))
- (3) [Subsection 4.06 Accessory Structure Standards](#) (Page [174](#))
- (4) [Subsection 4.07 Supplementary Regulations](#) (Page [181](#))
- (5) [Subsection 4.13 Usable Open Space Requirements](#) (Page [221](#))

2.03.12. MF-15 – Multifamily-15 District

(A) General Purpose and Description

The MF-15 – Multifamily-15 District is an attached residential district intended to provide a maximum residential density of fifteen (15) dwelling units per [Net Acreage, Subdivision](#) (Page [325](#)). The principal permitted land uses will include multifamily dwellings.

(B) Permitted Uses

- (1) Uses permitted in the MF-15 – Multifamily-15 District are outlined in [Subsection 3.01. Use of Land and Buildings](#) (Page [88](#)).
- (2) Single family residential development shall comply with the standards set forth in following districts.

APPLICABLE ZONING DISTRICTS		
Section	District Abbreviation – District Name	Page Number
2.03.02.	RE – Residential Estate District	28
2.03.03.	SF-16 – Single Family Residential-16 District	28
2.03.04.	SF-12.5 – Single Family Residential-12.5 District	29
2.03.05.	SF-10 – Single Family Residential-10 District	30
2.03.06.	SF-8.5 – Single Family Residential-8.5 District	30
2.03.07.	SF-7 – Single Family Residential-7 District	31

- (3) When a multifamily zoning district is developed as single family residential and is adjacent to a single family residential zoning district(s), the first two rows of lots shall be developed to standards not more than two Single Family Residential zoning districts more dense than the adjacent single family residential zoning district(s).

(C) Area Regulations

Property and buildings shall conform to the related standards listed within [2.06.04. Residential Districts Development Standards](#) (Page [85](#)) and [Subsection 4.12 Multifamily Development Standards](#) (Page [214](#)).

(D) Maximum Density

Fifteen (15) dwelling units per net acre.

(E) Other Regulations

- (1) [Subsection 4.03 Screening Standards](#) (Page [139](#))
- (2) [Subsection 4.04 Off-Street Parking and Loading Requirements](#) (Page [151](#))
- (3) [Subsection 4.06 Accessory Structure Standards](#) (Page [174](#))
- (4) [Subsection 4.07 Supplementary Regulations](#) (Page [181](#))
- (5) [Subsection 4.12 Multifamily Development Standards](#) (Page [214](#))
- (6) [Subsection 4.13 Usable Open Space Requirements](#) (Page [221](#))

2.03.13. MF-19 – Multifamily-19 District

(A) General Purpose and Description

The MF-19 – Multifamily-19 District is an attached residential district intended to provide a maximum residential density of nineteen (19) dwelling units per [Net Acreage, Subdivision](#) (Page [325](#)). The principal permitted land uses will include multifamily dwellings.

(B) Permitted Uses

- (1) Uses permitted in the MF-19 – Multifamily-19 District are outlined in [Subsection 3.01. Use of Land and Buildings](#) (Page [88](#)).
- (2) Single family residential development shall comply with the standards set forth in following districts.

Applicable Zoning Districts		
Section	District Abbreviation – District Name	Page Number
2.03.02.	RE – Residential Estate District	28
2.03.03.	SF-16 – Single Family Residential-16 District	28
2.03.04.	SF-12.5 – Single Family Residential-12.5 District	29
2.03.05.	SF-10 – Single Family Residential-10 District	30
2.03.06.	SF-8.5 – Single Family Residential-8.5 District	30
2.03.07.	SF-7 – Single Family Residential-7 District	31
2.03.09.	PH – Patio Home District	33

- (3) When a multifamily zoning district is developed as single family residential and is adjacent to a single family residential zoning district(s), the first two rows of lots shall be developed to standards not more than two single family residential zoning districts more dense than the adjacent single family residential zoning district(s).

(C) Area Regulations

Property and buildings shall conform to the related standards listed within [2.06.04. Residential Districts Development Standards](#) (Page [85](#)) and [Subsection 4.12 Multifamily Development Standards](#) (Page [214](#)).

(D) Maximum Density

Nineteen (19) dwelling units per net acre.

(E) Other Regulations

- (1) [Subsection 4.03 Screening Standards](#) (Page [139](#))
- (2) [Subsection 4.04 Off-Street Parking and Loading Requirements](#) (Page [151](#))
- (3) [Subsection 4.06 Accessory Structure Standards](#) (Page [174](#))
- (4) [Subsection 4.07 Supplementary Regulations](#) (Page [181](#))
- (5) [Subsection 4.12 Multifamily Development Standards](#) (Page [214](#))
- (6) [Subsection 4.13 Usable Open Space Requirements](#) (Page [221](#))

2.03.14. MH – Manufactured Home District

(A) General Purpose and Description

The MH – Manufactured Home District is a detached residential district establishing standards for the development of a manufactured home park, or a manufactured home subdivision.

A manufactured home park offers spaces for the placement of manufactured home units on a lease or rental basis. Manufactured home subdivisions include individually platted lots, for sale within the subdivision, for the placement of manufactured home units. The District establishes area and design requirements for both parks and subdivisions, as well as yard requirements for individual lots.

(B) Permitted Uses

Uses permitted in the MH – Manufactured Home District are outlined in [Subsection 3.01. Use of Land and Buildings](#) (Page [88](#)).

(C) Area Regulations

Property and buildings shall conform to the related standards listed within [2.06.04. Residential Districts Development Standards](#) (Page [85](#)).

(D) Special District Requirements

- (1) Area for Manufactured Home Park or a Recreational Vehicle Park
 - a. Minimum, five (5) acres; maximum, twenty-five (25) acres
- (2) Minimum Average Vertical Clearance of Manufactured Home Frame above Finished Ground Elevation
 - a. Eighteen (18) inches

Subsection 2.04. Nonresidential Zoning Districts

2.04.01. O-1 – Office-1 District

(A) General Purpose and Description

The O-1 – Office-1 District is established to create a flexible District for low intensity office and professional uses. The District can be used as a transition district between more intense uses and residential uses.

Permitted uses should be compatible with adjacent residential areas by limiting heights and utilizing buffers and landscape requirements. Buildings in this District should be compatible and in height with residential uses and adjacent property.

(B) Permitted Uses

Uses permitted in the O-1 – Office-1 District are outlined in [Subsection 3.01. Use of Land and Buildings \(Page 88\)](#).

(C) Area Regulations

Property and buildings shall conform to the related standards listed within [2.06.05. Nonresidential Districts Development Standards \(Page 86\)](#).

(D) Other Regulations

- (1) [Subsection 4.01 Tree Preservation Requirements \(Page 118\)](#)
- (2) [Subsection 4.02 Landscape Requirements \(Page 124\)](#)
- (3) [Subsection 4.03 Screening Standards \(Page 139\)](#)
- (4) [Subsection 4.04 Off-Street Parking and Loading Requirements \(Page 151\)](#)
- (5) [Subsection 4.05 Lighting Standards \(Page 167\)](#)
- (6) [Subsection 4.06 Accessory Structure Standards \(Page 174\)](#)
- (7) [Subsection 4.07 Supplementary Regulations \(Page 181\)](#)
- (8) [Subsection 4.08 Nonresidential Development Standards \(Page 199\)](#)
- (9) [Subsection 4.13 Usable Open Space Requirements \(Page 221\)](#)
- (10) [Subsection 6.05 Site Plan Requirements \(Page 251\)](#)

2.04.02. O-2 – Office-2 District

(A) General Purpose and Description

The O-2 – Office-2 District is established to accommodate a variety of mid- and high-rise office developments providing for professional, financial, medical and similar services for local residents; corporate offices for regional and national operations; and major employment centers for city, county and state governmental entities. Limited retail establishments, incidental to the main uses, may be appropriate in association with large office complexes.

Areas zoned for O-2 – Office-2 District use must be located within the vicinity of a major thoroughfare such as S.H. 121 and U.S. 380, Preston Road or the Dallas North Tollway.

Since this District is intended for more intensive nonresidential uses, landscape treatment and other visual site treatments are anticipated. Multiple story buildings must be buffered from nearby single

family zoned areas through the use of setbacks, landscape buffers, and screening.

(B) Permitted Uses

Uses permitted in the O-2 – Office-2 District are outlined in [Subsection 3.01. Use of Land and Buildings](#) (Page [88](#)).

(C) Area Regulations

Property and buildings shall conform to the related standards listed within [2.06.05. Nonresidential Districts Development Standards](#) (Page [86](#)) and the following regulations. If there is a conflict between [2.06.05.](#) and the following regulations, the following regulations shall control.

(1) Minimum Front Yard

Where buildings or structures are erected or altered to exceed two stories in height, such buildings or structures shall not be located closer to any single family, two family or patio home residential district boundary line than a distance equal to the sum of the required front yard specified plus twice the height of the building above two stories.

(2) Minimum Side Yard

- a. None (interior).
- b. Sixty (60) feet adjacent side property lines.
- c. Fifty (50) feet on corner lot adjacent to a side property line when adjacent to a dedicated street.
- d. Where buildings or structures are erected or altered to exceed two stories in height, such buildings or structures shall not be located closer to any single family, two family or patio home residential district boundary line than a distance equal to the sum of the required side yard specified plus twice the height of the building above two stories measured from the ground level.

(3) Minimum Rear Yard

- a. Sixty (60) feet from any alley line.
- b. Thirty (30) feet where no alley line, lot line or easement line abuts the rear yard.
- c. Where buildings or structures are erected or altered to exceed two stories in height, such buildings or structures shall not be located closer to any single family, two family or patio home residential district boundary line than a distance equal to the sum of the required rear yard specified plus twice the height of the building above two stories measured from the ground level.

(D) Other Regulations

- (1) [Subsection 4.01 Tree Preservation Requirements](#) (Page [118](#))
- (2) [Subsection 4.02 Landscape Requirements](#) (Page [124](#))
- (3) [Subsection 4.03 Screening Standards](#) (Page [139](#))
- (4) [Subsection 4.04 Off-Street Parking and Loading Requirements](#) (Page [151](#))
- (5) [Subsection 4.05 Lighting Standards](#) (Page [167](#))
- (6) [Subsection 4.06 Accessory Structure Standards](#) (Page [174](#))
- (7) [Subsection 4.07 Supplementary Regulations](#) (Page [181](#))
- (8) [Subsection 4.08 Nonresidential Development Standards](#) (Page [199](#))
- (9) [Subsection 4.13 Usable Open Space Requirements](#) (Page [221](#))
- (10) [Subsection 6.05 Site Plan Requirements](#) (Page [251](#))

2.04.03. R – Retail District

(A) General Purpose and Description

The R – Retail District is established to provide locations for various types of general retail trade, business and service uses for services to one or more neighborhoods. Developments are intended to have two points of access to adjacent neighborhoods.

The shopping areas developed within an R – Retail District should utilize established landscape and buffering requirements and be limited to two stories in height.

The "R" District and shopping areas should be located generally at the intersection of major thoroughfares and convenient to their residential trade area, with signage compatible with surrounding land use. In the R – Retail District, outside storage as defined in [Outside Storage and Display](#) (Page [328](#)) shall be prohibited as a primary use.

(B) Permitted Uses

Uses permitted in the R – Retail District are outlined in [Subsection 3.01. Use of Land and Buildings](#) (Page [88](#)).

(C) Area Regulations.

Property and buildings shall conform to the related standards listed within [2.06.05. Nonresidential Districts Development Standards](#) (Page [86](#)) and the following regulations. If there is a conflict between [2.06.05.](#) and the following regulations, the following regulations shall control.

(1) Zero Side Yard for Attached Buildings

Side yard setbacks may be eliminated for a building if attached to an adjacent building and shown on an approved Site Plan.

(D) Other Regulations

- (1) [Subsection 4.01 Tree Preservation Requirements](#) (Page [118](#))
- (2) [Subsection 4.02 Landscape Requirements](#) (Page [124](#))
- (3) [Subsection 4.03 Screening Standards](#) (Page [139](#))
- (4) [Subsection 4.04 Off-Street Parking and Loading Requirements](#) (Page [151](#))
- (5) [Subsection 4.05 Lighting Standards](#) (Page [167](#))
- (6) [Subsection 4.06 Accessory Structure Standards](#) (Page [174](#))
- (7) [Subsection 4.07 Supplementary Regulations](#) (Page [181](#))
- (8) [Subsection 4.08 Nonresidential Development Standards](#) (Page [199](#))
- (9) [Subsection 4.13 Usable Open Space Requirements](#) (Page [221](#))
- (10) [Subsection 6.05 Site Plan Requirements](#) (Page [251](#))

2.04.04. OTC – Original Town Commercial District

(A) General Purpose and Description

The development standards in the OTC – Original Town Commercial District are designed to maintain and encourage development with the commercial section of the original town site commonly referred to as the Old Donation, a recognized subdivision of land.

Standards for vehicle parking, building set-backs, and building height are similar to those existing on developed properties in this section of the City; therefore, these standards are only applicable to this section of the City.

(B) Permitted Uses

Uses permitted in the OTC – Original Town Commercial District are outlined in [Subsection 3.01. Use of Land and Buildings](#) (Page [88](#)).

(C) Regulations for Property Platted or Vested

The following regulations are applicable only to property platted or vested prior to July 25, 2008, unless the plat expires, in which case the plat is no longer vested, and the area regulations described in [2.04.04. \(G\)](#) (Page [45](#)) are applied.

(1) Size of Yards

- a. Minimum Front Yard: None; Minimum of eighty (80) percent of a facade adjacent to a street must be on the property line or as referenced in [2.04.04. \(G\)](#) (Page [45](#)) (except west of the BNSF Railroad when "slip roads"/parallel roadways are provided).
- b. Minimum Side Yard: None; Subject to provision of fire-retardant wall as required by current adopted edition of International Building Code.
- c. Minimum Rear Yard
 1. Abutting nonresidential zoned property and constructed with fire retardant wall and alley separation: None
 2. Without fire retardant wall or alley: Twenty (20) feet
 3. Abutting residentially zoned property: Ten (10) feet with screening

(2) Size of Lot

- a. Minimum Lot Area: Five thousand (5,000) square feet unless platted as a lot of record prior to the adoption of this district.
- b. Minimum Lot Width: Forty-five (45) feet unless platted as a lot of record prior to the adoption of this district.
- c. Minimum Lot Depth: One hundred (100) feet unless platted as a lot of record prior to the adoption of this district.

(3) Maximum Lot Coverage: None.

(4) Parking Regulations: See [Subsection 4.04 Off-Street Parking and Loading Requirements](#) (Page [151](#)).

(D) OTC Sub-District Boundaries**(1) Sub-district 1**

Main Street from the Dallas North Tollway to the BNSF Railroad and the Tollway Overlay District's Historic Sub-district. (The boundary of the Historic Gateway sub-district extends from Cottonwood Creek to Stewart Creek.)

(2) Sub-District 2

Main Street east of the BNSF Railroad.

(3) Sub-District 3

All other streets, excluding those in Districts 1 & 2, that are within the OTC District.

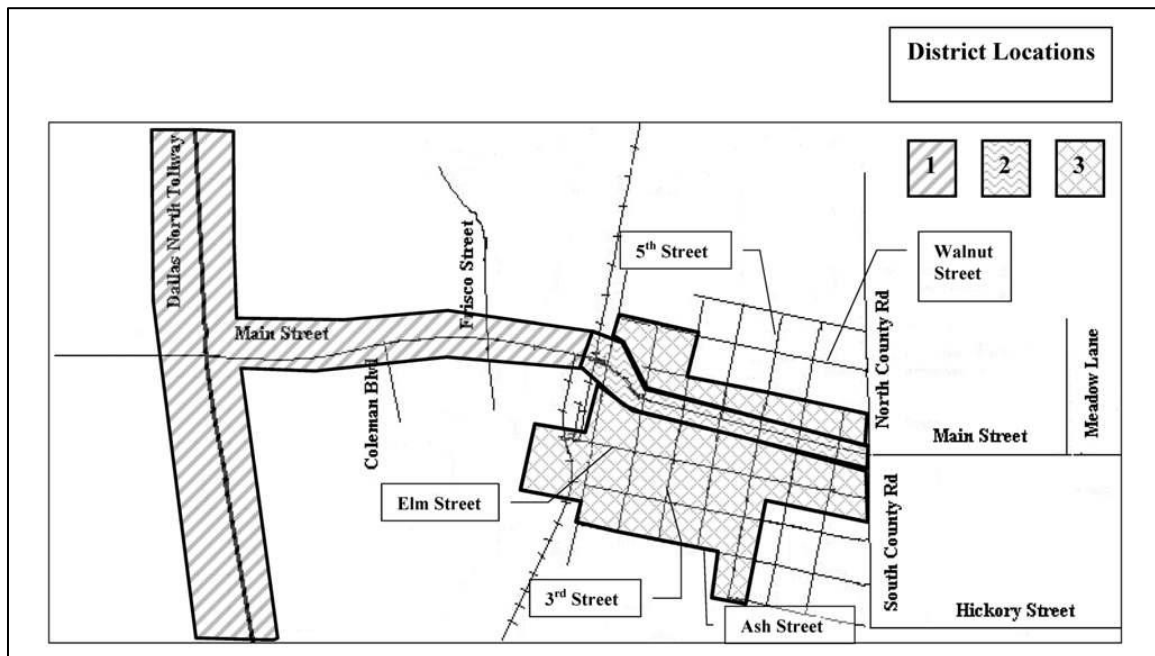
(E) OTC Sub-District Map

Figure 2.04.04.1: OTC Sub-District Map

(F) Fire Suppression Requirement

A fire suppression system shall be installed in all new construction unless otherwise approved by the Fire Chief.

(G) OTC Regulations for Property not Platted or Vested

Regulations for Property not Platted or Vested			
Regulation	Sub-District 1	Sub-District 2	Sub-District 3
Front Yard	Without a Slip Road – Twenty (20) foot build-to line measured from the back of curb at ultimate build-out of the street. (Note 1)	Minimum of eighty (80) percent of a facade adjacent to a street must be on the property line.	Fifteen(15) foot build-to line measured from the curb at ultimate build-out of the street. (Note 2)
	With a Slip Road – Slip roads as described in the Preston Road Overlay District standards are permitted. A fifteen (15) foot sidewalk shall be located between the building and either the drive aisle or parking of the slip road, measured from the back of curb.		
Side Yard	None. (Note 3)		
Rear Yard	Abutting nonresidential zoned property and constructed with fire retardant wall and alley separation – None.		
	Without fire retardant wall or alley - Twenty (20) feet.		
	Abutting residentially zoned property – Ten (10) feet with screening.		
Minimum Lot Area	Five thousand (5,000) square feet unless platted as a lot of record prior to the adoption of this district.		
Minimum Lot Width	Forty-five (45) feet unless platted as a lot of record prior to the adoption of this district.		
Minimum Lot Depth	One hundred (100) feet unless platted as a lot of record prior to the adoption of this district.		
Maximum Height	Four (4) stories or sixty-five (65) feet.	Four (4) stories or sixty-five (65) feet.	Four (4) stories or sixty-five (65) feet.
Maximum Lot Coverage	None		
Pedestrian Area	A twenty (20) foot wide pedestrian area shall be constructed between the curb and building. Design within this area shall comply with the regulations set forth in 2.04.04. (I) OTC – Downtown Architectural Design Standards (Page 47). (Note 4)	Design within the area between the back of curb and building shall comply with the regulations set forth in 2.04.04. (I) OTC – Downtown Architectural Design Standards (Page 47). (Note 4)	A fifteen (15) foot wide pedestrian area shall be constructed between the curb and building. Design within this area shall comply with the regulations set forth in 2.04.04. (I) OTC – Downtown Architectural Design Standards (Page 47). (Note 4)

Regulations for Property not Platted or Vested			
Regulation	Sub-District 1	Sub-District 2	Sub-District 3
Parking Regulations	See Subsection 4.04 Off-Street Parking and Loading Requirements (Page 151).	See Subsection 4.04 Off-Street Parking and Loading Requirements (Page 151). Parking is prohibited between the building and the street.	See Subsection 4.04 Off-Street Parking and Loading Requirements (Page 151). Parking is prohibited between the building and the street except where slip roads are permitted.
Slip Roads	Slip roads as described in the Preston Road Overlay District standards are permitted.	Slip roads are prohibited.	Slip roads are prohibited except west of the BNSF Railroad.
Street Trees	Tree wells shall be installed in the pedestrian area at 30 feet on center or as otherwise approved by the Director.	Tree wells are not required; trees wells are recommended where feasible.	Tree wells shall be installed in the pedestrian area at 30 feet on center or as otherwise approved by the Director.
Other Regulations	See 2.04.04. (H) OTC – Other Regulations (below).		
Notes: 1. Where the property line is greater than twenty (20) feet from the curb, the building shall be located on the property line. 2. Where the property line is greater than fifteen (15) feet from the curb, the building shall be located on the property line. 3. Subject to provision of fire-retardant wall as required by current adopted edition of International Building Code as it exists or may be amended. 4. With Planning & Zoning Commission approval, a building may set back from the front yard line to provide a wider pedestrian area than required, if it is determined a benefit to the public realm (i.e., outdoor areas accessible to the public). Parking and drive aisles are prohibited in the increased building setback area.			

(H) OTC – Other Regulations

(1) Outside Storage and Display

[Outside Storage and Display](#) is prohibited in the OTC – Original Town Commercial District.

(2) Minimum Residential Area

Minimum area of six-hundred fifty (650) square feet for residential units over retail or office.

(3) Projections into a Required Setback or Beyond the Street Lot Line

The following projections shall be permitted in a required setback or beyond the street lot line.

- Ordinary building projections, including but not limited to water tables, sills, belt courses, and pilasters, may project up to twelve (12) inches into a required setback or beyond the Street Lot Line, or beyond the face of an architectural projection.
- Balconies above the first floor may project up to sixty (60) inches in the right-of-way and have a minimum of nine (9) feet of clearance over the sidewalk.
 - At no time shall a projection extend over a public street.
- Canopies, awnings, cinema or theater marquees, and/or kiosks may project from building face and may extend to, or be located within eight (8) inches of the back of curb.

1. Any vertical supports anchored to the ground must be located at least four (4) feet from the back of curb and have a minimum of nine (9) feet of clearance.
 - d. Roof eaves, soffits, cornices, and parapet treatments may project up to thirty-six (36) inches into a required setback or beyond the street lot line, or beyond the face of an architectural projection, provided that no portion extending below seven (7) feet-six (6) inches above the immediate adjacent grade may project more than twelve (12) inches.
 - e. Architectural projections, including bays, towers, and oriels; below grade vaults and areaways; and elements of a nature similar to the preceding; may project up to forty-two (42) inches. All projections shall be in compliance with the American with Disabilities Act (ADA).
 - f. Show windows at the first floor may project up to forty-two (42) inches.
 - g. Outdoor open patios shall be permitted to project into a public right-of-way for nonresidential uses provided that a six (6) foot wide, unobstructed and leveled sidewalk is maintained for pedestrian access and meets all ADA requirements. The property owner has assumed liability related to such projections and shall maintain such projections in a safe and non-injurious manner. (Ord. No. 13-09-49; 09/03/13)
- (4) [4.07.09. \(F\) OTC Façade Plan Requirement](#) (Page [189](#))
- (5) The area known as OTC*, as more particularly depicted within the Downtown Architectural Design Standards, is delineated by the alley south of Elm Street to the north, 5th Street to the east (but excluding the lots on 5th Street), Ash Street to the south, and the BNSF Railroad to the west will have the following provision(Ord. No. 13-09-49; 09/03/13):
- a. Redevelopment or infill development shall be two (2) stories with residential on both floors or residential above and office/retail uses below. Existing structures would not be required to add a second story. If a structure is destroyed, it may be rebuilt as originally constructed with no usage change, otherwise structure must comply with redevelopment criteria.

(I) OTC – Downtown Architectural Design Standards

The Downtown Architectural Design Standards that apply to this district are contained in [Subsection 9.06 Downtown Architectural Design Standards; OTC & OTR](#) (Page [360](#)), to this Zoning Ordinance and are incorporated as if fully set forth herein.

(J) Illustrations

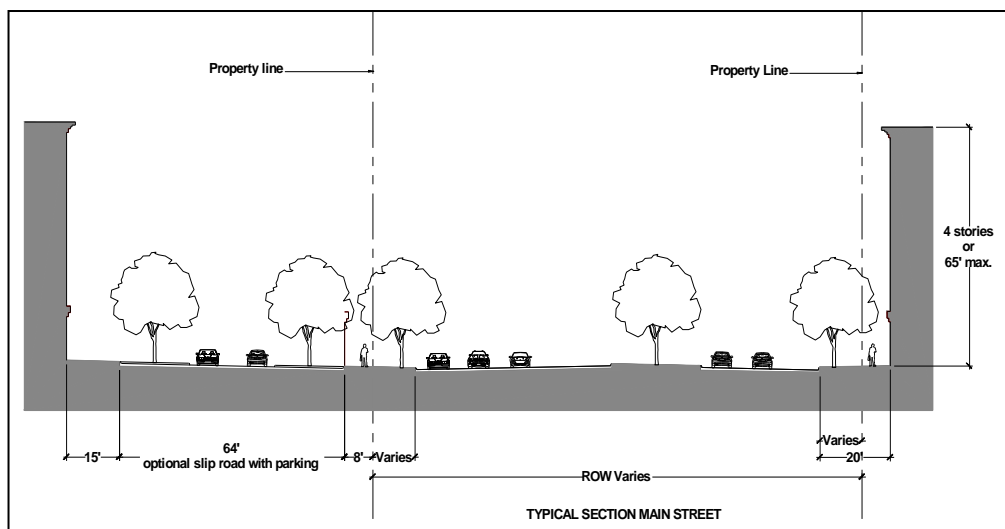


Figure 2.04.04.2: District 1 - Optional Slip Road Design

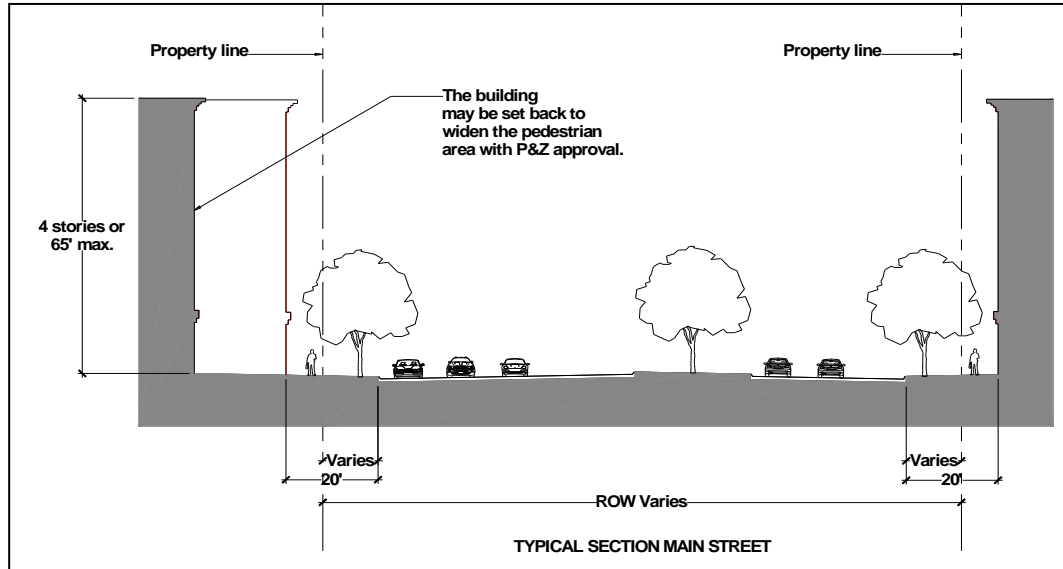


Figure 2.04.04.3: District 1 - Design

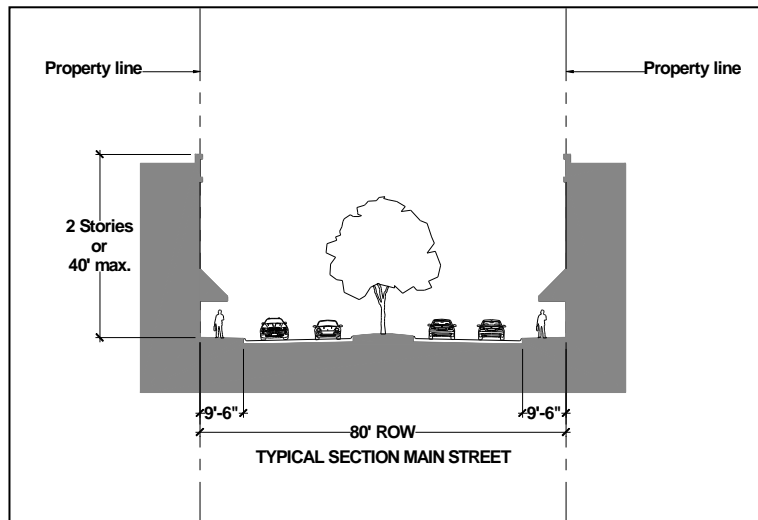


Figure 2.04.04.4: District 2 - Design

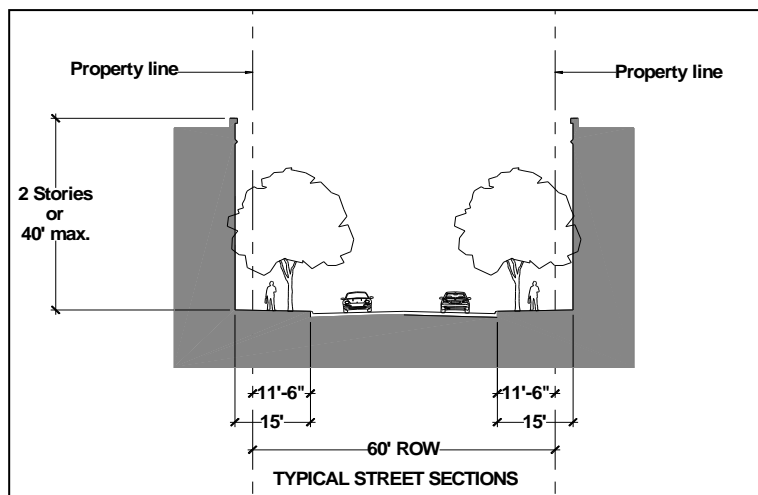


Figure 2.04.04.5: District 3 - Design

2.04.05. H – Highway District

(A) General Purpose and Description

This H – Highway District is intended to provide for a variety of office, retail, and service uses for the purpose of creating a high quality mixture of land uses along S.H. 121 and U.S. Highway 380.

This District is also designed to allow multiple story construction. Uses requiring outside storage will be prohibited.

(B) Permitted Uses.

Uses permitted in the H – Highway District are outlined in [Subsection 3.01. Use of Land and Buildings](#) (Page [88](#)).

(C) Area Regulations.

Property and buildings shall conform to the related standards listed within [2.06.05. Nonresidential Districts Development Standards](#) (Page [86](#)) and the following regulations. If there is a conflict between [2.06.05.](#) and the following regulations, the following regulations shall control.

(1) Zero Side Yard for Attached Buildings

Side yard setbacks may be eliminated for a building if attached to an adjacent building and shown on an approved Site Plan.

(D) Other Regulations

- (1) [Subsection 4.01 Tree Preservation Requirements](#) (Page [118](#))
- (2) [Subsection 4.02 Landscape Requirements](#) (Page [124](#))
- (3) [Subsection 4.03 Screening Standards](#) (Page [139](#))
- (4) [Subsection 4.04 Off-Street Parking and Loading Requirements](#) (Page [151](#))
- (5) [Subsection 4.05 Lighting Standards](#) (Page [167](#))
- (6) [Subsection 4.06 Accessory Structure Standards](#) (Page [174](#))
- (7) [Subsection 4.07 Supplementary Regulations](#) (Page [181](#))
- (8) [Subsection 4.08 Nonresidential Development Standards](#) (Page [199](#))
- (9) [Subsection 4.13 Usable Open Space Requirements](#) (Page [221](#))
- (10) [Subsection 6.05 Site Plan Requirements](#) (Page [251](#))

2.04.06. C-1 – Commercial-1 District

(A) General Purpose and Description

The C-1 – Commercial-1 District is intended predominately for heavy retail, and light intensity wholesale and commercial uses of a service but excluding any type of warehousing or the outside storage of building, construction or other materials.

The nature of uses in this District have operating characteristics and traffic service requirements generally compatible with typical office, retail, shopping, and some residential environments.

(B) Permitted Uses

Uses permitted in the C-1 – Commercial-1 District are outlined in [Subsection 3.01. Use of Land and Buildings](#) (Page 88).

(C) Area Regulations

Property and buildings shall conform to the related standards listed within [2.06.05. Nonresidential Districts Development Standards](#) (Page 86) and the following regulations. If there is a conflict between [2.06.05.](#) and the following regulations, the following regulations shall control.

(1) Zero Side Yard for Attached Buildings

Side yard setbacks may be eliminated for a building if attached to an adjacent building and shown on an approved Site Plan.

(D) Other Regulations

- (1) [Subsection 4.01 Tree Preservation Requirements](#) (Page 118)
- (2) [Subsection 4.02 Landscape Requirements](#) (Page 124)
- (3) [Subsection 4.03 Screening Standards](#) (Page 139)
- (4) [Subsection 4.04 Off-Street Parking and Loading Requirements](#) (Page 151)
- (5) [Subsection 4.05 Lighting Standards](#) (Page 167)
- (6) [Subsection 4.06 Accessory Structure Standards](#) (Page 174)
- (7) [Subsection 4.07 Supplementary Regulations](#) (Page 181)
- (8) [Subsection 4.08 Nonresidential Development Standards](#) (Page 199)
- (9) [Subsection 4.13 Usable Open Space Requirements](#) (Page 221)
- (10) [Subsection 6.05 Site Plan Requirements](#) (Page 251)

2.04.07. C-2 – Commercial-2 District

(A) General Purpose and Description

The C-2 – Commercial-2 District is intended to provide a centrally located and convenient location for small scale service and commercial related establishments.

The uses envisioned for the District will typically utilize smaller sites and have operation characteristics which are not compatible with residential uses and some nonresidential uses. Uses in this District may require open, but screened, storage areas for materials. Convenient access to thoroughfares and collector streets is also a primary consideration.

The C-2 – Commercial-2 District is to be suitable for properties along and adjacent to major thoroughfares and as a unified district of variable acreage to create a commercial center of several varied types of uses in one location.

(B) Permitted Uses

Uses permitted in the C-2 – Commercial-2 District are outlined in [Subsection 3.01. Use of Land and Buildings](#) (Page [88](#)).

(C) Area Regulations

Property and buildings shall conform to the related standards listed within [2.06.05. Nonresidential Districts Development Standards](#) (Page [86](#)) and the following regulations. If there is a conflict between [2.06.05.](#) and the following regulations, the following regulations shall control.

(1) Zero Side Yard for Attached Buildings

Side yard setbacks may be eliminated for a building if attached to an adjacent building and shown on an approved Site Plan.

(D) Other Regulations

- (1) [Subsection 4.01 Tree Preservation Requirements](#) (Page [118](#))
- (2) [Subsection 4.02 Landscape Requirements](#) (Page [124](#))
- (3) [Subsection 4.03 Screening Standards](#) (Page [139](#))
- (4) [Subsection 4.04 Off-Street Parking and Loading Requirements](#) (Page [151](#))
- (5) [Subsection 4.05 Lighting Standards](#) (Page [167](#))
- (6) [Subsection 4.06 Accessory Structure Standards](#) (Page [174](#))
- (7) [Subsection 4.07 Supplementary Regulations](#) (Page [181](#))
- (8) [Subsection 4.08 Nonresidential Development Standards](#) (Page [199](#))
- (9) [Subsection 4.13 Usable Open Space Requirements](#) (Page [221](#))
- (10) [Subsection 6.05 Site Plan Requirements](#) (Page [251](#))

2.04.08. IT – Information and Technology District

(A) General Purpose and Description

The IT – Information and Technology District is intended for light assembly and manufacturing, research and laboratory facilities, and service uses.

Uses should be located along collector-size streets or larger and/or railroads. Location should be such that trips generated will minimize commercial traffic in residential neighborhoods.

Permitted uses are appropriate next to residential uses with appropriate screening.

(B) Permitted Uses

Uses permitted in the IT – Information and Technology District are outlined in [Subsection 3.01. Use of Land and Buildings](#) (Page [88](#)).

(C) Area Regulations

Property and buildings shall conform to the related standards listed within [2.06.05. Nonresidential Districts Development Standards](#) (Page [86](#)) and the following regulations. If there is a conflict between [2.06.05.](#) and the following regulations, the following regulations shall control.

- (1) Minimum District Size: Twenty-five (25) gross acres
- (2) Setback from Residentially Zoned Property
 - a. Seventy-five (75) feet for buildings of thirty (30) feet in height or less.
 - b. The setback shall be increased by an additional two (2) feet for each foot that the building exceeds thirty (30) feet in height.
- (3) Access to Public Street
 - a. Each lot shall have direct access to a street.
 - b. An access easement shall not be considered direct access.
- (4) Maximum Floor Area Ratio: 1:1 (excluding parking garages)

(D) Other Regulations

- (1) [Subsection 4.01 Tree Preservation Requirements](#) (Page [118](#))
- (2) [Subsection 4.02 Landscape Requirements](#) (Page [124](#))
- (3) [Subsection 4.03 Screening Standards](#) (Page [139](#))
- (4) [Subsection 4.04 Off-Street Parking and Loading Requirements](#) (Page [151](#))
- (5) [Subsection 4.05 Lighting Standards](#) (Page [167](#))
- (6) [Subsection 4.06 Accessory Structure Standards](#) (Page [174](#))
- (7) [Subsection 4.07 Supplementary Regulations](#) (Page [181](#))
- (8) [Subsection 4.08 Nonresidential Development Standards](#) (Page [199](#))
- (9) [Subsection 4.13 Usable Open Space Requirements](#) (Page [221](#))
- (10) [Subsection 6.05 Site Plan Requirements](#) (Page [251](#))

2.04.09. I – Industrial District

(A) General Purpose and Description

The I – Industrial District is intended primarily for uses in the conduct of light manufacturing, assembling and fabrication, and for warehousing, wholesaling and service operations that do not depend upon frequent customer or client visits.

Such uses do require accessibility to major highways, rail lines or other means of transportation.

(B) Permitted Uses

The following uses are permitted in the I – Industrial District, provided that such manufacturing or industrial operation shall not disseminate dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence beyond the boundaries of the property on which such use is located and which produces no noise exceeding the average intensity of noise of street traffic at that point and provided that such use does not create fire hazards on surrounding property.

- (1) Uses permitted in the I – Industrial District are outlined in [Subsection 3.01. Use of Land and Buildings](#) (Page [88](#)).

(C) Area Regulations

Property and buildings shall conform to the related standards listed within [2.06.05. Nonresidential Districts Development Standards](#) (Page [86](#)) and the following regulations. If there is a conflict between [2.06.05.](#) and the following regulations, the following regulations shall control.

- (1) Additional Setback
 - a. For structures requiring railroad access, setback requirements from the centerline of the railroad right-of-way shall be in accordance with applicable State law.

(D) Other Regulations

- (1) [Subsection 4.01 Tree Preservation Requirements](#) (Page [118](#))
- (2) [Subsection 4.02 Landscape Requirements](#) (Page [124](#))
- (3) [Subsection 4.03 Screening Standards](#) (Page [139](#))
- (4) [Subsection 4.04 Off-Street Parking and Loading Requirements](#) (Page [151](#))
- (5) [Subsection 4.05 Lighting Standards](#) (Page [167](#))
- (6) [Subsection 4.06 Accessory Structure Standards](#) (Page [174](#))
- (7) [Subsection 4.07 Supplementary Regulations](#) (Page [181](#))
- (8) [Subsection 4.08 Nonresidential Development Standards](#) (Page [199](#))
- (9) [Subsection 4.13 Usable Open Space Requirements](#) (Page [221](#))
- (10) [Subsection 6.05 Site Plan Requirements](#) (Page [251](#))

Subsection 2.05. Special Zoning Districts

2.05.01. PD – Planned Development District

(A) General Description and Purpose

The PD – Planned Development District is a district which accommodates coordinated development that provides a more flexible means than the zoning districts outlined in this ordinance. A PD – Planned Development District may be used to permit new or innovative concepts in land utilization or diversification that could not be achieved under conventional zoning approaches. Procedures are established herein to ensure appropriate use of PD zoning.

(1) The PD designation shall be used for the following purpose(s):

- a. Master planning;
- b. To carry out specific goals of the comprehensive plan, City or public/private partnered special projects, and City Council strategic focus areas;
- c. Development of mixed use, transit-oriented, or traditional neighborhoods with a variety of uses and housing types; and/or
- d. To preserve natural features, open space, and other topographical features of the land.

(2) The PD designation shall not be used for the following purpose(s):

To obtain variances and waivers from existing development standards; to secure agreements between an applicant and nearby property owners to receive zoning approval; and/or to assign responsibility to the City of private deed restrictions or covenants.

(B) Area Requirement

A PD district requires a minimum of fifteen (15) contiguous acres. Acreage may be less than fifteen (15) acres when carrying out the recommendations of the Comprehensive Plan.

(C) Permitted Uses

(1) Any use permitted in this Zoning Ordinance shall be permitted in a PD District if such use is:

- a. Specified in the amending ordinance granting a PD District, or
- b. The amending ordinance shall reference a zoning district that will maintain base requirements for the PD.

(2) The size, location, appearance, and method of operation may be specified to the extent necessary to ensure compliance with the purpose of this Zoning Ordinance base zoning district.

(3) Unless specified in the amending ordinance, all buildings and uses shall comply with all City development requirements.

(D) Updated Standards to the Base Zoning District

(1) If the standards of the base zoning district are amended, then the most recently amended standards shall apply to a PD district unless the standards have been individually listed within the PD adoption ordinance as being different from the base zoning district.

(2) Base zoning district amendments are applicable to PD districts and do not require special notice to be provided to the properties within a PD district.

(E) PD Application and Review Process

See [Subsection 6.14 PD Application and Review](#) (Page [279](#)).

2.05.02. SUP or "S" – Specific Use Permits

(A) General Description and Authorization

The uses listed under the various zoning districts as Specific Use Permits are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district.

(1) Consideration for Compatibility

With consideration given to setting, physical features, compatibility with surrounding land uses, traffic, and aesthetics, certain uses may locate in an area where they will be compatible with existing or planned land uses.

(2) Review and Approval Authorities

- a. The City Council shall review each case on its own merit, apply the criteria established herein, and, if appropriate, authorize said use by granting a Specific Use Permit for the use.
- b. The Planning & Zoning Commission shall recommend to the City Council approval, approval with modifications, or denial for each Specific Use Permit.

(B) Application and Site Plan Required

Application and public hearing procedures for a Specific Use Permit shall be completed in the same manner as an application for rezoning. A Preliminary Site Plan or Site Plan shall be included with the application as outlined in [Subsection 6.05 Site Plan Requirements](#) (Page [251](#)).

- (1) The Planning & Zoning Commission or City Council may require additional information or drawings (such as building floor plans), operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed.
- (2) The Preliminary Site Plan or Site Plan shall comply with the standards of [Subsection 6.05 Site Plan Requirements](#) (Page [251](#)).

(C) SUP Procedure and Other Regulations

See [Subsection 6.15 Specific Use Permit \(SUP\) Application and Review](#) (Page [285](#)) for procedures and other regulations.

2.05.03. HL – Historic Landmark District

(A) General Purpose and Description

The HL – Historic Landmark District is designed to provide for the preservation and protection of those areas, places, buildings, structures, works of art, and other objects having significant historical, archaeological, or cultural interests and values; portions of certain districts are designated with the letters “HL”.

(B) Permitted Uses

Uses permitted shall be those permitted by the base zoning district where the tract of land being designated is located.

(1) Example

The uses permitted on a tract zoned [OTC – Original Town Commercial District](#) would be those uses permitted in the [OTC – Original Town Commercial District](#). Additional uses may be permitted where deemed appropriate by the City Council, upon recommendation by the Planning & Zoning Commission.

(C) “HL” Modification of Standards

In making the “HL” designation, the Planning & Zoning Commission and City Council may reduce, increase, or revise the height, yard, area, coverage, and any other developmental standards, if such action is determined necessary for the preservation or protection of the “HL” designation property.

(D) Historic Landmark Procedures

(1) See [Subsection 6.17 Historic Landmark Procedures](#) (Page [291](#)).

(E) Ordinary Maintenance for Historic Landmarks

Nothing in this ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district which does not involve a change in design or material. In-kind replacement or repair is included in this definition of ordinary maintenance.

(F) Demolition by Neglect for Historic Landmarks

No owner or person with an interest in real property that has received an “HL” designation shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the City Council and/or the Chief Building Official, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself.

(1) Examples of such deterioration include but are not limited to:

- a. Deterioration of exterior walls or other vertical support;
- b. Deterioration of roofs or other horizontal members;
- c. Deterioration of exterior chimneys;
- d. Deterioration or crumbling of exterior stucco or mortar;
- e. Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors; or
- f. Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for public safety.

2.05.04. PRO – Preston Road Overlay Design District

(Ord. No. 17-08-56; 08/15/17) and (Ord. No. 2020-12-84; 12/1/20)

(A) General Purpose and Description

Preston Road is a primary thoroughfare within the City. The PRO – Preston Road Overlay Design District establishes development standards for properties within the Preston Road corridor regarding land uses, site and architectural design, building materials, landscaping, lighting, and signage.

The PRO – Preston Road Overlay Design District is intended to substantially advance a legitimate governmental interest that includes enhancing the quality of life in Frisco, to regulate the character of growth along the Preston Road corridor, and to ensure the careful and orderly growth of a historical trail and entryway to the City.

(B) Boundary

The PRO – Preston Road Overlay Design District includes all property within seven hundred fifty (750) feet of the centerline of Preston Road ([Figure 2.05.04.1: Preston Road Overlay Design District Map](#) (Page 68)).

The District excludes all single-family subdivisions platted prior to August 15, 2000. Some lots or tracts may be fully or partially located in the District.

It is the intent of the Preston Road Overlay Design District to transition from those lots or tracts located fully in the District to those lots or tracts not located in the District by extending building materials and landscape standards to those lots or tracts partially located in the District.

Transitioning concepts will be developed on a project by project basis through the, Preliminary Site Plan, and/or Site Plan review process.

(C) Preston Road Overlay Sub-districts

The PRO – Preston Road Overlay Design District is divided into five sub-districts, as shown in [Figure 2.05.04.1: Preston Road Overlay Design District Map](#) (Page 68). The sub-districts and their boundaries are:

(1) U.S. 380 Gateway

The boundary of the U.S. 380 Gateway sub-district extends from U.S. 380 to C.R. 26.

(2) Rural Corridor

The boundary of the Rural Corridor sub-district extends from C.R. 26 to Panther Creek.

(3) Main Street

The boundary of the Main Street Gateway sub-district extends from Camfield Way to Hickory Street.

(4) Retail Corridor

Two Retail Corridor sub-districts are established. The northern Retail Corridor sub-district extends from Panther Creek to Camfield Way. The southern Retail Corridor sub-district extends from Hickory Street to Gaylord Parkway.

(5) S.H. 121 Gateway

The boundary for the S.H. 121 Gateway sub-district extends from Gaylord Parkway to S.H. 121.

Each sub-district shall comply with the general requirements listed in [2.05.04. \(D\) General Requirements of the PRO - Preston Road Overlay Design District](#) (Page 58) and the sub-district requirements listed in [2.05.04. \(E\) Preston Road Overlay Sub-District Requirements](#) (Page 62). Where Preston Road Overlay Design District requirements conflict with base zoning requirements, the Preston Road Overlay Design

District shall apply. Otherwise, the base zoning of a property shall not be affected by the Preston Road Overlay Design District.

(D) General Requirements of the PRO - Preston Road Overlay Design District

(1) PRO Permitted Uses

Uses permitted in the PRO – Preston Road Overlay Design District are outlined in [Subsection 3.01. Use of Land and Buildings](#) (Page 88), subject to the following exception:

- a. Office/Warehouse/Distribution Center is a permitted use on property zoned Industrial and located between Parvin Branch and PGA Parkway within the PRO — Preston Road Overlay District.

(2) PRO Development Standards

a. Dismantled or Wrecked Vehicle Screening and Storage within the PRO

1. Dismantled or wrecked vehicles must be parked and/or stored in the building or screened from adjacent streets and properties with a landscape island around the perimeter of the storage area.
 - (i) The landscape island shall include a combination of minimum three (3) inch caliper evergreen and deciduous trees, ornamental trees and/or minimum five (5) gallon shrubs to form a solid, living screen.
 - (ii) If the landscape island is located on the perimeter of the property, perimeter landscaping requirements may be applied towards this requirement.

(3) PRO Landscaping

a. Maintenance

Property owners are responsible for installing, maintaining, and replacing required landscaping with the exception of landscaping within Punctuation Points (see [2.05.04. \(D\)\(11\)d PRO Punctuation Points](#) (Page 61)).

b. Side and Rear Yards

1. In order to meet the planting requirements for landscape buffers or slip roads, planting requirements for side and rear yards (excluding required landscaping adjacent to residential uses) may be reduced by fifty (50) percent.
2. If additional landscaping is needed, tree requirements for landscaped parking islands may be reduced by fifty (50) percent.

c. Escrow Fund

Due to street construction, adverse weather, or other constraints as approved by the City, escrow funds may be paid to the City for the required landscaping for street medians and associated labor.

d. Irrigation

All landscaping shall be mechanically irrigated.

e. Tree Grates

Tree grates shall be used in high pedestrian traffic areas.

f. Tree Guards

1. Tree guards are to be installed in urban streetscape areas where tree grates are not required, as well as other areas deemed necessary through review by City staff.
2. Tree guards shall take the form of a low fence of twelve (12) to fourteen (14) inches in height of ornamental metal defining the edge of the tree wells.
3. Gauge of metal utilized should not be less than three-eighths (3/8) of an inch diameter.

- g. Bollards
 - 1. Bollards shall be used to protect trees and pedestrians in any curb-less condition.
 - 2. Bollards shall have a nominal height of twenty-four (24) inches and a nominal diameter of eighteen (18) inches.
 - 3. Bollards shall be native or cast stone, granite, or cast iron.
 - h. Additional landscaping specifications are listed in [Subsection 4.02 Landscape Requirements](#) (Page [124](#))
- (4) PRO Site Development
- a. Building Presence
 - 1. Development shall be sited as to maximize presence.
 - 2. The primary façade of all buildings shall face a public or quasi-public street.
 - b. Building Location and Placement

The location and placement of buildings on individual sites shall reflect consideration for roadway access, the preservation of major existing natural vegetation, visual impact, and the relationship to surrounding developments.
- (5) PRO Exterior Appearance of Buildings and Structures
- a. A Façade Plan shall be submitted for the following requirements according to [Subsection 6.16 Façade Plan Review](#) (Page [287](#)).
 - b. Architectural Finish

All buildings shall be architecturally finished on all four sides with a higher level of finish on the front façades.

 - 1. A front façade shall be those façades directly visible from an adjacent street and the façade used as the primary entrance.
 - c. All buildings shall comply with [Subsection 4.09 Nonresidential Design Standards](#) (Page [202](#)).
- (6) PRO Building Materials and Colors
- a. A Façade Plan shall be submitted for the following requirements according to [Subsection 6.16 Façade Plan Review](#) (Page [287](#)).
 - b. Limited Number of Material Types

A variety of exterior materials may be selected for use as the primary material on the façade of a building, but the number of materials on a single building shall be limited to no more than three (3) materials in order to achieve a "clean" design style.
 - c. Maximum Material Building Coverage

With the exception of the Main Street sub-district, no single building material shall cover more than eighty (80) percent of the front of any building, with the exception of on-site utility or service structures.
 - d. Windows

Windows shall not be glazed or re-glazed with mirrored or reflective glass.
- (7) PRO Parking
- a. Structured Parking Exterior Materials and Colors

Exterior materials and colors for structured parking shall match or be compatible with the buildings within the same development.
 - b. Subterranean parking is permitted.
 - c. Slip Roads

1. For an illustration and standards see [Figure 2.05.04.7: Slip Road Dimensions](#) (Page 71).
2. Slip roads introduce opportunities for variety in the streetscape.
3. Slip roads extend the street zone into the parking area, making parking lots more plaza-like and integrated.
4. Slip roads combine parking, uniform tree plantings, enhanced paving, seating areas and access to retail stores, making these spaces lively and pedestrian-friendly.
5. Where required, slip roads shall be designed in accordance with [Figure 2.05.04.7: Slip Road Dimensions](#) (Page 71) and as follows.
 - (i) The first row of parking shall be located eight (8) feet from the property line. The minimum depth of each parking space within the first row of parking is eighteen (18) feet. The width of the adjacent driveway and/or fire lane shall be twenty-four (24) feet. A second row of parking shall be provided on the opposite side of the driveway and/or fire lane. These parking spaces shall be twenty (20) feet deep, or eighteen (18) feet deep when adjacent to landscaping or a sidewalk with a minimum width of six (6) feet to accommodate a two (2) foot parking overhang. The second row of parking is optional, but the trees required for this area shall be planted regardless of the existence or non-existence of parking.
 - (ii) Within each row of parking, a landscape island with dimensions equal to the adjacent parking spaces shall be constructed after every third parking space. A minimum three (3) inch caliper large tree shall be planted on each landscape island.
 - (iii) A row of minimum three (3) inch caliper large trees shall be planted on the property two (2) feet from the front property line nominally thirty six (36) feet on-center. These trees shall align with minimum three (3) inch caliper trees planted on each landscape island located within the slip road. These trees will be centered on each landscape island and located seventeen (17) feet and sixty (60) feet from the front property line.
 - (iv) The trees planted sixteen (16) feet from the back of the street curb shall align with the trees planted both thirty (30) feet and seventy-two (72) feet from the back of the street curb.
 - (v) The drive lane and parking areas of the slip road shall be defined with enhanced paving such as brick, stone or scored concrete.
 - (vi) Slip road parking shall be screened from Preston Road with a low row of shrubs. Shrubs shall be minimum five (5) gallon shrubs planted three (3) feet on center.
 - (vii) With the exception of the Rural Corridor sub-district, the area between the slip road and the property line may be improved with enhanced paving, rather than landscaping.
 - (viii) Slip roads shall be interrupted by building placement or other means prior to intersection with a street that intersects with Preston Road.
- (8) PRO Commercial and Utility Vehicles
 - a. Commercial and utility vehicles in conjunction with the business or being utilized for delivery or transport that are stored or parked on a property overnight shall be located inside an enclosed building or screened from the view of adjacent streets and properties.
 - b. These vehicles shall not be located between the building and an adjacent street.
 - c. Screening shall be a solid masonry wall to match the building, earthen berms, or landscaping.
 - d. Screening shall be a minimum of six (6) feet in height.
 - e. A landscape screen shall be solid and reach the minimum height of six (6) feet within two (2) years of the issue date of the Certificate of Occupancy for the building.

(9) PRO Building Entry Areas

- a. Landscaping shall be used to emphasize building entries. (See [Figure 2.05.04.4](#) (Page 69))
- b. Special paving such as brick, exposed aggregate or patterned concrete shall be used to define building entries.
- c. Sidewalk connections shall be provided from building entries to parking areas and public sidewalks.

(10) PRO Lighting

- a. On-site lighting for vehicular and pedestrian purposes shall be installed by the property owner in accordance with City design standards for the [PRO – Preston Road Overlay Design District](#).
- b. The City shall coordinate the installation of the streetlights in and along major thoroughfares in accordance with City design standards for the [PRO – Preston Road Overlay Design District](#).

(11) PRO Streetscape Elements

In addition to the form-giving rows of street trees, a framework of streetscape elements will tie together the sub-districts. These elements include gateway bridges; a series of monuments, pedestals, and light standards; street furniture; and landscape punctuation points.

a. PRO Gateway Monuments

1. Gateway monuments shall occur at sub-district boundaries.
2. The monument materials should be native or cast stone ([Figure 2.05.04.8](#) Page 72)).
3. Wherever possible, bridges shall feature split roadways ([Figure 2.05.04.9](#) (Page 73)).
4. The Main Street gateway should feature an intersection of enhanced paving of stone, brick or patterned concrete. In addition, an intensified amount of shrubs and/or trees should be planted to provide a sense of enclosure ([Figure 2.05.04.11](#) (Page 74)).

b. PRO Entrance Monuments

1. Entrance monuments shall occur at major intersections and landscape punctuation points ([Figure 2.05.04.8](#) (Page 72)).
2. The entrance monument materials should be native or cast stone.
3. Entrance monuments at major intersections shall be nominally twelve (12) feet in height.
4. Pedestals with a height of three (3) feet to five (5) feet may be used at punctuation points.

c. PRO Enhanced Light Standards

1. Light standards shall be manufactured by Bega, or an equivalent (see [Figure 2.05.04.10](#) (Page 74)), and be a dark color as approved by the City Council.
2. The light standard monument in the street median and parkways are nominally thirty (30) feet in height and may support seasonal banners.
3. The vehicular-scale light standard monuments in parking areas shall not exceed thirty (30) feet in height. The vehicular-scale light standard may be placed on a stone pedestal.
4. The pedestrian-scale light standard is nominally ten (10) feet in height, may feature a hanging basket, and should be placed in pairs flanking the sidewalk.
5. All vehicular-scale and pedestrian-scale light standards within the Preston Road Overlay Design District requiring a pole shall use a decorative pole as approved by the City. The Preston Road Overlay Design District is designated as a “design district” pursuant to Section 284.002(5) and Section 284.105 of Texas Local Government Code, as it exists or may be amended.

d. PRO Punctuation Points

1. The City shall coordinate the implementation of punctuation points with property owners through the provision of landscape buffers prior to or during the development process.
2. Location of the punctuation points shall be generally consistent with [Figure 2.05.04.12](#) (Page [75](#)).
3. The punctuation points in the Rural Corridor sub-district shall have a rural character and feature native plant materials arranged in informal patterns.
4. The punctuation points in the Retail Corridor sub-district shall have a commercial character and feature formal, upright trees arranged in bold, graphic patterns.
5. Punctuation points (see [Figure 2.05.04.13](#) (Page [76](#)), [Figure 2.05.04.14](#) (Page [77](#)), and [Figure 2.05.04.15](#) (Page [78](#))) shall, if possible
 - (i) Be approximately two hundred (200) feet in length along Preston Road and one hundred (100) feet deep.
 - (ii) Span the width of Preston Road incorporating the parkways and the median.
 - (iii) Utilize raised planting areas to lift and separate these areas from the adjacent streetscape.

(E) Preston Road Overlay Sub-District Requirements

(1) “U.S. 380 Gateway” Sub-District

a. Setbacks

1. The minimum front yard is fifty (50) feet and shall include a fifty (50) foot landscape buffer.
 - (i) No parking or drive aisles may occur in the landscape buffer.
2. Buildings containing a nonresidential use may be located five (5) feet from the right-of-way of street, other than major thoroughfare, intersecting with Preston Road.
 - (i) Seventy-five (75) percent of the building shall be constructed on the five (5) foot building line, with the additional twenty-five (25) percent setback a maximum of ten (10) feet. (See [Figure 2.05.04.17](#) (Page [79](#)))
 - (ii) Buildings not utilizing the five (5) foot reduced setback shall be setback as stated in [2.05.04. \(E\)\(1\) a.1.](#) (Page [62](#))
3. Alternative setbacks may be approved by [Subsection 6.18 Alternative Compliance Standards](#) (Page [293](#)).

b. Landscaping

1. Slip Roads

- (i) Landscaping shall be planted in accordance with the slip road detail shown in [Figure 2.05.04.7](#) (Page [71](#)).

2. Landscape Buffer

- (i) Two (2) rows of minimum three (3) inch caliper large trees shall be planted nominally thirty (30) feet on center in the landscape buffer.
- (ii) The first row of trees shall be located ten (10) feet from the front property line.
- (iii) The second row of trees shall be located forty (40) feet from the property line.

c. Building Materials

1. Primary exterior construction materials (see [Figure 2.05.04.16](#) (Page [79](#))) shall be:
 - (i) Natural Dimensional Stone (minimum of twenty (20) percent per wall with the

- exception of walls containing a loading dock or service area);
- (ii) Brick; or
- (iii) Tinted, split-face concrete masonry units (maximum fifteen (15) percent per wall).
- 2. Secondary exterior construction materials (see [Figure 2.05.04.16](#) (Page 79)) shall be used to accent primary exterior construction materials, but shall not exceed ten (10) percent of the façade area. Secondary exterior construction materials shall include:
 - (i) Aluminum;
 - (ii) Other metals;
 - (iii) EIFS; or
 - (iv) Stucco.
- 3. The use of natural texture and colors shall be used to the greatest extent possible. Lighter tones and colors are recommended. Required dominant colors include light-to-medium earth tones illustrated in pages 46 through 155 of the Pittsburgh Paint Voice of Color Sampler.
 - (i) City staff will maintain this referenced color sampler.
 - (ii) Light colors include colors 1-2 of each sample page.
 - (iii) Medium colors include values 3-4.
 - (iv) Prohibited colors are black and stark white.
- (2) "Rural Corridor" Sub-District
 - a. Setbacks
 - 1. The minimum front yard is fifty (50) feet and shall include a fifty (50) foot landscape buffer.
 - 2. No parking or drive aisles may occur in the landscape buffer.
 - 3. The landscape buffer is also required for future single-family developments along Preston Road, but shall be provided a right-of-way for landscaping purposes.
 - b. Landscaping
 - 1. Slip Roads
 - (i) Landscaping shall be planted in accordance with the slip road detail shown in [Figure 2.05.04.7](#) (Page 71).
 - 2. Landscape Buffer
 - (i) Two (2) rows of minimum three (3) inch caliper large trees shall be planted nominally thirty (30) feet on center in the landscape buffer.
 - (ii) The first row of trees shall be located ten (10) feet from the front property line.
 - (iii) The second row of trees shall be located forty (40) feet from the front property line.
 - c. Building Materials
 - 1. Primary exterior construction materials (see [Figure 2.05.04.16](#) (Page 79)) shall be:
 - (i) Natural Dimensional Stone (minimum of twenty-five (25) percent per wall with the exception of walls containing a loading dock or service area);
 - (ii) Brick; or
 - (iii) Tinted, split-face concrete masonry units (maximum fifteen (15) percent per wall).

2. Secondary exterior construction materials (see [Figure 2.05.04.16](#) (Page 79)) shall be used to accent primary exterior construction materials, but shall not exceed ten (10) percent the of façade area. Secondary exterior construction materials shall include:
 - (i) Fiber cement siding;
 - (ii) Stucco; or
 - (iii) EIFS.
 3. Medium tones and colors are recommended to darker ones. Required dominant colors are medium earth tones illustrated in pages 46 through 155 of the Pittsburgh Paint Voice of Color Sampler.
 - (i) City staff will maintain this referenced color sampler.
 - (ii) Medium colors include values 3-4.
 - (iii) Prohibited colors are black and stark white.
- (3) “Main Street” Sub-District
- a. Setbacks
 1. Slip roads are required adjacent to Preston Road with buildings placed accordingly (See [2.05.04. \(D\)\(7\)c Slip Roads](#) (Page 59) and [Figure 2.05.04.7](#) (Page 71)).
 2. Where development constraints prevent the use of slip road, the minimum front yard is thirty (30) feet and shall include a thirty (30) foot landscape buffer.
 - (i) No parking or drive aisles may occur in the landscape buffer.
 3. Buildings containing a nonresidential use may be located five (5) feet from the right-of-way of street, other than a major thoroughfare, intersecting with Preston Road.
 - (i) Seventy-five (75) percent of the building shall be constructed on the five (5) foot building line, with the additional twenty-five (25) percent setback a maximum of ten (10) feet. (See [Figure 2.05.04.17](#) (Page 79))
 - (ii) Buildings not utilizing the five (5) foot reduced setback shall setback as stated in [2.05.04. \(E\)\(3\) a.2](#) (Page 64).
 - b. Landscaping
 1. Slip Roads
 - (i) Landscaping shall be planted in accordance with the slip road detail shown in [Figure 2.05.04.7](#) (Page 71).
 2. Landscape Buffer
 - (i) Where development constraints prevent the use of a slip road, a single row of minimum three (3) inch caliper large trees shall be planted nominally thirty (30) feet on center in the landscape buffer.
 - (ii) The trees shall be planted ten (10) feet from the back of the property line.
 - c. Building Materials
 1. Brick is the required primary exterior construction material (see [Figure 2.05.04.16](#) (Page 79)).
 2. Secondary exterior construction materials (see [Figure 2.05.04.16](#) (Page 79)) shall be used to accent primary exterior construction materials, but shall not exceed ten (10) percent of the façade area of each elevation. Secondary exterior construction materials shall include:

- (i) Natural Dimensional Stone;
 - (ii) Tinted, split-face concrete masonry units;
 - (iii) Aluminum;
 - (iv) Metals;
 - (v) EIFS; or
 - (vi) Stucco.
3. Lighter tones and colors are recommended to darker ones. Required dominant colors are light-to-medium earth tones illustrated in pages 46 through 155 of the Pittsburgh Paint Voice of Color Sampler.
- (i) City staff will maintain this referenced color sampler.
 - (ii) Light colors include colors 1-3 of each sample page.
 - (iii) Medium colors include values 4-5.
 - (iv) Prohibited colors are black and stark white.

(4) “Retail Corridor” Sub-District

a. Setbacks

- 1. Slip roads are required adjacent to Preston Road with buildings placed accordingly (See [2.05.04. \(D\)\(7\)c Slip Roads](#) (Page 59) and [Figure 2.05.04.7](#) (Page 71)).
- 2. Where development constraints prevent the use of slip road, the minimum front yard is fifty (50) feet and shall include a thirty (30) foot landscape buffer.
 - (i) No parking or drive aisles may occur in the landscape buffer.
- 3. The minimum front yard may be reduced to thirty (30) feet, but the building must be constructed on the thirty (30) foot building line and no parking or drive aisles may occur between the building and adjacent street.
- 4. Buildings containing a nonresidential use may be located five (5) feet from the right-of-way of street, other than a major thoroughfare, intersecting with Preston Road.
 - (i) Seventy-five (75) percent of the building shall be constructed on the five (5) foot building line, with the additional twenty-five (25) percent setback a maximum of ten (10) feet. (See [Figure 2.05.04.17](#) (Page 79))
- 5. Buildings not utilizing the reduced thirty (30) foot, or five (5) foot setback shall setback as stated in [2.05.04. \(E\)\(4\) a.2](#) (Page 65).

b. Landscaping

- 1. Slip Roads
 - (i) Landscaping shall be planted in accordance with the slip road detail shown in [Figure 2.05.04.7](#) (Page 71).
- 2. Landscape Buffer
 - (i) Where development constraints prevent the use of a slip road, two (2) rows of minimum three (3) inch caliper large trees shall be planted nominally thirty (30) feet on center in the landscape buffer.
 - (ii) The first row of trees shall be located four (4) feet from the front property line.
 - (iii) The second row of trees shall be located twenty-six (26) feet from the front property

line.

c. Building Materials

1. Primary exterior construction materials (see [Figure 2.05.04.16](#) (Page 79)) shall be:
 - (i) Natural Dimensional Stone (minimum of twenty (20) percent per wall with the exception of walls containing a loading dock or service area);
 - (ii) Brick;
 - (iii) Tinted, split-faced concrete masonry units (maximum fifteen [15] percent per wall); or
 - (iv) Stucco.
2. Secondary exterior construction materials (see [Figure 2.05.04.16](#) (Page 79)) shall be used to accent primary exterior construction materials, but shall not exceed ten (10) percent the of façade area. Secondary exterior construction materials shall include:
 - (i) Natural Dimensional Stone;
 - (ii) Tinted, split-face, concrete masonry units;
 - (iii) Aluminum;
 - (iv) Metals;
 - (v) EIFS; or
 - (vi) Stucco.
3. In general, medium tones and colors are recommended to darker ones. Required dominant colors are medium earth tones illustrated in pages 46 through 155 of the Pittsburgh Paint Voice of Color Sampler.
 - (i) City staff will maintain this referenced color sampler.
 - (ii) Medium colors include values 4-5.
 - (iii) Prohibited colors are black and stark white.

(5) "S.H. 121 Gateway" Sub-District

a. Setbacks

1. The minimum front yard is fifty (50) feet and shall include a thirty (30) foot landscape buffer.
 - (i) No parking or drive aisles may occur in the landscape buffer.
2. The minimum front yard may be reduced to thirty (30) feet, but the building must be constructed on the thirty (30) foot building line and no parking or drive aisles may occur between the building and adjacent street.
3. Buildings containing a nonresidential use may be located five (5) feet from the right-of-way of street, other than a major thoroughfare, intersecting with Preston Road.
 - (i) Seventy-five (75) percent of the building shall be constructed on the five (5) foot building line, with the additional twenty-five (25) percent setback a maximum of ten (10) feet. (See [Figure 2.05.04.17](#) (Page 79))
4. Buildings not utilizing the reduced thirty (30) foot, or five (5) foot setback shall setback as stated in [2.05.04. \(E\)\(5\) a.1](#) (Page 66).

b. Landscaping

1. Landscape Buffer

- (i) Two (2) rows of minimum three (3) inch caliper large trees shall be planted nominally thirty (30) feet on center in the landscape buffer.
- (ii) The first row of trees shall be located four (4) feet from the front property line.
- (iii) The second row of trees shall be located twenty-six (26) feet from the front property line.

c. Building Materials

1. Primary exterior construction materials (see [Figure 2.05.04.16](#) (Page 79)) shall be:
 - (i) Natural Dimensional Stone (minimum of twenty (20) percent per wall with the exception of walls containing a loading dock or service area);
 - (ii) Brick;
 - (iii) Tinted, split-face concrete masonry units (maximum fifteen (15) percent per wall); or
 - (iv) Stucco.
2. Secondary exterior construction materials (see [Figure 2.05.04.16](#) (Page 79)) shall be used to accent primary exterior construction materials, but shall not exceed ten (10) percent the of façade area. Secondary exterior construction materials shall include:
 - (i) Aluminum;
 - (ii) Other metals;
 - (iii) EIFS; or
 - (iv) Stucco.
3. The use of natural texture and colors shall be used to the greatest extent possible. Lighter tones and colors are recommended. Required dominant colors include light-to-medium earth tones illustrated in pages 46 through 155 of the Pittsburgh Paint Voice of Color Sampler.
 - (i) City staff will maintain this referenced color sampler.
 - (ii) Light colors include colors 1-2 of each sample page.
 - (iii) Medium colors include values 3-4.
 - (iv) Prohibited colors are black and stark white.

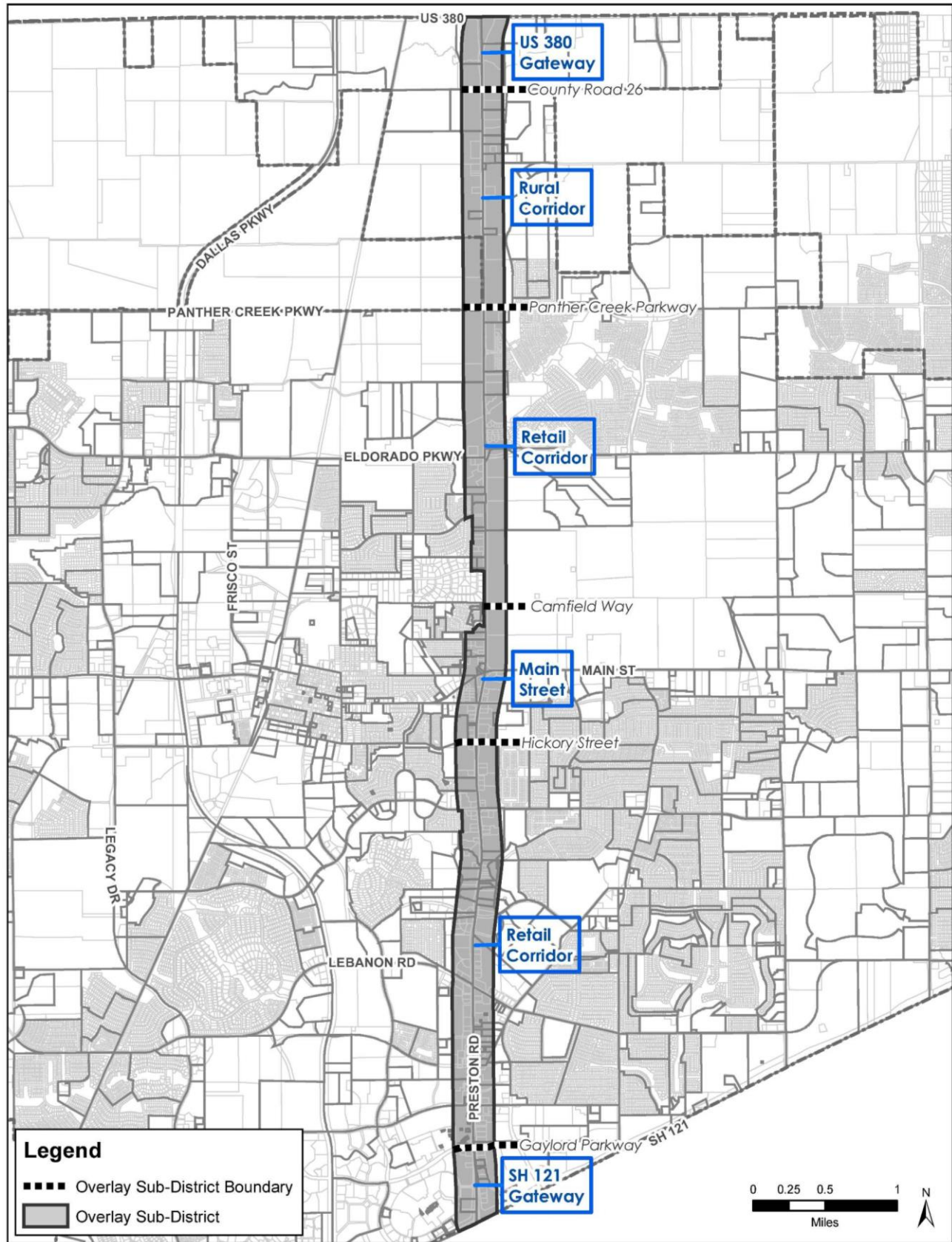


Figure 2.05.04.1: Preston Road Overlay Design District Map

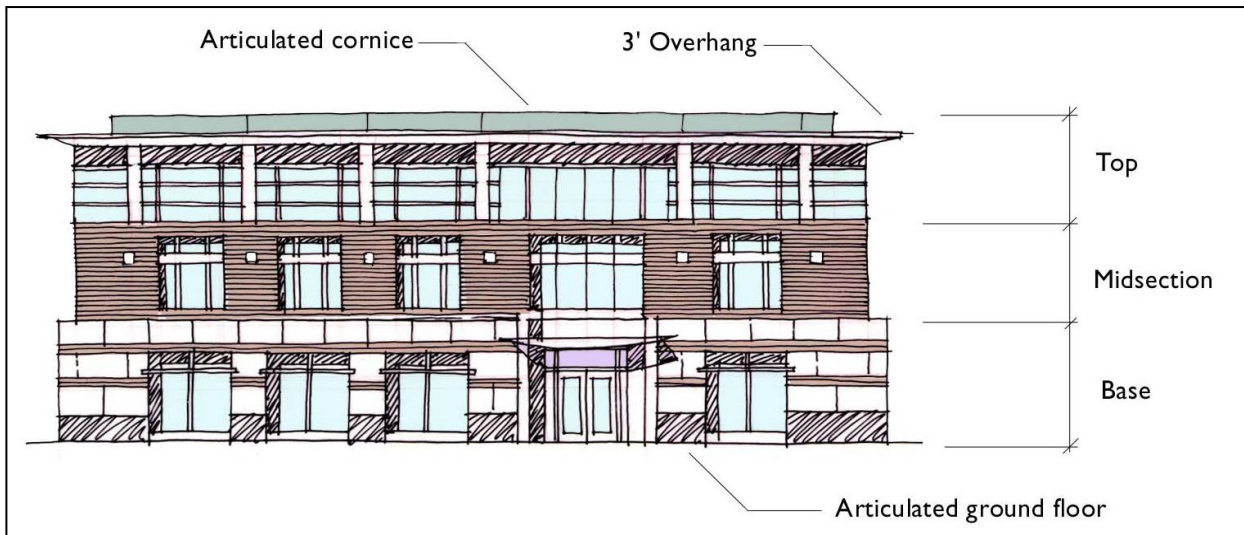


Figure 2.05.04.2: Expression of Building Form



Figure 2.05.04.3: Façades Facing Preston Road



Figure 2.05.04.4: Special Planting at Building Entry

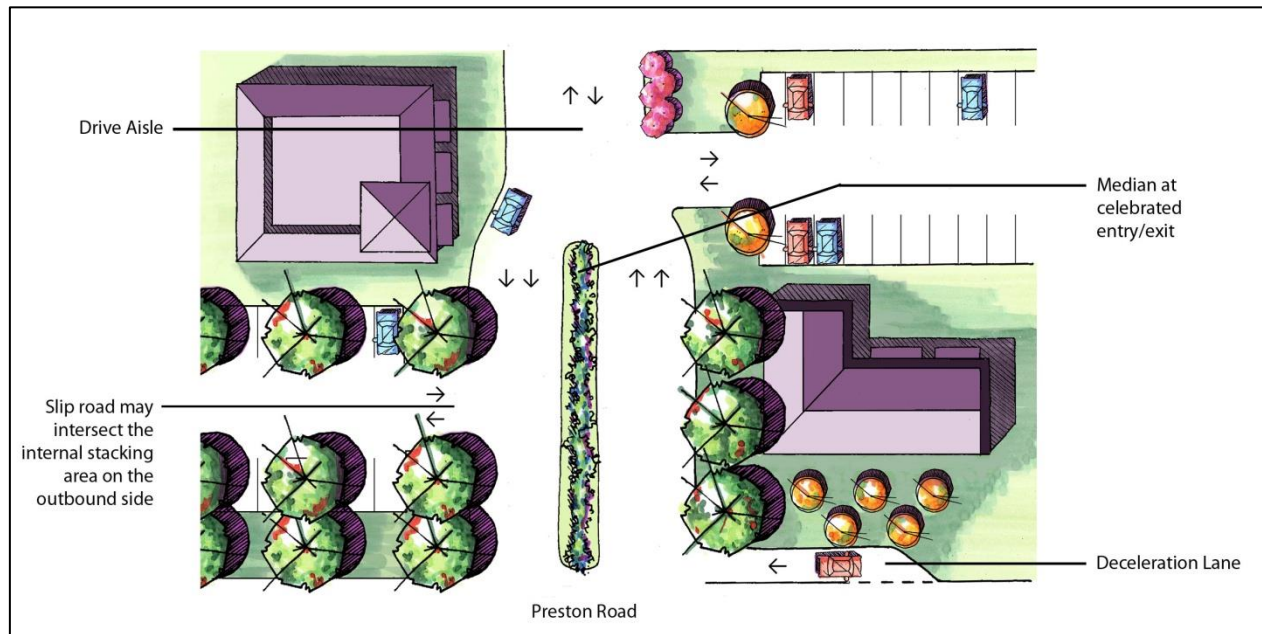


Figure 2.05.04.5: Entry Median and Stacking Area

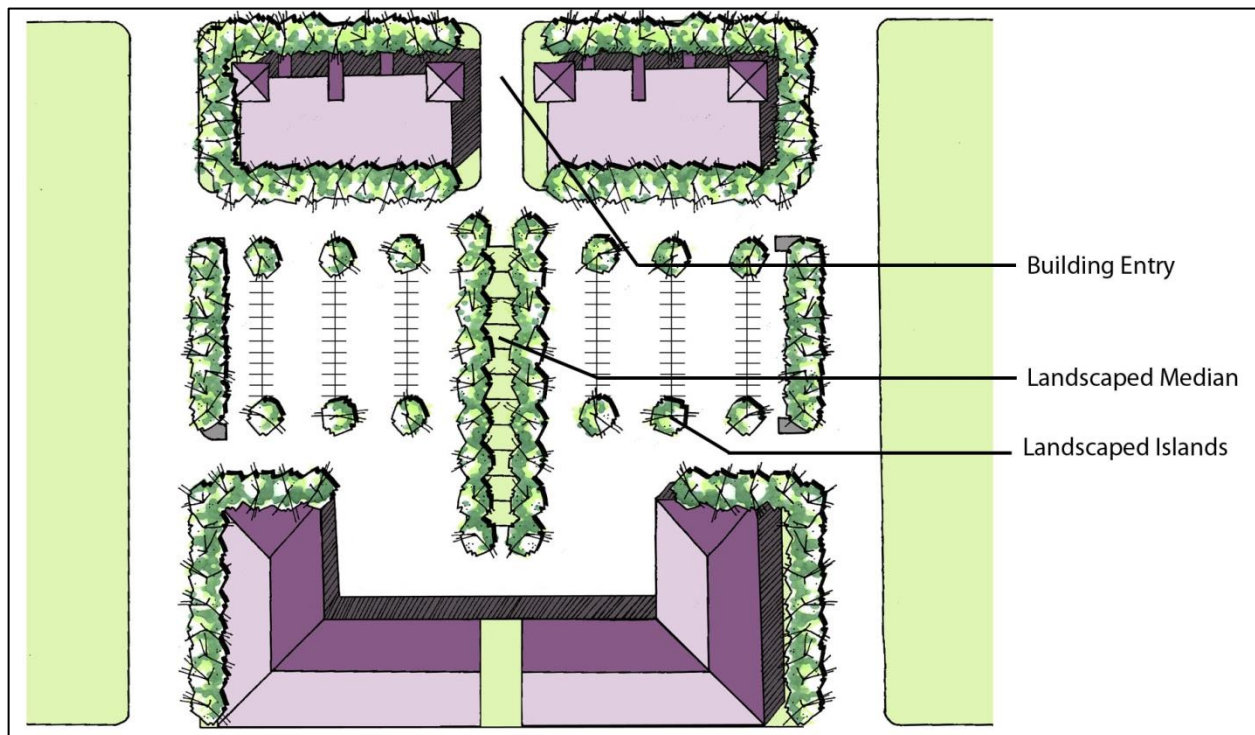


Figure 2.05.04.6: Drive Lanes Defining Streetscape Experience

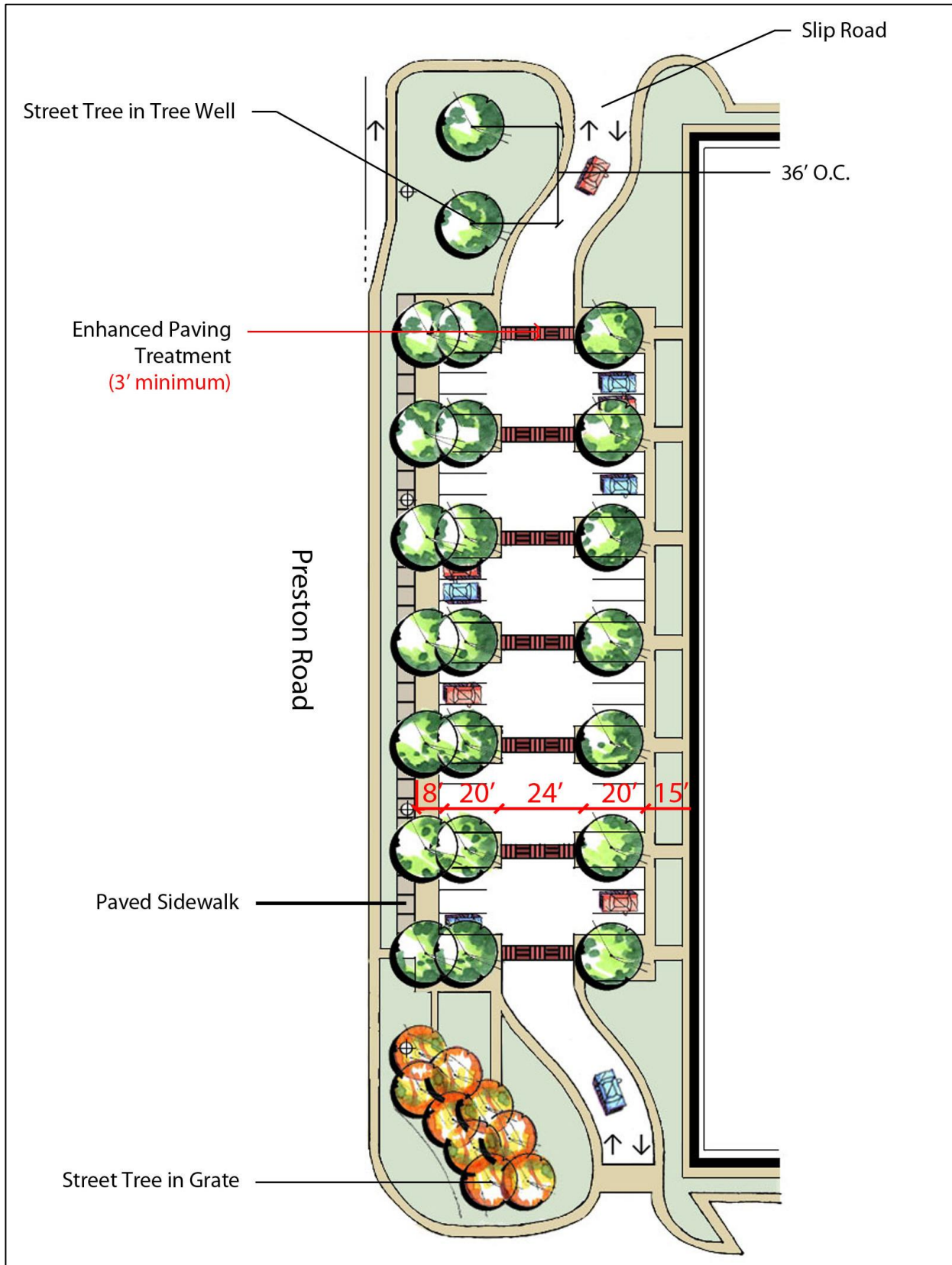
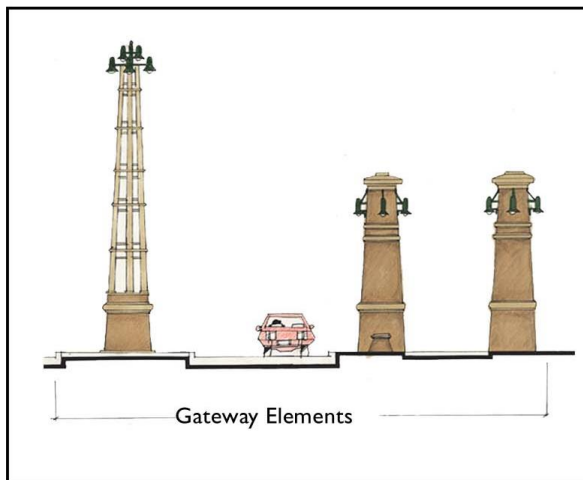
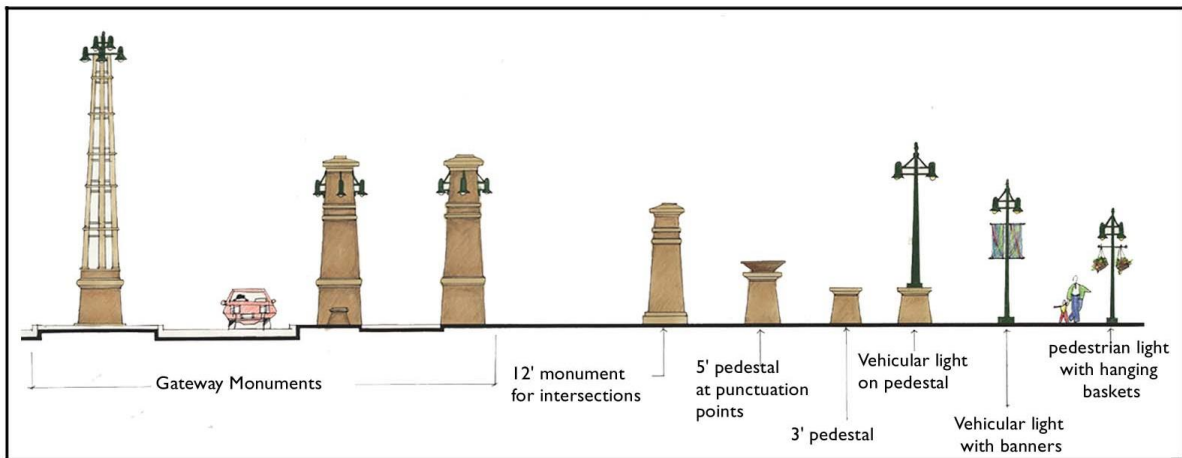
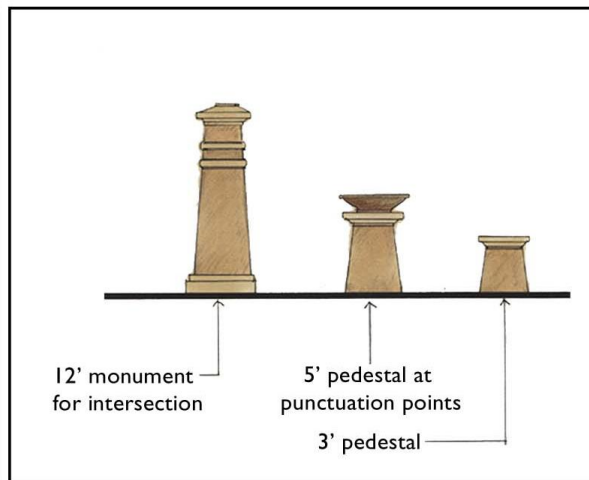


Figure 2.05.04.7: Slip Road Dimensions



Gateway Monuments



Entrance Monuments

Figure 2.05.04.8: Monuments

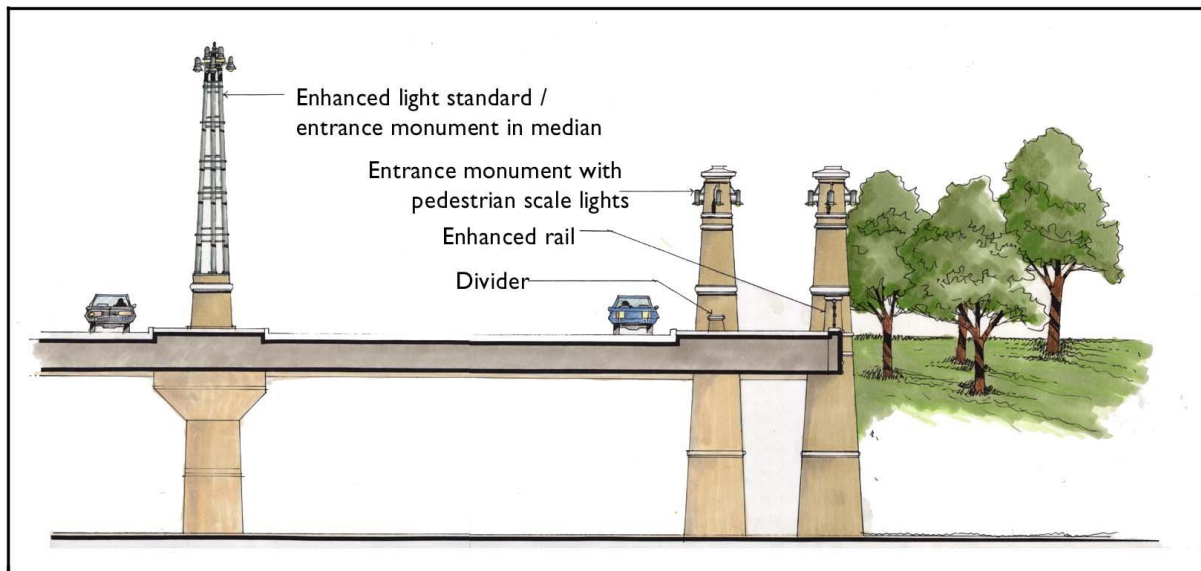
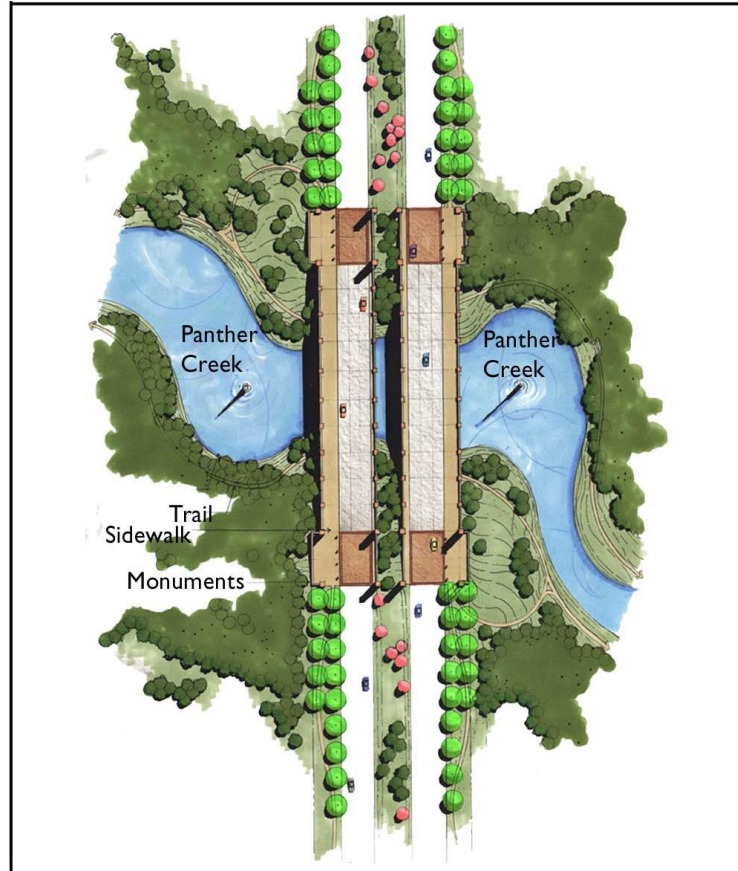


Figure 2.05.04.9: Prototypical Overpass / Bridge Plan and Section

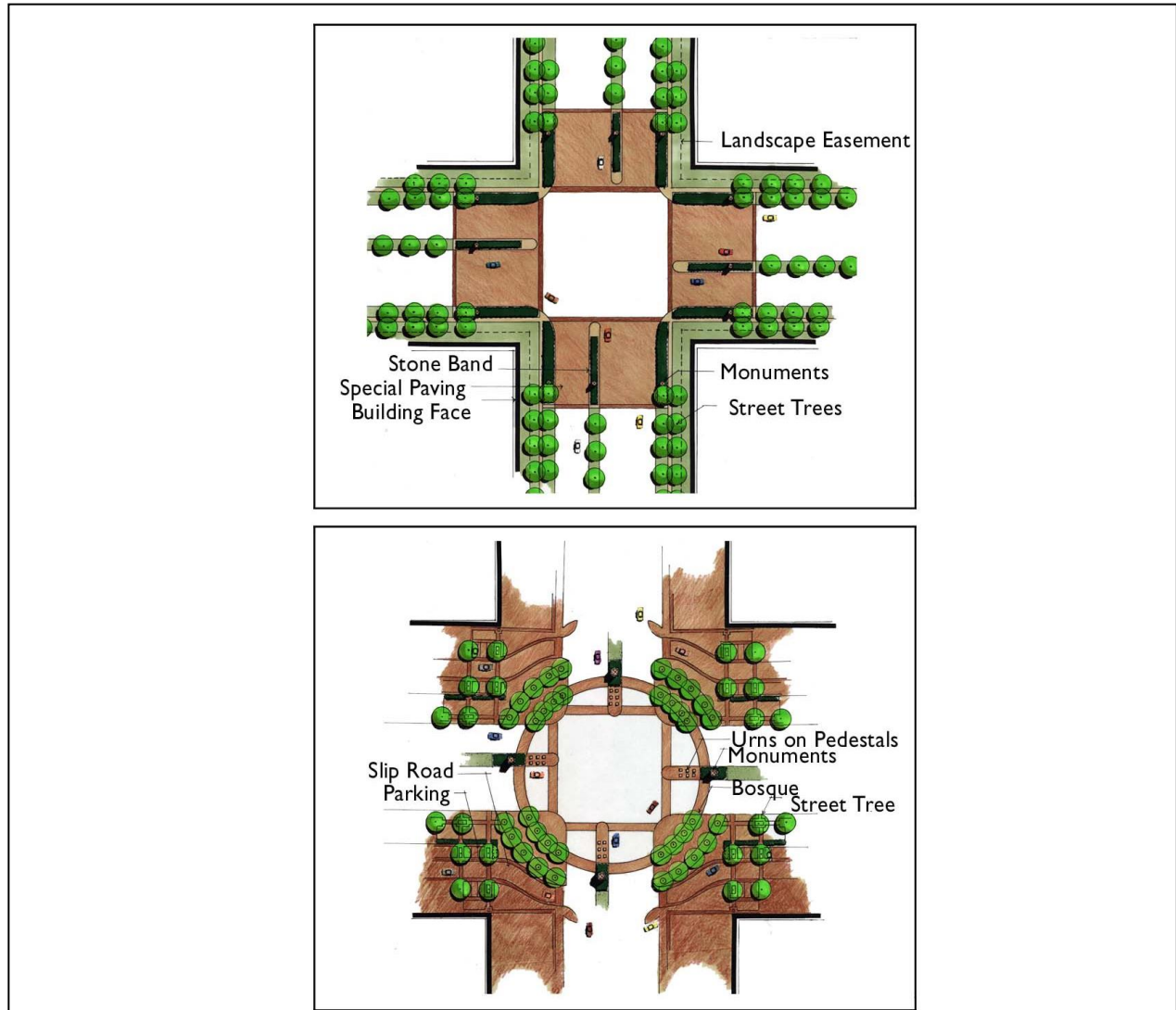


Figure 2.05.04.11: Design Standards – Urbanized Intersections

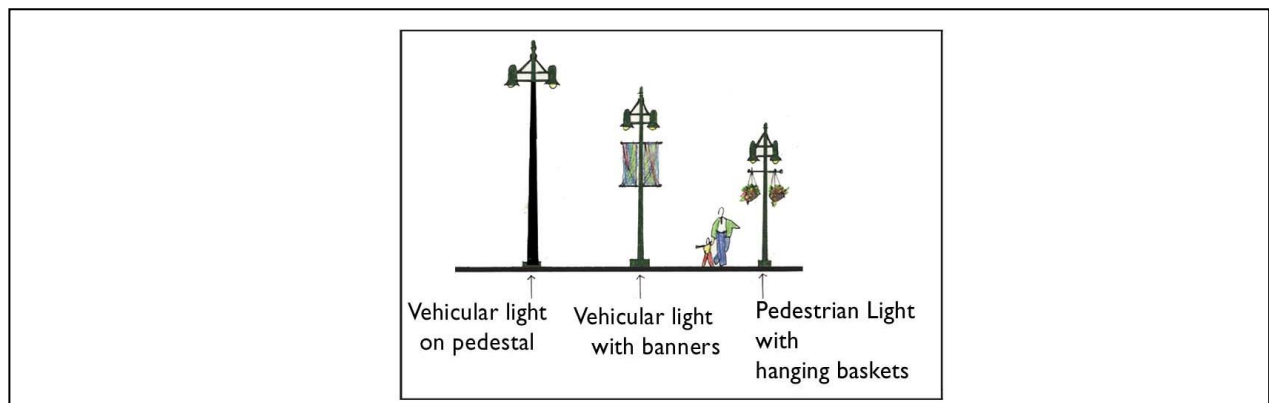


Figure 2.05.04.10: Enhanced Lighting Standards

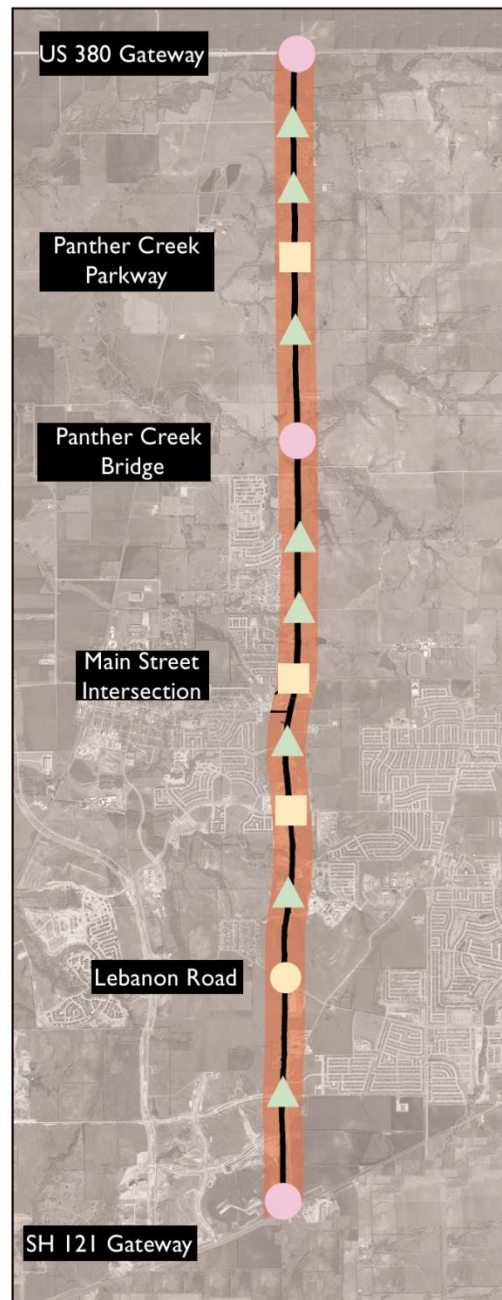
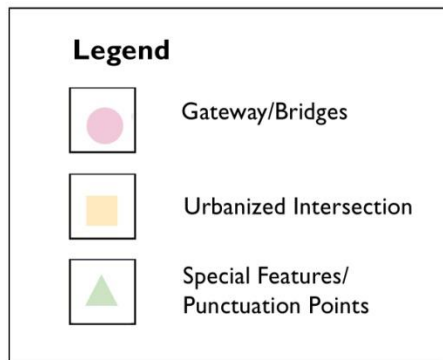


Figure 2.05.04.12: Gateway and Punctuation Points

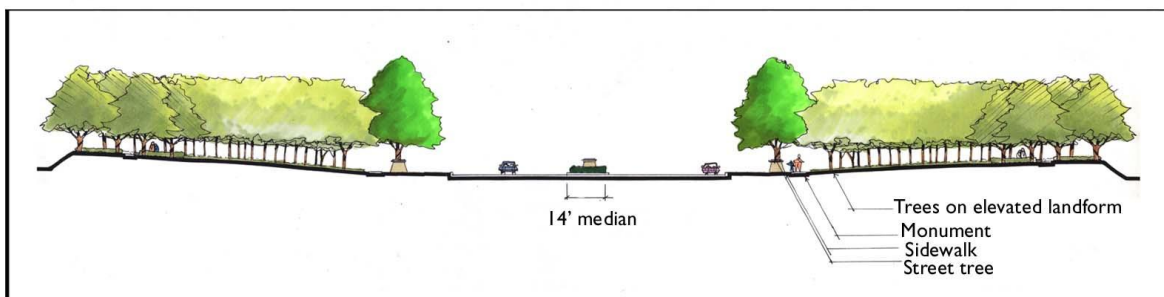
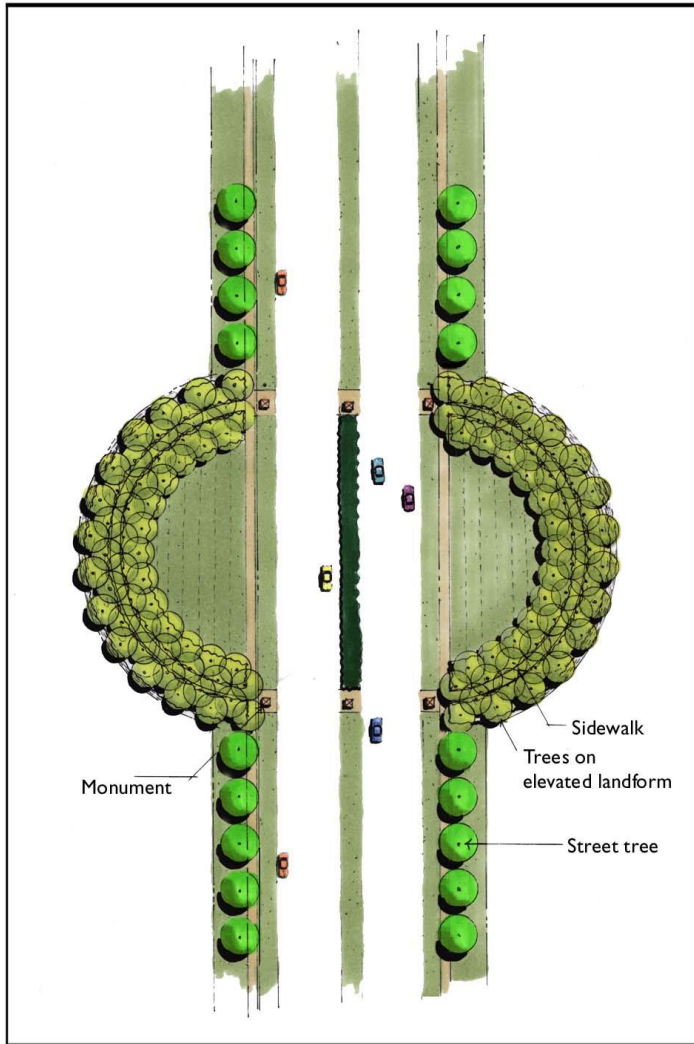


Figure 2.05.04.13: Punctuation Points – Circle Grove

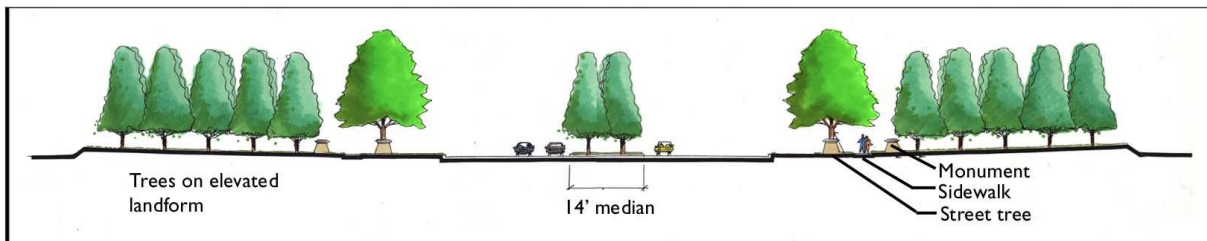
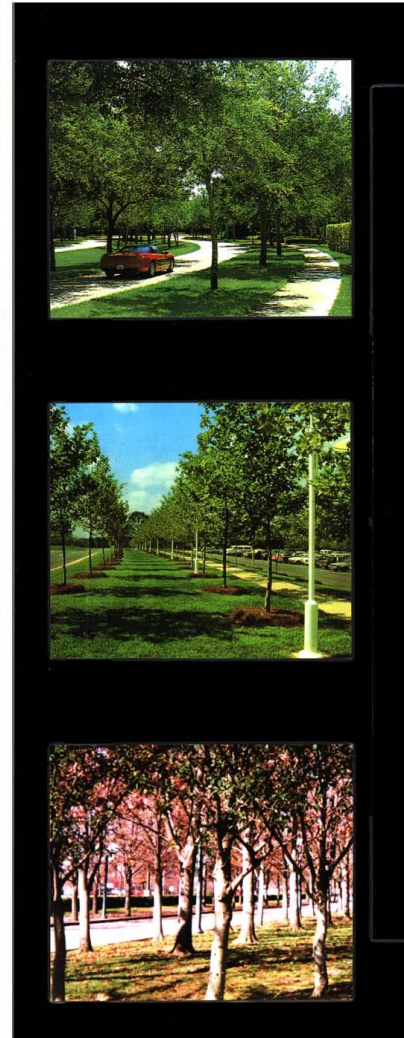
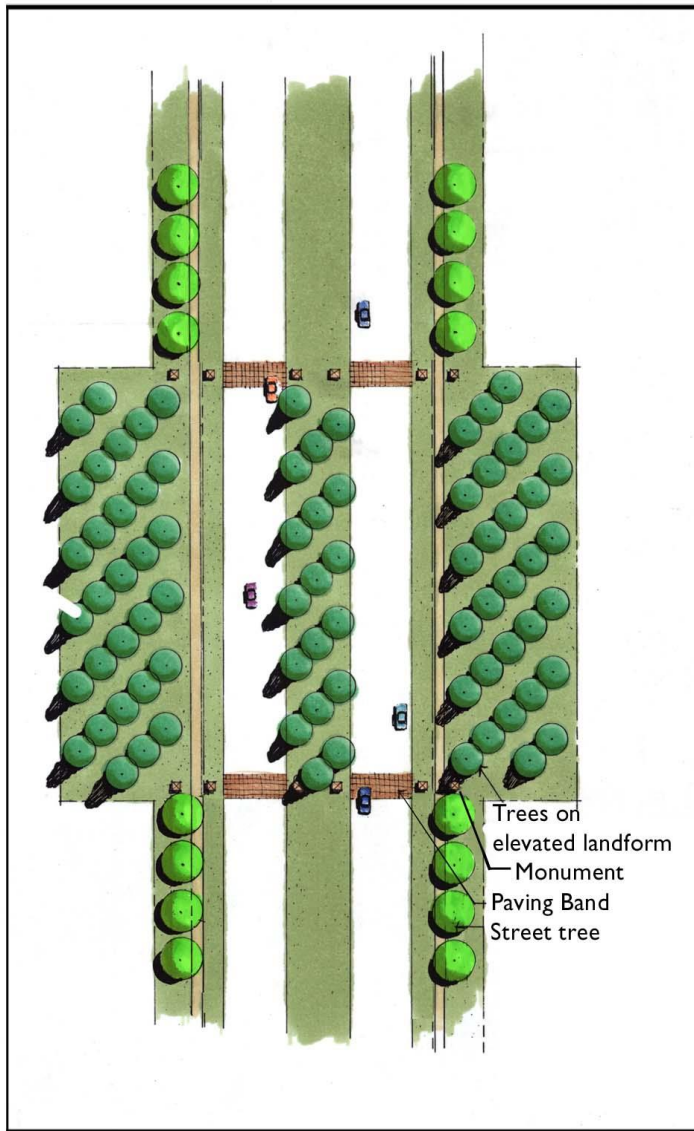


Figure 2.05.04.14: Punctuation Points – Tree Field

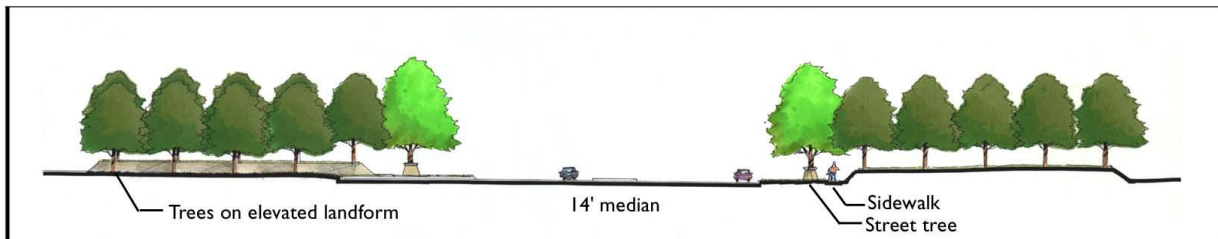
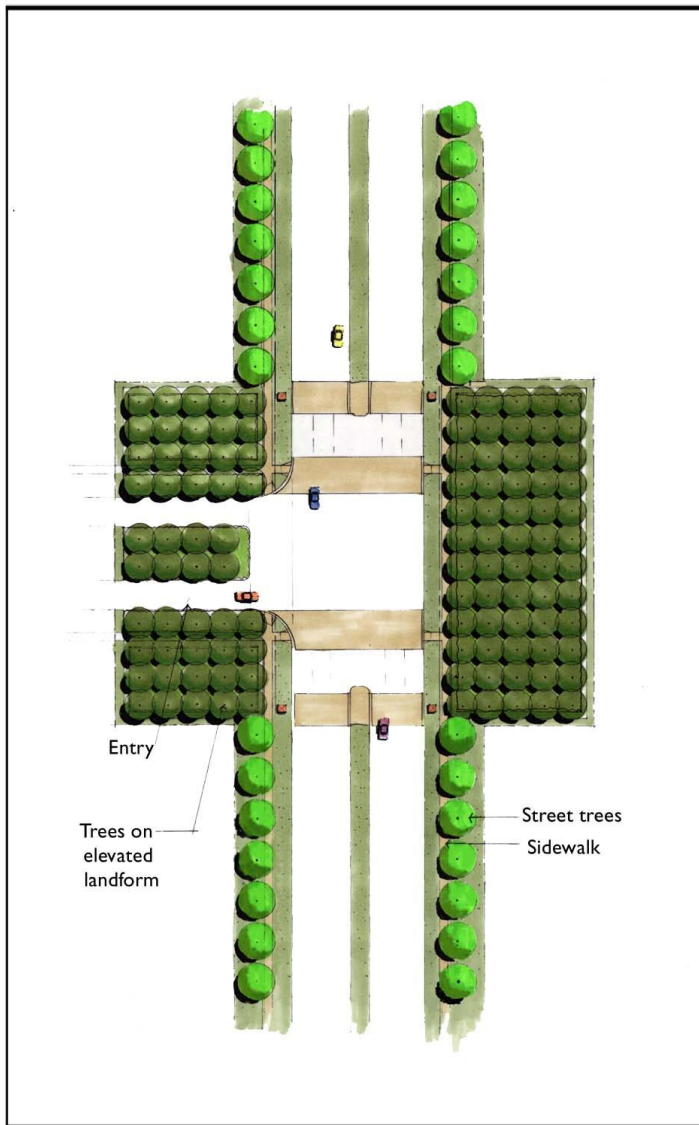


Figure 2.05.04.15: Punctuation Points – Pecan Grove

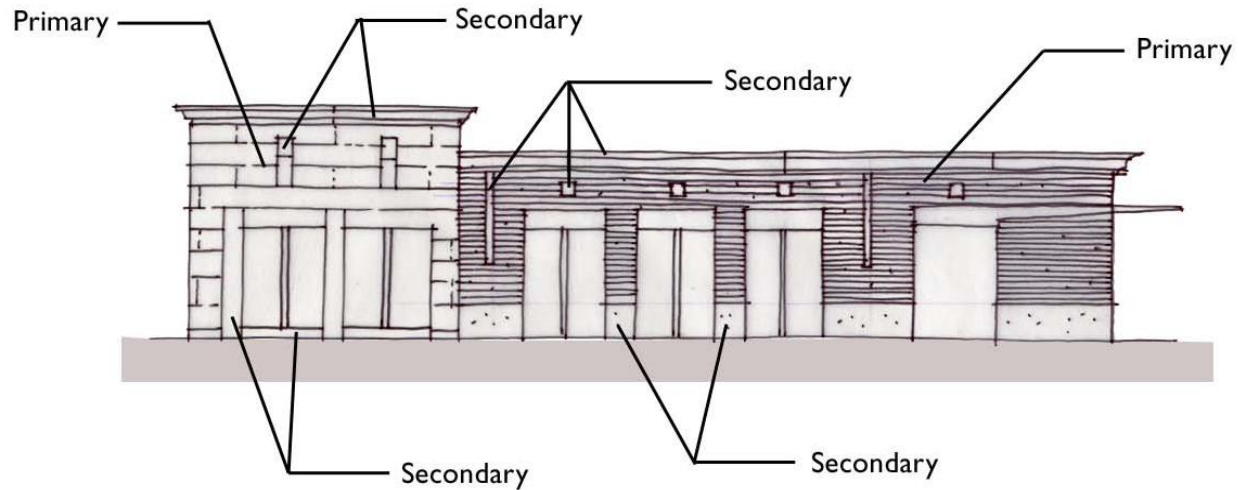


Figure 2.05.04.16: Primary/Secondary Exterior Cladding Materials

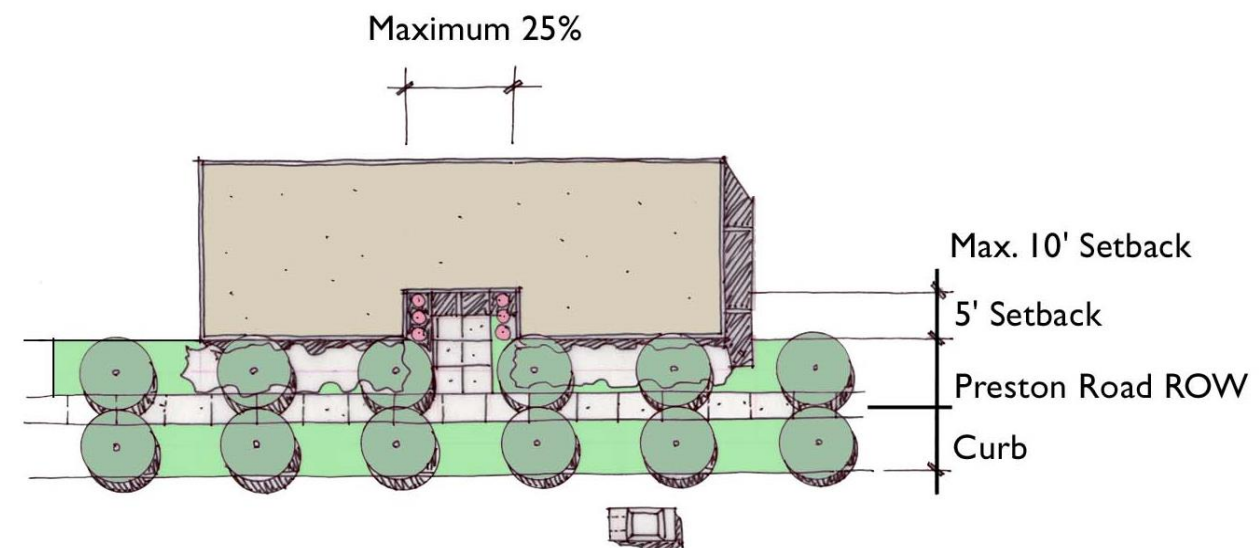


Figure 2.05.04.17: Setback for Nonresidential Uses to Streets that Connect with Preston Road

2.05.05. TO – Tollway Overlay Design District

(Ord. No. 17-08-56; 08/15/17)

(A) General Purpose and Description

The Dallas North Tollway is a primary thoroughfare within the City. The TO – Tollway Overlay Design District establishes design and development standards for properties within the Tollway corridor regarding land uses, building orientation, site amenities, access, site and building architectural design, building materials, landscaping, lighting, and signage. The TO – Tollway Overlay Design District is intended to substantially advance a legitimate governmental interest that includes enhancing the quality of life in Frisco, to regulate the character of growth along the Tollway corridor, and to create a unique Tollway corridor.

(B) Boundary and Applicability

(1) Geographic Boundary

The TO – Tollway Overlay Design District is defined as the land included within seven hundred fifty (750) feet of the Right-of-Way Line on either side of the Tollway. See [Figure 2.05.05.1](#) (Page 81) for a comprehensive view of the District.

(2) Certain Standards Apply Beyond Geographic Boundary

For properties extending beyond the seven hundred fifty (750) foot boundary, the overlay architectural elements, building materials, and landscaping requirements shall be incorporated unless otherwise approved by the Director.

(3) Land Uses Regulations Apply Only within Geographic Boundary

Land use requirements shall not apply to that portion of the properties beyond the seven hundred fifty (750) foot boundary.

(C) Tollway Overlay Sub-Districts Established

The TO – Tollway Overlay Design District is divided into four sub-districts. The sub-districts and their boundaries are the following.

(1) “U.S. 380 Gateway”

The boundary of the U.S. 380 Gateway sub-district extends from U.S. Highway 380 to C.R. 26 (future Virginia Parkway).

(2) “Typical”

The boundaries of the Typical Corridor sub-districts extend from C.R. 26 to Cottonwood Creek and from Stewart Creek to Gaylord Parkway.

(3) “Historic”

The boundary of the Historic Gateway sub-district extends from Cottonwood Creek to Stewart Creek.

(4) “S.H. 121 Gateway”

The boundary for the S.H. 121 Gateway sub-district extends from Gaylord Parkway to S.H. 121.

(D) Tollway Overlay Design District Boundary Map

(1) See boundary map on next page.

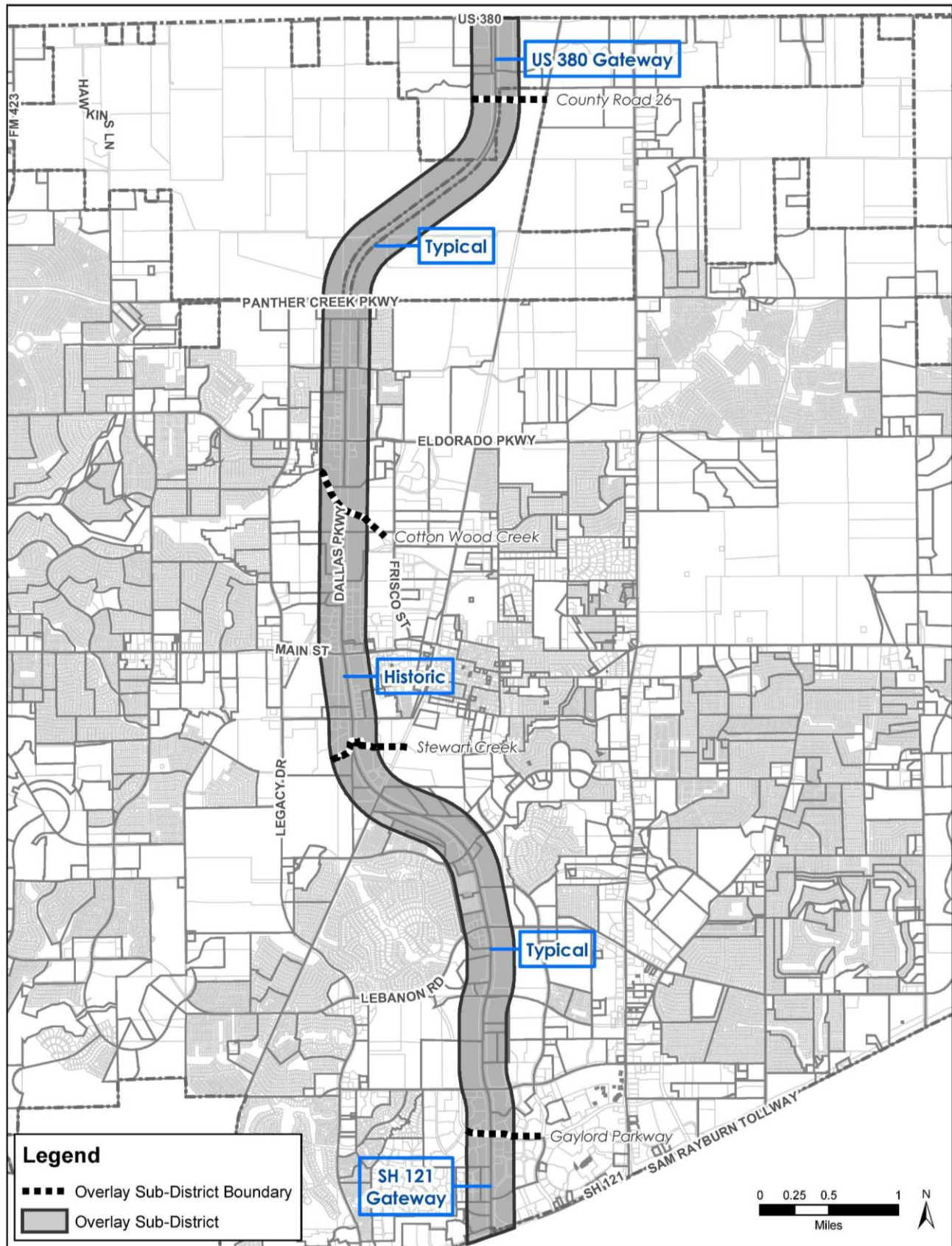


Figure 2.05.05.1: Tollway Overlay Design District Map

(E) Tollway Overlay Sub-district Compliance**(1) Compliance Sections**

Each sub-district shall comply with the general requirements listed in [2.05.05. \(F\) General Requirements of the Tollway Overlay Design District](#) (Page 82) and the sub-district requirements listed in [2.05.05. \(G\) Tollway Overlay Sub-District Requirements](#) (Page 83).

(2) Conflicts between Zoning Districts

Where TO – Tollway Overlay Design District requirements conflict with base zoning requirements, excluding requirements contained within a [PD – Planned Development District](#), the TO – Tollway Overlay Design District shall apply. Otherwise, the TO – Tollway Overlay Design District shall not affect the base zoning of a property.

(F) General Requirements of the Tollway Overlay Design District**(1) Permitted Uses**

- a. The base zoning district of a property determines the permitted land uses in the TO – Tollway Overlay Design District.
- b. Permitted land uses are outlined in [Subsection 3.02 Use Chart](#) (Page 89).

(2) Tollway Overlay Exterior Appearance of Buildings/Structures

- a. A Façade Plan shall be submitted for the following requirements according to [Subsection 6.16 Façade Plan Review](#) (Page 287).
- b. Windows shall conform to the following criteria
 1. Pink or gold glass is not permitted.
- c. Primary exterior materials shall conform to the requirements found in [4.07.09. Exterior Construction of Main Buildings](#) (Page 188). In addition to these requirements, the following criteria shall apply.
 1. The use of Exterior Insulated Finishing System (EIFS) is not permitted below nine (9) feet above finished grade. The use of EIFS above nine (9) feet is limited to high impact EIFS.
 2. In the Historic Sub-District, one hundred (100) percent of the first floor façade shall consist of clay-fired brick.
 3. Secondary materials used on the façade of a building are those that comprise less than ten (10) of an elevation area. Permitted secondary materials are all primary materials, aluminum or other metal, or other materials as approved by the Director.
 4. Structured parking garages must be finished on all four sides in the same materials as the main building, or another material as approved by the Director.
- d. All retail/commercial buildings shall comply with [Subsection 4.09 Nonresidential Design Standards](#) (Page 202).
- e. Corporate identities that conflict with the building design criteria shall be reviewed on a case by case basis and approved by the Director.

(3) Tollway Overlay Enhanced Light Standards

- a. All vehicular-scale and pedestrian-scale light standards within the Tollway Overlay Design District requiring a pole shall use a decorative pole as approved by the City. The Tollway Overlay Design District is designated as a “design district” pursuant to Section 284.002(5) and Section 284.105 of the Texas Local Government Code, as it exists or may be amended.

(G) Tollway Overlay Sub-District Requirements**(1) U.S. 380 Gateway****a. Setbacks**

1. The minimum front yard is fifty (50) feet and shall include a thirty (30) foot landscape buffer.
2. No parking or drive aisles may occur in the landscape buffer.
3. The minimum front yard for buildings of six (6) or more stories may be reduced to twenty-five (25) feet with a twenty-five (25) foot landscape buffer.

(2) S.H. 121 Gateway**a. Setbacks**

1. The minimum front yard is fifty (50) feet and shall include a thirty (30) foot landscape buffer.
2. No parking or drive aisles may occur in the landscape buffer.
3. The minimum front yard for buildings of six (6) or more stories may be reduced to twenty-five (25) feet with a twenty-five (25) foot landscape buffer.

(3) Historic Sub-District**a. Setbacks**

Setbacks in the Historic sub-district shall meet the requirements of the OTC – Original Town Commercial District (see [2.04.04. \(C\) Regulations](#) (Page [43](#))).

(4) Typical Sub-District**a. Setbacks**

The minimum front yard is fifty (50) feet and shall include a thirty (30) foot landscape buffer. No parking or drive aisles may occur in the landscape buffer.

Subsection 2.06. Development Standards Tables

2.06.01. Purpose

The purpose of this section is to establish common area regulations and standards for each zoning district. This section provides one location within this Ordinance where the common area regulations and standards can be found. The common area regulations and standards are divided into two sections, the residential section, [2.06.04. Residential Districts Development Standards](#) (Page [85](#)), and nonresidential section, [2.06.05. Nonresidential Districts Development Standards](#) (Page [86](#)).

2.06.02. Establishment of Area Regulations and Standards

The area regulations and standards for each zoning districts are established within [2.06.04. Residential Districts Development Standards](#) (Page [85](#)) and [2.06.05. Nonresidential Districts Development Standards](#) (Page [86](#)).

2.06.03. Additional Area Regulations and Standards

Additional area regulations and standards may apply to specific zoning districts and may be found within the other sections of this Ordinance.

2.06.04. Residential Districts Development Standards

Residential Districts Development Standards Chart																	
Development Standards	AG – Agricultural District	RE – Residential Estate District	SF-16 – Single Family Residential-16 District	SF-12.5 – Single Family Residential-12.5 District	SF-10 – Single Family Residential-10 District	SF-8.5 – Single Family Residential-8.5 District	SF-7 – Single Family Residential-7 District	OTR – Original Town Residential District		PH – Patio Home District		2F – Two Family Residential (Duplex) District	TH – Townhome District	MF-15 – Multifamily-15 District	MF-19 – Multifamily-19 District	MH – Manufactured Home District	
								North of Main	South of Elm	Zero Side Option	Center Option					MH Park	MH Subdivision
Minimum Front Yard Setback	40'	40'	40'	30'	30'	25'	25'	20' + 5' Utility Easement Adjacent to ROW		See 2.03.09 (C)(3) (Page 32)		25'	See 2.03.11. (B)(1) (Page 36)	See 4.12.01. (A) (Page 216)	See 4.12.01. (A) (Page 216)	30' from a dedicated street/ 15' from a private street	
Minimum Side yard Setback	20'/ 25' on corner lots	15'/ 25' on corner lots	15'/ 20' on corner lots	15'/ 20' on corner lots	10'/ 15' on corner lots	7'/ 15' on corner lots	7'/ 15' on corner lots	6'/ 12' on corner lots		0' on one side and 10' on other side/ 15' on corner lots	7' on both sides/ 15' on corner lots	8'/ 15' on corner lots	See 2.03.11. (B)(1) (Page 36)	See 4.12.01. (B) (Page 216)	See 4.12.01. (B) (Page 216)	5'/ 20' between units/ 25' from zoning district line	
Minimum Rear Yard Setback	30'	30'	30'	30'	30'	30'	30'	8'/ 20' for garage facing alley		See 2.03.09 (C)(4) (Page 32)		30'	See 2.03.11. (B)(1) (Page 36)	See 4.12.01. (C) (Page 217)	See 4.12.01. (C) (Page 217)	5'/ 20' between units/ 25' from zoning district line	
Minimum Lot Area	2 Acres	1 Acre	16,000 SF	12,500 SF	10,000 SF	8,500 SF	7,000 SF	4,500 SF	2,250 SF	5,000 SF	6,000 SF	8,000 SF per duplex or 4,000 SF per Dwelling Unit	2,500 SF	See 4.12.01. (D) (Page 217)	See 4.12.01. (D) (Page 217)	2,500 SF	4,500 SF
Minimum Lot Width	150'	150'	90'	90'	80'	70'	60'	50'	25'	50'	55'	76' per duplex or 38' per Dwelling Unit	25'	80'	80'	40'	
Minimum Lot Depth	250'	200'	140'	120'	100'	100'	100'	90'		90'		100'	100'	120'	120'	N/A	100'
Minimum Dwelling Area	800 SF	800 SF	800 SF	800 SF	800 SF	800 SF	800 SF	800 SF	650 SF	800 SF		800 SF	800 SF	See 4.12.01. (E) (Page 217)	See 4.12.01. (E) (Page 217)	650 SF	
Maximum Height Feet/ Stories	40'/ 2.5	40'/ 2.5	40'/ 2.5	40'/ 2.5	40'/ 2.5	40'/ 2.5	40'/ 2.5	40'/ 2.5		40'/ 2.5		40'/ 2.5	40'/ 2	50'	50'	20'	
Maximum Lot Coverage (All Buildings)	N/A	20%	30%	40%	45%	45%	45%	55%		55%		50%	65%	50%	50%	N/A	

- (A) See [Subsection 6.18 Alternative Compliance Standards](#) (Page 293) for alternative setbacks and heights.
- (B) The minimum front yard setback shall be reduced five (5) feet when street trees are provided, see [4.07.02. \(J\) Front Yard Setback Reduction for Specific Thoroughfares](#) (Page 184).

2.06.05. Nonresidential Districts Development Standards

Nonresidential Districts Development Standards Chart																			
Development Standards	O-1 – Office-1 District			O-2 – Office-2 District	R – Retail District			OTC – Original Town Commercial District	H – Highway District			C-1 – Commercial-1 District			C-2 – Commercial-2 District			IT – Information and Technology District	I – Industrial District
	Adjacent to RE through PH Districts	Adjacent to Other Districts	Adjacent to Dedicated Street		Adjacent to RE-PH	Adjacent to Other Districts	Adjacent to Dedicated Street		Adjacent to RE-PH	Adjacent to Other Districts	Adjacent to Dedicated Street	Adjacent to RE-PH	Adjacent to Other Districts	Adjacent to Dedicated Street	Adjacent to RE-PH	Adjacent to Other Districts	Adjacent to Dedicated Street		
Minimum Front Yard	25'			50'/ See 2.04.02. (C)(1) Minimum Front Yard (Page 41)	30'			See 2.04.04. (Page 43)	50'			30'			30'			50'/ See 2.04.08. (Page 51)	25'
Minimum Side Yard	1 story = 25'	1 story = 20'	1 story = 25'	See 2.04.02. (C)(2) Minimum Side Yard (Page 41)	1 story = 25'	1 story = 20'	1 story = 25'	See 2.04.04. (Page 43)	1 story = 25'	1 story = 20'	1 story = 30'	1 story = 25'	1 story = 20'	1 story = 30'	1 story = 25'	1 story = 20'	1 story = 30'	15'/ See 2.04.08. (Page 51)	15'/ 25' corner lots
	2 story = 60'	2 story = 20'	2 story = 25'		2 story = 60'	2 story = 20'	2 story = 25'		2 story = 60'	2 story = 20'	2 story = 30'	2 story = 60'	2 story = 20'	2 story = 30'	2 story = 60'	2 story = 20'	2 story = 30'		
									3 story = 60'	3 story = 20'	3 story = 30'								
Minimum Rear Yard	1 story = 30'	1 story = 30'	1 story = 25'	See 2.04.02. (C)(3) Minimum Rear Yard (Page 41)	1 story = 30'	1 story = 30'	1 story = 25'	See 2.04.04. (Page 43)	1 story = 25'	1 story = 30'	1 story = 30'	1 story = 30'	1 story = 30'	1 story = 25'	1 story = 30'	1 story = 30'	1 story = 25'	30'/ See 2.04.08. (Page 51)	30'
	2 story = 60'	2 story = 30'	2 story = 25'		2 story = 60'	2 story = 30'	2 story = 25'		2 story = 60'	2 story = 30'	2 story = 30'	2 story = 60'	2 story = 60'	2 story = 25'	2 story = 60'	2 story = 60'	2 story = 25'		
									3 story = 85'	3 story = 30'	3 story = 30'								
Minimum Lot Area	10,000 SF			12,500 SF	10,000 SF			2.04.04. (Page 43)	12,500 SF			8,000 SF			5,000 SF			None	43,560 SF
Minimum Lot Width	60'			100'	100'			2.04.04. (Page 43)	125'			100'			100'			None	200'
Minimum Lot Depth	N/A			125'	140'			2.04.04. (Page 43)	125'			100'			100'			None	200'
Maximum Height	1 story no greater than 30'; 2 story no greater than 40' within 60' from a property zoned or developed as single family or two family			None	40'			See 2.04.04. (Page 43)	None, unless single family or two family zoning districts or developments are within 200' of the property line, in which a 40' height maximum shall apply.			40'			40'			175'	None
Maximum Lot Coverage	25%			50%, max. 30% for accessory structures	40%			None	50%			50%			60%			55%/70% if parking garages are constructed	80%
Maximum FAR	0.5:1			1:1	0.5:1			None	4:1			0.5:1			0.6:1			1:1	None

(A) See [Subsection 6.18 Alternative Compliance Standards](#) (Page 293) for alternative setbacks.

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](#) (Page 89) and in accordance with [Subsection 1.05 Compliance Required / Interpretation / Rules of Construction](#) (Page 18) 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.

The use of land or buildings shall be in accordance with those listed in the following Use Chart. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located. *(Amended by Ordinances 11-08-27, 11-08-29, 12-12-81, 13-06-36, 14-10-64, 16-01-05, 18-09-48, 19-05-40, 2020-04-24 , 2020-11-72, 2021-04-32)*

Section 3: Land Uses



Page | 89

USE CHART																																		
Base Zoning District Legend		Residential													Nonresidential										Special							Parking Requirement Based on Use		
P	Indicates Permitted Use	AG – Agricultural District	RE – Residential Estate District	SF-16 – Single Family Residential-16 District	SF-12.5 – Single Family Residential-12.5 District	SF-10 – Single Family Residential-10 District	SF-8.5 – Single Family Residential-8.5 District	SF-7 – Single Family Residential-7 District	OTR – Original Town Residential District	PH – Patio Home District	2F – Two Family Residential (Duplex) District	TH – Townhome District	MF-15 – Multifamily-15 District	MF-19 – Multifamily-19 District	MH – Manufactured Home District	O-1 – Office-1 District	O-2 – Office-2 District	R – Retail District	OTC – Original Town Commercial District	H – Highway District	C-1 – Commercial-1 District	C-2 – Commercial-2 District	IT – Information and Technology District	I – Industrial District	PD – Planned Development District	SUP or “ S” – Specific Use Permits	HL – Historic Landmark District	PRO – Preston Road Overlay District					TO – Tollway Overlay District	
	Indicates Prohibited Use																											US 380 Gateway	Rural Corridor	Main Street	Retail Corridor			S.H. 121 Gateway
S	Indicates Specific Use Permit Required																																	
#	Indicates Conditional Use (See Section 3.02.01.)																																	
Special Zoning District Legend																																		
	Indicates Use subject to Base Zoning District																																	
X	Indicates Prohibited Use in Overlay District																																	
	Indicates Regulation by District (See Individual Section)																																	
USE TYPE																																		
Athletic Stadium or Field, Public		P	P	P	P	P	P	P		P	P	P	P	P	P	P	P		P	P	P	P	P								(2)			
Auto Parts Sales, Outside																							P				X	X	X	X	X	(52)		
Automobile Paid Parking Lot/Garage															P	P	P	P	P	P	P	P	P								(52)			
Automobile Parking Lot/Garage															P	P	P	P	P	P	P	P	P								(52)			
Automobile Repair, Major																				S	S	P		P			X	X	X		X	(36)		
Automobile Repair, Minor																	P			P	P	P		P			X		X		X	(36)		
Automobile Sales, Used																				S		S		S			X	X	X		X	(36)		
Automobile Sales/Leasing, New																				S	S	S		P			X	X	X		X	(36)		
Automobile Storage																						P	P				X	X	X	X	X	(36)		
Bank, Savings and Loan, or Credit Union															P	P	P	P	P	P	P	P	P									(3)		
Beauty Salon/Barber Shop																P	P	P	P	P	P	P										(45)		
Bed and Breakfast Inn		S	S	S	S	S	S	S	S								P	P		P												(4)		
Big Box Retail Development																		(8)	(8)	(8)	(8)	(8)										(45)		
Boarding or Rooming House																P			P	P	P	P	P									(5)		
Body Art Studio																								(9)								(45)		
Brewery (Ord. No. 2020-04-24; 4/21/20)																			(10)	(10)			P									(7)		
Brewpub (Ord. No. 18-09-48; 09/18/18)															(11)	(11)	(11)	(11)	(11)	(11)	(11)	(11)	(11)								(7)			
Building Material and Hardware Sales, Major																	S		S	S	P		P			X	X	X	X	X	X	(45)		
Building Material and Hardware Sales, Minor																	P	P	P	P	P		P							X		(45)		
Bus Terminal																			(12)	(12)	(12)	(12)		(12)			X	X	X	X	X		(52)	
Business Service															P	P	P		P	P	P	P	P									(52)		
Cabinet/Upholstery Shop																			P	P	P	P		P								(45)		
Campground or Recreational Vehicle Park		S												S																		(52)		
Car Wash, Full Service																	(13)	(13)	P	P	P	(13)	P							X		(8)		
Car Wash, Self Service																					S		P			X	X	X	X	X	X	(9)		
Cemetery or Mausoleum		S	S	S	S	S	S	S		S	S	S	S	S	S	S	S		S	S	S											(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)									(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		

USE CHART																																		
Base Zoning District Legend		Residential													Nonresidential									Special							Parking Requirement Based on Use			
P	Indicates Permitted Use	AG – Agricultural District	RE – Residential Estate District	SF-16 – Single Family Residential-16 District	SF-12.5 – Single Family Residential-12.5 District	SF-10 – Single Family Residential-10 District	SF-8.5 – Single Family Residential-8.5 District	SF-7 – Single Family Residential-7 District	OTR – Original Town Residential District	PH – Patio Home District	2F – Two Family Residential (Duplex) District	TH – Townhome District	MF-15 – Multifamily-15 District	MF-19 – Multifamily-19 District	MH – Manufactured Home District	O-1 – Office-1 District	O-2 – Office-2 District	R – Retail District	OTC – Original Town Commercial District	H – Highway District	C-1 – Commercial-1 District	C-2 – Commercial-2 District	IT – Information and Technology District	I – Industrial District	PD – Planned Development District	SUP or “ S” – Specific Use Permits	HL – Historic Landmark District	PRO – Preston Road Overlay District					TO – Tollway Overlay District	
	Indicates Prohibited Use																																	
S	Indicates Specific Use Permit Required																																	
#	Indicates Conditional Use (See Section 3.02.01.)																																	
Special Zoning District Legend																																		
	Indicates Use subject to Base Zoning District																																	
X	Indicates Prohibited Use in Overlay District																																	
	Indicates Regulation by District (See Individual Section)																																	
USE TYPE																																		
Church, Temple, Synagogue, Mosque, or Other Place of Worship		S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	S	P	P	P	P	P								(11)		
Civic/Convention Center																P	P	P	P	P	P	P	P	P								(13)		
College, University, Trade, or Private Boarding School																	P	P	S	P	P	P	P	P								(12) (23)		
Commercial Amusement, Indoor																	P	P	P	P	P	P		P								(14)		
Commercial Amusement, Outdoor																	S	S	S	S	S	S	S	S				X	X	X	X	X	(15)	
Community Center												S	S	S	P	P	P	S	P	P	P	P	P	P								(13)		
Concrete/Asphalt Batching Plant, Permanent																								S			X	X	X	X	X	X	(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)	(16)									(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	P								(51)		
Contractor’s Shop and/or Storage Yard																					P		P				X	X	X	X	X		(51)	
Convenience Store with Gas Pumps (Ord. 11-08-27; 8/01/11)																		(17)	(17)	(17)	(17)	(17)	(17)	(17)			X		X		X	(17)	(16) (24)	
Convenience Store without Gas Pumps																		P	P	P	P	P	P	P								(45)		
Data Center (Ord. 14-10-64;10/21/2014)																				S	S	S		P									(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										(52)	
Distillery (Ord. No. 2020-04-24; 4/21/20)																			(18)	(18)				P										
Donation Box (Ord. No.19-05-40; 05/21/19)																		(19)			(19)	(19)											None	
Dry Cleaning, Major																						P		P			X	X	X	X	X		(45)	
Dry Cleaning, Minor																P	P	P	P	P	P	P		P									(45)	
Electrical Power Generating Plant																								S									(52)	
Equipment and Machinery Sales and Rental, Major																				S		S		P			X	X	X	X	X	X	(45)	
Equipment and Machinery Sales and Rental, Minor																		P	(20)	P	P	P		P									(45)	
Fairgrounds/Exhibition Area																				S	S	S		S									(17)	
Farm, Ranch, Stable, Garden, or Orchard		P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P		P	P	P	P	P									(52)	
Farmer's Market																		P	P	P	P	P											(45)	
Feed Store																		P	P	P	P	P		P									(45)	
Flea Market, Inside																				P		P					X	X	X	X	X	X	(21)	
Flea Market, Outside																						S					X	X	X	X	X	X	(21)	
Food Truck Court (Ord. No. 2021-04-32; 4/20/21)																(21)	(21)	(21)	(21)	(21)	(21)	(21)	(21)	(21)								(22)		
Food Truck Temporary Site (Ord. No. 2021-04-32; 4/20/21)																(21)	(21)	(21)	(21)	(21)	(21)	(21)	(21)	(21)								None		
Fortune Teller/Psychic																							P										(45)	

USE CHART																																		
Base Zoning District Legend		Residential														Nonresidential								Special							Parking Requirement Based on Use			
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S	Indicates Specific Use Permit Required <th rowspan="3">US 380 Gateway</th> <th rowspan="3">Rural Corridor</th> <th rowspan="3">Main Street</th> <th rowspan="3">Retail Corridor</th> <th rowspan="3">S.H. 121 Gateway</th>																											US 380 Gateway	Rural Corridor	Main Street		Retail Corridor		S.H. 121 Gateway
#	Indicates Conditional Use (See Section 3.02.01.)																																	
Special Zoning District Legend																																		
	Indicates Use subject to Base Zoning District	USE TYPE																																
X	Indicates Prohibited Use in Overlay District																																	
	Indicates Regulation by District (See Individual Section)																																	

USE CHART																																		
Base Zoning District Legend		Residential													Nonresidential										Special							Parking Requirement Based on Use		
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	Indicates Prohibited Use																											US 380 Gateway	Rural Corridor	Main Street	Retail Corridor			S.H. 121 Gateway
S	Indicates Specific Use Permit Required																																	
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Special Zoning District Legend																																		
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X	Indicates Prohibited Use in Overlay District																																	
	Indicates Regulation by District (See Individual Section)																																	
USE TYPE																																		
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									(52)		
Museum/Art Gallery															P	P	P	P	P	P	P	P	P									(13)		
Nursery, Major		(30)																	P	P	P		P			X	X	X	(30)	X		(38)		
Nursery, Minor																	P		P	P	P		P									(38)		
Nursing/Convalescent Home													S	S		S	S	S		S	S	S										(1)		
Office and Storage Area for Public/Private Utility																					P		P									(52)		
Office, Administrative, Medical, or Professional															P	P	P	P	P	P	P	P	P									(39) (40)		
Office/Showroom																				P	P	P	P	P								(51)		
Office/Warehouse/Distribution Center																			S	S	S		P			X	X	X	X	X		(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)									(32)		
Outside Storage and Display (Incidental Use)																	P		P	P	P		P									None		
Outside Storage and Display (Primary Use)																							P			X	X	X	X	X	X	(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									(52)		
Pawn Shop																							P			X	X	X	X	X	X	(45)		
Portable Building Sales																							S									(45)		
Print Shop, Major																			S	P	P	P		P								(39)		
Print Shop, Minor																P	P	P	P	P	P	P	P									(45)		
Private Club		(32)	(32)	(32)	(32)	(32)	(32)	(32)		(32)	(32)	(32)	(32)	(32)		(32)	(32)	(32)	(32)	(32)	(32)	(32)	(32)									(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									(52)		
Recreational Vehicle Sales and Service, New/Used																			S		S		P			X	X	X	X	X	X	(52)		
Recreational Vehicle/Truck Parking Lot or Garage																					S		P			X	X	X	X	X	X	(37)		
Recycling Center																					S		P									(42)		
Recycling Collection Point															P	P	P		P	P	P	P	P									(42)		
Recycling Plant																							P									(42)		
Rehabilitation Care Facility (Ord. 13-06-36; 06/18/13)		(34)	(34)	(34)	(34)	(34)	(34)	(34)	(34)	(34)	(34)	(34)	(34)	(34)																X		(46)		
Rehabilitation Care Institution															S	S	S		S	S	S	S	S			X	X	X	X	X	X	(46)		
Research and Development Center																(35)		(35)	(35)	(35)	(35)	(35)	(35)									(32)		
Residence Hotel (Extended Stay Hotel)																			(36)	(36)	(36)	(36)										(35)		
Restaurant		(37)	(37)	(37)	(37)	(37)	(37)	(37)		(37)	(37)	(37)	(37)			(37)	(37)	(37)	(37)	(37)	(37)	(37)	(37)									(44)		
Restaurant, Drive-In																	P		P	P	P		P									(41) (44)		
Retail Stores and Shops																	P	P	P	P	P											(45)		
Retail/Service, Incidental																P	P	P	P	P	P	P	P									(45)		

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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

(Ord. No. 2021-03-18; 3/2/21)

- 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	27
2.03.02.	RE – Residential Estate District	28
2.03.03.	SF-16 – Single Family Residential-16 District	28
2.03.04.	SF-12.5 – Single Family Residential-12.5 District	29
2.03.05.	SF-10 – Single Family Residential-10 District	30
2.03.06.	SF-8.5 – Single Family Residential-8.5 District	30
2.03.07.	SF-7 – Single Family Residential-7 District	31
2.03.09.	PH – Patio Home District	33
2.03.10.	2F – Two Family Residential (Duplex) District	35
2.03.11.	TH – Townhome District	36
2.03.12.	MF-15 – Multifamily-15 District	37
2.03.13.	MF-19 – Multifamily-19 District	38

- c. 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.

(3) Alcoholic Beverage Sales

(Ord. No. 12-12-81; 12/18/2012), (Ord. No. 2020-11-74; 11/17/2020), and (Ord. No. 2021-03-18; 3/2/21)

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
2.04.09.	I – Industrial District	53

- 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	Page Number
2.04.01.	O-1 – Office-1 District	40
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 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. 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.
- (6) 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 [301](#)).
 - 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 [294](#)).

(7) Athletic Stadium or Field, Private

Permitted by Specific Use Permit when developed as an accessory use with a School, Private or Parochial.

(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](#) (Page [89](#)).

(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

(Ord. No. 2020-04-24; 04/21/20) and (Ord.No. 2021-03-18; 3/2/21)

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.
- c. 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

(Ord. No. 18-09-48; 09/18/18) and (Ord.No. 2021-03-18; 3/2/21)

- 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 Loading 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 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.

(13) Car Wash

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](#) (Page [309](#)).
- 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. \(A\)\(14\)e](#) (Page [99](#)) and [3.02.01. \(A\)\(14\)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.

(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 Plant, Temporary

Temporary building permit issued by the building official.

(17) 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 [191](#)) 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.

(18) Distillery

(Ord. No. 2020-04-24; 4/21/20) and (Ord.No. 2021-03-18; 3/2/21)

- 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*(Ord. No. 19-05-40; 5/21/19)*

- 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 façade of a building. For the purposes of this subsection, a front façade 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 3.02.01(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 email 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 3.02.01(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 3.02.01(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 non-conforming 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

(Ord. No. 2021-04-33; 4/20/21)

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](#) (Page [191](#)) 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.

(23) 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.

(24) 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 [106](#)).
 - 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-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.

(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

(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.

(27) Indoor Gun Range

(Ord. No. 2020-11-72; 11/2/20)

- 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 Façade 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

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

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.

- 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 [327](#)) and plant material. See
- 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 [327](#)) with a living screen. See [Figure 3.02.01.4 Screening Wall](#) (Page

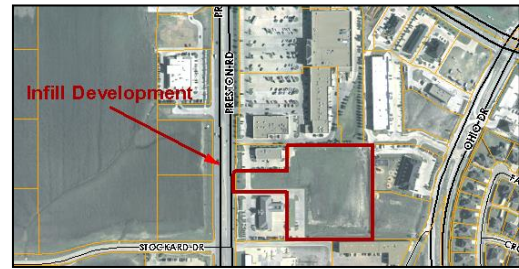


Figure 3.02.01.1 Infill Development

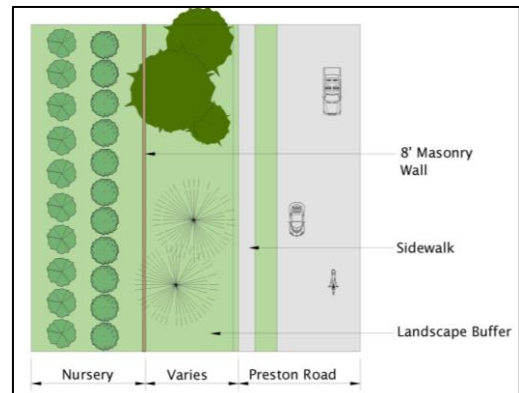


Figure 3.02.01.2 Landscape Buffer

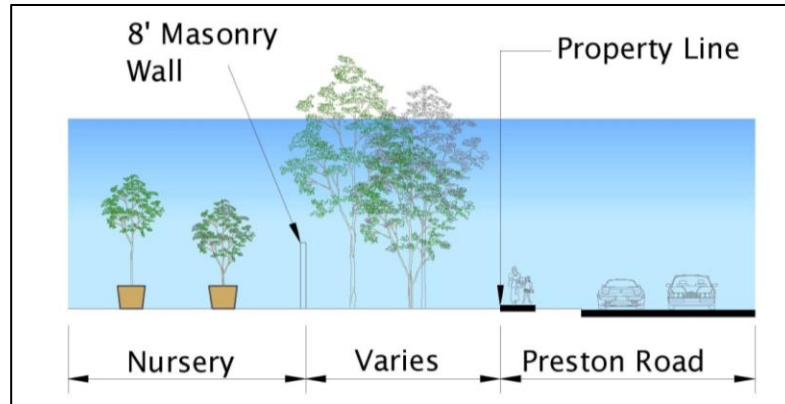


Figure 3.02.01.3 Landscape Buffer

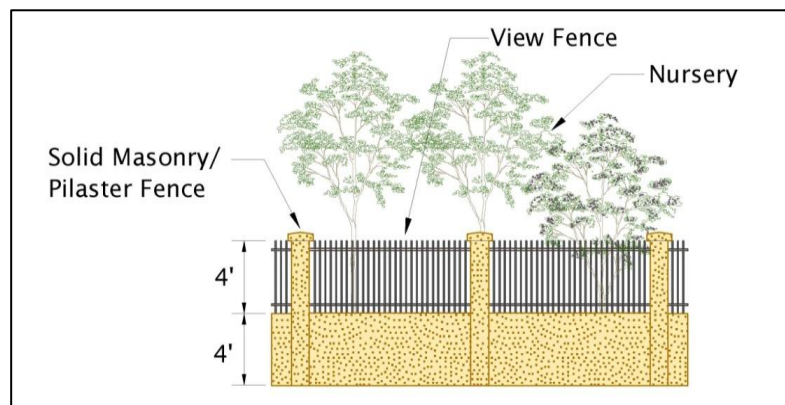


Figure 3.02.01.4 Screening Wall

- 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.

(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

(Ord.No. 2021-03-18; 3/2/21)

- 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	27
2.03.02.	RE – Residential Estate District	28
2.03.03.	SF-16 – Single Family Residential-16 District	28
2.03.04.	SF-12.5 – Single Family Residential-12.5 District	29
2.03.05.	SF-10 – Single Family Residential-10 District	30
2.03.06.	SF-8.5 – Single Family Residential-8.5 District	30
2.03.07.	SF-7 – Single Family Residential-7 District	31
2.03.09.	PH – Patio Home District	33
2.03.10.	2F – Two Family Residential (Duplex) District	35
2.03.11.	TH – Townhome District	36
2.03.12.	MF-15 – Multifamily-15 District	37
2.03.13.	MF-19 – Multifamily-19 District	38

(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](#) (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.

(34) 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.

(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

(Ord.No. 2021-03-18; 3/2/21)

- 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	27
2.03.02.	RE – Residential Estate District	28
2.03.03.	SF-16 – Single Family Residential-16 District	28
2.03.04.	SF-12.5 – Single Family Residential-12.5 District	29
2.03.05.	SF-10 – Single Family Residential-10 District	30
2.03.06.	SF-8.5 – Single Family Residential-8.5 District	30
2.03.07.	SF-7 – Single Family Residential-7 District	31
2.03.09.	PH – Patio Home District	33
2.03.10.	2F – Two Family Residential (Duplex) District	35
2.03.11.	TH – Townhome District	36
2.03.12.	MF-15 – Multifamily-15 District	37
2.03.13.	MF-19 – Multifamily-19 District	38

- c. Restaurants that sell alcohol shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended and any applicable local option elections.
- 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-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 [300](#)) 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

(Ord. No. 13-09-49; 09/03/13)

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

(Ord. No. 2021-04-32; 4/20/21)

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](#) (Page [335](#))

- 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 [294](#)).

(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)

(Ord. No. 16-01-05; 01/19/16)

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

(Ord. No. 2020-04-24; 4/21/20) and (Ord.No. 2021-03-18; 3/2/21)

- 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;
 1. Compliance with Section 4.03.05(A) Outdoor Storage and Display Requirements; and
 2. 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.

Section 4. Site Development Requirements



PROGRESS IN MOTION

Subsection 4.01. Tree Preservation Requirements

4.01.01. Purpose

The terms and provisions of the Subsection 4.01 Tree Preservation Requirements are intended to accomplish the following public purposes:

- (A) To encourage preservation of shade and ornamental trees through incentives and penalties;
- (B) To define reasonable protective measures required to preserve the Protected Tree (See [Tree, Protected](#) (Page [337](#))) population;
- (C) To increase the number of Protected Trees and the projected residual life span of Protected Trees;
- (D) To improve the quality of life and comfort of both business and residential citizens while educating them in current basic tree cultivation and management techniques;
- (E) To reduce the erosive effects of rainfall, protect water resources, mitigate ambient air temperatures and improve air quality;
- (F) To prevent clear cutting; and
- (G) To maintain or increase property values by preserving visually pleasing and desirable site features.

4.01.02. Purpose

The scope of this [Subsection 4.01 Tree Preservation Requirements](#) includes the removal and/or transplanting of any tree and mitigation for the removal of Protected Trees and the scope of the project and/or activity authorized by a Tree Removal Permit is limited to removing and/or transplanting trees or required mitigation. A permit approved by the Director is required before removing and/or transplanting any tree and mitigation for the removal of Protected Trees.

4.01.03. Tree Removal Permit

(A) Tree Removal Permit

A Tree Removal Permit approved by the Director shall be required for the transplanting and/or removal of all trees within the City, regardless of size or species, except for trees located on a single family or two family lot contained within a plat of record.

(B) Application for a Tree Removal Permit

An application for a Tree Removal Permit may be submitted at any time and is not required to be submitted in conjunction with development plans, Preliminary Plat or a Building Permit. An application for Tree Removal Permit shall be submitted to the Director and shall include:

- (1) A letter signed by the property owner allowing the City access to the property for verification of all tree survey information;
- (2) A written document indicating the reasons for transplanting and/or removal of Protected Trees;
- (3) Two (2) copies of a legible site or planting plan; and
- (4) A detailed tree survey and/or tree preservation plan if required in [4.01.07. Tree Surveys and Tree Preservation Plans](#) (Page [122](#)).

(C) Review of the Application for a Tree Removal Permit

- (1) Upon receipt of an application for a Tree Removal Permit, the Director shall review the application and may conduct field inspections of the site or development and/or refer the permit application to other departments for review and recommendations as deemed necessary and appropriate by

the City.

- (2) Protected Trees may not be removed or transplanted unless the Director approves the Tree Removal Permit. The removal of protected trees is subject to the mitigation requirements of [4.01.05. Mitigation for Trees Removed](#) (Page [120](#)).
- (3) If the Director determines that the tree(s) are not protected as defined herein, then the applicant may remove the tree(s) from their property without mitigation.

4.01.04. Exceptions

(A) Director Authority to Remove Protected Trees

The Director may authorize, in writing, removal of a Protected Tree without mitigation under the following circumstances.

- (1) A Protected Tree is determined by an arborist to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, such as a tree that is damaged or diseased.
- (2) A Protected Tree is located in a right-of way or easement and hinders or obstructs the construction, maintenance, repair, and/or replacement of major and minor thoroughfares as defined by the Thoroughfare Design Standards Ordinance, water and sewer lines, drainage and storm sewer infrastructure, or other public improvement projects.

(B) Single Family or Two-Family Lots

A Tree Removal Permit shall be required to remove and/or transplant a Protected Tree (see definition [Tree, Protected](#) (Page [337](#))), except for a Protected Tree located on a single family or two family lot contained within a plat of record. If a tree required by the Zoning Ordinance is removed, it shall be replaced with a three (3) inch caliper or greater tree of an approved species from the City's recommended large and medium tree lists. Street trees if removed shall be replaced with a three and one-half (3½) inch caliper or greater trees by the adjacent property owner.

(C) Nurseries

All retail, commercial, and wholesale nurseries are exempt from the terms and provisions of this [Subsection 4.01 Tree Preservation Requirements](#) in relation to those trees planted and growing on the premises of said business and that are planted and growing for the sale or intended sale in the ordinary course of business only.

(D) Utility Companies

- (1) Utility companies franchised by the City in easements or rights-of-way accepted by the City or otherwise authorized to provide utility service may remove Protected Tree(s) that endanger public safety and welfare by interfering with utility service;
- (2) Any trimming and/or removal of Protected Tree(s) by a utility company requires prior written approval from the Director, except in the case of emergency repairs; and
- (3) A utility company shall notify the Director of any trimming and/or removal of Protected Trees done while making emergency repairs on the first business day following the emergency.

(E) Mowing and Clearing

The mowing and clearing of brush located within or under the drip lines of Protected Trees is allowed, provided such mowing or clearing is accomplished by hand or by mechanical mowers with turf tires.

(F) Golf Courses and Pedestrian Trails

Development or redevelopment of golf courses and pedestrian trails shall be responsible for fifty (50) percent of the requirements for Replacement Trees.

(G) Agricultural Users

- (1) Agricultural users can remove Protected Tree(s) for agricultural production with prior written permission from the Director.
- (2) A Protected Tree inventory summary is required to list tree(s) proposed to be removed and preserved.
- (3) Replacement requirements of Protected Tree(s) being removed for agricultural production will be prorated equally over a period of ten (10) years.
- (4) Should the property be developed prior the full ten (10) years the remainder of required trees shall be planted on the property in addition to the required trees.

4.01.05. Mitigation for Trees Removed

(A) Replacement Requirements for Protected Trees

Protected Trees shall be replaced by planting trees on the property equal to the total caliper inches as calculated using the following replacement rate.

Size of Protected Tree*	Percentage Replacement Trees**
Less than 6"	0%
6" – 12"	100%
12.1" - 20"	150%
20.1" or greater	300%
<p>*All existing tree measurements are in caliper inches as measured four and one-half (4½) feet DBH above the natural ground level.</p> <p>For multiple trunk trees, combine the diameter of largest stem or trunk with one-half of the diameter of each additional stem or trunk, all measured at four and one half (4½) feet above ground level.</p>	
<p>** All replacement tree measurements are in caliper inches in accordance with the American Standards for Nursery Stock (ANSI Z60.1-2004) and shall be minimum three (3) inch caliper trees unless otherwise noted.</p> <p>All replacement trees shall be selected from and conform to the standards of 4.02.03. Approved Plant Materials and Landscape Standards (Page 126).</p>	

(B) Transplanted Trees

- (1) Protected Trees on a property may be transplanted to another location on the same property without being subject to the above replacement rates.
- (2) All Transplanting shall be in accordance with industry standards. Should a transplanted tree die, it shall be removed and replacement trees shall be planted at a rate of one hundred (100) percent of the caliper inches of the transplanted tree(s).

(C) Replacement Trees on a Different Property

If any replacement tree cannot be located on the property, the applicant may plant the replacement tree(s) on City property, and/or common open space and/or pay a fee, as approved by the Director. The cash value of replacement trees will be set by the Director annually.

(D) Trees Located in Proposed Driveways, Right Turn Lanes, and/or in Median Openings

The person(s) or entity responsible for making any improvements that causes or results in the removal of tree(s) in proposed non-single or two family driveways, right turn lanes, and/or in proposed median openings, shall plant replacement tree(s) at a rate of one-hundred (100) percent of the total diameter of the tree(s) being removed.

(E) Mitigation of all Trees in Riparian Buffer and Floodplain

All trees six (6) inches or larger in diameter regardless of species in a pre-reclamation [Riparian Buffer](#) (Page [332](#)) or floodplain shall be mitigated. Replacement trees of less than three (3) inches are allowed for mitigation of trees removed from Riparian Buffer and floodplains.

4.01.06. Tree Protection Measures

All Protected Tree(s) shall be protected by the owners as follows, unless otherwise directed by the Director.

(A) Plastic or Silt Fencing

Before development or redevelopment the owner shall install a four (4) foot tall plastic fence or where approved, silt fencing around the drip line of the Protected Tree(s).

(B) Construction Entrance Location

Before development or redevelopment the owner shall establish and maintain a construction entrance that avoids Protected Trees.

(C) Equipment or Materials Disposal

Cleaning equipment or materials and/or the disposal of any waste material, including, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., is prohibited under the canopy or drip line of any Protected Tree.

(D) Attachment to Protected Trees

- (1) Attachments or wires are prohibited from being attached to any Protected Tree.
- (2) Cables, tree rods, and similar hardware installation that aid structural integrity of a Protected Tree are exempt from this section when approved in writing by the Director.

(E) Canopy or Drip Line Protection

- (1) Fill or excavation shall not occur within the canopy or drip line of a Protected Tree.
- (2) Major changes of grade (i.e., three [3] inches or greater) within the canopy or drip line will require additional measures to maintain proper oxygen and water exchange with the roots.
- (3) Construction or construction related activity is prohibited under the canopy or drip line of Protected Trees, unless otherwise approved in writing by the Director.

(F) Root Pruning Requirements

- (1) Root pruning will be required when disturbance will occur under the drip line of protected Trees.
- (2) This root pruning shall be completed a minimum of two (2) weeks prior to any construction activity within the drip line.

(G) Disposal of Removed Trees

- (1) Any trees removed shall be chipped and used for mulch on site or hauled off-site within 72 hours of cutting.
- (2) Burning of removed trees, stumps, or foliage requires written approval by the Fire Chief.

(H) Tree Maintenance and Pruning Practices

- (1) All tree maintenance techniques shall be in conformance with industry identified standards and shall be performed by a [Certified Arborist](#) (Page [308](#)).
- (2) No person(s) or entity may use improper or malicious maintenance or pruning techniques which

would likely lead to the death of the tree.

4.01.07. Tree Surveys and Tree Preservation Plans

(Ord. No. 19-10-83;10/1/19)

(A) Tree Survey

A detailed Tree Survey identifying natural vegetation, Protected Trees and anticipated Protected Tree losses, shall be submitted with all Preliminary Plats, Preliminary Site Plans, and Site Plans as a document to aid in the review of said plans. The Tree Survey shall not be considered filed and shall not be acted on by the Director, the Planning & Zoning Commission, or the City Council; however, failure to submit the Tree Survey, where the Tree Survey is required under this Ordinance, with such applications shall be grounds for denial or rejection of such applications.

(1) Tree Survey Application and Requirements

The detailed Tree Survey shall include the information listed on the Tree Survey Checklist, as it exists or may be amended, which shall be established and maintained by the Director and published as part of the Development Application Handbook.

(2) Tree Survey Approval

The detailed Tree Survey shall be filed with the Construction Plans for approval. Failure to file for approval of a Tree Survey shall be grounds for denial or rejection of the Construction Plans.

(B) Tree Preservation Plan

A Tree Preservation Plan providing detailed information beyond the requirements of a tree survey shall be submitted with the Construction Plans for the proposed development and is only required for areas that are intended to be disturbed.

(1) Tree Preservation Plan Application and Requirements

The Preservation Plan shall include the information listed on the Tree Preservation Plan Checklist, as it exists or may be amended, which shall be established and maintained by the Director and published as part of the Development Application Handbook.

4.01.08. Verifications and Inspections

(A) Field Verification

- (1) Prior to written approval of the Tree Preservation Plan, the applicant shall mark all trees to be preserved and notify (in writing) the Director of the marking.
- (2) The Director shall inspect and verify the markings within eleven (11) calendar days of his/her receipt of applicants' notification.
- (3) If the Director has not contacted the owner within fourteen (14) calendar days from the date of notification, the protective plan submitted by the applicant is deemed approved.

(B) Site Preparation

- (1) Prior to the preconstruction meeting or obtaining a grading permit, all tree markings and protective fencing shall be installed by the owner and shall be inspected by the Director.
- (2) An approved silt fence may serve as protective fencing and shall remain in place until the City

accepts the project.

(3) A stop work order will be issued at any time if tree preservation requirements are not being met.

(C) Final Inspections

(1) The owner shall notify the Director for an inspection fourteen (14) calendar days prior to receiving a Certificate of Occupancy.

(2) All dead trees shall be replaced prior to receiving the Certificate of Occupancy.

4.01.09. Penalties for Violation

(A) Violation

Any person(s) or entity causing the transplanting or removing of a tree without first obtaining an approved Tree Removal Permit is in violation of this Ordinance.

(B) Occurrence

Each tree removed or transplanted without a permit shall constitute a separate offense.

(C) Compliance Required after Violations

Violation of this Ordinance shall not constitute an exemption to the replacement requirements of this Ordinance.

Subsection 4.02. Landscape Requirements

4.02.01. Purpose

This Subsection 4.02 Landscape Requirements concerns providing landscape space, trees, vegetation and other materials for the purposes of the following.

(A) Site Design

Complementing the design and location of buildings, streets, and circulation systems and integrating and enhancing the overall site design.

(B) Buffering

Minimizing the impacts of light, noise, movement or activities from adjacent properties.

(C) Conservation

Protecting and conserving water resources and assisting in the management of storm water.

(D) Environmental

Improving air quality, moderating ambient temperatures and lowering energy consumption.

(E) Soil Protection

Protecting and conserving soils from erosion by wind or water or from excavation or grading and the promotion of healthy soil biology.

4.02.02. Scope

(A) Applicability

This [Subsection 4.02 Landscape Requirements](#) shall apply to the following.

- (1) All new developments and all existing developments that are expanding or redeveloping thirty (30) percent or more land area or building area
- (2) New Single Family (SF), Two Family (2F) and Townhome (TH) lots shall comply with [4.02.10. Landscaping Requirements for Single Family, Two Family, and Townhome Lots](#) (Page [137](#)).
- (3) Homeowner Associations (HOAs) and Covenants, Codes and Restrictions (CCRs) for residential developments shall not overrule the requirements of this Subsection 4.02 by penalizing or restricting water conserving landscapes, or requiring landscape materials that do not comply with this Subsection 4.02.
- (4) All open space and landscape areas required by other regulations in the Zoning Ordinance and the Subdivision Ordinance shall comply with the standards of this Subsection 4.02.

(B) General Standards

The preparation of the Landscape and Irrigation plans shall be in accordance with the following standards.

- (1) Best management practices for tree pruning, ANSI A300, shall apply to this Subsection 4.02.
- (2) Nursery standards shall be the American Standard for Nursery Stock, ANSI Z60.1-2004.
- (3) Best management practices for stormwater management as approved by the Director of Engineering Services.
- (4) Irrigation Ordinance (No. 08-12-103, Frisco Code of Ordinances).
- (5) City Water Management Plan.

(C) Landscape Plan

- (1) A Landscape Plan is required for all applicable developments, as described above.
- (2) The Director shall establish and maintain a list of the required documents and elements for a Landscape Plan.
- (3) A Landscape Plan shall be prepared by a Landscape Architect and submitted for review.
- (4) Irrigation drawings shall be prepared by a licensed Irrigator.

(D) Equivalent or Superior Landscape Requirements

- (1) The Planning & Zoning Commission may approve modified landscape requirements that are equivalent to, or exceed, the requirements set forth in within this section in conjunction with the submittal Site Plan only if the following is met.
 - a. The following standards are met:
 1. The proposed landscape requirements represent a superior result than that which could be achieved by strictly following the requirements of this section; and
 2. The proposed landscape design complies with the stated purpose of this section; and
 3. Landscape elements and yard area requirements are provided elsewhere on the site.
 - b. The proposed landscape design either:
 1. Incorporates the retention of significant trees and naturally occurring undergrowth; or
 2. Better accommodates or improves the existing physical conditions of the subject property.

(E) Landscape Inspections

- (1) The approved landscape design shall be inspected and approved by the City's Landscape Architect before a Certificate of Occupancy can be issued.
- (2) The landscape construction may be delayed up to six (6) months under special circumstances when the amount of the landscape improvement costs is escrowed with the City or a performance bond is initiated between the City and the property owner.

(F) Maintenance and Enforcement

- (1) The owner of the property shall maintain the landscape pursuant to the design intent and best management practices for landscape.
- (2) The owner of a property that does not comply with these requirements shall be notified and given thirty (30) calendar days to comply.
- (3) If, after thirty (30) calendar days, the landscape still does not comply with the approved Landscape Plan, the City may issue citations for the violation pursuant to code enforcement provisions.

(G) Process Overview

The general landscaping process can be summarized into the three major steps, as shown in [Figure 4.02.02.1: Landscaping Process General Overview](#).

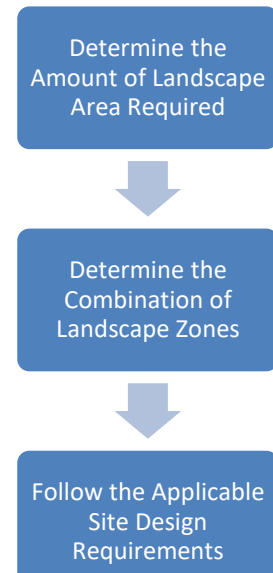


Figure 4.02.02.1:
Landscaping Process General Overview

4.02.03. Approved Plant Materials and Landscape Standards

(A) Approved Plant Materials

- (1) The Director shall establish and maintain a list of approved plants for each landscape zone.
 - a. Plants shall be selected for the appropriate landscape zones as described [4.02.09. \(B\) Landscape Zones](#) (Page [136](#)).
 - b. Other species may be utilized with approval from the City's Landscape Architect.
 - c. Artificial plants are prohibited except that artificial turf is allowed as described in the Artificial Turf Regulations chart below.

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Land Use	Locational Criteria	Minimum Specifications	Approval Criteria	Installation Requirements	Maintenance
Single Family AG,RE,SF-16,SF-12.5,SF-10,SF-8.5, SF-7,OTR,PH,2F	Allowed; shall not be visible from a public right-of-way and/or open space/HOA lot (HOA Common Areas Prohibited)	Yarn/Blade Color: Green, the color of Bermuda or St. Augustine during the growing season	Not Applicable	Not Applicable	Not Applicable
Urban Living MF-15, MF19, Urban Living as allowed through a PD (including a private dog park)	Allowed	Below are the standards for artificial turf designed for dog parks, as required in all installations of Urban Living turf Yarn/Blade Color: Primary Blade - Green, the color of Bermuda or St. Augustine during the growing season Secondary Blade - Green, the color of Bermuda or St. Augustine during the growing season. Yarn Type: Polyethylene monofilament Construction: Knitted Blade Height: 3/4" Backing: Flow-through backing Antimicrobial Protection Required Seaming: Turf adhesive Infill: None Sanitation Requirement: Installation of an automated sanitation system that is connected to the irrigation lines to serve all artificial turf	An Artificial Turf Plan shall be submitted as part of the Landscape Plan. Final approval of the Artificial Turf Plan will be with the final approval of a construction set as approved by the Engineering Services Development Review Manager and the City's Landscape Architect. The Artificial Turn Plan shall include: 1. The minimum specifications 2. Impervious surface percentages 3. Drainage and run-off calculations 4. Installation requirements 5. Specifications of the sanitation system with details of connection to irrigation lines (as sealed by a licensed irrigator)	The City's Landscape Architect must be notified no less than 48 hours prior to the installation of the artificial turf to ensure that following installation requirements are met on-site: 1. Required to be installed by a licensed installer authorized to install turf per the maintenance specification 2. No visible seams or edges 3. Proper base prepared for drainage and run-off 4. Anchor system utilized	Maintained in clean and attractive conditions. Wear: Shall not contain weeds, holes, tears, stains, discolorations, fading seam separations, uplifted surfaces, heat degradations , depressions, odors and excessive wear. Damage: Damaged and worn areas must be repaired or removed and replaced in a manner that results in consistent appearance with existing artificial turf. Grooming: Be groomed yearly to prevent compacted and flattened turf.
Non-Residential/Multi-Family	Allowed only as the lawn area of an open space area (reference non-residential open space standards).	Yarn/Blade Color: Green, the color of Bermuda or St. Augustine during the growing season Yarn Type: Polyethylene monofilament Yarn Count: Primary- Minimum 10,800/6 Secondary- Minimum 5,040/12 Construction: Dual yarn, same row Blade Height: Minimum 1-3/4" Seaming: Micromechanical bonding Infill: Minimum 0.5 pounds of rubber (or sand/rubber mix)	An Artificial Turf Plan shall be submitted as part of the Landscape Plan. Final approval of the Artificial Turf Plan will be with the final approval of a construction set as approved by the Engineering Services Development Review Manager and the City's Landscape Architect. The Artificial Turf Plan shall include: 1. The minimum specifications 2. Impervious surface percentages 3. Drainage and run-off calculations 4. Installation requirements 5. Specifications of the sanitation system with details of connection to irrigation lines (as sealed by a licensed irrigator)	The City's Landscape Architect must be notified no less than 48 hours prior to the installation of the artificial turf to ensure that following installation requirements are met on-site: 1. Required to be installed by a licensed installer authorized to install turf per the maintenance specification 2. No visible seams or edges 3. Proper base prepared for drainage and run-off 4. Anchor system utilized	Maintained in clean and attractive conditions. Wear: Shall not contain weeds, holes, tears, stains, discolorations, fading seam separations, uplifted surfaces, heat degradations , depressions, odors and excessive wear. Damage: Damaged and worn areas must be repaired or removed and replaced in a manner that results in consistent appearance with existing artificial turf. Grooming: Be groomed yearly to prevent compacted and flattened turf.
Sports Fields Public/Private Schools, City Parks	Allowed	Not Applicable	An Artificial Turf Plan shall be submitted as part of the Landscape Plan. Final approval of the Artificial Turf Plan will be with the final approval of a construction set as approved by the Engineering Services Development Review Manager and the City's Landscape Architect. The Artificial Turn Plan shall include: 1. The minimum specifications 2. Impervious surface percentages 3. Drainage and run-off calculations 4. Installation requirements 5. Specifications of the sanitation system with details of connection to irrigation lines (as sealed by a licensed irrigator)	Not Applicable	Not Applicable
Playgrounds Public/Private Schools, HOA lots, and City Parks	Allowed	Yarn/Blade Color: Green, the color of Bermuda or St. Augustine during the growing season Yarn Type: Primary - Polyethylene XP slit film Secondary - Heat set textured nylon monofilament Yarn Count: Primary - Minimum 8,040/1 Secondary - Minimum 4,200/8 Construction: Dual yarn, same row Seaming: Micromechanical bonding Infill: Optional or 0.75 pounds rubber	An Artificial Turf Plan shall be submitted as part of the Landscape Plan. Final approval of the Artificial Turf Plan will be with the final approval of a construction set as approved by the Engineering Services Development Review Manager and the City's Landscape Architect. The Artificial Turf Plan shall include: 1. The minimum specifications 2. Impervious surface percentages 3. Drainage and run-off calculations 4. Installation requirements 5. Specifications of the sanitation system with details of connection to irrigation lines (as sealed by a licensed irrigator)	The City's Landscape Architect must be notified no less than 48 hours prior to the installation of the artificial turf to ensure that following installation requirements are met on-site: 1. Required to be installed by a licensed installer authorized to install turf per the maintenance specifications 2. No visible seams or edges 3. Proper base prepared for drainage and run-off 4. Anchor system utilized	Maintained in clean and attractive conditions. Wear: Shall not contain weeds, holes, tears, stains, discolorations, fading seam separations, uplifted surfaces, heat degradations, depressions, odors and excessive wear. Damage: Damaged and worn areas must be repaired or removed and replaced in a manner that results in consistent appearance with existing artificial turf. Grooming: Be groomed yearly to prevent compacted and flattened turf.

(2) Tree and Shrub Planting Standards

- a. Tree size options: All trees shall be one of the following options.
 1. A minimum three (3) inch caliper tree.
 2. A minimum two (2) inch caliper tree and verification that the tree has not been pruned in a “headed back” fashion, which is the pruning of the terminal bud.
 - b. Tree plantings shall not include more than forty-five (45) percent of the same tree species unless otherwise approved by the Director.
 - c. A four (4) foot minimum trunk distance from concrete pavement, utility lines, screening walls, or others structures unless approved or otherwise noted shall be maintained. A six (6) foot minimum trunk distance shall be maintained from back of street curbs.
 - d. Final locations of trees are subject to approval by the City’s Landscape Architect.
 - e. Each landscape zone shall be designed to achieve complete coverage of the landscape while not being over planted (i.e., plant spacing on the planting plan shall represent not less than seventy five (75) percent of the mature plant size).
 - f. A layer of fibrous mulch shall be provided in shrub beds and around trees. The root flare on all trees shall be kept exposed.
- (3) Existing trees on-site shall count toward the total canopy coverage requirement, which is thirty-five (35) percent or as shown on the Trees Per Acre requirement in section [4.02.04. Landscape Area and Tree Requirements for Nonresidential, Mixed Use, and Multifamily Zoning Districts](#) (Page [129](#)) including non-protected trees in the [Riparian Buffer](#) (Page [332](#)). Consideration to the overall health of individual existing trees shall be at the discretion of the City’s Landscape Architect.

(B) Soils

- (1) Native topsoil shall be protected from erosion or stockpiled.
- (2) Native site topsoil shall be laboratory tested by an accredited laboratory and amended per said laboratory’s recommendations to achieve a healthy soil biology.

4.02.04. Landscape Area and Tree Requirements for Nonresidential, Mixed Use, and Multifamily Zoning Districts

(Ord. No. 19-04-24; 04/02/19)

All nonresidential, mixed use, and multifamily zoning districts shall comply with the following landscape standards.

REQUIRED AND OPTIONAL LANDSCAPING BY USE

	Retail	Office/ Non-Retail	Multi- Family	Mixed- Use	OTC
Street Frontage Landscape Areas (Figures on Page 130)					
S1 Urban	O	O	O	R	R
S2 Slip Road ¹	O/R ¹	O/R ¹	O/R ¹	O/R ¹	O
S3 Double Row ²	O/R ²	O/R ²	O/R ²		
S4 Single Row	R	R	R		
Street Median	R	R	R	R	R
Stormwater Quality Treatment (Engineering Standards-Section 4.18 Stormwater Quality Treatment)					
Stormwater Quality Treatment	R	R	R	R	
Façade Landscape Areas (Figures on Page 134)					
F1 Retail Façade	R			R	
F2 Office/Non-Retail Façade		R			
Drive Landscape Areas (Figures on Page 135)					
D1 Ceremonial Drive	O	O	O	O	
Screening/Buffer Areas (Figures on Page 141)					
B1 Solid Screening Wall	R	R	R		
B2 Screening Wall w/ Topographic Changes	R	R	R		
B3 Partially Solid Wall	O	O	O		
B4 Living Screen	O	O	O		
B5 Natural Area w/ Enhanced Buffer	R	R	R	R	
TREES PER ACRE	12	12	15	8	8

Notes: O = Optional; R = Required

¹ Required in the Preston Road Overlay District.

² Required in the Preston Road Overlay District where a slip road is not feasible.

Required Landscape Elements

- | | |
|----------|------------------------------|
| 1 | Streetscape |
| 2 | Ceremonial drive (optional) |
| 3 | Main drive aisle |
| 4 | Stormwater Quality Treatment |
| 5 | Screening Buffer |

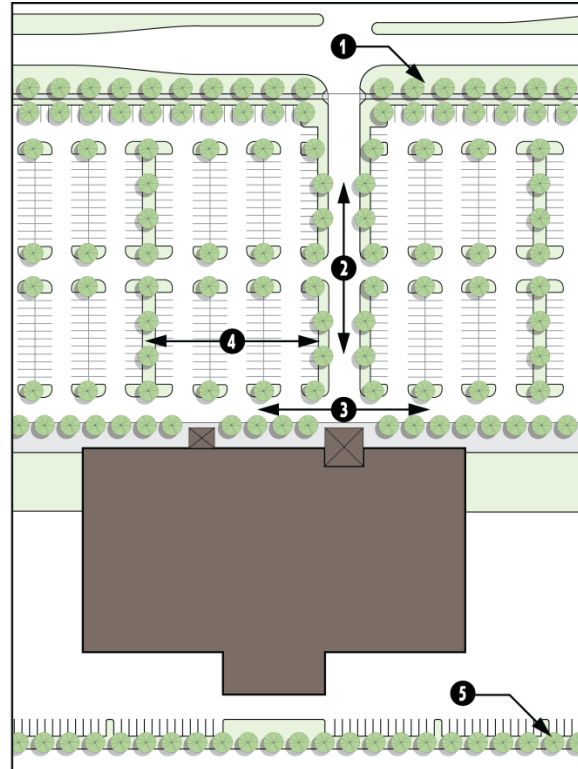


Figure 4.02.04.1: Landscape Areas

4.02.05. Street Frontage Landscape Areas

STREET TYPE S1

Urban Street Frontage

- | | | |
|----------|---------------|--|
| 1 | Thoroughfare | Type A, B, C, D, F, or G |
| 2 | Sidewalk | 15' minimum width to building;
Continuous frontage |
| 3 | Trees | 30' on center, in tree wells or grates;

Minimum 500 square feet structural soil per tree or equivalent. |
| 4 | Median | Where applicable |
| 5 | Build-to-line | |

Applicable for all projects with a Build-to-Line

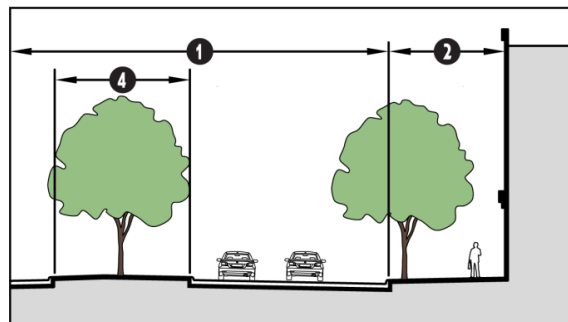
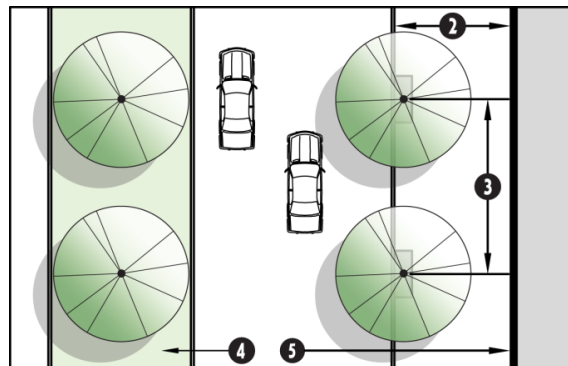


Figure 4.02.05.1: Urban Street Frontage

STREET TYPE S2

Slip Road Street Frontage

- 1** Thoroughfare Type A or B;
Required in Preston Road Overlay, optional in other zones¹
- 2** Landscape edge 8' width
- 3** Parking 24' drive aisle;
2 rows of parking, with 20' parking stalls;
One 9' wide landscape space at every 4th parking space, as shown
- 4** Sidewalk 15' minimum to building
- 5** Trees 3 rows aligned and centered in landscape spaces
- 6** Enhanced paving bands Brick or concrete pavers

¹ If used in other zones, must be uniform in the development (prohibited as infill).

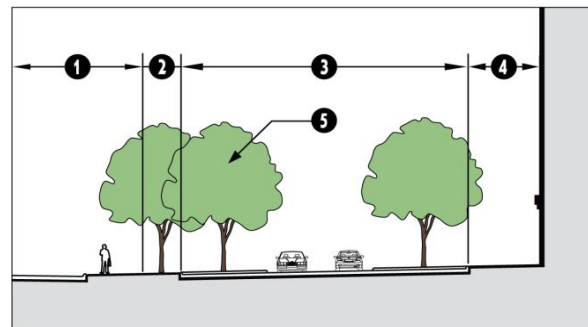
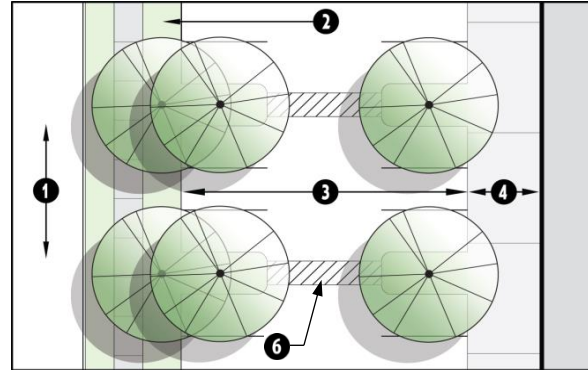


Figure 4.02.05.2: Slip Road Street Frontage

STREET TYPE S3

Double Row Street Frontage

- 1** Thoroughfare Type A or B
Required in Preston Road Overlay where slip road is not feasible. Optional in other zones
- 2** Landscape edge 30' width;
50' in Preston Road Overlay Rural Corridor
- 3** Trees 2 aligned rows, 4' minimum from pavement;
30' on center
- 4** Parking Edge 2' vehicle overhang, exclusive of landscape edge, required for 18' parking spaces (not required for 20' spaces with wheel stops);
No vegetation over 6' in height
- 5** Parking area

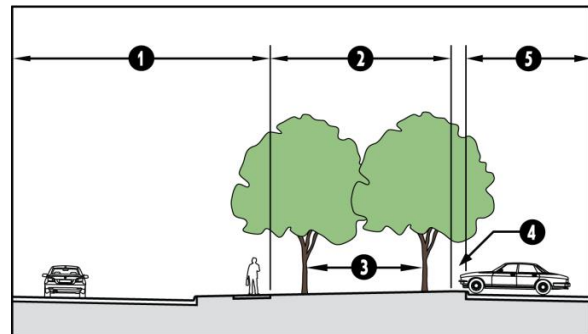
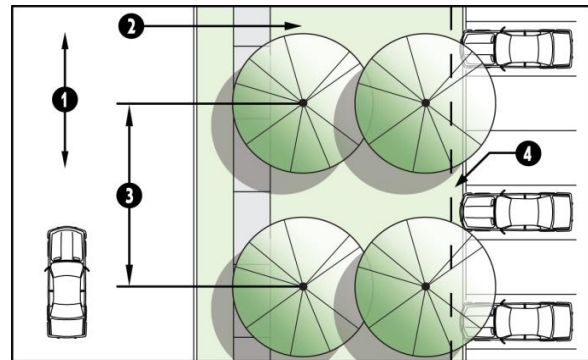


Figure 4.02.05.3: Double Row Street Frontage

STREET TYPE S4

Single Row Street Frontage

- 1** Thoroughfare Type A or B
- 2** Landscape edge 25' width
30' along U.S. Hwy. 380 and S.H. 121
- 3** Trees One row, centered in landscape edge;
30' on center
- 4** Parking Edge 2' vehicle overhang,
exclusive of landscape edge,
required for 18' parking
spaces (not required for 20'
spaces with wheel stops);

No vegetation over 6' in
height
- 5** Parking area

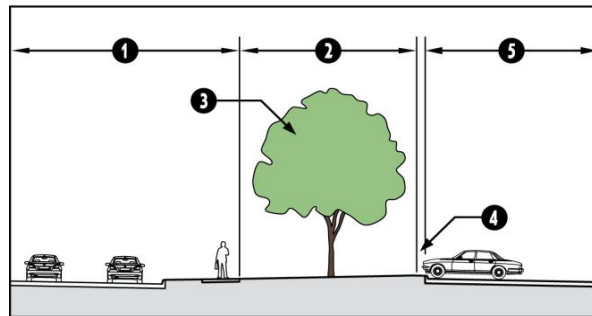
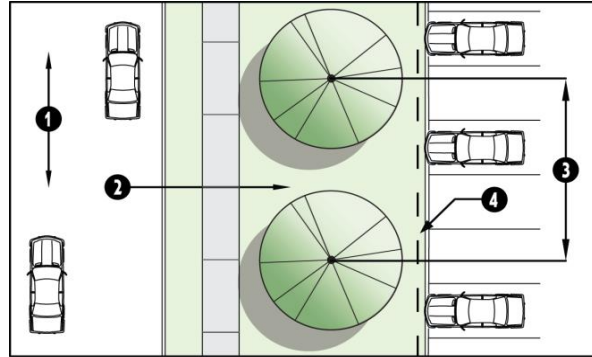


Figure 4.02.05.4: Single Row Street Frontage

STREET MEDIAN

Median in a Public Street

- 1** Thoroughfare Type A & B
- 2** Landscape median See Thoroughfare Design
Standards Ordinance
- 3** Trees 35' on center;
Center in median
- 4** Median nose 50' clearance per
Thoroughfare
Standards

Development adjacent to Type 'A' and 'B' thoroughfares are required to provide, or pay a fee for, one 3" caliper large tree per 70 linear feet of frontage for each side of the street.

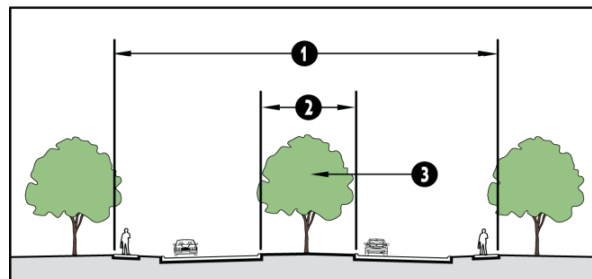
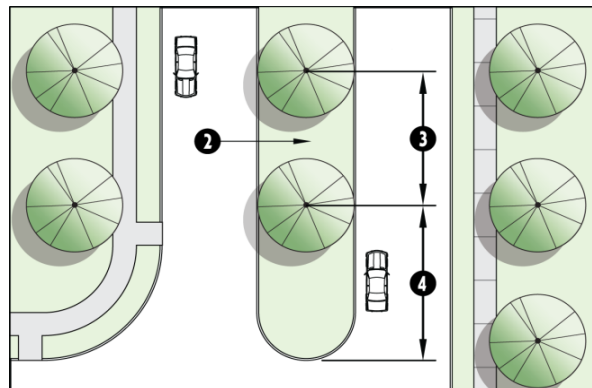


Figure 4.02.05.5: Median in a Public Street

4.02.06. Reserved

(Ord. No. 19-04-24; 04/02/19)

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4.02.07. Façade Landscape Areas**FAÇADE TYPE F1****Retail Shopping Center Façade**

- 1** Sidewalk 15' minimum to building
- 2** Main drive aisle 24' minimum width
- 3** Trees, façade 30' on center¹ in grates or tree wells²
- 4** Parking island 9' minimum width;
Terminus of parking rows at main drive aisle
- 5** Trees, parking Center in landscape
- 6** Parking rows

¹ Structural soil or equivalent required per industry standard (provide details).

² Not required for section where an arcade is provided or hard awning (not fabric) extends over the sidewalk.

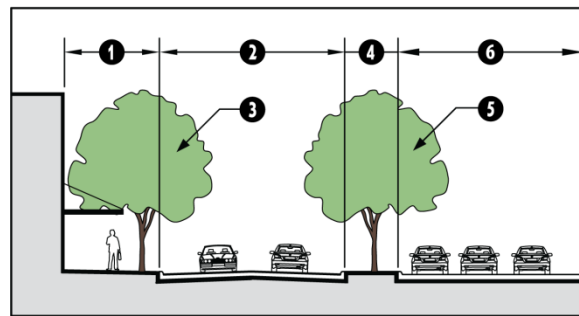
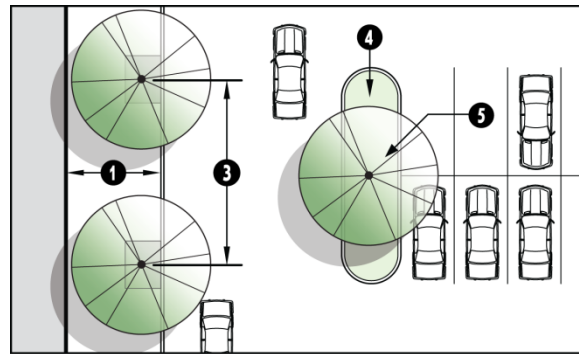


Figure 4.02.07.1: Retail Shopping Center Façade

FAÇADE TYPE F2**Office / Non-Retail Center Façade**

- 1** Façade South and West Façades with glazing
- 2** Landscape area 15' minimum adjacent to structure
- 3** Trees, façade 30' on center or as appropriate for species
- 4** Sidewalk 6' minimum width
- 5** Main drive aisle 24' minimum
- 6** Parking island 9' minimum width;
Terminus of parking rows along the main drive aisle;
Equal to 2 parking spaces
- 7** Parking lot
- 8** Trees, parking Center in landscape island

Offices in Mixed-Use zone shall provide Retail Shopping Center Façade ([Figure 4.02.07.1](#)).

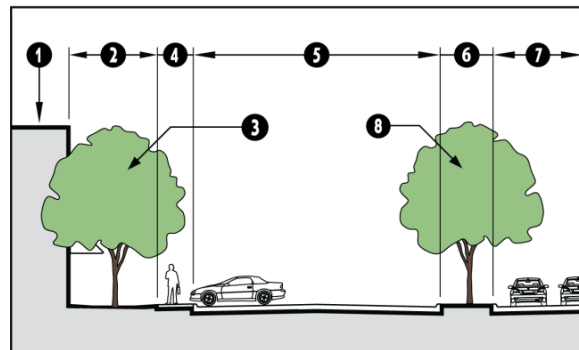
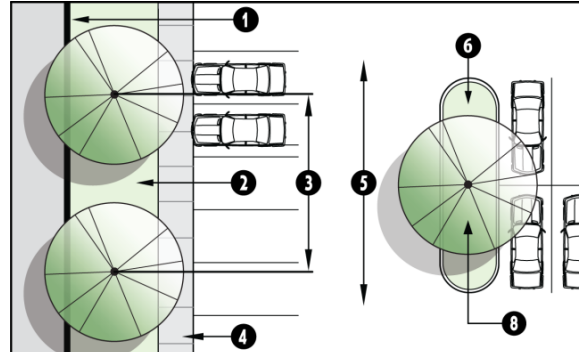


Figure 4.02.07.2: Office / Non-Retail Center Façade

4.02.08. Drive Landscape Areas

(Ord. No. 19-04-24; 04/02/19)

DRIVE AISLE TYPE D1**Ceremonial Drive (Optional)**

- 1** Landscape area 10' minimum;
- 2** Entry drive aisle 24' minimum;
On axis with building main entry
- 3** Parking rows Landscape terminus on main drive aisle
- 4** Trees, ceremonial drive 30' on center or as appropriate for species;
Center in 10' wide landscape area
- 5** Trees, façade 30' on center¹ in grates or tree wells²

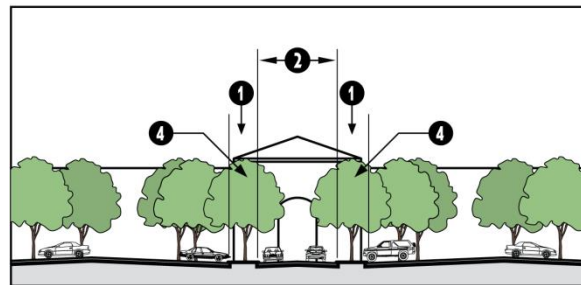
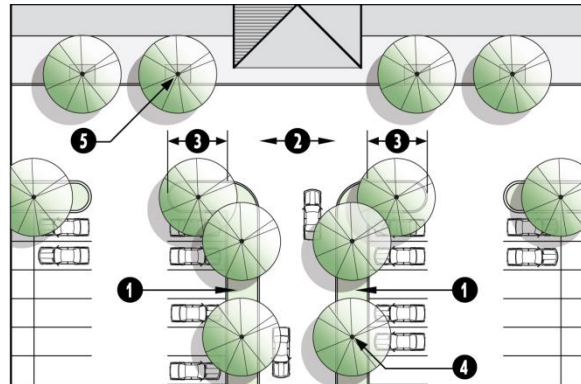
¹ Structural soil or equivalent required per industry standard (provide details).² Not required for section where an arcade is provided or hard awning (not fabric) extends over the sidewalk.³ With Director approval, trees may be clustered and trees required by other various landscaping sections may be clustered within a Ceremonial Drive.

Figure 4.02.08.1: Ceremonial Drive

4.02.09. Landscape Type Requirements for Nonresidential, Mixed Use, and Multifamily Zoning Districts

(A) Intent

This section 4.02.09. establishes the landscape types (i.e., landscape zones) to be used to fulfill the landscape area requirements established in [4.02.04. Landscape Area and Tree Requirements for Nonresidential, Mixed Use, and Multifamily Zoning Districts](#) (Page [129](#)).

(B) Landscape Zones

A landscaping zone is a portion of the landscape area having plants with similar water requirements, site conditions or functions. The following are the three types of landscape zones.

(1) Natural Landscape Zone

A landscape zone composed of native and adapted plants that do not require irrigation after establishment.

(2) Stormwater Quality Treatment (*Ord. No. 19-04-24; 04/02/19*)

A landscape zone that is designed to capture, filter, reuse or infiltrate rainwater with the purpose of protecting and conserving water resources and can be one of the following.

- a. Stormwater Quality Treatment: Engineering Standards Section 4.18 Stormwater Quality Treatment establishes the design requirements for stormwater quality. The Approved Plant Materials list provides plant material approved for use within a Stormwater Quality Treatment area.
- b. Rainwater Harvesting: A system for collecting rainwater and or graywater in cisterns or water bodies and using it for irrigation and/or other purposes.

(3) High Water Usage Landscape Zone

A Landscape Zone composed of high-water usage or non-drought tolerant turf and other plants may be used within the landscape design. This is not a required zone.

(C) Water Use Requirements

(1) Exemptions

- a. Cemeteries;
- b. Ecological restoration projects and landscape designs that do not require a permanent irrigation system;
- c. Landscapes that are irrigated solely with reclaimed water or storm water where a connection to the City water system is not proposed; and
- d. City parks, and recreation areas, golf courses, street medians and school athletic fields and play areas.

(2) Implementation of Water Use Requirements

- a. Landscape zones shall be used in the landscape design and water use calculations.
- b. If the [Landscape Water Allowance \(LWA\)](#) (Page [320](#)) is not exceeded, then various combinations of landscape zones may be used on any given property including a water resource zone equal to five (5) percent of the impervious parking surface.

(3) Landscape Water Allowance (LWA)

- a. For design purposes, the LWA establishes the upper limit of annual applied water for the established landscape area.
- b. The [Landscape Water Allowance \(LWA\)](#) (Page [320](#)) shall be calculated for each [Landscape Plan](#) (Page [125](#)) with a "Calculator [Form](#)" maintained by the Director.

(4) Estimated Landscape Water Use (ELWU)

The [Estimated Landscape Water Use \(ELWU\)](#) (Page [313](#)) shall be calculated using the “Calculator Form.”

(5) Alternative Plant Coefficient (Pc) or Irrigation Efficiency (IE) Approval

An alternative [Plant Coefficient \(Pc\)](#) (Page [329](#)) or [Irrigation Efficiency \(IE\)](#) (Page [319](#)) may be approved by the Director in calculating the ELWU if:

- a. The calculations are based on a methodology or test data that has generally been endorsed or approved by the landscape profession; or
- b. Specific microclimate or soil conditions or landscape design elements warrant their adjustment.

(D) Irrigation Hydro-Zones

Each irrigation zone shall apply water to plants with similar water and light requirements (e.g., plants in a High Water Usage Zone shall be watered separately from plants in a Natural Landscape Zone). Areas within ten (10) feet from the curb may be irrigated only with one of the following:

- (1) Drip irrigation, or
- (2) Efficient low precipitation nozzles as may be approved by the Director.

4.02.10. Landscaping Requirements for Single Family, Two Family, and Townhome Lots

Single Family (SF), Two Family (2F), or Townhome (TH) developments shall comply with the following:

(A) Residential Tree Requirements: Landscape Plans and drawings are not required.

Residential Zoning District	Number of Medium or Large Trees Required Per Lot
RE	6
SF-16	5
SF-12.5	4
SF-10	4
SF-8.5	3
SF-7	2
OTR	2
PH	1
2F	2
TH	1

(B) Model home landscaping: Home builder shall submit the following drawings and information prepared by a Landscape Architect with an application for a Building Permit.

- (1) Provide Landscape Water Use calculations, pursuant to [4.02.09. \(C\) Water Use Requirements](#) (Page [136](#)).
- (2) Landscape and irrigation drawings that use of Natural Landscape, Water Resource and High Water Usage (optional) landscape zones.

(C) Basic Home Builder landscape packages for individual lots

Provide drought tolerant plants able to survive stage three drought restrictions pursuant to the City Drought Contingency Plan. Bermuda will be allowed as a drought tolerant turf; however, alternative native drought tolerant grasses, which will remain green while using fifty (50) percent less water, shall be offered as an alternative.

(D) Required Landscaping for Rights-of-Way (see Thoroughfare Design Standards [TSD] Ordinance)

RESIDENTIAL STREET TYPE R1

Front Entry

- 1 Front Yard
- 2 R.O.W. Type F per TDS Ordinance
- 3 Pavement 30' width F/F
- 4 Trees 35' on center;
3 ½ - inch caliper;
6' minimum from the face of curb;
4' minimum from sidewalk
- 5 Sidewalk easement 2' wide

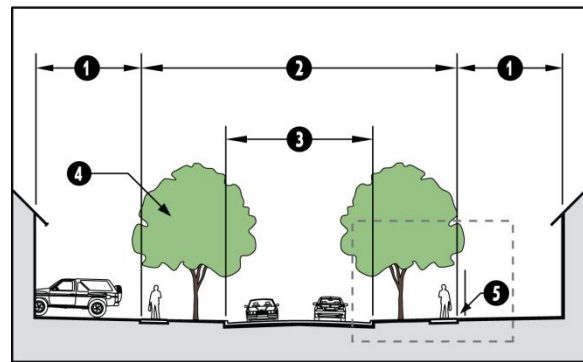
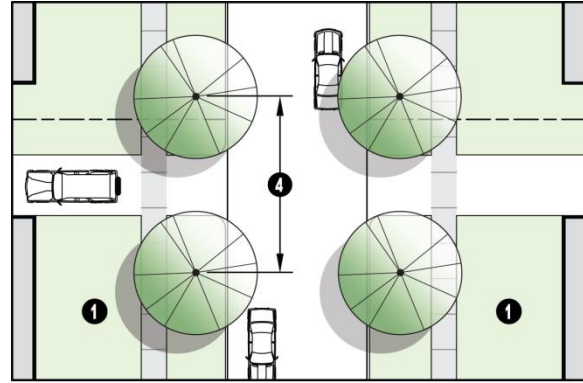
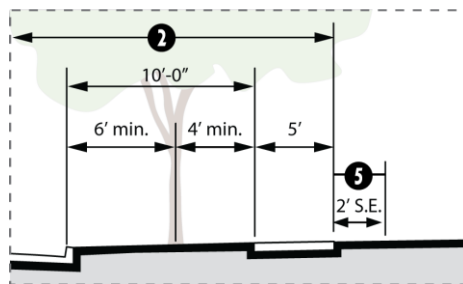


Figure 4.02.10.1: Residential Street, Front Entry

RESIDENTIAL STREET TYPE R2

Rear Entry

- 1 Front Yard
- 2 R.O.W. Type G per TDS Ordinance
- 3 Pavement 26' width F/F
- 4 Trees 35' on center;
3 ½ - inch caliper;
6.5' minimum from the back of curb;
4' minimum from sidewalk
- 5 Sidewalk easement 2' wide

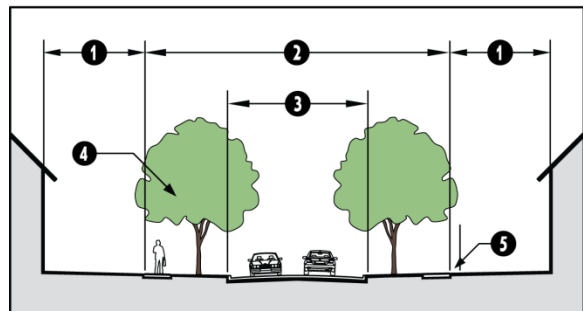
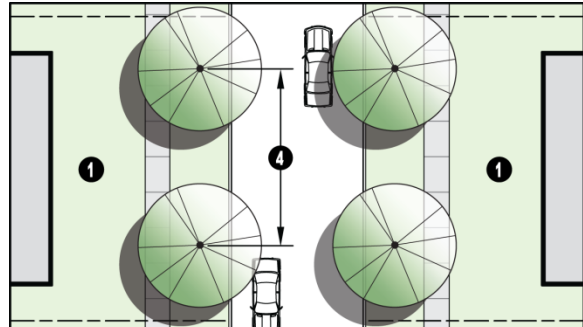
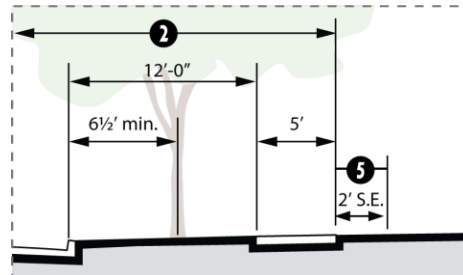


Figure 4.02.10.2: Residential Street, Rear Entry

Subsection 4.03. Screening Standards

4.03.01. Purpose

Standards set forth in this subsection establish the screening options required for the various land uses and zoning districts.

4.03.02. Standards

(A) Applicability

Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this section in accordance with the following standards.

- (1) The property owner of a tract of land in a nonresidential zoning district shall be the responsible party for:
 - a. The wall or fence construction on the property line where a tract is adjacent to a district or use required to be screened; and
 - b. Paving the area between the wall and/or fence and the alley according to Engineering Services' standards.
- (2) The property owner of a tract of land within a multifamily zoning district shall be the responsible party for when adjacent to a single-family zoning district.
- (3) Screened from View and Screening Elements

All areas covered by this section shall be screened from all streets and adjacent property lines of residentially zoned parcels, or areas shown as single family or multifamily residential uses on the Future Land Use Map.

(B) Screening Wall Materials

A screening wall or fence required under the provisions of this section, under a Specific Use Permit, a Planned Development District, or other requirement shall be constructed of clay-fired brick or stone masonry units.

- (1) All wall or fence openings within a required screening element shall be equipped with gates equal in height and screening characteristics to the wall or fence.
- (2) Split-face concrete masonry units, or pre-cast panels used in lieu of walls constructed of clay fired brick or stone materials shall be constructed only with approval by the Director.

(C) Screening Wall Finishing on Both Sides

- (1) All required masonry screening walls shall be equally finished on both sides of the wall.
- (2) The style, color, and material of the wall must be consistent within the development.

(D) Screening Installation and Maintenance

- (1) All required walls, fencing, and other screening materials must be installed and completed prior to final acceptance of the project.
- (2) The property owner shall maintain all screening fences, walls, and landscaping.
- (3) Set in place wall panel construction methods are prohibited in conjunction with multifamily developments proposed after April 5, 2011.
- (4) Repairs to existing walls will be permitted with the addition of galvanized metal supports being added to the area being repaired.
- (5) Thin walls are permitted in conjunction with multifamily development, and shall be constructed

over a concrete footing (grade beam) or a galvanized steel angle iron with four (4) inch by twelve (12) inch concrete mow strip beneath.

(E) Landscape Screening and Sight Visibility Triangle

Refer to the Thoroughfare Design Standards Ordinance for restrictions and limitations of improvements and landscaping in visibility easements.

(F) Screening Standards

In any residential district, or along the common boundary between any residential and nonresidential district where a wall, fence, or screening separation is erected, the following standards for height, location, and design shall be observed.

- (1) Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight (8) feet in height above the grade of the adjacent property.
 - a. As shown in [Figure 4.03.02.1: Where a Fence Intersects a Screening Wall](#), where a fence intersects a screening wall and the height of the fence exceeds the height of the screening wall, the height of the fence shall transition to the height of the screening wall over a distance of twenty (20) feet.

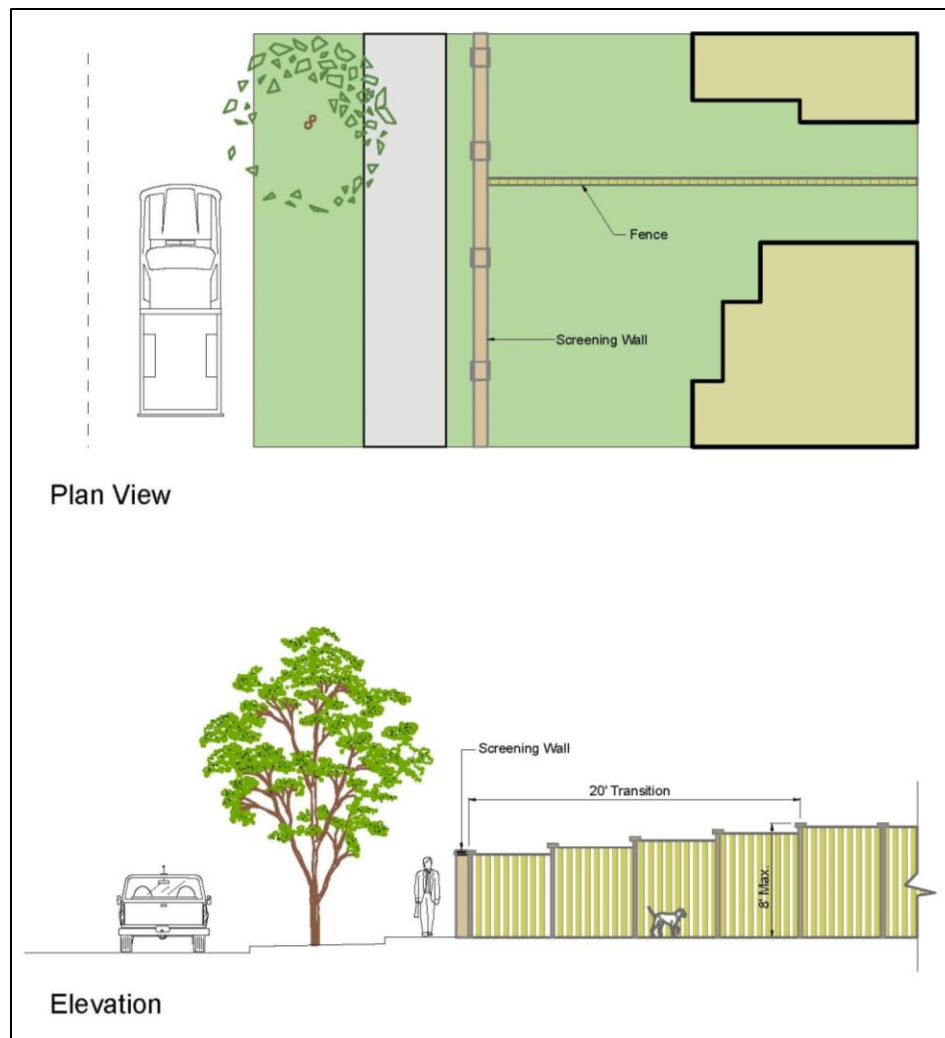


Figure 4.03.02.1: Where a Fence Intersects a Screening Wall

4.03.03. Screening/Buffer Areas

(Ord. No. 18-11-64; 11/05/18) & (Ord. No. 19-04-24; 04/02/19)

See [4.02.04. Landscape Area and Tree Requirements for Nonresidential, Mixed Use, and Multifamily Zoning Districts](#) (Page 129) for applicability.

SITE SCREENING TYPE B1

Solid Screening Wall

- | | | |
|----------|--------------------|--|
| 1 | Adjacent property* | Single Family
Multifamily |
| 2 | Landscape buffer | 15' minimum width |
| 3 | Trees | One row;
30' on center |
| 4 | Wall | 8' in height;
14' at loading docks
Solid masonry |
| 5 | Min. Wall Height | 6' minimum vertical distance, bldg. entrance to top of wall elevation (see B2) |
| 6 | Pavement | Parking or other impervious surface |

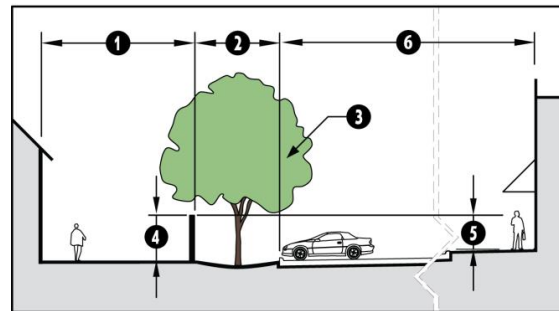
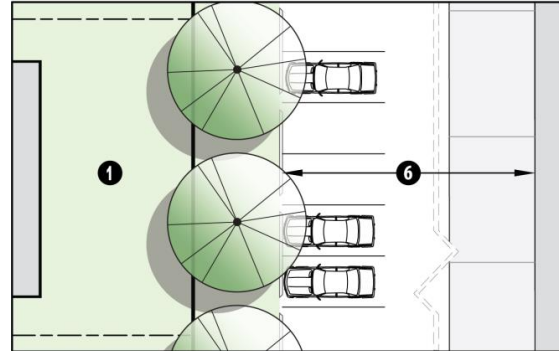


Figure 4.03.03.1: Screening Wall

SITE SCREENING TYPE B2

Screening Wall with Topographic Change

- | | | |
|----------|--------------------|---|
| 1 | Adjacent property* | Single Family;
Multifamily |
| 2 | Alley R.O.W. | 18' minimum width |
| 3 | Terrace width | 8' minimum width;
Plant with shrubs, vines or groundcover |
| 4 | Landscape buffer | 15' minimum width |
| 5 | Paved surface | |
| 6 | Trees | One row;
30' on center |
| 7 | Wall | 8' in height;
Solid masonry |
| 8 | Min. Wall Height | 6' minimum vertical distance, building entrance finish grade to top of wall elevation |
| 9 | Retaining Wall | 6' maximum |

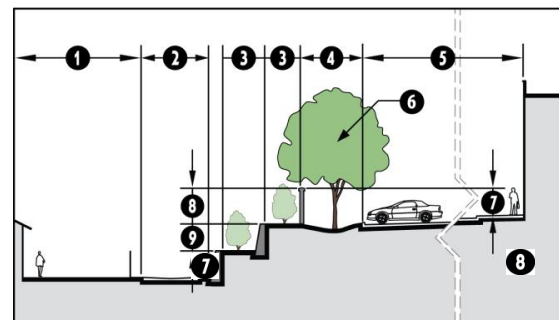
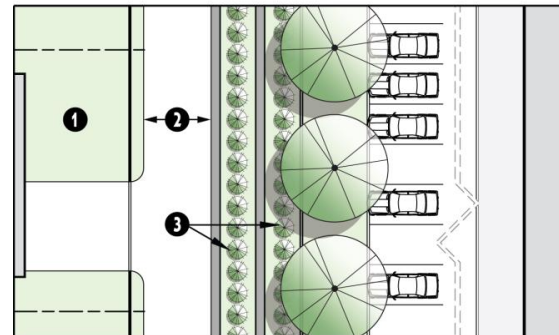


Figure 4.03.03.2: Screening Wall w/ Topo. Change

*Based upon the Zoning Map or Future Land Use Map

SITE SCREENING TYPE B3

Screening Wall with View Fence

- | | | |
|----------|--------------------------------|---|
| 1 | Adjacent property ¹ | Single Family;
Multifamily |
| 2 | Buffer width | 15' minimum width;
10' for OTC adjacent to OTR |
| 3 | Pavement | Parking or other impervious surface |
| 4 | Trees | One row, evergreen ² selected from Living Screen list |
| 5 | Wall | 8' in height;
30% masonry;
70% open ornamental fence material (see B2);
Masonry is not required within the OTC |

Elevation detail:

- A** Landscape area
B View fence
C Solid masonry / pilaster wall

Note: View fence/wall design shown is a sample only.

¹Based upon the Zoning Map or Future Land Use Map

²Spacing shall be determined based on species and approved by the City's Landscape Architect.

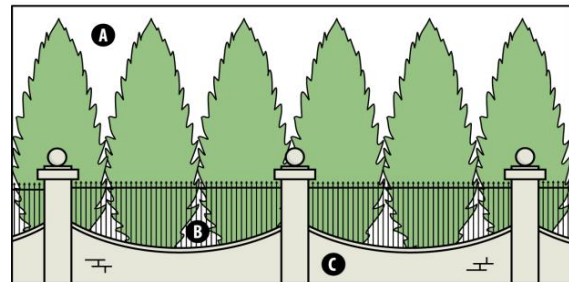
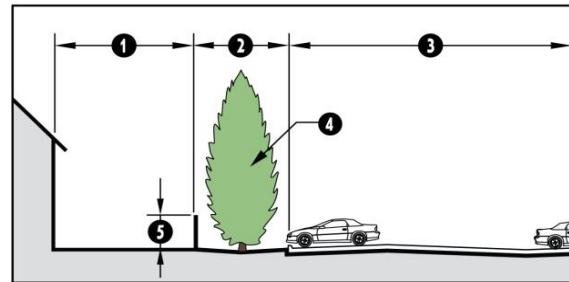
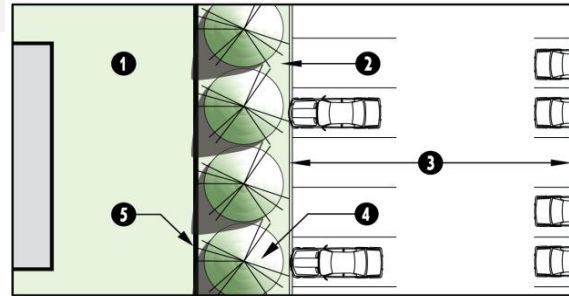


Figure 4.03.03.3: Screening Wall with View Fence

SITE SCREENING TYPE B4

Living Screen¹

- | | | |
|----------|--------------------------------|---|
| 1 | Adjacent property ² | Single Family;
Multifamily |
| 2 | Landscape buffer | 15' minimum width, or as determined by landscaping |
| 3 | Pavement | Parking or other impervious surface; |
| 4 | Trees | Two rows, evergreen ³ (selected from Living Screen list);
8' in height at planting and create a solid screen (see B2);
14' when screening a loading dock |
| 5 | Private fence | Homeowner fence |

¹ P&Z approval required for Living Screen.

²Based upon the Zoning Map or Future Land Use Map

³Spacing shall be determined based on species and approved by the City's Landscape Architect.

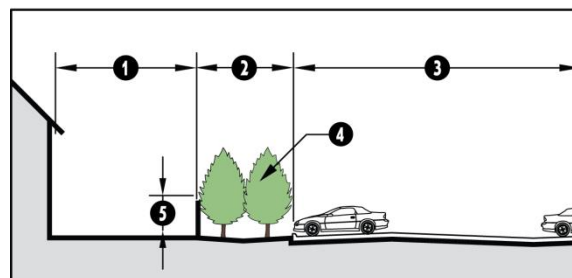
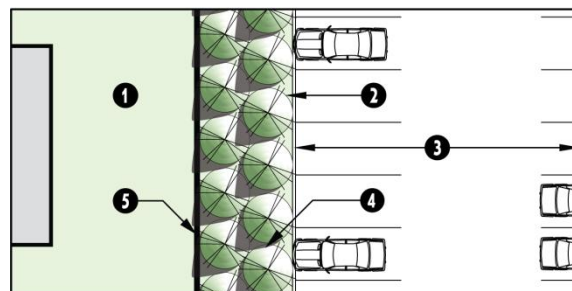


Figure 4.03.03.4: Living Screen

SITE SCREENING TYPE B5

Natural Area with Enhanced Buffer

- 1** Feature **Riparian Buffer** or other designated natural feature, such as a pond or wetland
- 2** Buffer 30' minimum between developed area and a natural feature, such as a pond or wetland;

No buffer is required for a **Riparian Buffer**
- 3** Development Impervious surface and/or building;

Impervious surface graded to sheet flow to natural drainage;

Design with wheel stops or curb cuts to allow drainage into landscape area
- 4** Trail 8' minimum width;

Greater widths may be required by Parks Dept.;

Provide connections from development to trail.
- 5** Trees Large trees¹, 30' on center, where natural vegetation is not sufficient.

35% canopy coverage is required in the buffer area; where existing trees are insufficient to provide 35% coverage, additional trees shall be added.
- 6** Groundcover Appropriate native seed mix

¹ Select native and adapted upland shade and understory trees.

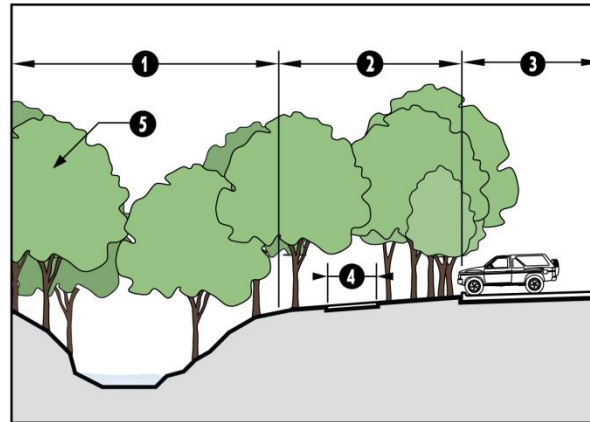
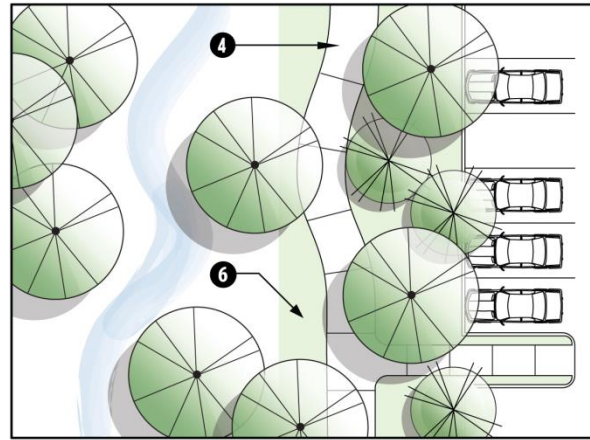


Figure 4.03.03.5: Natural Area with Enhanced Buffer

4.03.04. Location of Required Screening

SCREENING REQUIREMENTS FOR PROPERTY PERIMETERS						
Screening Scenario	Screening Type					Additional Standards and Notes
	B1	B2	B3	B4	B5	
Nonresidential, siding or backing to: <ul style="list-style-type: none"> • Multifamily zoning district • Listed residential districts (see notes) • Property that is both zoned AG and shown on the Comprehensive Plan's Future Land Use Map as residential land use • Nonresidential use in a Single Family Zone 	●	●	●	●		<p>Listed residential districts:</p> <ul style="list-style-type: none"> • RE – Residential Estate District • SF-16 – Single Family Residential-16 District • SF-12.5 – Single Family Residential-12.5 District • SF-10 – Single Family Residential-10 District • SF-8.5 – Single Family Residential-8.5 District • SF-7 – Single Family Residential-7 District • OTR – Original Town Residential District • PH – Patio Home District • 2F – Two Family Residential (Duplex) District • TH – Townhome District • MF-15 – Multifamily-15 District • MF-19 – Multifamily-19 District • MH – Manufactured Home District <p>Option B4 is subject to approval from the Planning & Zoning Commission.</p> <p>Other equivalent screening options may be reviewed and approved by the Director.</p>
Thoroughfare screening						See Section 8.06 (Thoroughfare Screening) of the Subdivision Ordinance No. 09-07-38,
Parking in OTC adjacent to residential			●			
Nonresidential and Multifamily adjacent to a Major Creek					●	<p>Additional fencing may be required and/or approved by the Planning & Zoning Commission to provide a more protective barrier between the properties.</p> <ul style="list-style-type: none"> • Tubular steel, wrought iron, or similar material. • Four (4) foot minimum height. • Eight (8) foot maximum height. <p>Berms may be used subject to approval by the Director of Engineering Services.</p>
Topographic changes		●				Living screen requirements on sites with topography changes are subject to the discretion of the Director.
Note: Dots (•) indicates applicability.						

4.03.05. Screening for Outside Storage and Display

SCREENING REQUIREMENTS FOR OUTDOOR STORAGE AND DISPLAY						
Use / Zoning District	Screening Type					Additional Standards and Notes
	B1	B2	B3	B4	B5	
General storage and display, visible from streets and residential areas	●					Evergreen trees at fifteen (15) feet on center with continuous row of 5-gallon evergreen shrubs.
Wrecking, Junk, and Salvage Yards	●					Items displayed shall be one (1) foot below the screening wall.
TO & PRO Districts	●	●				Also requires a fourteen (14) foot tall wing wall. (See Figure 4.03.06.1 (Page 147))
I Districts	●	●	●	●		Wall shall be eight (8) feet when screening from the street and fourteen (14) feet (wing wall) when screening the storage area from residential.
Note: Dots (●) indicates applicability.						

(A) Outside Storage and Display Requirements**(1) Elements within Outside Storage and Display Areas**

- a. Outside storage and display areas shall only contain equipment, vehicles, commodities, materials, goods, or merchandise that is sold, rented, or distributed within the inside of a building of a primary use, unless it is demonstrated to the Director that such products or materials could not be located indoors.
- b. Outside Storage and Display, Sales, or Operations
 1. No outside storage and display, sales, or operations shall be permitted unless such activity is visually screened from all streets and adjacent property lines of residentially zoned parcels or areas shown as single family residential or multifamily use on the Future Land Use Map.
 2. These regulations do not apply to temporary outside merchandise display, such as a sidewalk sale, where an outside area is used for merchandise display for less than 90 calendar days in one calendar year. If an area is used for more than 90 calendar days in one calendar year, then it shall comply with this section.

(2) Prohibited Areas

- a. Outside storage and display areas shall not be located within any required front/side yards.
- b. Outside storage and display areas shall not be located within any drainage or other type of easement.
- c. Outside storage and display areas shall not be located within any required parking area, parking spaces, loading areas, fire lanes, vehicular moving aisles or customer pick up lanes.

(3) Visual Obstruction and Interference

Outside storage and display areas shall not obstruct visibility or interfere with pedestrian or vehicular circulation and shall be subject to the following requirements:

- a. A minimum six (6) foot wide pedestrian path shall be maintained between outside storage and display areas and vehicular maneuvering aisles; and
 - b. A minimum six (6) foot wide pedestrian path shall be maintained between any entry or exit doors from the primary use building to the vehicular maneuvering aisles or parking areas.
- (4) Size Limitation
- a. Outside storage and display areas shall not occupy an area exceeding twenty five (25) percent of the gross floor area of the primary use building, or ten (10) percent of the lot area, whichever is most restrictive.
 - b. Exception to the Size Limitation of Outside Storage and Display Areas
If the outside storage and display area exceeds these requirements, it must be presented on the Site Plan and requires Planning & Zoning Commission approval.
- (5) Exemptions
Outside storage and display areas shall not apply to new and used sales or lease of automobile, motorcycle, recreational vehicles, or watercraft and similar facilities requiring outside display.
- (6) Temporary Uses
Seasonal and temporary storage areas shall provide for electrical plug-ins if storage containers require electrical service.

4.03.06. Screening for Loading Docks, Bays and Service Areas

SCREENING REQUIREMENTS FOR DOCKS AND SERVICE AREAS						
	Screening Type					Additional Notes
	B1	B2	B3	B4	B5	
Docks and bays when visible from a street or residential zone	●	●	●	●		Living screen trees to soften the wall with fourteen (14) foot tall wing wall (See Figure 4.03.06.1 (Page 147))
PRO and TO Districts	●	●	●	●		May not face Preston Road and the Dallas North Tollway May face other streets with landscape buffer (See Figure 4.03.06.1 (Page 147))
IT districts	●	●	●	●		Requires a fourteen (14) foot tall wing wall (See Figure 4.03.06.1 (Page 147))
Docks and bays adjacent to a major creek				●	●	Fourteen (14) foot tall solid living screen
Note: Dots (●) indicates applicability.						

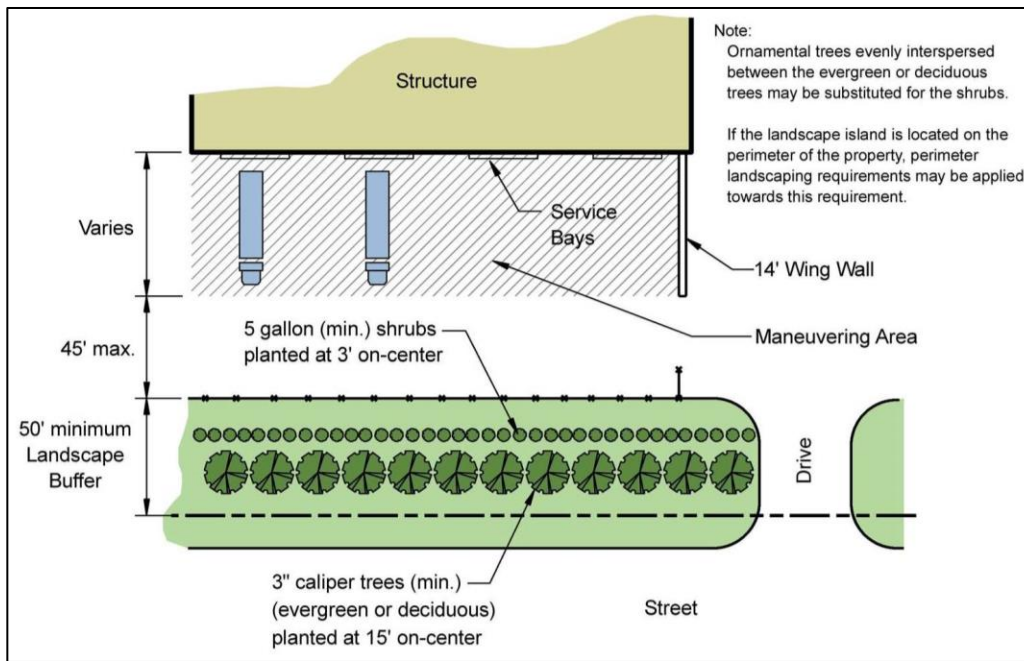


Figure 4.03.06.1: Service Bay Requirement within an Applicable Zoning District

4.03.07. Screening for Refuse (Trash) and Recycling Storage Container Screening

(A) Refuse and Recycling Collection Areas

- (1) Refuse and recycling collection areas shall be located to minimize their visibility from public streets.
- (2) Refuse and recycling receptacles shall be screened with a six (6) to eight (8) foot masonry wall of a color to match the primary building.
 - a. Screening enclosures shall be visually and aesthetically compatible with the overall project.
- (3) Refuse or recycling compactors shall be screened with an eight (8) foot masonry wall of a color that is consistent with the color of the primary building.
 - a. Screening enclosures shall be visually and aesthetically compatible with the overall project.
- (4) Refuse and recycling collection enclosures shall contain permanent walls on three (3) sides with the service opening not directly facing any public right-of-way or any residentially zoned property. The fourth side may incorporate a metal gate to visually screen the dumpster or compactor. Refuse and recycling collection enclosure doors cannot open into or obstruct the fire lane, access easement, or utility easement.
- (5) Single family and duplex dwellings shall be exempt from these refuse and recycling collection area screening requirements

(B) Placement of Refuse and Recycling Storage Collections Facilities in a Parking Lot

- (1) Refuse or recycling storage facilities located in a parking lot are prohibited in a designated parking or loading space.
- (2) Refuse or recycling storage facilities and screening shall be located a distance of twenty-five (25) feet away from the intersection of two (2) or more fire lanes and/or drive aisles. Distance shall be measured from the intersecting center lines of the lanes and/or aisles.
- (3) Each refuse or recycling storage facility shall be located so as to facilitate pickup by refuse collection agencies and shall be screened according to this [Subsection 4.03 Screening Standards](#).
- (4) Refuse or recycling storage facilities shall not be located between a building and street unless approved by the Director.

(C) Additional Requirements for Overlay Zoning Districts**(1) Applicability**

The following additional standards shall apply to all development within the following districts.

- a. PRO – Preston Road Overlay District
- b. TO – Tollway Overlay District

(2) Refuse and Recycling Collection Areas

Refuse storage enclosures are required for all developments. Enclosures shall meet the following.

- a. Be three-sided and consist of solid walls of six (6) to eight (8) feet in height, constructed of material type and color to match the building.
 - 1. Compactors shall be enclosed on three (3) sides by a solid wall with a minimum height of eight (8) feet and the fourth side by an eight (8) foot gate.
- b. Be designed to contain all refuse generated on-site between solid waste collections.
- c. Not be located in front yard setbacks and generally not be visible from adjacent streets or residential uses.
- d. Screening Walls for Refuse and Recycling Collection Areas
 - 1. Screening walls for refuse and recycling collection areas shall be constructed of primary exterior construction materials listed for the sub-district.
 - 2. Vegetation shall be used to soften the appearance of the walls. This may include either vines trained up the wall or minimum five (5) gallon shrubs planted thirty (30) inches on center.

(D) Additional Requirements for Multifamily Districts**(1) Screening**

Each refuse facility shall be screened from view on three (3) sides from persons standing at ground level on the site, or immediately adjoining property by a masonry wall not less than six (6) feet, nor more than eight (8) feet, in height or by an enclosure within a building.

(2) Health Regulations

Refuse containers shall be provided and maintained in a manner to satisfy local public health and sanitary regulations.

(3) Location

- a. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies using a fifteen (15) foot inside turning radius with a thirty (30) foot approach.
- b. Trash dumpsters shall be located a minimum of fifty (50) feet from a residential apartment building and one hundred (100) feet from an adjacent Residential district boundary line. Dumpsters shall have a minimum six (6) foot wall enclosure with an evergreen screen around the perimeter.
- c. Trash compactors shall be located a minimum of fifty (50) feet from residential apartment buildings and have an eight (8) foot wall enclosure with an evergreen living screen around the perimeter. Compactors are to be a minimum of one hundred fifty (150) feet from other Residential district boundary lines.

(4) Recycling Facilities

- a. Properties consisting of thirty (30) or more total dwelling units shall, in addition to refuse facilities, construct recycling facilities suitable to hold the capacity for the on-site recycling programs.
- b. Recycling facilities will meet the same setback criteria as refuse facilities.

4.03.08. Screening for Utilities, Mechanical, and Service Facilities

(A) Applicability

The regulations provided in this section shall apply to all nonresidential development.

(B) Finish of Accessory Elements

Exposed conduit, ladders, utility boxes, and drain spouts shall be either:

- (1) Painted to match the color of the building or an accent color, or
- (2) Have a natural metal finish.

(C) Ground-Mounted and Roof-Mounted Mechanical Equipment Screening

- (1) All mechanical equipment shall be screened from view at a point six (6) feet above ground level at the property line.
- (2) If a parapet does not accomplish this screening, a screening wall equal to the height of the equipment shall be provided.
- (3) Buildings adjacent to single family zoned property or property that is designated as single family on the Future Land Use Plan shall provide a screening wall equal to the height of the equipment on all sides that face the residential property.
- (4) In all cases, screening shall be compatible with building materials.
- (5) Mechanical penthouses shall complement overall building design.

(D) Ground-Mounted Service Equipment within Overlay Districts

Within the PRO – Preston Road Overlay District and TO – Tollway Overlay District, all ground-mounted service equipment such as air conditioners, transformers, and other service functions shall be located at the rear of all buildings and integrated into the building envelope or consolidated into enclosed service areas and screened with the primary building materials used on the building.

4.03.09. Entryway Wall Standards for Subdivisions

(A) Applicability

- (1) The following standards apply to exterior side yards of corner lots meeting the following criteria:
 - a. The corner lot is within a single family detached, two family, or townhome subdivision; and
 - b. The exterior side yard of the corner lot is adjacent to or at the terminus of an entryway street and within two hundred fifty (250) feet from a Type “A”, “B”, “C”, or “D” thoroughfare measured from a point at the intersection of the center line of the entryway street and the closest right-of-way line, see [Figure 4.03.09.1: Entryway Wall Requirement Area](#).
 - c. Subdivision lot layout, with regards to exterior side yard location, conforms to [Figure 4.03.09.1: Entryway Wall Requirement Area](#).
 - d. The wall height and location shall be shown on Preliminary Plats and Landscape Plans as dictated within the Development Application Handbook.
- (2) Entryway fencing standards apply only to the portion of the exterior side yard fence that is parallel to the entry street or parallel to the intersecting street as shown in [Figure 4.03.09.1](#).

(B) Materials

- (1) Walls shall either be constructed of:
 - a. Wood materials screened by living plant materials, which shall require a dedicated ten (10) foot wide planting strip,
 - b. The same material and in the same manner as the screening walls surrounding the subdivision, or

- c. [Open Ornamental Fence](#) (Page 327) materials and may include masonry materials. If masonry materials are used, then masonry materials shall be similar to the existing screening wall.
- (2) Height of entryway fencing shall comply with this [Subsection 4.03 Screening Standards](#).

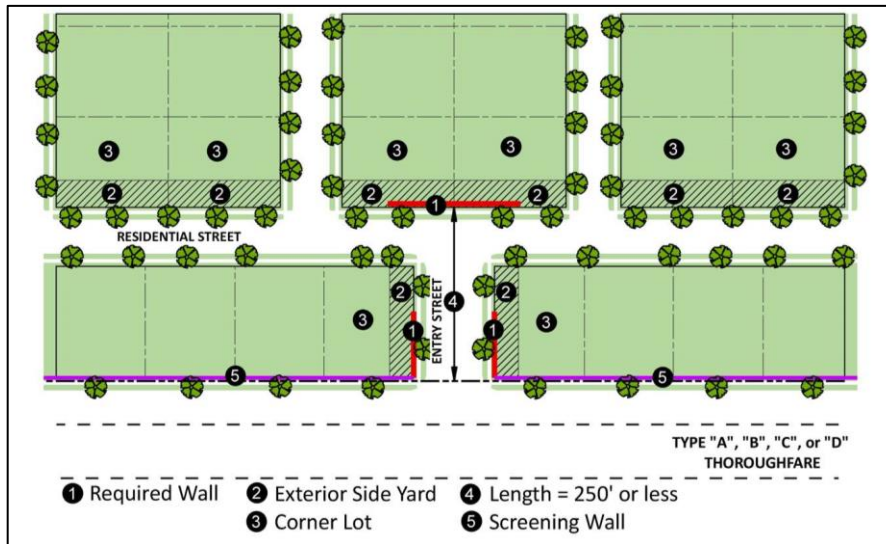


Figure 4.03.09.1: Entryway Wall Requirement Area

(C) Developer and HOA Responsibilities

- (1) The developer of a subdivision shall construct all required walls shown in [Figure 4.03.09.1](#).
- (2) All new subdivision developments platted after the adoption date of this Zoning Ordinance that implement the design in [Figure 4.03.09.1: Entryway Wall Requirement Area](#) (Page 150) shall be required to have an HOA to own and maintain such features.
- (3) If an HOA fails to maintain any required wall, the Director of Public Works and/or the Director of Development Services, at their discretion, shall have the authority to cause the repair and/or replacement of such wall at the expense of the HOA.

(D) Exceptions: Existing Walls or Fences within the Required Wall Area

The following shall only apply to existing walls and fences within the required wall area as shown in [Figure 4.03.09.1: Entryway Wall Requirement Area](#). (Page 150)

- (1) All existing walls or fences shall be maintained.
- (2) If an existing wall or fence is replaced, then the replacement wall or fence shall be a required wall as described above or meet the following fence standards.
 - a. Replacement fences shall meet the height standards within this section.
 - b. Replacement fences shall be constructed from Red Cedar, vinyl/PVC, or [Open Ornamental Fence](#) (Page 327) materials.
 - c. Replacement fences shall be built with the finished side (i.e., smooth side) facing the street.
 - d. Red Cedar replacement fences shall use metal fence posts.

Subsection 4.04. Off-Street Parking and Loading Requirements

4.04.01. Purpose

To secure safety from fire, panic, and other dangers; to lessen congestion on public streets; to facilitate the adequate provisions of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land. Minimum off-street parking and loading shall be provided as set forth in the following schedules and provisions.

4.04.02. Special Off-Street Parking Provisions: Residential Districts

(A) Parking Placement

Required off-street parking shall be provided on the same lot as the use it is to serve, as referenced in [4.04.09. Location of Parking Spaces](#) (Page [161](#)).

(B) Paving Requirements

Required parking must be paved concrete, or it may be pervious concrete or other materials with approval of the Director of Engineering Services.

(C) Agricultural Zoning District

Agricultural use located in the [AG – Agricultural District](#), the required parking shall be on, at a minimum, washed gravel to reduce dust emission or similar all-weather surface.

(D) Heavy Load Vehicle Storage

No required parking space, garage, carport, or other automobile storage space shall be used for the storage of any heavy load vehicle.

(E) Minimum Parking Provisions

- (1) In the following zoning districts, there shall be a minimum of two (2) enclosed garage parking spaces.

APPLICABLE ZONING DISTRICTS TABLE		
Section	District Abbreviation – District Name	Page Number
2.03.02.	RE – Residential Estate District	28
2.03.03.	SF-16 – Single Family Residential-16 District	28
2.03.04.	SF-12.5 – Single Family Residential-12.5 District	29
2.03.05.	SF-10 – Single Family Residential-10 District	30
2.03.06.	SF-8.5 – Single Family Residential-8.5 District	30
2.03.07.	SF-7 – Single Family Residential-7 District	31
2.03.08.	OTR – Original Town Residential District	32
2.03.09.	PH – Patio Home District	33
2.03.10.	2F – Two Family Residential (Duplex) District	35
2.03.11.	TH – Townhome District	36

- (2) In addition, there shall be two (2) paved parking spaces provided behind the front property line only for the purpose of allowing on-site stacking or maneuvering to the enclosed spaces.
- (3) Front entry design requirements listed in [4.07.18. Residential Front Entry Garage Standards](#) (Page [198](#)) apply to the districts listed above.

(F) Enclosed Parking and Stacking Spaces

- (1) In the zoning districts listed in [4.04.02. \(E\) above](#), required enclosed parking and stacking spaces

shall be a minimum of nine (9) feet wide and twenty (20) feet long.

- (2) Required enclosed parking and stacking spaces shall remain clear of any encroachments.

(G) OTR Garage Setbacks

In the [OTR – Original Town Residential District](#), the front of the garage shall be setback a minimum of twenty (20) feet from the projection of the front porch or building line.

(H) Circular driveways

- (1) Circular driveways shall be designed to accommodate any required parking behind the front building line.
- (2) Such driveways shall comply with driveway standards as outlined in the City's Engineering Design Standards and Construction Details and Thoroughfare Design Standards Ordinance.

4.04.03. Special Off-Street Parking Provisions: Nonresidential and MF Districts

(A) Parking Space Delineation

- (1) Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods.
- (2) Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.

(B) Parking Space Dimensions

- (1) Each standard off-street parking space shall be a minimum of nine (9) feet in width and twenty (20) feet in depth, exclusive of driveways and maneuvering aisles, and shall be of usable shape and condition (See [Figure 9.01.01.12: Parking Space Standards](#) (Page 353)).
- (2) Where it is possible for a vehicle to overhang the front of a parking space above a paved, stoned, mulched, or grassed area other than a required landscape area, open space area, sidewalk, street right-of-way or adjacent property, the depth of the paved standard space may be reduced to eighteen (18) feet (See [Figure 9.01.01.12: Parking Space Standards](#) (Page 353)). The landscaped buffer shall be increased by two (2) feet where the parking is eighteen (18) feet in length.
- (3) No parking space shall allow a vehicle to overhang a required landscape area, open space area, sidewalk, street right-of-way or adjacent property (See [Figure 4.04.03.1: Vehicle Overhang Prohibited](#)).

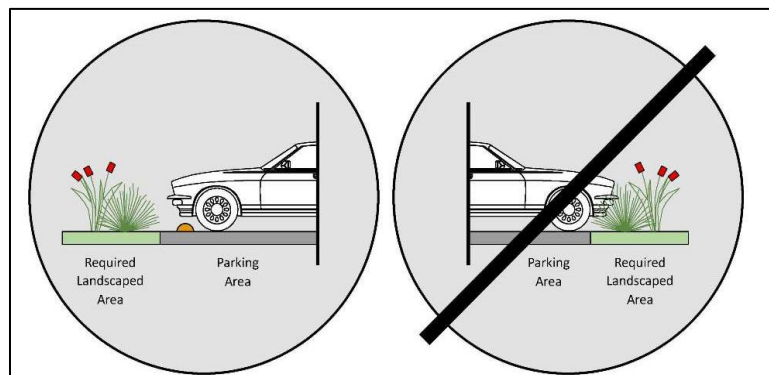


Figure 4.04.03.1: Vehicle Overhang Prohibited

- (4) Head-in parking spaces adjacent to buildings shall have a minimum four (4) foot wide clearance between the front of the car and the building.
 - a. The four (4) foot wide clearance shall be maintained by curbs or wheel stops, the face of which shall be located six (6) feet from the building, which allows a vehicle overhang of two (2) feet. Wheel stops shall only be used in parking spaces that are twenty (20) feet long.

- (5) Parallel off-street parking spaces must be a minimum of eight (8) feet in width and twenty-two (22) feet in depth (See [Figure 9.01.01.10: Parking Layouts](#) (Page 351)).
- (6) Parking spaces within structured parking garages shall be a minimum of eight and one-half (8½) feet in width and eighteen (18) feet in depth.

(C) Encroachment Upon the Public Right-of-Way or Required Landscaping Areas

- (1) Off-street parking shall be prohibited from encroaching into the public right-of-way in any case.
- (2) All vehicle maneuvering shall take place on-site.
 - a. No public right-of-way shall be used for backing or maneuvering into a parking space, except in the [OTC – Original Town Commercial District](#) as approved by the Director (See [Figure 9.01.01.2: Off-Street Maneuvering for Loading and Parking Areas](#) (Page 347)).

(D) Dead End Parking

Dead end parking is prohibited in nonresidential developments, except in the [OTC – Original Town Commercial District](#) as approved by the Director.

(E) Handicap Parking

Handicap parking space(s) shall be provided according to State of Texas Program for the Elimination of Architectural Barriers and shall conform to the Americans Disability Act (ADA) of 1991, as may be amended, accessibility guidelines or the Uniform Federal Accessibility Standards. Current requirements are as follows:

Total Parking Spaces	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20, plus 1 for each 100 over 1,000

4.04.04. Off-Street Loading Space: All Districts

All nonresidential uses having 50,000 square feet or more of gross floor area shall provide and maintain an off-street area for the loading and unloading of merchandise and goods.

(A) Drives and Approaches

- (1) All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street.
- (2) Each site shall provide a designated maneuvering area for trucks.
- (3) No maneuvering shall take place in the right-of-way.

4.04.05. Parking Access from a Public Street: All Districts

(A) Vehicular Access

Vehicular access to nonresidential uses shall not be permitted from alleys serving residential uses except in the [OTC – Original Town Commercial District](#) as approved by the Director.

(B) Garages and Carports in Residential Districts

See [Subsection 4.06 Accessory Structure Standards](#) (Page 174) and [Subsection 4.07 Supplementary Regulations](#) (Page 181) for setback requirements for garages and carports in residential districts adjacent to a public or private street.

4.04.06. Rules for Computing Number of Parking Spaces

In computing the number of parking spaces required for each use, the following rules shall govern.

(A) Floor Area

"Floor Area" shall mean the gross floor area of the specific use.

(B) Fractional Parking Space Calculation

Where fractional parking spaces result, the parking spaces required shall be rounded up to the nearest whole number.

(C) Unlisted Use Requirement Calculation

The parking space requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature or as approved by the Planning & Zoning Commission in conjunction with a Site Plan.

- (1) The applicant must provide data to support the request.
- (2) Optional resources for the parking space requirement consideration may include the Urban Land Institute (ULI) and Institute of Transportation Engineers (ITE) technical manuals or other similar planning documents.

(D) Building / Use Changes or Enlargements

Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

- (1) Whenever a building or use existing prior to April 5, 2011 is enlarged to the extent of thirty (30) percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

(E) Shared Parking Space Calculations

In order to establish a baseline number of parking spaces that may be reduced in a shared parking agreement, the baseline number of parking spaces shall equal the sum of the requirements of the various uses computed separately.

(1) Mixed Use Shared Parking Agreement

Up to fifty (50) percent of the parking spaces required for a theater or other place of evening entertainment (after 6:00 P.M.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours if specifically approved by the Planning & Zoning Commission as shown on a Site Plan or Final Plat.

- a. When a college or university offering evening classes only (after 5:30 P.M.) and an office development are located on the same lot, they may share one hundred (100) percent of the parking provided on the lot (with approval of a Preliminary Site Plan, Site Plan, or Substantially Conforming Site Plan designating as such).
- (2) Uses Prohibited from Mixed Use Shared Parking Agreements
Due to the nature of the development, uses that conform to [4.04.08. \(A\)\(42\)c Retail \(Shopping Center\)](#) (Page [159](#)) are prohibited from using shared parking, unless approved by the Director.
- (3) Pedestrian Access
Proper pedestrian access is provided such that pedestrians can access both uses within an acceptable distance and that such access is provided safely and conveniently to both uses.
- (4) Rescinded Shared Parking Agreement Approval
Approval by the Planning & Zoning Commission may be rescinded by the Planning & Zoning Commission and additional parking shall be obtained by the owners in the event that the Planning & Zoning Commission determines that such joint use is resulting in a public nuisance by providing an inadequate number of parking spaces or otherwise adversely affecting the public health, safety, or welfare. For appeals, see [Subsection 6.19 Appeals and the Appeal Process](#) (Page [294](#)).

4.04.07. Circulation and Parking Requirements for all Nonresidential Developments

(A) Applicability

The regulations provided in this section shall apply to all nonresidential development.

(B) Parking Aisles

Parking aisles shall be designed perpendicular to the front of the primary building in the development.

(C) Wheel Stops and/or Bollards

If curbs are not provided, then parking spaces that face and are adjacent to a building shall utilize wheel stops and/or bollards.

(D) Drive Aisles

Continuous drive aisles in front of buildings cannot be longer than three hundred (300) feet without a thirty (30) foot offset, a roundabout, raised crosswalks, or other acceptable traffic-calming feature approved by the Director, Director of Engineering Services, and Fire Chief.

4.04.08. Parking Requirement Based on Use

(A) Off-Street Parking Requirements

In all Districts, at the time any building or structure is erected or structurally altered, off-street parking spaces shall be provided in accordance with the following requirements.

- (1) Assisted Care or Living Facility
One (1) space per five (5) beds and one (1) parking space for each one thousand (1,000) square feet of lot area for outdoor uses.
- (2) Athletic Fields
Fifty (50) spaces per field for fields without fixed seating.
- (3) Bank, Savings and Loan, or Credit Union
One (1) space per three hundred (300) square feet of gross floor area.

- (4) Bed and Breakfast Facility
One (1) space per guest room in addition to the requirements for a normal residential use.
- (5) Boarding or Rooming House
One (1) parking space for each sleeping room.
- (6) Bowling Alley
Five (5) parking spaces for each alley or lane.
- (7) Brewery/ Brewpub/Distillery/Winery
One (1) space per one thousand (1,000) square feet of gross floor area that is used for warehousing, manufacturing and distribution. One (1) space per one hundred (100) square feet of gross floor area dedicated to the consumption by the ultimate consumer of product brewed, distilled and/or fermented on-site. (*Ord. No. 2020-04-24; 4/21/20*)
- (8) Car Wash, Full Service
Two (2) parking spaces plus required stacking for each car wash bay.
- (9) Car Wash, Self Service
Two (2) parking spaces plus required stacking for each car wash bay.
- (10) Child-care, Kindergartens, Day Schools, and Similar Child Training Establishments
One (1) space per eight (8) pupils plus one (1) space per employee.
- (11) Church, Rectory, or Other Place of Worship
One (1) space per one hundred (100) square feet of gross floor area of the main sanctuary.
- (12) College or University
One (1) space per each day student.
- (13) Community Center, Library, Museum, or Art Gallery
Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one (1) space for each four (4) seats that it contains.
- (14) Commercial Amusement (Indoor)
If a stand-alone use, then one (1) space per one hundred (100) square feet of gross floor area. If within a shopping center, then one (1) space per two hundred fifty (250) square feet of gross floor area.
- (15) Commercial Amusement (Outdoor)
Two (2) spaces per three (3) seats on amusement rides, or ten (10) spaces per ride, sports court, batting cage facility, or attraction with no specific or defined seating.
- (16) Convenience Store with Gas Pumps
One (1) space per two hundred (200) square feet of gross floor area. Parking in front of pump stations shall be counted towards meeting the required parking. A minimum of six (6) parking spaces shall be provided adjacent to the main building.
- (17) Dance Hall, Assembly or Exhibition Hall Without Fixed Seats
One (1) parking space for each one hundred (100) square feet of floor area thereof.
- (18) Data Center
(*Ord. No. 14-10-64; 10/21/2014*)

One (1) parking space for each three hundred fifty (350) square feet of gross floor area devoted to office uses plus one (1) additional parking space for each five thousand (5,000) square feet of

gross floor area devoted to data storage, processing and/or related uses.

(19) Dwellings, Single Family and Two Family

See [4.04.02. \(E\) Minimum Parking Provisions](#) (Page [151](#)) for parking standard.

(20) Dwellings, Multifamily

Two (2) spaces for one (1) and two (2) bedroom units, plus one (1) additional space for each additional bedroom.

(21) Flea Market

One (1) space for each five hundred (500) square feet of site area. Dirt or gravel parking lots are not permitted.

(22) Food Truck Court

(Ord. No. 2021-04-32; 4/20/21)

One parking space shall be required per one hundred (100) square feet of net Food Truck Court area. Net area includes common open areas of dining, truck queuing and associated assembly spaces. Net area does not include non-occupiable areas, accessory buildings, space occupied by food trucks or other permanent fixtures. See Figure 4.08.08.1.

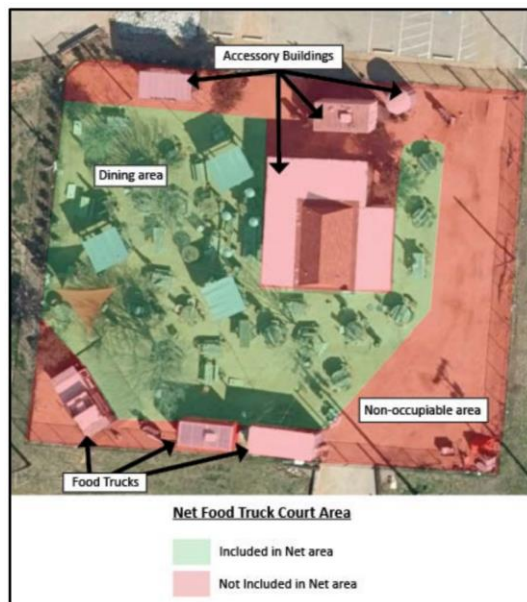


Figure 4.08.08.1: Food Truck Court

(23) Fraternity, Sorority, or Dormitory

One (1) parking space for each two (2) beds on campus, and one and one-half (1½) spaces for each two beds in off campus projects.

(24) Gasoline Station (kiosk)

Four (4) parking spaces.

(25) Golf Course

Nine (9) parking spaces per hole, plus one (1) parking space for each 150 square feet of floor area of golf or country club.

(26) Golf Course (miniature and driving range)

One and one-half (1½) parking spaces per hole (or tee), plus one (1) space for each 100 square feet of game room area.

- (27) Health Studio or Club
One (1) parking space per one hundred (100) square feet.
- (28) Hospital
One (1) space per employee on the largest shift, plus one and one-half (1½) spaces per each bed or examination room, whichever is applicable.
- (29) Hotel
One (1) parking space for each sleeping room or suite plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
- (30) Lodge or Fraternal Organization
One (1) space per two hundred (200) square feet.
- (31) Manufactured Home Park
Two (2) parking spaces for each manufactured home plus additional parking spaces as required herein for accessory uses.
- (32) Manufacturing or Industrial Establishment, Research or Testing Laboratory, Creamery, Bottling Plant, Warehouse, Printing or Plumbing Shop, or Similar Establishment
One (1) parking space for each employee on the maximum working shift plus parking spaces to accommodate all trucks and other vehicles used in connection therewith, but not less than one (1) parking space for each one thousand (1,000) square feet of floor area.
- (33) Mini-Warehouse
Six (6) parking spaces per complex located outside of the security gates and accessible to the public.
a. Interior parking spaces for loading and unloading may be included as parallel spaces between the fire lane and storage buildings.
- (34) Mortuary or Funeral Home
One (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors or individual funeral service rooms.
- (35) Motel
One (1) parking space for each sleeping room or suite plus one (1) additional parking space for each two hundred (200) square feet of commercial floor area contained therein.
- (36) Motor Vehicle Repair and Service
Three (3) parking spaces per service bay plus one (1) additional parking space per maximum number of employees on a shift.
- (37) Motor-Vehicle Salesroom and Used Car Lots
One (1) parking space for each five hundred (500) square feet of sales floor for indoor uses, or one (1) parking space for each one thousand (1,000) square feet of lot area for outdoor uses.
- (38) Nursery (Major and Minor)
One (1) parking space for each five thousand (5,000) square feet of outdoor storage area. Any associated sales or office area shall be calculated at one (1) parking space per two hundred (200) square feet.
- (39) Office (Professional)
One (1) space per three hundred fifty (350) square feet of gross floor area except as otherwise specified herein.
- (40) Office (Medical and/or Dental)
One (1) space per two hundred (200) square feet of gross floor area. Facilities over 20,000 square feet shall use the parking standards set forth for hospitals.

- (41) Private Club or Restaurant with a Private Club
One (1) parking space for each seventy-five (75) square feet of gross floor area.
- (42) Recycling Center/Plant
One space per 1,000 square feet of gross floor area of the processing center.
- (43) Residential Amenity Center
Minimum ten (10) spaces.
- (44) Restaurant or Similar Dining Establishment
- Stand-alone Restaurants
One (1) parking space for each one hundred (100) square feet of gross floor area.
 - Inline Restaurants
Inline restaurants, restaurants located within a common structure, attached to neighboring businesses, and are not stand-alone structures, shall provide one (1) space per two hundred (200) square feet of gross floor area.
 - This standard does not apply to restaurants conforming to [4.04.08. \(A\)\(42\)c Retail \(Shopping Center\)](#) (Page [159](#)).
 - Outdoor Seating Areas
Outdoor seating areas (may be covered, but not enclosed) under 500 square feet do not have an additional parking requirement.
- (45) Retail
- General Retail
One (1) space per two hundred (200) square feet of gross floor area.
 - Retail (big box, wholesale, furniture store, etc.)
One (1) space per two hundred fifty (250) square feet of gross floor area.
 - Retail (Shopping Center)
One (1) space per two hundred fifty (250) square feet of gross floor area for shopping centers between 100,000 and 500,000 square feet. Regardless of use breakdown, parking overflow amongst uses/lots is permitted.
 - Retail (over 500,000 square feet)
One (1) space per two hundred (200) square feet of gross floor area.
- (46) Sanitarium, Convalescent Home, Home for the Aged or Similar Institution
One (1) parking space for each five (5) beds.
- (47) School, Elementary, Secondary, or Middle (Public or Private)
One (1) parking space per seventeen (17) students.
- The total number of students shall be determined by taking the square footage of standard classrooms divided by twenty (20), plus the square footage of special classrooms, such as art, laboratories, drama, band and vocational rooms, divided by fifty (50).
- (48) School, High School (Public or Private)
One (1) parking space per three and three-tenths (3.3) students. (The total number of students shall be determined by taking the square footage of standard classrooms divided by twenty (20), plus the square footage of special classrooms, such as art, laboratories, drama, band and vocational rooms, divided by fifty (50)).
- (49) Theater, Sports Arena, Stadium, Gymnasium or Auditorium (except school)
One (1) parking space for each three (3) seats or bench seating spaces.

(50) Truck Stops

One (1) truck parking space measuring seventy-five (75) feet by twelve (12) feet for each ten thousand (10,000) square feet of site area plus one (1) vehicle parking space per two hundred (200) square feet of building area.

(51) Warehouse, Wholesale, Manufacturing and Other Industrial Type Uses

One (1) space for one thousand (1,000) square feet of gross floor area.

(52) Best/Current Practices Parking Ratio

For uses shown in the Use Chart that have atypical standards or single uses which have varying parking needs depending on the function of that specific single use, an applicant may submit a parking ratio based on best/current planning and transportation practices.

a. Best/Current Practices Parking Ratio Application

1. An applicant shall fully cite the sources used to derive the applicant-submitted parking ratio, possible resources include parking standards materials from the Institute of Transportation Engineers (ITE) or the American Planning Association (APA).
2. The Director shall review the applicant submitted parking ratio to confirm best/current planning practices for a use.
3. The Director shall approve, modify, or deny the applicant submitted parking ratio.

b. Parking Ratio Determination in Case where no Application is Submitted

1. If the applicant does not submit a parking ratio, then the Director shall determine the parking ratio based on the best/current planning and transportation practices.

(B) Stacking Requirements**(1) Stacking Space Definition**

Stacking spaces provide the ability for vehicles to queue on site prior to receiving a service.

(2) Stacking Space Size and Location

A stacking space shall be a minimum of nine (9) feet in width and twenty (20) feet in length and shall not be located within or interfere with any other circulation driveway, parking space, fire lane, or maneuvering area.

(3) Additional Stacking Space Location Criteria

Stacking spaces shall be provided behind the vehicle bay door, middle of the service window, or middle of the service island, whichever is applicable.

(4) Number of Required Stacking Spaces (All Districts)

In all Districts, at the time any building or structure is erected or altered, stacking spaces shall be provided in the number and manner set forth in the following list of property uses.

- a. Automated Teller Machine (ATM)
Three (3) stacking spaces.
- b. Automobile Oil Change and Similar Establishments
Three (3) stacking spaces per bay.
- c. Car Wash, Full Service
Six (6) stacking spaces per bay.
- d. Car Wash, Self Service (Automated)
Three (3) stacking spaces per bay.
- e. Car Wash, Self Service (Open Bay)
Two (2) stacking spaces per bay.

- f. Car Wash, Self Service (Drying Areas and Vacuum Islands)
Two (2) stacking spaces per drying area and/or vacuum island.
 - g. Child-care, Kindergartens, day schools, and similar child training and care establishments
One (1) stacking space per twenty (20) students provided on a through “circular” drive.
 - h. Dry Cleaning, Pharmacy, or Other Retail Establishments with a Drive-Through
Three (3) stacking spaces for first service window.
 - i. Financial Institution
Five (5) stacking spaces per window or service lane.
 - j. Restaurant with Drive-Through
Five (5) stacking spaces for first window, order board, or other stopping point.
 - k. Schools, Public or Private
The number of stacking spaces shall be determined during Site Plan review and approved by the Director of Engineering Services.
- (5) Single Stacking Space Required after the Final Window, Order Board, or Stopping Point
A single stacking space shall be provided after the final window, order board, or stopping point to allow vehicles to pull clear of the transaction area prior to entering an intersecting on-site driveway or maneuvering aisle.
- (6) Setback Requirement
Buildings and other structures shall be setback a minimum of ten (10) feet from the back of the curb of the intersecting driveway or maneuvering aisle to provide adequate visibility and to allow vehicles to safely exit drive-through lanes and escape lanes prior to merging into intersecting driveways or maneuvering aisles.
- (7) Escape Lane Requirement for Drive-Through Facilities
- a. An escape lane shall be provided for any use containing a drive-through facility.
 - b. An escape lane shall be nine (9) feet in width and shall provide access around the drive-through facility.
 - c. An escape lane may be part of a circulation aisle.

4.04.09. Location of Parking Spaces

All parking spaces required herein shall be located on the same lot with the building or use served, except as follows.

(A) Parking Easement Requirement for Off-Site Parking

In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, such spaces shall be located in a parking easement as shown on a Final Plat and Site Plan.

(B) OTC Parking Reduction and Awarding of Downtown Public Parking Lot Spaces

- (1) Required parking in the [OTC – Original Town Commercial District](#) shall be reduced by fifty (50) percent of the current parking requirements as they exist or may be amended.
- (2) If it is determined that due to existing site constraints, the requirements of this Ordinance cannot be met in the [OTC – Original Town Commercial District](#), the Director may, at his/her sole discretion, award public off-street parking spaces at City designated locations if all of the following conditions

exist.

- a. Any property owner/lessee, or his/her authorized agent, requesting any building permit and/or Certificate of Occupancy, which affects a parcel in the [OTC – Original Town Commercial District](#) and which results in a more intense use or greater square footage, must provide the additional parking required by this Ordinance if determined by the Director.
 - b. The proposed use represents an increase in parking intensity.
 - c. The proposed use will be located in an existing structure, and non-building areas of the property cannot be reconfigured to provide all of the required off-street parking.
 - d. The owner and/or lessee of the proposed use has exhausted all other means to provide the necessary parking including, without limitation, utilizing any vacant parcel, owned by the owner and/or lessee, which could be developed as parking.
 - e. There must be a surplus of existing Downtown Public Parking Lot Spaces.
 1. A roster of Downtown Public Parking Lot Spaces will be kept and maintained by the Director.
- (3) The Director may approve on-street parking to be credited to a use within the [OTC – Original Town Commercial District](#).

(C) Retaining Downtown Public Parking Lot Spaces

- (1) Uses in the [OTC – Original Town Commercial District](#) that have been awarded parking spaces out of any Downtown Public Parking Lots, will retain the ability to apply these spaces to their off-street parking requirements for up to six (6) months after the use, for which the additional spaces were awarded under this section, has vacated the premises.
- (2) If after six (6) months the site does not have a new use for which a Certificate of Occupancy has been issued, the spaces will revert to the City as surplus.
- (3) In the event a property, previously awarded Downtown Public Parking Lot Spaces, changes to a less intensive use the unneeded spaces shall be forfeited.

(D) Intent of Awarding Downtown Public Parking Lot Spaces

- (1) Awarding Downtown Public Parking Lot Spaces is allowed solely for the purpose of assisting an applicant in satisfying the off-street parking requirements established by this Ordinance.
- (2) An award of Downtown Public Parking Lot Spaces is not a guarantee that the awarded spaces will be open for parking at any and/or all times.
- (3) Availability of any Downtown Public Parking Lot Spaces is on a first come, first serve basis, and the Downtown Public Parking Lot spaces are open to the public.
- (4) Awarded parking spaces shall not be labeled and/or marked in any way by the user, lessee and/or landowner of record.

(E) Parking Prohibited in Front Yards

No parking shall be allowed in the front yard except on Main Street between the Dallas North Tollway and BNSF Railroad where slip roads will be allowed.

4.04.10. Uses of Required Parking Spaces, Nonresidential Districts

Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for storage or permanent display of boats, trailers, campers, motor vehicles or other goods, personal property, materials, or products for sale.

4.04.11. Reserved

(Ord. No. 19-04-24; 04/02/19)

4.04.12. Bicycle Parking*(Ord. No. 16-05-42; 05/17/16)***(A) Locations**

- (1) Short-term bicycle parking must be located within 100 feet of the main public entrance of the building or facility.
- (2) Long-term bicycle parking must be located within 500 feet of the main public entrance of the building or facility.
- (3) Bicycle parking facilities shall not interfere with accessible paths of travel or accessible parking as required by the Americans with Disabilities Act, as amended.
- (4) When a rack is placed within a sidewalk or pedestrian right-of way, a minimum of four (4) feet from the required rack dimension shall be provided for pedestrian clearance.
- (5) Bicycle racks shall be located in highly visible and well-lit areas to minimize theft and vandalism.
- (6) When automobile parking spaces are provided in a structured parking garage, all required long-term and short-term bicycle spaces shall be located inside the garage on the ground level. Alternative layout and design of racks to maximize space may be approved by the Director of Development Services.
- (7) Alternative Locations: In the event that compliance may not be feasible because of demonstrable hardship, the Director of Development Services may approve an alternative location

(B) Layout and Design

- (1) Each bicycle rack shall be designed to accommodate two bicycle parking spaces (two bicycle spaces per rack) while using the allowed bike rack designs below:
 - a. Racks shall be designed to accommodate "U"-shaped locking devices and support the bicycle horizontally in two places.
 - b. The racks shall be constructed of durable materials to withstand permanent exposure to the elements, such as powder-coated metal or stainless steel.
 - c. Long-term bicycle parking shall feature a protective cover to shield bicycles from the elements and shall be clad in a similar architectural style and materials as the primary building or as approved by the Director of Development Services.
 - d. All bicycle parking spaces must be hard-surfaced or at minimum a compact gravel base.
 - e. All bicycle racks shall be securely anchored to the ground using a concrete footing and tamper-proof anchors.
 - f. Decorative bicycle racks that enhance the sense of place and contribute to the character of the development are encouraged but are subject to approval by the Director of Development Services.

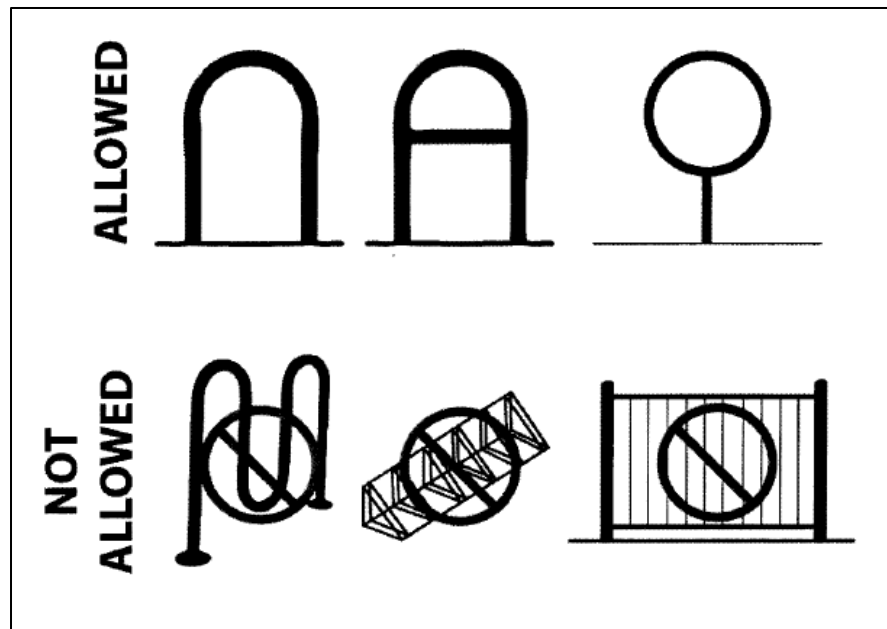
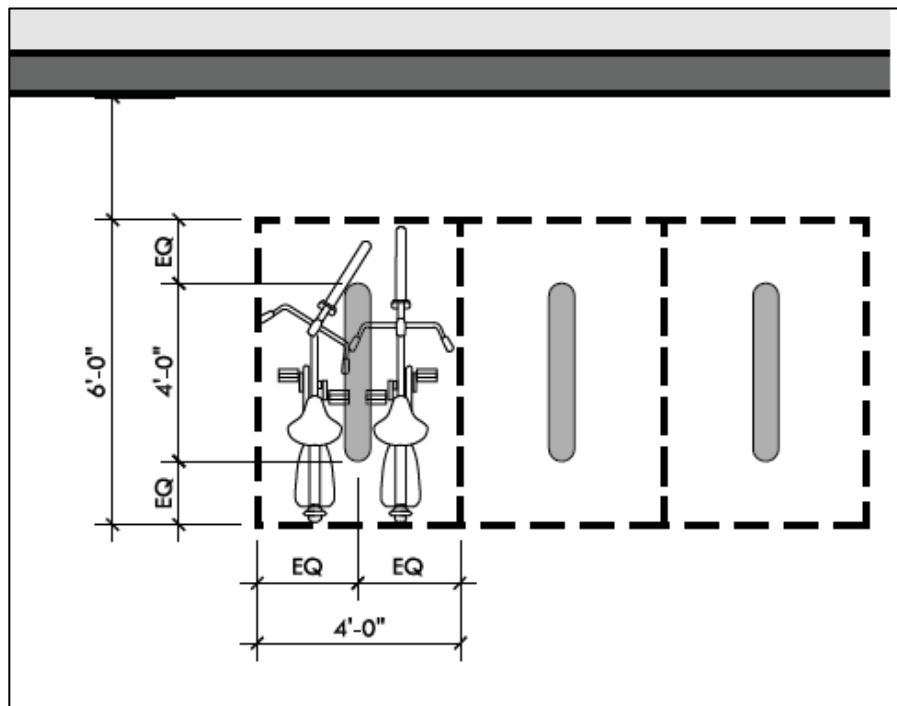


Figure 4.04.12.1: Examples of Typical Bicycle Parking Designs Allowed and Not Allowed

(2) Bicycle Parking Space Size, Access Aisles and Vertical Clearance

- a. Bicycle racks shall provide clearance from other objects by using a standard footprint that is at least four (4) feet wide by six (6) feet long, as depicted below, and shall hold at least two bicycles.



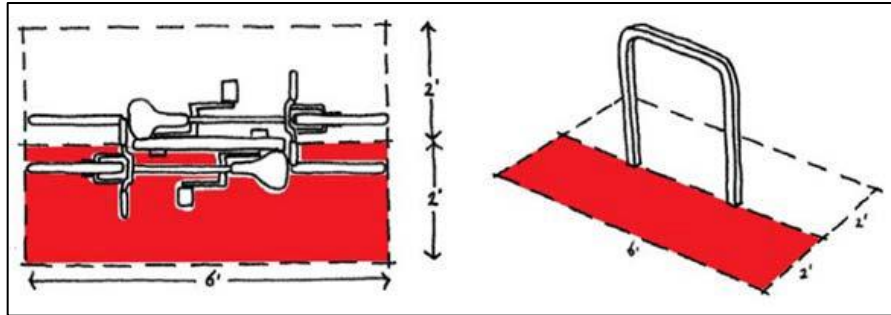


Figure 4.04.12.2: Examples of Bicycle Parking Footprint and Dimensions

- (3) In cases where bicycle parking spaces are not visible from the primary drive aisle approaching the building, signage shall be used to direct cyclists safely to bicycle parking areas (Manual for Uniform Traffic Devices sign D4-3). These signs shall not be placed in the public right-of-way



Figure 4.04.12.3: Manual for Uniform Traffic Devices Sign D4-3

(C) Bicycle Corrals

In areas with limited sidewalk space and frequent bicycle activity, bicycle parking shall be provided in “bike corrals” located in the vehicular parking area adjacent to a curb. Bike corrals make use of parking lot areas that are unsuitable for automobile parking. When replacing a single automobile parking space, a corral can generally fit eight to twelve bicycles. Design will be considered as context dictates as approved by the Director of Development Services.

Bicycle corrals shall be designed to distinguish and define the parking stall they inhabit for visibility and safety purposes. The corral is generally surrounded by a painted white box on the pavement with flexible vertical delineators and a wheel stop where vehicles in adjacent parking spots might back into the corral. No vertical element of the structure may be taller than four feet tall, unless approved by the Director of Development Services.

(D) Bicycle Parking Requirement

The number of bicycle parking racks shall be based on the required automobile parking spaces and shall be provided in accordance with the following. Where fractional bicycle parking spaces result, the

spaces required shall be rounded up to the nearest whole number.

Non-Residential	<p>0-40 required auto spaces = 2 short-term bicycle parking spaces minimum</p> <p>41-60 required auto spaces = 4 short-term bicycle parking spaces minimum</p> <p>61-80 required auto spaces = 6 short-term bicycle parking spaces minimum</p> <p>81-100 required auto spaces = 8 short-term bicycle parking spaces minimum</p> <p>101+ required auto spaces = minimum 10 short-term bicycle parking spaces or 2.5% of required automobile spaces, whichever is greater, will be provided as short-term bicycle parking spaces</p>
Multifamily Residential (MF-15 & MF-19)	<p>The minimum number of long-term bicycle parking spaces shall be equal to 10% of the required auto spaces.</p>

Figure 4.04.12.4: Bicycle Parking Standard Chart

- (1) Bicycle parking is required for all commercial uses except: Accessory Structure, Antenna and/or Antenna Support Structure (Commercial), Antenna and/or Antenna Support Structure (Non-Commercial), Places of Worship, Hotel, Mini-Warehouse/Self- Storage, Mobile Food Vendor, Private Utility, Oil Well/Gas Well and Mineral Extraction, Recycling Collection Point, Sewage Treatment Plant/Pumping Station, Telephone Exchange, Temporary Building, Utility Distribution/Transmission Line, Water Treatment Plant.
- (2) Bicycle parking for residential uses is only required in Multifamily-15 and Multifamily-19 uses.
- (3) Bicycle parking for Licensed Child-Care Facility and Hospital uses shall be calculated using required employee automobile parking.
- (4) The number of required and provided automobile parking spaces and bicycle parking spaces shall be shown in a chart format on the site plan. The location and footprints of bicycle racks corrals shall be shown on the site, as well as the location of any bicycle parking signage.
- (5) The number of required automobile parking spaces for a site plan may be reduced by the number of bicycle parking spaces provided on that site plan, subject to a maximum reduction of five percent (5%).
- (6) In all cases where bicycle parking is required, no fewer than two (2) spaces (one rack) shall be required.
- (7) Up to half of the required short-term bicycle parking spaces may be substituted with long-term bicycle parking spaces.
- (8) When the intensity of use of any building, structure or premises shall be increased through addition of dwelling units, gross floor area, seating capacity or other units of measurement specified herein that requires additional automobile parking spaces, additional bicycle parking as required herein shall be provided for such increase in intensity of use."

Subsection 4.05. Lighting Standards

4.05.01. Purpose

The purpose of this subsection is to:

- (A) Reduce the problems created by improperly designed and installed outdoor lighting;
- (B) Reduce problems of glare on operators of motor vehicles, pedestrians and land uses;
- (C) Minimize light trespass;
- (D) Reduce the energy and financial costs of outdoor lighting by establishing regulations, which limit the area that certain kinds of outdoor lighting fixtures can illuminate; and
- (E) Preserve the night sky as a natural resource.

4.05.02. General Requirements

The following standards shall apply to all exterior lighting except public street lighting and other lighting (see the City's engineering standards for lighting requirements in a public right-of-way) that is specifically exempted by this subsection.

(A) Buffer Areas and Required Setback Areas

Light sources or luminaires are prohibited in buffer areas and within required setback yard areas except on pedestrian walkways and hike and bike trails.

(B) Outdoor Advertising Lighting

- (1) Light for outdoor advertising shall be designed to function as full cutoff type of luminaires.
- (2) The temporary use of lasers and spotlights that project light into the sky may be allowed subject to the restrictions of temporary outdoor lighting. The applicant is responsible for acquiring a signed letter from the FAA stating that the proposed lighting is acceptable.
- (3) See [Figure 4.05.02.1: Shielded / Cutoff Light Source Required](#) (Page [168](#)) for examples.

(C) Shielded Light Source Required

- (1) All luminaires located on nonresidential use properties shall be designed so that the light source (bulb or lamp) is completely shielded from direct view of at a point three (3) feet above grade on the lot line abutting a [Protected Residential Property](#) (Page [330](#)).
- (2) In all other instances, the light source must be completely shielded from direct view of at a point six (6) feet above grade on the lot line.
- (3) See [Figure 4.05.02.1: Shielded / Cutoff Light Source Required](#) (Page [168](#)) for examples.

(D) Light Trespass Limitation

All luminaires located on private property shall be designed or positioned so that the maximum illumination at the property line next to a [Protected Residential Property](#) shall not exceed one-quarter (¼) foot-candle and shall not exceed one-half (½) foot-candle adjacent to a street right-of-way.

(E) Canopy Lighting

Lighting recessed for canopies covering fueling stations at automobile service stations and drive-through facilities shall not illuminate abutting properties and the luminaires shall be designed so that the light source and lenses (bulb or lamp) are completely shielded from direct view at a point five (5) feet above the grade on the lot line.

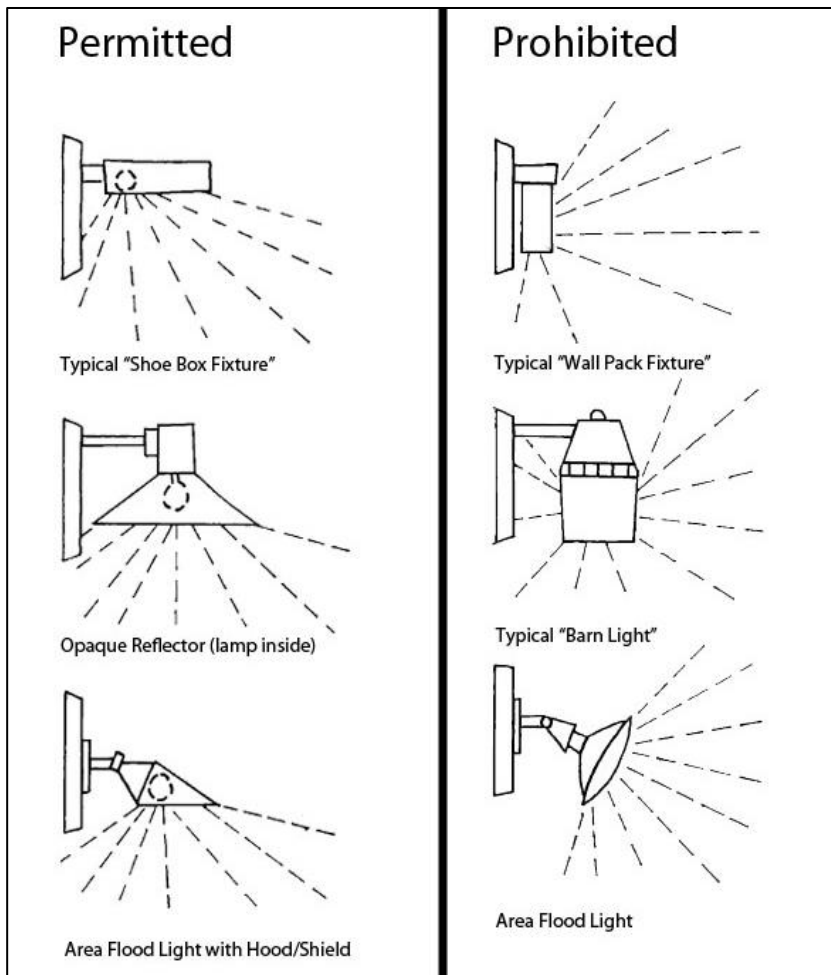


Figure 4.05.02.1: Shielded / Cutoff Light Source Required

(F) Wall or Roof Lighting

- (1) Wall or roof lighting may be used to illuminate the pedestrian walkways, entrance areas and yard areas within thirty (30) feet of the building.
- (2) No wall or roof lighting shall be used to illuminate areas for motor vehicle parking or access unless the Chief Building Official finds the following:
 - a. That the proposed lighting is not in conflict with the stated purpose;
 - b. That the proposed lighting will not unreasonably harm or restrict public health, safety and welfare or create a nuisance; and
 - c. The proposed lighting will not result in an impairment of vision creating a hazard for vehicular or pedestrian traffic.

(G) Open Area Used for Motor Vehicle Parking, Storage or Access

- (1) Any open area used for motor vehicle parking, storage or access may be illuminated with freestanding luminaires.
- (2) Freestanding luminaires are permitted to be a maximum of thirty (30) feet in height.
- (3) When a luminary is located within one hundred (100) feet of a [Protected Residential Property](#) (Page [330](#)), the maximum permitted luminaires height shall be twenty (20) feet.
- (4) All luminaires must have a total cutoff angle equal to or less than ninety (90) degrees.
- (5) The use of exterior lighting with a cutoff angle greater than ninety (90) degrees shall be permitted

only when the Chief Building Official finds the following:

- That the proposed lighting is not in conflict with the stated purpose;
- That the proposed lighting will not unreasonably harm or restrict public health, safety and welfare or create a nuisance; and
- The proposed lighting will not result in an impairment of vision creating a hazard for vehicular or pedestrian traffic.

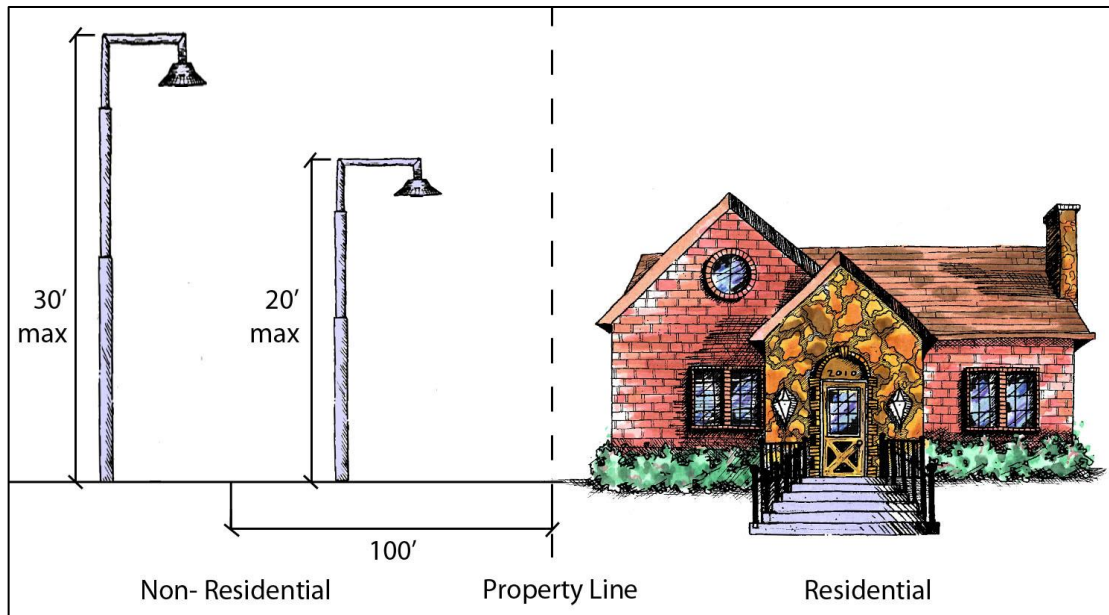


Figure 4.05.02.2: Open Area Used for Motor Vehicle Parking, Storage or Access

(H) Signs

Externally illuminated signs, advertising displays, building identification, and monument signs shall use top mounted light fixtures which shine light downward and which are fully shielded or upward with pin-pointed light which are fully shielded.

(I) Flags, Statues, and Other Similar Objects

Outdoor light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a very narrow cone of light for the purpose of confining the light to the object of interest and minimize spill-light and glare.

(J) Buildings

Building façades and architectural features of buildings may be floodlighted when the following conditions are met:

- (1) Floodlight fixtures are equipped with shields and are located so as to limit the fixture's direct light distribution to the façade or feature being illuminated;
- (2) The configuration of the floodlight installation shall block all view to the floodlight fixture's lamps from adjacent properties; and
- (3) The maximum luminance of any floodlighted surface does not exceed the foot-candles specified in the Illuminating Engineering Society of North America Lighting Handbook for floodlighting surfaces.

4.05.03. Temporary Outdoor Lighting

(A) Conforming Temporary Lighting

Any temporary outdoor lighting that conforms to the requirements of this Zoning Ordinance shall be allowed.

(B) Permitting Nonconforming Temporary Lighting

- (1) Nonconforming temporary outdoor lighting may be permitted by the Chief Building Official after considering:
 - a. The nature of the exemption;
 - b. The public and/or private benefits that would result from the temporary lighting;
 - c. Placement and height of outdoor light fixtures;
 - d. Type of outdoor light fixture(s) to be used, including total lumen output and character of the shielding, if any;
 - e. Any annoyance or safety problems that may result from the use of the temporary lighting;
 - f. The duration of the temporary nonconforming lighting and time that lights will be operating; and
 - g. Such other data and information as may be required by the Chief Building Official and/or City Council to clarify the request.
- (2) Chief Building Official may revoke permitted temporary lighting on the basis of incorrect information supplied, or where it is determined that the lighting adversely effects the health or safety of the public.

(C) Detailed Description Required for Nonconforming Temporary Lighting

The applicant shall submit a detailed description of the proposed nonconforming temporary lighting to the Director.

(D) For appeals, see [Subsection 6.19 Appeals and the Appeal Process](#) (Page [294](#)).

4.05.04. Illumination Levels

(A) Engineering Society of North America Lighting Handbook

The illumination levels contained in the Illuminating Engineering Society of North America Lighting Handbook, as amended from time to time, shall be used as a guide for providing adequate and safe illumination levels.

(B) Private and/or Public Development Project

The Director may require conformance with the illumination levels contained in the Lighting Handbook, Illuminating Engineering Society of North America as part of the review and approval of a private and/or public development project.

4.05.05. Method of Measurement

(A) Light Measuring Meter

- (1) The light measuring meter shall have a color and cosine-corrected sensor with multiple scales and shall read within an accuracy of plus or minus five (5) percent.
- (2) It shall be tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within one (1) year of its use.

(B) Measurements / Readings

- (1) Illumination levels shall be measured in foot-candles with a meter sensor in a horizontal position at

an approximate height of three (3) feet above grade.

- (2) Maximum illumination readings are to be taken directly beneath the luminaires.

4.05.06. Exterior Lighting Plan

(A) Submission

- (1) Applicability

A lighting plan shall be required anytime exterior lighting is proposed, or modified, that is associated with a use of greater intensity than a one (1) or two (2) family dwelling.

- (2) Submission Official

The lighting plan shall be submitted to the Director.

- (3) Submission Criteria

The submission shall contain but shall not necessarily be limited to the following:

- a. Plans indicating the location of the exterior lighting on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;
- b. Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required) and height of the luminaires; and
- c. Photometric plan and data sheets, such as that furnished by manufacturers, or similar to that furnished by manufacturers, showing the angle of cut off or light emissions.

- (4) Lighting Plan Preparation

A certified engineer, architect, landscape architect or lighting engineer or designer shall prepare the lighting plan.

- (5) Certification Statement

The lighting plan shall also contain a certification by the property owner or agent and the preparer of the lighting plan that the exterior lighting depicted on the lighting plan complies with the requirements of this Ordinance after installation.

- (6) Once the plan is approved by the Director, the exterior lighting of the property shall conform to the approved lighting plan.

- (7) A lighting plan required by this [4.05.06. Exterior Lighting Plan](#) shall expire at the same time that the approved Site Plan for which it was submitted expires.

(B) Additional Submission

- (1) The above required plans, descriptions and data shall be sufficiently complete to enable the reviewer to readily determine whether compliance with the requirements of this Ordinance will be secured.

- a. If such plans, descriptions and data cannot enable this ready determination, by reason of the nature or configuration or the devices, fixtures, or lamps proposed, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.

- (2) Before issuance of a Certificate of Occupancy or within thirty (30) calendar days of receiving a Certificate of Occupancy, the applicant or his/her designee shall submit to the Director a photometric plan, stamped by a certified testing laboratory or engineering firm that the installed lighting is in compliance with this Ordinance.

(C) Lamp or Fixture Substitution

Should any outdoor light fixture or the type of light source therein be changed after the issuance of the building permit and/or Certificate of Occupancy, a change request with adequate information, as required in [4.05.06. \(A\) above](#) herein, to ensure compliance with this Ordinance must be submitted to the Chief Building Official for review and approval prior to the substitution.

4.05.07. Prohibited

(A) Lighting Fixtures

- (1) "Cobra head" type lighting fixtures having dished or "drop" lenses or refractors which house other than incandescent light sources shall be prohibited.
- (2) See [Figure 4.05.02.1: Shielded / Cutoff Light Source Required](#) (Page [168](#)) for examples.

(B) Flickering or Flashing Lights

Flickering or flashing lights shall be prohibited.

4.05.08. Exemptions

The following are exempt from the standards contained in this Ordinance.

(A) Decorative Seasonal Lighting

Decorative seasonal lights used for temporary purposes.

(B) Residential Dwellings

- (1) Lighting for residential dwellings, provided that:
 - a. The lamps have a power rating of less than or equal to seventy-five (75) watts,
 - b. A cutoff component is incorporated in the design of the luminaires, and
 - c. The lighting level at the property line shall not exceed the maximum level specified within this Ordinance.
- (2) The maximum lighting level at the property line may be exceeded in cases where the lamp is turned on and off by a motion sensor and the lamp is not on for a continuous period exceeding ten (10) minutes.

(C) Luminous Tube Lighting

Luminous tube lighting is exempt from this Ordinance.

(D) Specific Signs

Signs of the type constructed of translucent materials and wholly illuminated from within are exempt from the shielding requirement.

(E) Temporary Emergency Lighting

Temporary emergency lighting used by police, fire fighters, or other emergency services, as well as all vehicular luminaires.

(F) Hazard Warnings

Hazard warning luminaires, which are required by federal and state regulatory agencies.

(G) Residential Party Lights

- (1) Residential party lights for social gatherings. Such temporary outdoor lighting includes, but is not

limited to, strings of lights and lanterns.

- (2) The party lights shall be removed within a reasonable time after any given reason.
- (3) The Chief Building Official will determine what the "reasonable time" should be.

(H) Specific Recreation

- (1) Because of their unique requirement for nighttime visibility and their limited hours of operations, ball diamonds, playing fields and tennis courts are exempted from the general standards of this section.
- (2) Lighting for these outdoor recreational uses shall be shielded to minimize light and glare from spilling over onto a [Protected Residential Property](#).
- (3) The maximum permitted illumination at the residential property line shall not exceed two (2) foot-candles.

(I) Public Street or Sidewalk Projects

City Council may vary from these requirements as part of the approval of public street or sidewalk projects.

4.05.09. Nonconforming Luminaires

(A) Pre-Existing Luminaires

- (1) Exterior lighting luminaires in existence on the effective date of this Ordinance April 5, 2011 shall be exempt from these standards and shall be considered legally nonconforming.
- (2) Legal nonconforming fixtures may be repaired, maintained and replaced.
- (3) Non-conforming lighting luminaires shall be replaced to comply with this Ordinance when the property is redeveloped.

(B) Public Nuisance Luminaires

- (1) Exterior lighting luminaires existing on the effective date of this Ordinance which are located on private nonresidential property and are found to direct light or glare to a [Protected Residential Property](#) shall be declared a public nuisance if the level of illumination on the [Protected Residential Property](#), which is caused by the luminaires, is greater than one-quarter (¼) foot-candle.
- (2) Such fixtures shall be altered to reduce the level of illumination in the protected residential property to a one-quarter (¼) foot-candle within two (2) months of receiving a written notice of the violation from the City.
- (3) Two (2) foot candles are allowed for ball diamonds, playing fields and tennis courts.

4.05.10. Enforcement

The Chief Building Official, or his/her designee, is hereby empowered and directed to administer and enforce the provisions of this Ordinance relating to outdoor light control.

Subsection 4.06. Accessory Structure Standards

4.06.01. Accessory Structure Use in Residential Districts

In the following applicable residential zoning districts, an accessory structure shall not be used for commercial purposes.

Applicable Zoning Districts Table		
Section	District Abbreviation – District Name	Page Number
2.03.01.	AG – Agricultural District	27
2.03.02.	RE – Residential Estate District	28
2.03.03.	SF-16 – Single Family Residential-16 District	28
2.03.04.	SF-12.5 – Single Family Residential-12.5 District	29
2.03.05.	SF-10 – Single Family Residential-10 District	30
2.03.06.	SF-8.5 – Single Family Residential-8.5 District	30
2.03.07.	SF-7 – Single Family Residential-7 District	31
2.03.08.	OTR – Original Town Residential District	32
2.03.09.	PH – Patio Home District	33
2.03.10.	2F – Two Family Residential (Duplex) District	35
2.03.11.	TH – Townhome District	36
2.03.12.	MF-15 – Multifamily-15 District	37
2.03.13.	MF-19 – Multifamily-19 District	38
2.03.14.	MH – Manufactured Home District	39

4.06.02. Accessory Structure Use in Nonresidential Zoning Districts

In the following applicable nonresidential districts, an accessory structure is a subordinate and detached structure, the use of which is incidental to and used only in conjunction with the main structure.

Applicable Zoning Districts Table		
Section	District Abbreviation – District Name	Page Number
2.04.01.	O-1 – Office-1 District	40
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

4.06.03. Garage Apartment or Guest House

(Ord. No. 19-10-83;10/1/19)

A [Garage Apartment](#) (Page [316](#)) or [Guest House](#) (Page [317](#)) shall be allowed as an incidental use on the same lot or tract as the main dwelling unit provided that it meets the following standards.

(A) Location

- (1) A [Garage Apartment](#) (Page [316](#)) shall be constructed attached to a garage, either above or on the same level as the garage).
- (2) A [Guest House](#) (Page [317](#)) shall be constructed separate from the main dwelling.

(B) Building Permit Requirement

A Garage Apartment or Guest House may be constructed only with the issuance of a Building Permit.

(C) Rental

- (1) A Garage Apartment or Guest House may not be sold separately from the sale of the entire property, including the main dwelling unit.
- (2) A Garage Apartment or Guest House may be rented or offered for rent provided that the main dwelling unit is owner-occupied.

(D) Setbacks

Setback shall meet the area regulations for accessory structures as shown in [Figure 4.06.04.1: Accessory Structure Regulations in All Residential Districts Except MF & MH Zoning Districts](#) (Page [178](#)).

4.06.04. Area Regulations for Accessory Structures

(Ord. No. 2021-07-47; 7/6/21)

(A) Definition

See [Accessory Structure](#) (Page [300](#)).

(B) An Accessory Structure is prohibited in any easement.

(C) MH District

In the MH District, no carport, garage, storage structure, office, caretaker's dwelling, laundry house, or other permitted structure may be located nearer than ten (10) feet to any side or rear property line. Such structures shall also be subject to front yard setback requirements of the primary structure.

(D) Multifamily Zoning Districts

Accessory Structure yard requirements shall be the same as the main structure unless otherwise specified in the zoning district or approved by the Planning & Zoning Commission on a Preliminary Site Plan for the multifamily development.

- (1) See [Figure 9.01.01.13: Accessory Building Setbacks](#) (Page [353](#))

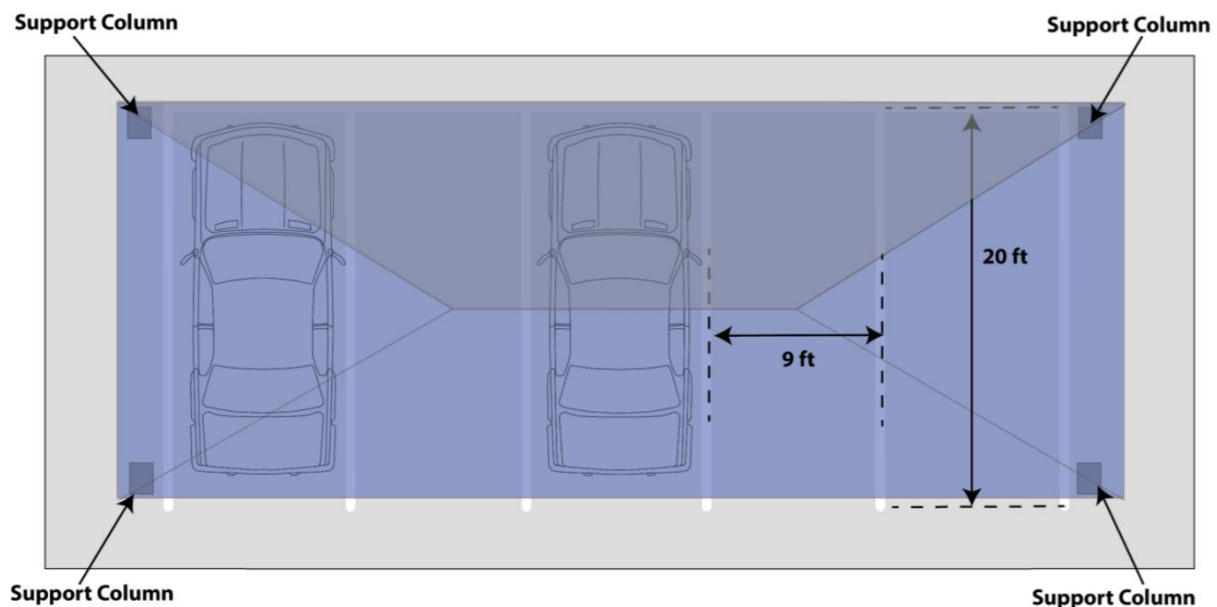
(E) All Residential Districts Except Multifamily Zoning Districts

(1) Specific Standards

- a. Accessory Structure yard requirements shall be the same as the main structure unless otherwise specified in [4.06.04. \(F\) Accessory Structure Regulations in All Residential Districts Except MF & MH Zoning Districts](#) (Page [178](#)).
- b. See [Figure 4.06.04.1: Accessory Structure Regulations in All Residential Districts Except MF & MH Zoning Districts](#) (Page [178](#)) for requirements.

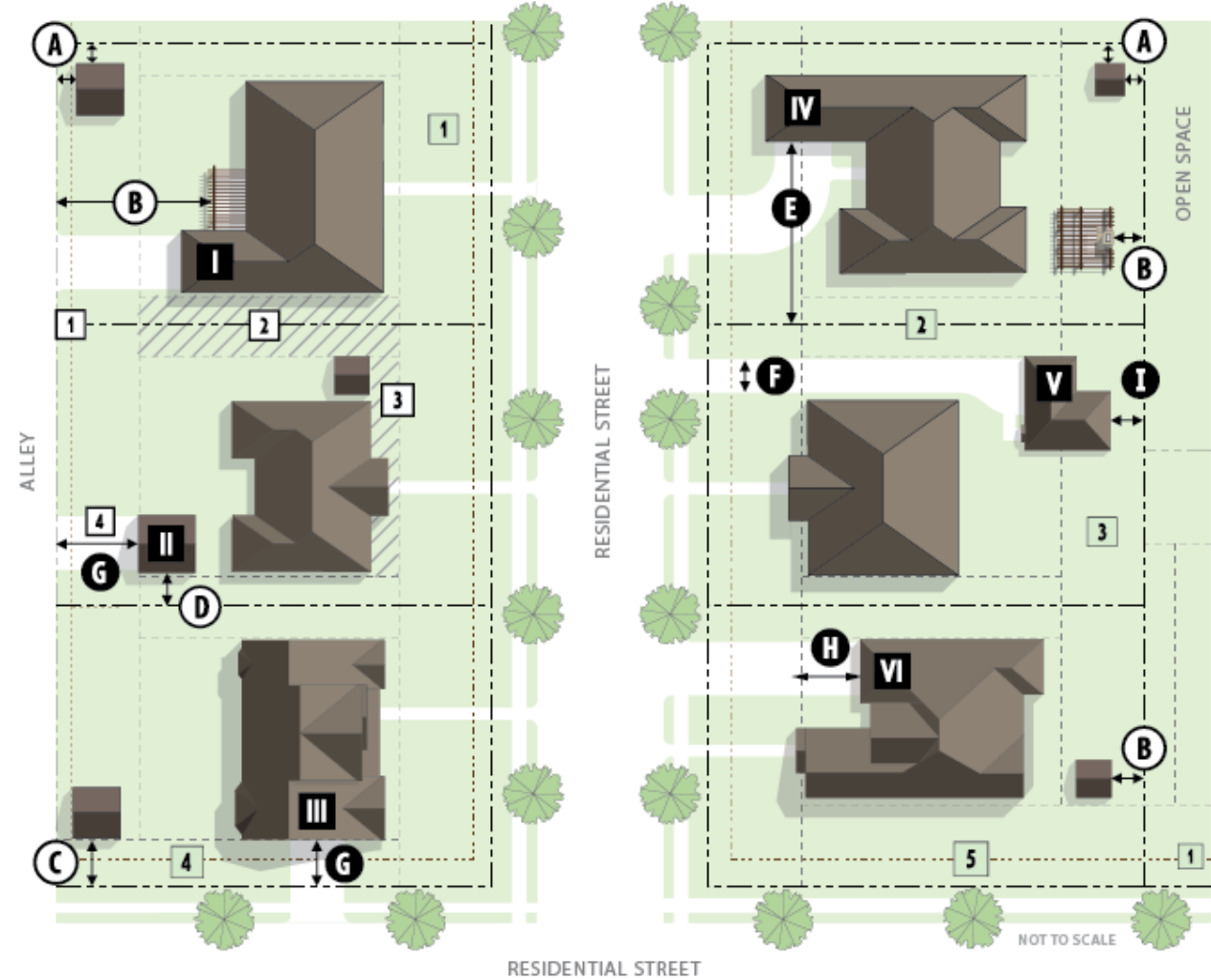
(F) All Nonresidential Districts

- (1) These standards shall not apply to canopies associated with a Convenience Store with Gas Pumps nor Gas Pumps as Accessory Use (for standards, reference 3.02.01(A)(14), and 3.02.01(A)(16), respectively).
- (2) Accessory structures shall not be located in required front, side or rear yards (reference 2.06.05 Nonresidential Districts Development Standards).
- (3) Accessory structures shall not cover more than 15% of the lot area. Accessory structures shall not affect lot coverage.
- (4) Support columns associated with an accessory structure covering parking spaces shall not be placed so as to impede the opening of a vehicle door; the support columns shall be located at the front or back of the parking spaces. Support columns shall not extend into the minimum width of a parking space (reference diagram below).



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(G) Accessory Structure Regulations in All Residential Districts Except MF & MH Zoning District



LEGEND		REQUIREMENTS FOR ALL ACCESSORY STRUCTURES	
Property Lines	Accessory Structure Note	No structure shall be placed within an easement.	
Setback Lines	Garage/Carport Type	No structure shall be placed in the side yard setback between the front and rear yard setback lines.	
Easement Lines	Garage/Carport Note	No structure shall project into the front yard beyond the face primary structure (not to include the porch area).	
Note Applies to All Accessory Structures		Accessory structures or buildings within the rear portion of the lot constructed closer than 10' to the main structure shall have the rear yard setback of the primary structure.	
PRIMARY STRUCTURE SETBACKS		SETBACK NOTES	GARAGE NOTES
Front Yard		3' min.	28' min.
Side Yard		10' min.	12' max.
Rear Yard		15' min. when Adjacent to a Side Street	10' or 20' or greater
Corner Lot, Side Yard		Same as Primary Structure Setback	See Page 184
Corner Lot, Front Yard (Key Lot)			6' or Same as Primary Structure Setback

Figure 4.06.04.1: Accessory Structure Regulations in All Residential Districts Except MF & MH Zoning Districts

SPECIFIC STANDARDS BY LOT TYPE		SETBACKS			ADDITIONAL REQUIREMENTS
		FRONT	SIDE	REAR	
Lots Backing to Alley			 	 	A 3' rear yard setback is allowed if the structure is no greater than 8' in height. A solid fence or wall of the same height shall be built on the rear lot line to screen the structure from property located to the rear.
Lots Backing to Open Space (minimum 50' in depth)			 		
No Alley or Open Space (minimum 50' in depth)			 		
SPECIFIC STANDARDS BY USE OF STRUCTURE		SETBACKS			ADDITIONAL REQUIREMENTS
		FRONT	SIDE	REAR	
Guest House or Garage Apartment			 		
Patio Covers/Arbors Attached to the Primary Structure			 		Shall be open on all sides, have a permeable (non weather-resistant) roof, and a maximum height of one story.
Outdoor Kitchen/Fireplace			 		On corner lots, may encroach into the side yard up to 7' from the side property line. The maximum height for outdoor kitchens in the side yard shall be 42". 100% masonry structures (no greater than 8' in height) may encroach into the rear yard up to 10' from the property line.
Fire Pit			 		15' minimum distance from the primary structure 10' minimum distance from any combustible item.
SPECIFIC STANDARDS BY USE OF STRUCTURE		SETBACKS			ADDITIONAL REQUIREMENTS
		FRONT	SIDE	REAR	
I	Alley Loaded, Attached		 		20' minimum setback from side yard if accessed off side alley.
II	Alley Loaded, Detached		 		20' minimum setback from side yard if accessed off side alley.
III	Side Loaded				
IV	J-Swing				Front yard setback for J-Swing garage may be reduced by up to 10' per 4.07.02. (I) (Page 184).
V	Front Loaded, Detached (Pass-Thru)				Driveway width shall be a maximum of 12' between the street and the front façade of the primary structure. 6' minimum setback from the rear property line shall be provided if a single story structures 10' or more from the primary structure. Otherwise, it shall meet the primary structure setback requirement.
VI	Front Loaded, Attached				

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4.06.05. Accessory Structure Exterior Façades and Construction

(Ord. No. 2021-07-47; 7/6/21)

(A) Exterior Façades

The exterior facades of all accessory structures, including detached garages, in all zoning districts shall be constructed of the same exterior construction material of the main building or structure, and, at a minimum, the requirements which meeting or exceed [4.07.09. Exterior Construction of Main Buildings](#) (Page [188](#)).

(B) Exceptions to Exterior Facades

- (1) These standards shall not apply to canopies associated with a Convenience Store with Gas Pumps nor Gas Pump with Accessory Use (for standards, reference 3.02.01(A)(14) and 3.02.01(A)(16), respectively).
- (2) Fiber cement siding may be used to fulfill masonry requirements for an accessory structure or structure of two hundred (200) square feet or less in a single family or two-family district.
- (3) Exception shall be allowed to the [4.07.09. Exterior Construction of Main Buildings](#) (Page [188](#)) for accessory structures in the [AG – Agricultural District](#).
- (4) Metal or wood may be used as an exterior construction material for an accessory structure or structure of one hundred twenty (120) square feet or less in a single family or two-family district.
- (5) Fiber cement siding may be used to fulfill masonry requirements for structures accessory to an existing structure constructed entirely of wood or vinyl siding.
- (6) In nonresidential and multifamily districts, fabric canopies/awning are permitted provided the following minimum requirements are met:
 - i. Fabric shall be made of coated vinyl
 - ii. Fabric shall be a solid color and contain no pattern. Neon and/or Fluorescent colors are prohibited;
 - iii. Fabric and overall support system shall be designed to handle a wind speed of up to 150 miles per hour;
 - iv. Applicant shall submit proof of a minimum 10-year manufacturer warranty for the fabric upon submittal of an application for a building permit. This warranty shall cover fraying, tearing, fading and discoloring.
 - v. The support structure (including columns) shall be metal; painted white, black or dark brown; and
 - vi. Signage and logos are prohibited.
- (7) In nonresidential districts, accessory structures with pervious roofs (e.g., pergola) may be constructed of Cedar, Douglas Fir, or other material impervious to rotting, provided masonry, matching the material of the primary building or structure, wraps around the base of each column for a minimum three (3) feet above grade.

Subsection 4.07. Supplementary Regulations

4.07.01. Residential Lot Regulations

(A) Minimum Residential Lot Area and Exceptions

The minimum lot area for the various zoning districts shall be in accordance with the individual districts except that a lot having less area than herein required which was an official "lot of record" prior to the adoption of this Ordinance, April 5, 2011, may be used for a single family dwelling and no lot existing at the time of passage of this Ordinance shall be reduced in area below the minimum requirements set forth in the respective district.

(B) Location of Dwellings and Buildings

(1) One Main Building for Single Family and Two-Family Use

Only one main building for single family and two-family use, with permitted accessory buildings, may be located upon a lot or unplatted tract.

(2) Access

Every means of access shall have a minimum lot width of twenty-five (25) feet at the property line.

(3) Two or More Main Buildings

Whenever two or more main buildings, or portions thereof, are placed upon a single lot or tract and such buildings do not face upon a public street, the same may be permitted when the Site Plan for such development is approved by the Planning & Zoning Commission so as to comply with the City Subdivision Regulations' requirements for platting.

(4) Duplicate Calculations Prohibited

No parking area, storage area, or required open space for one building shall be computed as being the open space, yard, or area requirements for any other dwelling or other use.

4.07.02. Front Yard Setback

(A) Corner Lots

On corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless shown specifically otherwise on a Final Plat, according to [4.07.01. \(A\) Minimum Residential Lot Area and Exceptions](#) (Page [181](#)).

(B) Block with Split Zoning

Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard setback shall comply with the requirements of the most restrictive district for the entire frontage

(1) See [Figure 4.07.02.1: Front Yard Where Zoning Changes in a Block.](#)

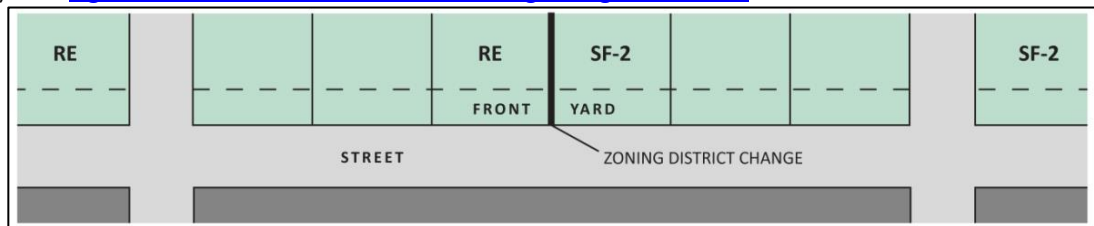


Figure 4.07.02.1: Front Yard Where Zoning Changes in a Block

(C) Approved Plats with Established Building Line

The required front yard setback shall comply with the building line so established by such Ordinance or plat, where a building line has been established by a plat or by ordinance prior to April 5, 2011, and such line required is a greater or lesser front yard setback than prescribed by this Ordinance for the district in which the building line is located.

(D) Front Yard Measurements and Considerations

- (1) The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building.
 - (2) Eaves and roof extensions or a porch without posts or columns may project into the required front yard setback for a distance not to exceed three (3) feet.
- a. See [Figure 4.07.02.2: Method for Measuring Front Yards](#).

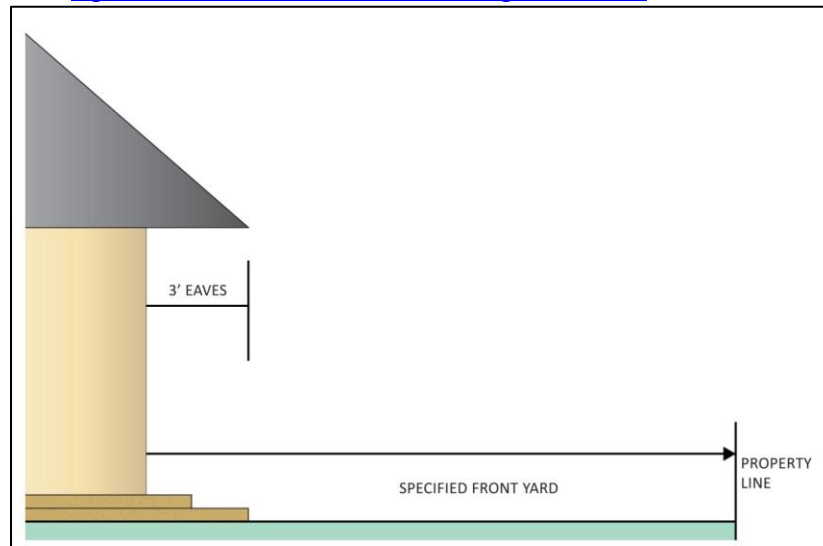


Figure 4.07.02.2: Method for Measuring Front Yards

(E) Minimum Front Yard Setback Reduction and Average Setback

- (1) The minimum front yard setback requirements may be reduced by a maximum of five (5) feet for all single family and duplex uses within all SF, 2F, and OTC zoning districts provided that at least fifty (50) percent of the structures on a given block are set back an additional five (5) feet from the original setback.
- (2) The average setback along the block shall equal the original setback requirement.
- (3) The purpose of this average setback is to encourage a variety of front yard setbacks along a street.
- (4) In no case shall the front yard setback be less than twenty (20) feet.
- (5) The desired front setbacks for each lot shall be designated on the Final Plat.

- a. See [Figure 4.07.02.3: Calculations of Average Front Yard Setbacks](#) (Page [182](#))

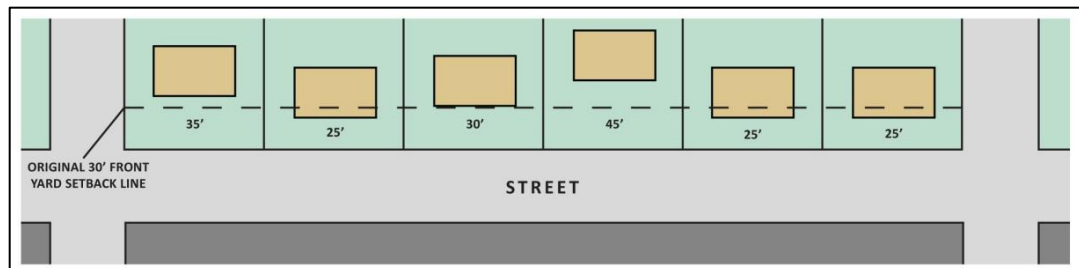


Figure 4.07.02.3: Calculations of Average Front Yard Setbacks

(F) Lots with Predominate Frontage on the Curved Radius of a Cul-de-sac Street

Minimum front yard setbacks for lots with predominate frontage on the curved radius of a dedicated cul-de-sac street shall be twenty (20) feet.

- (1) See [Figure 4.07.02.4: Calculations of Front Yard Setbacks on a Cul-de-sac Street](#).

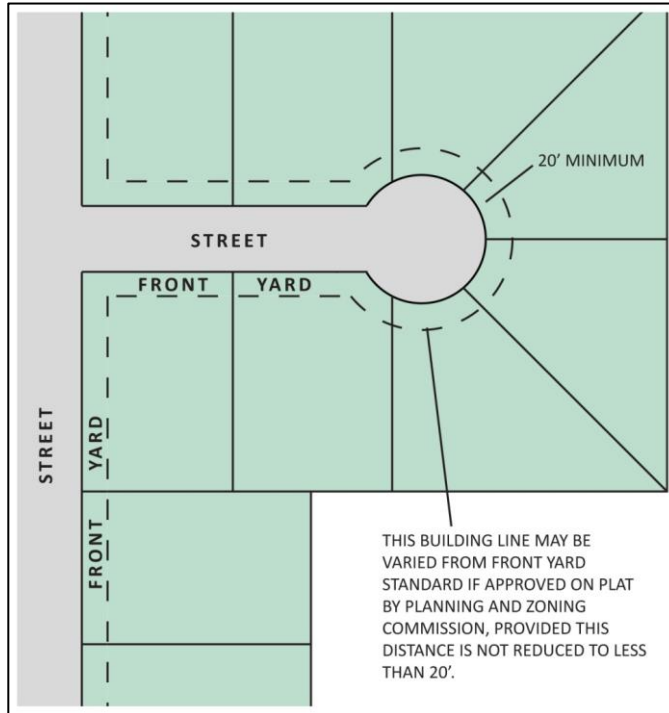


Figure 4.07.02.4: Calculations of Front Yard Setbacks on a Cul-de-sac Street

(G) Future Right-of-Way Line

Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front or side yard shall be measured from the future right-of-way line.

(H) Front Yard Setback Reduction for Nonresidential Zoning District

- (1) Applicability

The following front yard reductions shall apply to all nonresidential zoning districts except the [I-Industrial District](#).

- (2) Reduction Standards

The minimum front yard setback requirements may be reduced to ten (10) foot if the following requirements are met.

- A minimum fifteen (15) foot sidewalk is provided.
- Using [Subsection 9.07 Form-Based Code Manual](#) (Page [361](#)), street trees planted thirty (30) to thirty-five (35) feet on center are provided.
- No parking or drive aisles are between the building and the property line
- Buildings or required open space areas abut the fifteen (15) foot sidewalk for a minimum distance of two hundred (200) feet or fifty (50) percent of the length of the front yard, whichever is greater.
- The above requirements shall be consistent with [Subsection 9.07 Form-Based Code Manual](#) (Page [361](#)).

(I) Front Yard Setback Reduction for Single- and Two-Family Zoning Districts

The minimum front yard in single family and two family zoning districts may be reduced by ten (10) feet or fifteen (15) feet in the following circumstances. The front yard setback reduction shall apply only to the structures listed and shall not apply to the remainder of the housing unit. In no case shall the reduction cause the minimum front yard to be less than fifteen (15) feet. (See [Figure 4.07.02.5: Front Yard Setback Reduction for Single- and Two-Family Zoning Districts](#) (Page 184) for a graphic depiction of applicable standards.)

(1) Circumstance One

For a swing-in garage provided the wall of the garage that faces the street contains a glass pane window with a minimum size of three (3) feet by five (5) feet and the height of the garage does not exceed one (1) story;

(2) Circumstance Two

For a non-enclosed porch, stoop, or balcony, or an architectural feature, such as bay window without floor area or chimney (for porch information and examples, see [4.07.16. Front Porch Standards](#) (Page 195)); or

(3) Circumstance Three

For a non-enclosed porch and the main structure provided:

- a. The porch has a minimum dimension of seven (7) feet in depth measured from stud to the front edge of the porch floor and a minimum width of:
 1. Ten (10) feet for [SF-8.5 – Single Family Residential-8.5 District](#) lots and smaller; and
 2. Twenty (20) feet for lots larger than [SF-8.5 – Single Family Residential-8.5 District](#).

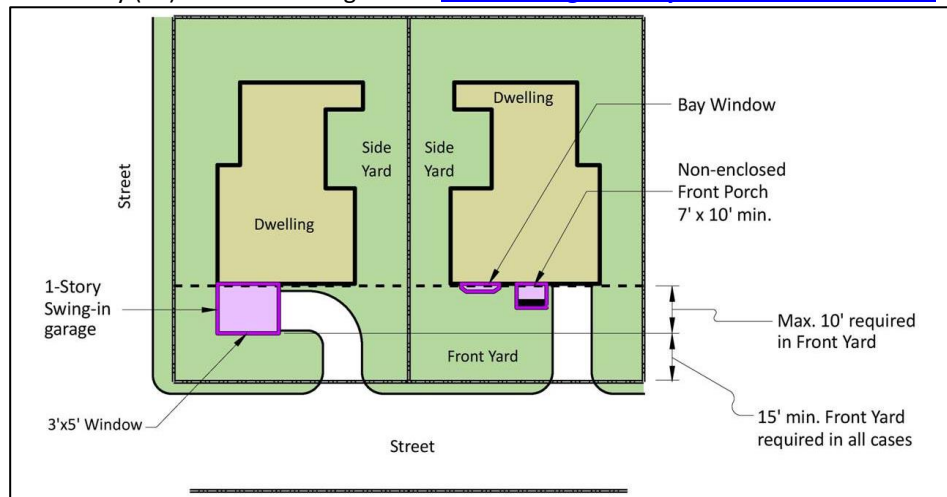


Figure 4.07.02.5: Front Yard Setback Reduction for Single- and Two-Family Zoning Districts

(J) Front Yard Setback Reduction for Specific Thoroughfares

The minimum front yard in single family and two-family zoning districts with required street trees shall be reduced by five (5) feet for Type F and Type G thoroughfares.

4.07.03. Side Yard Setbacks

(A) Corner Lot Side Yard Setbacks

- (1) On a corner lot used for one or two family dwellings, both street exposures shall be treated as front yards on all lots except where one street exposure is designated as a side yard on a lot of record and separated from the adjacent lot by an alley and separated from the adjacent lot by an alley.

- a. In such case, a building line shall be designated on the plat containing a side yard of fifteen (15) feet or more.
- (2) On lots that were official lots of record prior to April 5, 2011, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district. See the following figures for details:

- a. [Figure 4.07.03.1: Key Lot.](#)

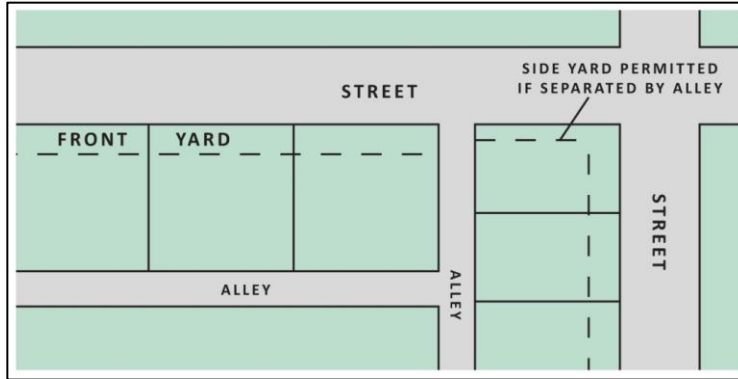


Figure 4.07.03.1: Key Lot

- b. [Figure 4.07.03.2: Corner Lot.](#)

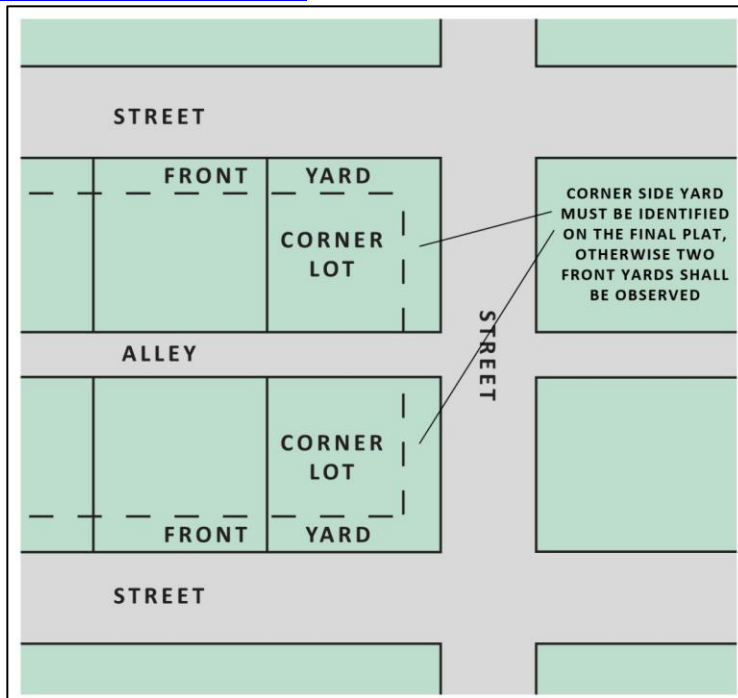


Figure 4.07.03.2: Corner Lot

(B) Open and Unobstructed Side Yards

- (1) Every part of a required side yard shall be open and unobstructed from the ground upward except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve (12) inches into the required side yard, and roof eaves projecting not to exceed thirty-six (36) inches into the required side yard.
- (2) Air conditioning compressors, pool machinery and equipment, and similar appurtenances are permitted in the side yard, but shall be located a minimum three (3) feet from the property line.

(C) Garage Door Side Yard Setback

The face (meaning garage door) of a garage that faces a side yard (a swing-in garage) must be setback twenty-eight (28) feet from the side property line.

- a. See [Figure 4.06.04.1: Accessory Structure Regulations in All Residential Districts Except MF & MH Zoning Districts](#) (Page 178).

4.07.04. Wind Energy Conversion Systems, Small**(A) Height**

The maximum tower height shall conform to the applicable zoning district.

(B) Property Line Setbacks

The setback from a property line shall be equal to or greater than the tower height.

4.07.05. Special Height Regulations

(Ord. No. 19-10-82; 10/1/19)

(A) Use Height Exceptions

Water stand pipes and tanks, church steeples, domes, and spires, public and private school buildings, and public/semi-public (see [Public/Semi-Public Uses](#) (Page 330)) institutional buildings (see [Institutional Use](#) (Page 319)) may be erected to exceed two (2) stories in height, provided that one (1) additional foot shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed two (2) stories.

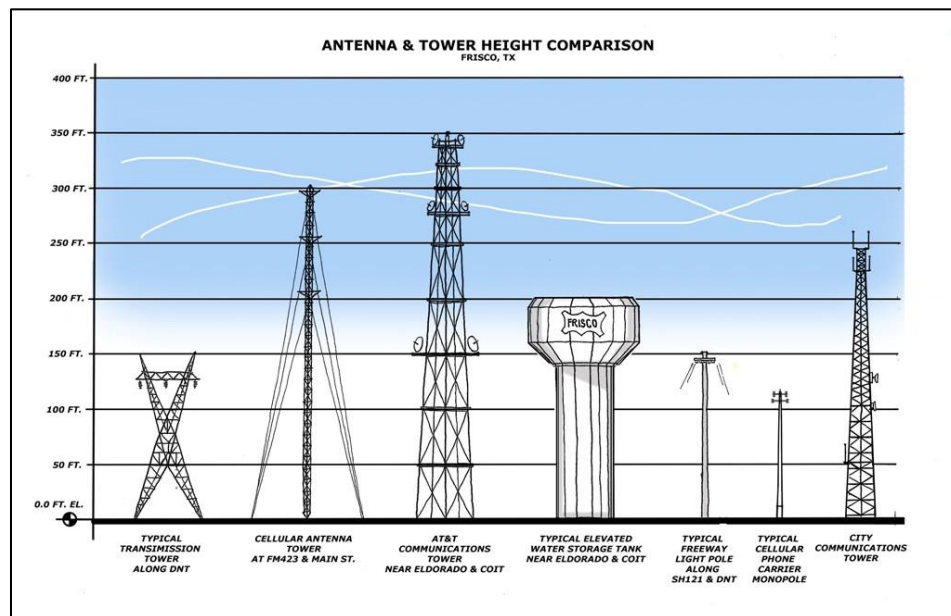


Figure 4.07.05.1: Antenna & Tower Height Comparisons within Frisco

(B) Ornamental Features Exception

- (1) Ornamental features in all nonresidential zoning districts may exceed the maximum building height provided that the ornamental feature does not contain floor area and provided the required setbacks for the ornamental feature are increased by two (2) feet for every one (1) foot that the ornamental feature exceeds the maximum height.
- (2) Ornamental features shall be defined as towers, spires, steeples, and cupolas.

4.07.06. Miscellaneous Requirements

(A) Measurements

All measurements of setback requirements shall be made according to the following figures.

- (1) [Figure 9.01.01.3: Front Yard, Building Line, and Lot Width Measurement](#) (Page [348](#))
- (2) [Figure 9.01.01.5: Determining Lot Depth on an Irregular Shaped Lot](#) (Page [349](#))
- (3) [Figure 9.01.01.6: Yard Measurements](#) (Page [349](#))

4.07.07. Reserved

(Ord. No. 19-10-82; 10/1/19)

4.07.08. Modular (Industrialized) Home

(A) Permitted Zoning Districts

A modular home may be permitted within the following zoning districts.

Zoning Districts in which Modular Homes are Permitted		
Section	District Abbreviation – District Name	Page Number
2.03.01.	AG – Agricultural District	27
2.03.02.	RE – Residential Estate District	28
2.03.03.	SF-16 – Single Family Residential-16 District	28
2.03.04.	SF-12.5 – Single Family Residential-12.5 District	29
2.03.05.	SF-10 – Single Family Residential-10 District	30
2.03.06.	SF-8.5 – Single Family Residential-8.5 District	30
2.03.07.	SF-7 – Single Family Residential-7 District	31
2.03.08.	OTR – Original Town Residential District	32
2.03.09.	PH – Patio Home District	33
2.03.10.	2F – Two Family Residential (Duplex) District	35
2.03.11.	TH – Townhome District	36
2.03.12.	MF-15 – Multifamily-15 District	37
2.03.13.	MF-19 – Multifamily-19 District	38
2.03.14.	MH – Manufactured Home District	39

(B) Modular (Industrialized) Home Requirements

The following requirements shall be met for modular homes.

- (1) The modular home meets or exceeds all building code requirements that apply to other dwelling units concerning on-site construction.
- (2) The modular home conforms to all applicable zoning standards for the respective zoning district.
- (3) The modular home is affixed to an approved permanent foundation system.
- (4) The Chief Building Official is so notified in writing for the purpose of establishing procedures for the inspection, issuing of building permits, and compliance with the Texas Manufactured Housing Standards Act (Article 1221f V.T.C.S.).
- (5) The modular home is placed on an approved platted lot.
- (6) Per the Texas Occupations Code §1202.253, Modular (Industrialized) homes shall:

- a. Have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for each county in which the properties are located;
 - b. Have exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;
 - c. Comply with municipal aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings; and
 - d. Be securely fixed to a permanent foundation.
- (7) For purposes of above subsection [\(6\)](#), “value” means the taxable value of the industrialized housing and the lot after installation of the housing.

4.07.09. Exterior Construction of Main Buildings

(A) Exterior Material Requirements for Selected Residential Districts

(1) Applicable Zoning Districts

Residential Zoning Districts with Exterior Material Requirements		
Section	District Abbreviation – District Name	Page Number
2.03.01.	AG – Agricultural District	27
2.03.02.	RE – Residential Estate District	28
2.03.03.	SF-16 – Single Family Residential-16 District	28
2.03.04.	SF-12.5 – Single Family Residential-12.5 District	29
2.03.05.	SF-10 – Single Family Residential-10 District	30
2.03.06.	SF-8.5 – Single Family Residential-8.5 District	30
2.03.07.	SF-7 – Single Family Residential-7 District	31
2.03.08.	OTR – Original Town Residential District	32
2.03.09.	PH – Patio Home District	33
2.03.10.	2F – Two Family Residential (Duplex) District	35
2.03.11.	TH – Townhome District	36
2.03.12.	MF-15 – Multifamily-15 District	37
2.03.13.	MF-19 – Multifamily-19 District	38

(2) Residential Materials Requirements

- a. The exterior façades of a main building or structure shall be constructed of one hundred (100) percent masonry, unless otherwise specified in this Zoning Ordinance.
- b. Fiber cement siding may constitute fifty (50) percent of stories other than the first story, where located over roofline.
 - 1. Fiber cement siding may also be used for architectural features, including window box-outs, bay windows, roof dormers, garage door headers of rear entry garages, columns, chimneys not part of an exterior wall, or other architectural features approved by the Chief Building Official.

(B) Exterior Material Requirements for Selected Nonresidential Districts

(1) Applicable Zoning Districts

Nonresidential Zoning Districts with Exterior Material Requirements		
Section	District Abbreviation – District Name	Page Number
2.04.01.	O-1 – Office-1 District	40
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

(2) Nonresidential Façade Requirements

All exterior façades for a main building or structure shall be constructed of one hundred (100) percent masonry as defined in [Masonry Construction](#) (Page [323](#)). The use of secondary materials may be used as specified by [4.08.02. \(B\)](#) (Page [199](#)).

(C) Metal Buildings

For Metal Buildings within all Zoning Districts:

- (1) Exterior construction of maintenance buildings for golf courses, public or parochial schools, churches, or the City may be metal upon issuance of a Specific Use Permit.
- (2) Exterior construction of buildings used for agricultural purposes in conjunction with a school may be metal upon issuance of a Specific Use Permit.
- (3) If an expansion or an addition to an existing metal building is not greater than ten (10) percent or 7,000 square feet, whichever is greater, the masonry requirements shall not apply to the expansion or addition to the existing metal building.

(D) Multifamily Zoning Districts

All main structures within the [MF-15 – Multifamily-15 District](#) and [MF-19 – Multifamily-19 District](#) districts must have a minimum of eighty (80) percent masonry on the first and second floors and fifty (50) percent on all other floors.

(E) OTR Façade Plan Requirement

- (1) All main and/or accessory building construction in the [OTR – Original Town Residential District](#) must have an approved façade plan before issuance of a building permit.
- (2) All newly constructed dwellings in the [OTR – Original Town Residential District](#) must adhere to [Subsection 9.06 Downtown Architectural Design Standards; OTC & OTR](#) (Page [360](#)).
 - a. Any change to a façade for main and accessory buildings in the [OTR – Original Town Residential District](#) shall be of the pre-existing material (existing prior to September 3, 2002), which may include wood, non-combustible fiber cement siding construction, or clay-fired brick, or other materials as long as it meets the requirements of the district and the Chief Building Official.
 - b. Any change to the façade of a main and/or accessory building must be in the same architectural style as the main structure.
- (3) Façade plans shall follow the procedures listed in [Subsection 6.16 Façade Plan Review](#) (Page [287](#)).

(F) OTC Façade Plan Requirement

- (1) All main and/or accessory building construction in the OTC – Original Town Commercial District must have an approved façade plan before issuance of a building permit.
- (2) New construction in the OTC – Original Town Commercial District must adhere to [Subsection 9.06 Downtown Architectural Design Standards; OTC & OTR](#) (Page [360](#)).
 - a. Any change in façade for main buildings or structures in the OTC – Original Town Commercial District shall be clay-fired brick construction.
 - b. Original building materials are allowed on buildings (existing prior to September 3, 2002) for expansions only.
- (3) Façade plans shall follow the procedures listed in [Subsection 6.16 Façade Plan Review](#) (Page [287](#)).

(G) Equivalent or Superior Materials

- (1) The City Council may approve materials which are equivalent to, or exceed, the standards set forth in the following.
 - a. [4.07.09. \(A\) Exterior Material Requirements](#) for Selected Residential Districts (Page [188](#))
 - b. [4.07.09. \(B\) Exterior Material Requirements for Selected Nonresidential Districts](#) (Page [188](#))
 - c. [Subsection 9.06 Downtown Architectural Design Standards; OTC & OTR](#) (Page [360](#))
- (2) The City Council may also approve after a recommendation from the Planning & Zoning Commission, exceptions to the standards set forth in [4.07.09. \(F\) OTC Façade Plan Requirement](#) (Page [189](#)) if the proposed material is determined by the City Council to be compatible with the historical architectural character of the OTC – Original Town Commercial District.

4.07.10. Handicap Accessibility

The property owner is responsible for the project's compliance with the Texas Department of License and Regulations, as they exist or may be amended.

4.07.11. Mini-Warehouse/Self-Storage Facilities

(A) Side Building Line Reduction

- (1) The side building lines of a [Mini-Warehouse/Self-Storage](#) (Page [324](#)) facility may be reduced by approval of the Planning & Zoning Commission at the time of the Preliminary Site Plan approval.
- (2) If a reduction of side building lines is approved, then the configuration of the storage units shall be with the doors facing into the site with the rear walls of the units serving as the outer boundary.

(B) Exterior Construction

- (1) Mini-Warehouse/Self-Storage facilities must comply with [4.07.09. Exterior Construction of Main Buildings](#) (Page [188](#)), and its amendments, relating to the construction material used for exterior buildings.
- (2) Notwithstanding any other provisions to the contrary, a Mini-Warehouse/Self-Storage facility constructed adjacent to a residential area, whether separated by a dedicated street or not, shall exclusively use clay-fired brick as the exterior construction material.

(C) Recreational Vehicle (RV) and Boat Storage Screening

RV/Boat storage must be internal to the property or screened from view.

4.07.12. Adjacency of Certain Uses to Residential Zoning

(A) Structures in Conjunction with any Automotive Use

- (1) All buildings, gasoline pump islands, vacuums, outdoor speakers, gasoline or fuel storage tanks, air and water dispensers, and other structures in conjunction with any automotive use shall be located a minimum of two hundred fifty (250) feet from any residential zoning district.
- (2) No service bay shall face a residential zoning district.
- (3) An automotive use shall be defined as the sales, leasing, renting, servicing, repair, or washing of automobiles, boats, motorcycles, trucks, or any other motor vehicle.

(B) Structures in Conjunction with any Drive-Through or Drive-In Restaurant

- (1) All buildings, structures, and outdoor speakers used in conjunction with any drive-through or drive-in restaurant shall be located a minimum of two hundred (200) feet from any residential zoning district.
 - a. Outdoor speakers may be located closer than two hundred (200) feet from a residential zoning district provided that the building is located between the speaker box and adjacent residentially zoned property.
 - b. Landscaping standards may be found in [Subsection 4.02 Landscape Requirements](#) (Page [124](#)).

(C) Thoroughfare Exemption

The requirements listed in [4.07.12. \(A\)](#) (Page [191](#)) and [4.07.12. \(B\)](#) (Page [191](#)) shall not apply to a drive-through restaurant, drive-in restaurant, and/or an automotive use within two hundred (200) feet of a residential zoning district that is separated from the residential area by an existing or future major thoroughfare identified on the City's Thoroughfare Plan.

(D) External Balconies and Walkways

Nonresidential external balconies and walkways adjacent to the building shall be set back two hundred (200) feet from any residential zoning district.

4.07.13. Residential Development Adjacent to Railways

(A) Minimum Building Setback, Screening, and Landscaping Requirements

When a boundary of a residential subdivision is adjacent to a railroad right-of-way, one of the two following options shall be met.

- (1) Option One – Screening Wall
 - a. A minimum building setback of fifty (50) feet shall be required from the railroad right-of-way.
 - b. A one hundred (100) percent clay-fired brick or stone wall with a minimum height of six (6) feet shall be constructed on the railroad right-of-way line.
 - c. One three (3) inch caliper large tree shall be planted a minimum of thirty (30) linear feet on center adjacent to the residential side of the wall.
 1. A minimum of fifty (50) percent of the trees shall be of the evergreen variety.
 2. The landscaped area shall be mechanically irrigated.
 3. The lot owner shall be responsible for the replacement of required plant materials.
- (2) Option Two – Open Space
 - a. A minimum building setback of one hundred (100) feet shall be provided from the railroad right-of-way.

- b. A maximum of twenty-five (25) percent of the setback area may be utilized as usable open space as required in [2.03.09. PH – Patio Home District](#) (Page 33) and [2.03.11. TH – Townhome District](#) (Page 36).
 - c. One three (3) inch caliper large tree shall be planted a minimum of thirty (30) linear feet on center adjacent to the residential side of the wall.
 1. A minimum of fifty (50) percent of the trees shall be of the evergreen variety.
 2. The landscaped area shall be mechanically irrigated.
 3. The lot owner shall be responsible for the replacement of required plant materials.
- (3) Installation Timing
- The required screening wall and landscaping shall be installed within three (3) months from the date of City acceptance of public improvements.

(B) Platting Requirements

- (1) The setback area shall be designated on the plat as follows: "This setback area is reserved for screening purposes. The placement of structures on this land or the removal of healthy screening plant materials is prohibited."
- (2) Should the setback area be part of a single-family lot, the setback area shall also be recorded on the plat as a building line.

(C) Exceptions

- (1) This Section [4.07.13. Residential Development Adjacent to Railways](#) shall not apply to any residential development with an approved Concept Plan, Preliminary Plat, and/or Final Plat prior to April 4, 2000.

4.07.14. Nonresidential and Multifamily Development Adjacent to a Major Creek

(A) Major Creeks Defined

Major Creeks within the City shall be defined within in Subdivision Ordinance as it exists or may be amended and may include the following:

- (1) Cottonwood Creek;
- (2) Panther Creek;
- (3) Parvin Branch;
- (4) Rowlett Creek;
- (5) Stewart Creek; and
- (6) White Rock Creek.

(B) Nonresidential and Multifamily Requirements

All nonresidential and multifamily lots developing adjacent to the fully developed 100-year floodplain of a major creek shall comply with the requirements listed below. Multifamily-zoned property that develops as Single Family is not subject to these requirements, but shall comply with the Subdivision Ordinance, as it exists or may be amended.

- (1) Retaining Walls
 - a. Retaining walls, where provided, shall be designed by a professional engineer and be constructed of clay-fired brick, stone, modular concrete block, poured concrete with masonry veneer, or split-faced concrete masonry units.
 - b. These requirements apply to walls constructed within the channel of the creek.
 - (2) Maintenance Access
- Maintenance access, as required by the Director of Engineering Services shall be provided to the

floodplain, hike and bike trail, and creek.

(3) Hike and Bike Trail Incorporation

- a. The development shall incorporate a connection to the City's hike and bike trail by way of a sidewalk, stairs, and/or ramps.
- b. The connection shall comply with ADA accessibility requirements.

(4) Open Space Credit

- a. Open space areas adjacent to the floodplain that have been improved with patios, courtyards, or additional landscaping listed in [4.07.14. \(C\)\(2\)](#) and [4.07.14. \(C\)\(2\)f below](#) may be counted to meet minimum open space requirements, if approved by the Director.
- b. If the [4.11.04. Voluntary Buffer Requirements](#) (Page [211](#)) are met, then the area within the Riparian Buffer shall count towards open space.

(C) Nonresidential and Multifamily Amenities Required

(1) Applicability

- a. Multifamily, except those multifamily zoned properties that are developed as Single Family, and office development adjacent to a major creek shall provide four (4) of the amenities listed below.
- b. Retail and commercial development adjacent to a major creek shall provide three (3) of the amenities listed below.
- c. Industrial development adjacent to a major creek shall provide two (2) of the amenities listed below.
- d. Amenity selection is subject to approval by the Planning & Zoning Commission upon Preliminary Site Plan or Site Plan approval.

(2) Amenities

- a. Landscape Edge Adjacent to the Floodplain
 1. A thirty (30) foot landscape edge adjacent to the floodplain of the major creek with a double row of three (3) inch caliper trees planted on thirty (30) foot centers.
 2. Existing trees in healthy growing condition and of a species from the list of [4.02.03. \(A\) Approved Plant Materials](#) (Page [126](#)) of this ordinance, as it exists or may be amended, may be counted toward this requirement.
- b. Windows
 1. A minimum of twenty-five (25) percent of the surface area of walls that face the major creek to be provided as windows.
- c. Hike and Bike Trail Construction
 1. Construction of a hike and bike trail in accordance with the City's Hike and Bike Trail Master Plan.
 2. Escrow for the construction of the hike and bike trail may be accepted upon approval by the Director of Parks and Recreation or his/her designee.
- d. Visibility Corridor
 1. A visibility corridor of at least one hundred (100) feet shall be required between and/or adjacent to buildings adjacent to the floodplain.
 2. This visibility corridor can include parking, landscape medians or areas, amenities, and drive aisles.
- e. Trailhead Park
 1. A trailhead park shall have minimum dimensions of fifty (50) feet and be located adjacent to the hike and bike trail.

2. Park benches shall be provided.
3. Trailhead parks are subject to review and approval by the Director of Parks and Recreation or his/her designee.
- f. Common Patio, Balcony, Courtyard, or Terrace
A common patio, balcony, courtyard, or terrace a minimum of 750 square feet located between the building and the major creek.
- g. Building Orientation
Building orientation such that the entire side of the building adjacent to the floodplain is not the back of the building.
- h. Creek Restoration
A plan shall be designed and implemented according to Army Corps of Engineers standards and approved by Army Corps of Engineers.
- i. Other Amenities
Other amenities not listed may be approved by the Planning & Zoning Commission in conjunction with a Preliminary Site Plan if they determine that the proposed amenity meets the intent of these requirements.

4.07.15. Single Family Residential Density Bonus Adjacent to a Creek

As an incentive for preserving land adjacent to a creek, a density bonus shall be given to developments using a single loaded street (i.e., homes only on one side of street) adjacent to a creek. The bonus applies only to projects that provide one hundred (100) percent single loaded streets in lieu of the sixty (60) percent required by the Subdivision Ordinance.

(A) Patio Home and Townhome Uses Allowed

Patio homes and townhomes are permitted by right if the patio home or townhome fronts the single loaded street and is served by an alley.

4.07.16. Front Porch Standards

(A) Front Porches are Optional

Front porches are not required but are encouraged on single family detached dwellings to create a sense of community, give scale and provide character to neighborhoods. Please refer to the following illustrations.



Figure 4.07.16.1: Examples of Porches

(B) Front Porch Standards

The porches shall be allowed to encroach into the required front setback by a maximum of ten (10) feet under the conditions noted below. In no case shall the reduction cause the minimum front yard to be less than fifteen (15) feet. For a non-enclosed porch attached to a main structure, the porch shall meet the following.

- (1) Be fully covered.
- (2) Be open on a minimum of two sides.
- (3) Have decorative columns, with a tripartite composition (base, middle and top) appropriate to the architectural style of the structure.
- (4) Have beam casings built of materials that reflect the structural nature of the beams, which means that the grain of texture of the casing material shall be horizontal.
- (5) Have a minimum porch floor dimension of seven (7) feet in depth measured from exterior face of the house to the front edge or railing, whichever occurs first
- (6) Have minimum porch floor dimension of ten (10) feet in width feet for lots in the [SF-8.5 – Single Family Residential-8.5 District](#), [SF-7 – Single Family Residential-7 District](#), and the [PH – Patio Home District](#).
- (7) Have a minimum porch floor dimension of twenty (20) feet in width for lots in the [AG – Agricultural District](#), [RE – Residential Estate District](#), [SF-16 – Single Family Residential-16 District](#), [SF-12.5 – Single Family Residential-12.5 District](#), and [SF-10 – Single Family Residential-10 District](#). The long axis of the porch shall be parallel to the street to greatest extent possible.
- (8) Have architectural details such as roof slopes, eave overhangs, column, railing proportions and shapes, materials, and relationships of porch to the structure itself should be designed to accurately reflect the architectural style of the structure. Please reference Abram's Guide to American House Styles, published by Harry N. Abrams, Inc., 2004.

(C) Main Entrance

A front porch need not contain the main entrance to a building. In such cases, it shall be adjacent to a primary living space and be designed as an outdoor extension of such space.

(D) Single Story Height

No porch shall be more than a single story high.

(E) Front Porch Guidelines

- (1) A porch may be accompanied with a non-enclosed balcony above.
- (2) Porches may be located along the front and/or side of the dwelling.
- (3) Porches may wrap along more than one façade of a structure.

4.07.17. Interconnectivity of Residential and Nonresidential Developments

(A) Applicability Zoning Districts

The regulations of this section shall apply to the following zoning districts.

Nonresidential Zoning Districts		
Section	District Abbreviation – District Name	Page Number
2.03.03.	SF-16 – Single Family Residential-16 District	28
2.03.04.	SF-12.5 – Single Family Residential-12.5 District	29
2.03.05.	SF-10 – Single Family Residential-10 District	30
2.03.06.	SF-8.5 – Single Family Residential-8.5 District	30
2.03.07.	SF-7 – Single Family Residential-7 District	31
2.03.08.	OTR – Original Town Residential District	32
2.03.09.	PH – Patio Home District	33
2.03.10.	2F – Two Family Residential (Duplex) District	35
2.03.11.	TH – Townhome District	36
2.04.01.	O-1 – Office-1 District	40
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
2.04.06.	C-1 – Commercial-1 District	50
2.04.07.	C-2 – Commercial-2 District	51

(B) Interconnectivity of Developments

In cases where residential and nonresidential development are adjacent to each other, one (1) street or drive connection shall be required for nonresidential properties less than ten (10) acres, and two (2) street or drive connections shall be required for nonresidential properties that are ten (10) or more acres in size. Residential developments shall provide street/drive stub-out connections. The Director may approve a reduction in the number of connections where physical or site development constraints exist. Connections shall be located as to avoid conflicts with the service areas of a nonresidential development.

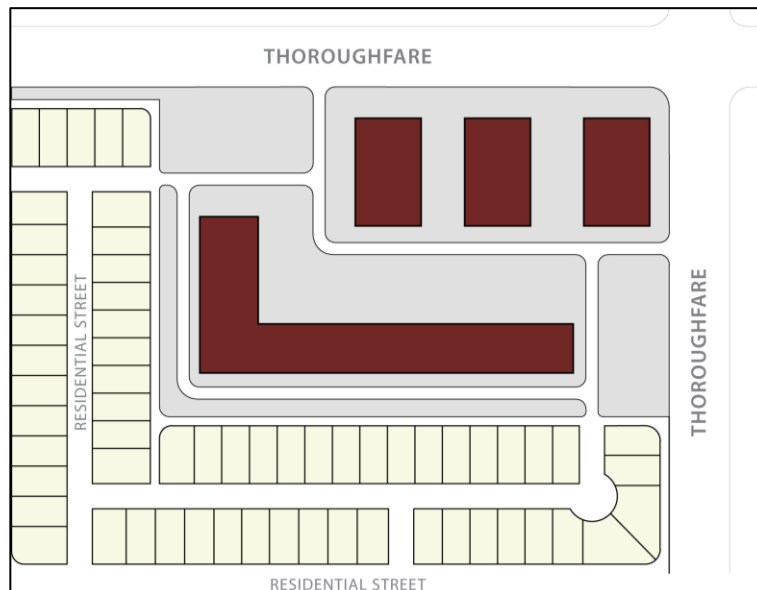


Figure 4.07.17.1 Interconnected Development

4.07.18. Residential Front Entry Garage Standards

(A) Applicability

This section shall apply to all residential zoning districts except multifamily and manufactured home districts.

(B) Setback

A garage face shall either be set back a minimum of five (5) feet from the front of the house or front porch (as defined in [Form-Based Code Manual](#)), or be a minimum of twenty-five (25) feet from the front property line, whichever is greater.

(C) Front Door Enhancement

Homes shall be designed in a manner that enhances the front door rather than the garage door and shall include one of the following.

- (1) Front porch
- (2) Columns/Gateways/Articulation at the sidewalk (see examples below)



Figure 4.07.18.1: Front Door Enhancement

(D) Enhanced Pavement

Driveways and entryway sidewalks shall incorporate a decorative paving technique from the following.

- (1) Earth-tone colored concrete (stain mixed in, not applied after)
- (2) Stamped/patterned concrete
- (3) Brick/pave stone

(E) Garage Door Treatments

Garage doors shall contain three (3) of the following enhancements.

- (1) Garage door recessed a minimum of twelve (12) inches from the garage face.
- (2) Cedar/wood clad doors
- (3) Double doors
- (4) Decorative windows
- (5) Decorative hardware
- (6) Reveals/texture

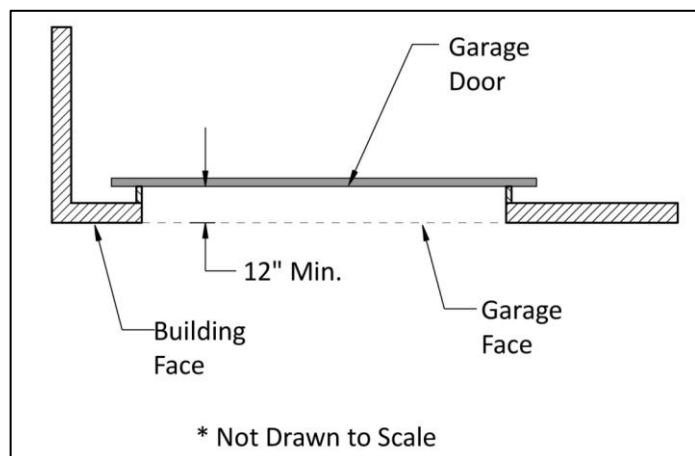


Figure 4.07.18.2: Recessed Garage Door Example

Subsection 4.08. Nonresidential Development Standards

4.08.01. Applicability

This subsection shall apply to all nonresidential zoned districts except IT and I districts.

(A) Conflicts

- (1) Where the regulations of this section conflict with other sections of this Ordinance, the regulations of this [Subsection](#) 4.08 shall apply.
- (2) Where the regulations of this [Subsection](#) 4.08 conflict with regulations of an overlay district, the overlay district regulations shall apply.

4.08.02. Exterior Appearance of Buildings and Structures

(A) Primary Exterior Materials

- (1) Primary exterior materials shall conform to the requirements found in [4.07.09. Exterior Construction of Main Buildings](#) (Page 188).
- (2) In addition to these requirements, the use of Exterior Insulated Finishing System (EIFS) is not permitted below nine (9) feet above finished grade, and the use of EIFS above nine (9) feet is limited to high impact EIFS, but in no instance shall EIFS constitute more than ten (10) percent of any façade wall.

(B) Secondary Exterior Materials

Secondary exterior materials consist of non-masonry materials, including aluminum, metal, or other materials as approved by the Director. These materials shall comprise less than ten (10) percent of each façade elevation.

(C) Architecturally Finished Buildings with One Row of Trees

All buildings shall be architecturally finished on all four (4) sides with same materials, detailing, and features if only one (1) row of trees is planted on the perimeter behind the building.

(D) Architecturally Finished Buildings with Two Row of Trees

All buildings shall be architecturally finished on all four (4) sides with same materials, detailing, and features, except the rear side (façade) if the following site-specific standards are met.

- (1) A double row of trees on fifty (50) foot offset centers per row are provided in a thirty (30) foot landscape buffer along the perimeter of the property, where fifty (50) percent of the trees are canopy evergreen trees.
- (2) The architectural finish of the rear side (façade) matches the remainder of the building in color only.
- (3) This standard is only applicable for façades that are not visible from public streets and applies to anchor buildings and attached inline spaces only and shall not include “out” buildings or pad sites.

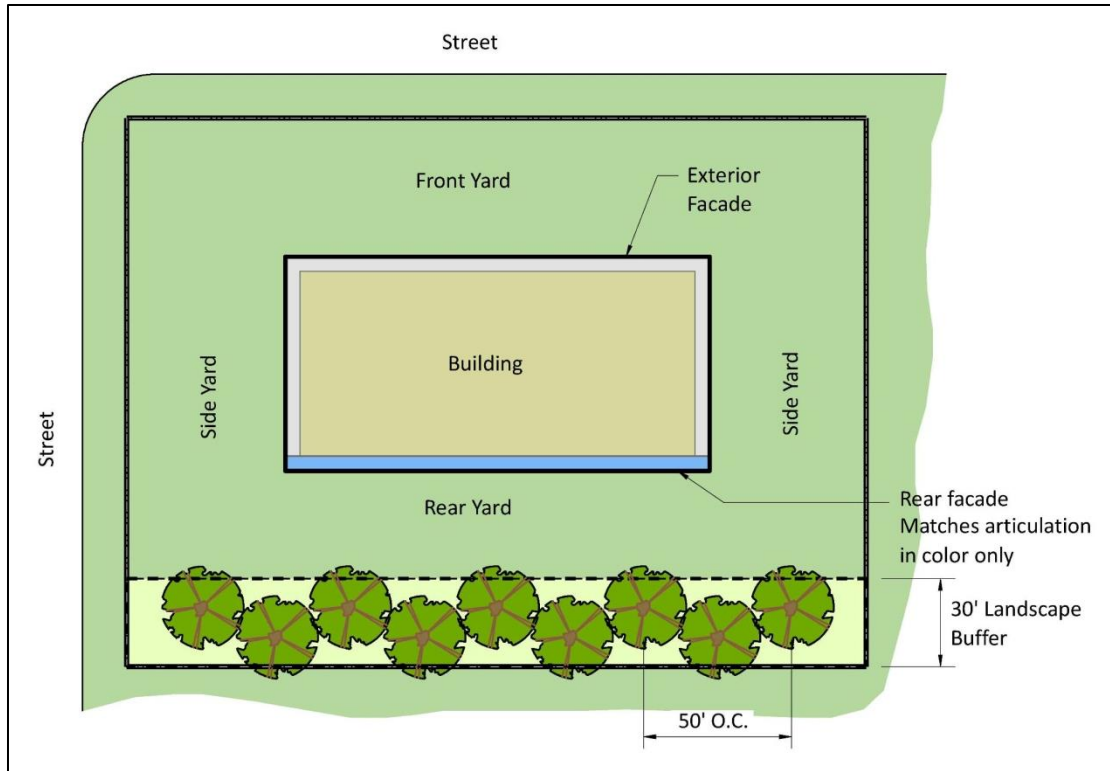


Figure 4.08.02.1: Architecturally Finished Buildings with Two Row of Trees

4.08.03. Pad Site Requirements

(A) Pad Site Definition

A pad site is defined as a nonresidential building of 6,000 square feet or less.

(B) Pad Site Limitations

Pad sites at retail centers shall be limited to one for every five (5) acres, or portion thereof, of the overall development.

(C) Specific Standards per Zoning District

Within the [TO – Tollway Overlay District](#) additional pad sites will be permitted if one 210-foot long view corridor is provided per 1,000 feet, or portion thereof, of street frontage for each street adjacent to the property.

- (1) A view corridor is defined as a separation between buildings along the street frontage.
- (2) This view corridor is encouraged to be located at or near a median opening.

4.08.04. Retail Market Study Requirements

(A) Applicability

A Retail Market Study shall be submitted for all retail/commercial zoning requests, unless one of the following exceptions applies.

- (1) A Retail Market Study is not required if the subject property is already zoned to allow retail development.
- (2) A Retail Market Study is not required for any new development along S.H. 121, U.S. 380, FM 423, the Dallas North Tollway, and Preston Road between Eldorado Parkway and S.H. 121 for properties shown as nonresidential within the Comprehensive Plan.
- (3) A Retail Market Study is not required for properties that are:
 - a. In compliance with the Comprehensive Plan (re: Future Land Use Plan),
 - b. Fifteen (15.0) or more net acres in size,
 - c. Of a 750-foot lot depth to allow for development with a major retail anchor store, and
 - d. Located at the intersection of two (2) major thoroughfares (i.e., not a mid-block development).

(B) Retail Market Study Parameters

The following parameters should be included in the preparation of the Retail Market Study:

- (1) The Study shall define the market study area being analyzed and all retail properties in the study area with their building square footage areas;
- (2) The total retail square footage that is part of the proposed development, including neighborhood retail, community retail, regional retail, and super-regional retail types, as outlined in the Comprehensive Plan (Page 4.26);
- (3) Study area shall be the city limits and extraterritorial jurisdiction (ETJ);
- (4) The Study should use a Floor Area Ratio (FAR) of 0.25 for all undeveloped retail sites within the study area;
- (5) The Study shall use agricultural zoning shown as Retail on Future Land Use Plan (FLUP) at 0.25 FAR at fifteen (15) acres;
- (6) The Study shall identify the specific residential density (number of residential units) within the study area;
- (7) The Study shall use agriculture zoning shown as Residential on Future Land Use Plan (FLUP) calculated at a density of 3.0 units/acre; and
- (8) In determining the appropriate amount of retail, the Study shall use a ratio of thirty (30) gross leasable square feet of retail per person as a target ratio for the study area.

(C) Retail Market Study Results

- (1) The results of the Retail Market Study will not guarantee approval or denial of a zoning request.
- (2) The study results will be one part of the overall evaluation criteria.

Subsection 4.09. Nonresidential Design Standards

4.09.01. Purpose

Frisco recognizes that building design is a major component of making a place unique. The purpose of these requirements is to avoid the creation of inappropriate or inharmonious façades which do not distinguish the City's nonresidential areas from those in other cities. The standards are intended to foster the continuity of retail stores and display windows, provide weather protection and shade for pedestrians and maintain a healthy retail environment. It is also the intent to encourage proposals that will contribute to the established or planned architectural character of a specific area.

4.09.02. Applicability of Other Regulations

The façade design standards are not intended to supersede requirements established in the PRO – Preston Road Overlay District, the TO – Tollway Overlay District and existing Planned Development Districts. Where there is a conflict between the façade design standards and those listed in the above noted districts, the more restrictive of the two shall apply. Some PDs may have design standards unique to the project. This subsection shall apply to all nonresidential zoned districts except IT and I districts.

4.09.03. Design Standards

(A) Façade composition shall include the following elements

- (1) Tripartite composition (base, middle and top).
- (2) Pedestrian areas adjacent to the buildings shall incorporate features to promote a walkable environment such as seats, benches, shade trees, awnings and arcades. Where awnings are used, they should be metal or an equivalent durable material.
- (3) Retail centers shall use materials similar to those in the block and surrounding development, including similar color. The first building to apply for a building permit establishes the building material palette for the retail center. The primary exterior building material established shall be used on at least ten (10) percent of the exterior façades of other buildings in the block and surrounding development. Where non-masonry materials are permitted, the use of Exterior Insulation and Finish Systems (EIFS) shall be limited to a maximum of ten (10) percent of the total façade and in no instances shall EIFS be permitted within nine feet of the grade of the first floor.
- (4) Fenestration (window) patterns and percent of façade devoted to fenestration shall be consistent with the retail center. Fenestrations shall cover 50-75 percent of the storefront and 15-35 percent of the upper façade. Storefront fenestrations shall be vertically oriented.
- (5) The fenestrations shall be placed a minimum of six (6) inches back from the exterior wall surface creating a reveal. Wall surfaces shall predominate; fenestration openings shall appear to be cut into the wall surface.
- (6) An eighteen (18) inch minimum water course shall be provided under fenestrations.
- (7) Mirrored or opaque façades shall be avoided.
- (8) A well-defined cornice or fascia shall be located at the top of the storefront and at the roofline.
- (9) Side and rear elevations of buildings visible to the public roadway shall incorporate architectural features consistent with the front façade.
- (10) Buildings on pad sites shall share similar design characteristics of the main structure(s). The intent should not be the precise replication of the design of the main structure(s) but rather the use of similar colors, materials and textures including the repeating patterns, rhythms and proportions of the architecture of the other buildings.
- (11) When a new use or an addition will be adjacent to an existing development, the newly constructed

portion of the building shall appear as part of the original design to the greatest extent possible. Where new construction must consist of a different height or bulk than that of the original structure, the change should not occur abruptly.

(12) The following design principles are suggested as resources.

- a. The Golden Mean (1 to 1.618 ratio) and the Fibonacci Sequence (0,1,1,2,3,5,8,13,21, etc.).
 1. <http://www.vashti.net/mceinc/golden.htm>
- b. Pattern as a method of locating structural components, including windows and doors etc.; ref: "The Old Way of Seeing" by Jonathan Hale.
 1. <http://www.zloty-design.com/gd107/08OldWySeeing.pdf>
- c. Recessed entryways to provide a sense of arrival and shelter.



Figure 4.09.03.1: Example of Windows and Entrances Designed with Concepts from the Golden Mean and Fibonacci Sequence



Figure 4.09.03.2: Example of Windows and Entrances Designed with Concepts from the Golden Mean and Fibonacci Sequence

(B) Façade Design Standards for Big Box Retail Structures

- (1) Façade plans will be evaluated for their architectural concept, proportions, composition, details, decorative features, artfulness and quality.
- (2) Buildings shall incorporate a tripartite building composition (base, middle and top). The tripartite shall be proportioned to the other elements of the tripartite and the overall structure.



Figure 4.09.03.3: Big Box Development with Quality Design Elements

- (3) Buildings shall provide a sheltered entry.
- (4) Areas adjacent to the buildings shall incorporate features to promote a walkable environment such as seats, benches, shade trees, awnings and arcades. Where awnings are used, they shall be metal or an equivalent durable material.
- (5) The City encourages creative freedom to enrich façade design; the architectural decision may include the following.
 - a. Placement of windows or transparency subtracted or “punched”
 - b. Variations in roof form



Figure 4.09.03.4: Building with Sheltered Entry

- c. Enhancement of long unadorned walls with:
1. Light and shade design elements,
 2. Recesses and projections,
 3. Vertical accents or focal points,
 4. Murals,
 5. Sculptures,
 6. Masonry texture feature, or
 7. Landscaping.

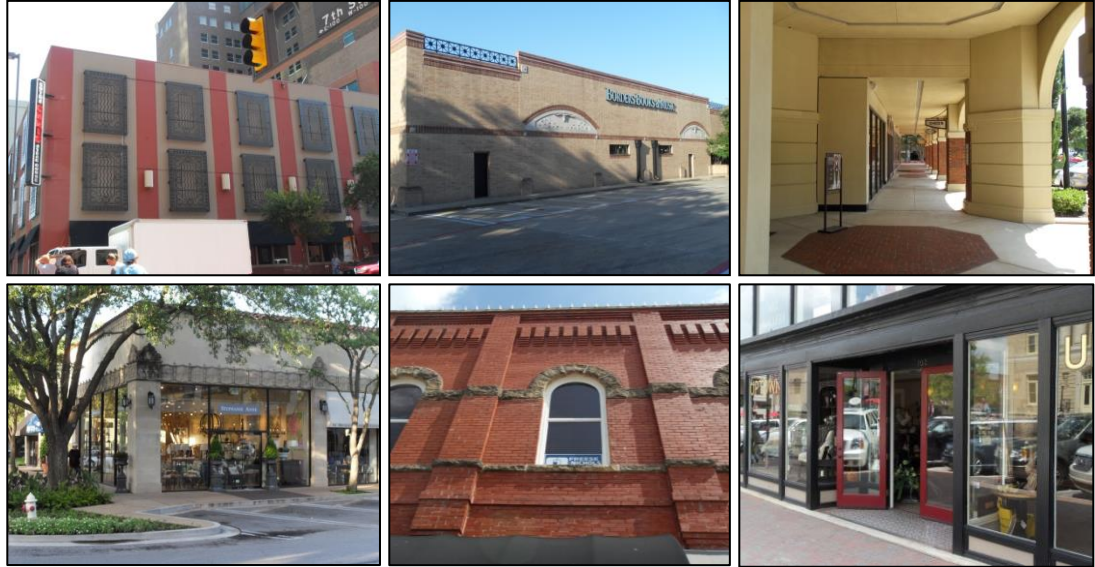


Figure 4.09.03.5: Quality Facade Designs Elements

Subsection 4.10. Residential Cluster Development Option

Cluster development is intended to provide open space, accessible to the public, for residential development by allowing reductions to the minimum lot size to either maintain or increase overall density. For a visual example of a residential cluster development, refer to [Figure 4.10.13.1](#) (Page 210).

Cluster developments can concentrate dwelling units on a site's prime developable areas and thus can provide more land for preserving drainage areas, slopes, soils, and natural vegetation to help manage stormwater runoff and soil erosion. Additionally, development costs can be decreased by reducing the amount of roadway and utility infrastructure needed to service the neighborhood.

Cluster development is an incentive-based approach to encourage livable neighborhoods and is not a requirement. This approach promotes the creation or preservation of open space in exchange for increasing the amount design options through reduced or eliminated minimum lot sizes. Cluster development can either be designed to maintain the original development density or to increase development density.

4.10.01. Applicability

(A) New Single Family Residential Development

All new single-family residential developments may utilize a cluster development option.

4.10.02. Minimum Required Area for a Cluster Development

(A) Minimum Area

The minimum area of a cluster development shall be five (5) acres.

4.10.03. Development Requirements

(A) Principal and Accessory Uses

All principal and accessory uses authorized with the applicable zoning district shall be allowed in the cluster development.

(B) Modified Minimum Lot Size, Lot Width, Lot Depth, or House Size

Modified minimum measurement shall apply to the following standards.

- (1) Lot size: None.
- (2) Lot width: Minimum of twenty-five (25) feet
- (3) Lot depth: None
- (4) Dwelling size: None

(C) Minimum Setback Required Adjacent to Street Right-of-Way

- (1) A minimum front yard setback adjacent to a street right-of-way shall be twenty-five (25) feet.
- (2) Porches may extend to within five (5) feet of the front property line.
- (3) If alleys are provided, then the rear yard setback shall be reduced to a minimum of ten (10) feet.

(D) Minimum Building Separation

A minimum building separation between all buildings shall be:

- (1) Ten (10) feet, if zero lot is used; and
- (2) Fourteen (14) feet, if center loaded.

(E) Minimum Street Frontage per Lot

Each lot shall have a minimum twenty (20) feet of street frontage.

4.10.04. Preliminary Plat Requirements

(A) Preliminary Plat Requirement

A Preliminary Plat shall be required for all cluster developments.

(B) Additional Information Requirement

The following information shall be included with a Preliminary Plat.

- (1) The maximum number and type of dwelling units proposed.
- (2) The area of the site on which dwelling units will be constructed.
- (3) The calculation of the permitted number of dwelling units (see [4.10.08. Calculating the Permitted Number of Dwelling Units](#)).
- (4) The area of the site on which other principal or accessory uses will be constructed.
- (5) The areas of the site designated for open space and their size.
- (6) The number of acres proposed to be conveyed as open space.

4.10.05. Amount of Open Space Required for Cluster Development

(A) Minimum Amount of Open Space Requirement

A cluster development shall have ten (10) percent of the site conveyed as open space. The Riparian Buffer may be include in the amount of open space provided that homes do not back onto the open space.

4.10.06. Base Zoning District's Net Dwelling Unit per Acre (DUA)

The following maximum dwelling units per [Net Acreage, Subdivision](#) for Cluster Developments shall apply per each base zoning district.

Base Zoning District	Maximum Dwelling Unit Per Net Acre
RE – Residential Estate District	0.66
SF-16 – Single Family Residential-16 District	1.79
SF-12.5 – Single Family Residential-12.5 District	2.29
SF-10 – Single Family Residential-10 District	2.87
SF-8.5 – Single Family Residential-8.5 District	3.38
SF-7 – Single Family Residential-7 District	4.11
PH – Patio Home District	4.89

4.10.07. Amount of Permitted Dwelling Units for Cluster Development

(A) Number of Clustered Dwelling Units Equal the Number of Permitted Dwelling Units Under the Base Zoning District

Except as provided in [4.10.09. Density Bonus for Housing Integration](#), the maximum number of dwelling units proposed for a residential cluster development shall not exceed the number of dwelling units permitted per [4.10.06. Base Zoning District's Net Dwelling Unit per Acre \(DUA\)](#) for the residential zoning district in which the parcel is located.

4.10.08. Calculating the Permitted Number of Dwelling Units

(A) Measure the Net Area of the Development Site.

The [Net Acreage, Subdivision](#) of the entire site shall be measured to the tenth of an acre with all land dedicated to all streets within the site being subtracted.

(B) Apply Base Zoning Districts Net Dwelling Unit per Acre (DUA).

The [Net Acreage, Subdivision](#) land area shall be multiplied by the number of dwelling units per acre permitted within [4.10.06. Base Zoning District's Net Dwelling Unit per Acre \(DUA\)](#). The resulting number of dwelling units shall be rounded to the nearest whole number.

4.10.09. Density Bonus for Housing Integration

(A) Density Bonus may be Approved by the Director

The Director may approve a density bonus up to twenty (20) percent of permitted number of dwelling units under the following conditions.

- (1) The amount of open space is at least ten (10) percent of the [Net Acreage, Subdivision](#) area.
- (2) Housing types other than single family detached units are incorporated.
- (3) Open space is conveyed to the pursuant to [4.10.12. Conveyance of Open Space](#).
- (4) Open space is accessible to the public.

4.10.10. Director Review Criteria

(A) Fulfilled the Requirement of this Section

The requirements of this [Subsection 4.10.](#) are fulfilled.

(B) Ten (10) Percent Open Space Requirement is Met

Buildings and structures are adequately grouped so at least ten (10) percent of the total area of the site is set aside as open space. To the greatest degree practicable, common open space shall be designated as a single block and not divided into unconnected small parcels located in various parts of the development, unless otherwise approved by the Director.

(C) Pedestrian Access

Pedestrians can access common open space.

(D) Minimization of Land Alteration

Individual lots, buildings, structures, streets, and parking areas are situated to minimize the alteration of natural features, natural vegetation, and topography.

(E) Scenic Views

Existing scenic views or vistas are permitted to remain unobstructed, especially from public streets.

(F) Historic Preservation

The Site Plan accommodates and preserves any features of historic, cultural, or archaeological value.

(G) Preserving Environmentally Sensitive Areas

Floodplains, wetlands, and areas with slopes in excess of ten (10) percent are protected from development.

(H) Consistent with Intent of this Ordinance and the Comprehensive Plan

The cluster development advances the purposes of this Ordinance and the Comprehensive Plan.

(I) Crime Prevention Through Environmental Design (CPTED)

The cluster development incorporated CPTED principles.

4.10.11. Approval of a Residential Cluster Development

The Planning & Zoning Commission shall approve or deny residential cluster developments in the same manner as a plat.

(A) For appeals, see [Subsection 6.19 Appeals and the Appeal Process](#) (Page 294).

4.10.12. Conveyance of Open Space**(A) Procedures**

Open space provided by a residential cluster development shall be conveyed as follows.

(1) City

To the City and accepted for open space, agricultural, or other specified use or uses, provided that the conveyance is approved by the City Council and is in a form approved by the City Attorney.

(2) Nonprofit

To a nonprofit organization whose principal purpose is the conservation of open space, to a corporation or trust owned or to be owned by the owners of lots or dwelling units within the residential cluster development, or to owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with the conveyances of the lots or dwelling units. The conveyance shall be approved by the City Council and shall be in a form approved by the city attorney.

a. In any case, where the common open space in a residential cluster development is conveyed, a deed restriction enforceable by the City shall be recorded that provides that the open space shall:

1. Be kept in the authorized conditions; and
2. Not be developed for principal uses, accessory uses (e.g., parking), or roadways. However, the following uses shall be permitted: amenity center, gazebo, fountain, and other similar uses as approved by the Director.

4.10.13. Examples of Conventional and Cluster Residential Development



Figure 4.10.13.1: Conventional and Cluster Residential Developments

Subsection 4.11. Voluntary Buffer Areas for Creeks and Tributaries

The following standards are voluntary to residentially zoned land with creeks and associated tributaries. If any standard listed below is found to be in conflict with another standard, the stricter of the two shall apply.

4.11.01. Purpose

The Comprehensive Plan included a recommendation to protect and enhance the floodway and floodplain areas and encourage the incorporation of open space. The purpose of this section, through the use of incentives, is to encourage the use of buffers along creeks and tributaries to achieve the following:

- (A) Reduce erosion;
- (B) Preserve habitat;
- (C) Increase neighborhood open space;
- (D) Create unique neighborhoods; and
- (E) Minimize impacts to citizen safety and property

4.11.02. Benefits of Voluntary Buffer Area

- (A) By allowing the Voluntary Buffer Area to remain undisturbed, residential developments receive a density bonus for the remaining portion of the property.
- (B) Area may be counted toward open space requirements.
- (C) Other benefits may include avoiding costly and lengthy permit processes and studies by the U.S. Army Corps of Engineers, and incorporation of desirable open space thereby increasing the property value.

4.11.03. Boundaries of Voluntary Buffer Area

(A) Riparian Buffer and Riparian Buffer Map

Riparian buffers shall be provided as identified by the Director. The Director shall establish and maintain a Riparian Buffer Map. The total buffer width shall be divided equally on both sides of the tributary and in addition to the Erosion Hazard Setback (EHS) in the City's Engineering Design Standards (if applicable).

(B) Major Creeks

Major Creek buffers shall be one hundred (100) feet measured from the EHS on both sides of the creek.

(C) Supplemental Area

- (1) Tributaries and major creeks also may include other areas to be preserved, identified through any Army Corps of Engineers Section 404 Permit Process.
- (2) The Director may also consider supplemental information when making a determination of buffer width or the requirement for a buffer, such as but not limited to:
 - a. Field verification;
 - b. Aerial photography; and/or
 - c. A determination by the U.S. Army Corps of Engineers or a qualified environmental scientist of the presence or absence of jurisdictional wetlands and waters of the United States.

4.11.04. Voluntary Buffer Requirements

(A) Standards

- (1) Only developable land (i.e., [Net Acreage, Subdivision](#)) within the buffer shall be considered for the density bonus.
- (2) The density bonus shall be equal to the base number of dwelling units that could have been built within the buffer area plus an additional fifteen (15) percent.
 - a. The base number of dwelling units permitted shall be found within [4.10.06. Base Zoning District's Net Dwelling Unit per Acre \(DUA\)](#) (Page [207](#)).
 - b. The resulting number of dwelling units shall be rounded to the nearest whole number.
- (3) All the bonus housing units shall comply with the following conditions:
 - a. Parallel Street along the voluntary buffer area shall contain street trees according to [Figure 4.02.10.2: Residential Street, Rear Entry](#) (Page [138](#));
 - b. Alley served houses; and
 - c. No homes shall back to the buffer.
- (4) In zoning districts that require open space, the buffer can be used to count towards the open space requirement.
- (5) The Director, or designee, must confirm the area of the developable land.
- (6) The following criteria shall also apply:
 - a. Buffers shall be shown on all development and construction plans;
 - b. Buffers are in addition to the required EHS as called out in the Engineering Design Standards as they stand or may be modified; and
 - c. The boundaries of the buffer area shall be clearly marked in the field for the duration of the land disturbing activities on the property, and shall be submitted with the Preliminary Plat with Global Positioning System (GPS) coordinates showing the extent of the buffer.

(B) Permitted Uses and Activities

- (1) Repair, replacement or improvement of utility facilities; however, the disturbed portion of the buffer and/or stream shall be restored to City specifications.
- (2) Non-native vegetation is removed from the buffer area and replaced with native vegetation as approved by the Director.
- (3) Stream, wetland, and riparian enhancement or restoration project.
- (4) Structures or actions permitted through NWP 40, Agricultural Activities.
- (5) Routine repair and maintenance of structures, roadways, driveways, utility facilities, accessory uses and other development.
- (6) Measures to remove or abate nuisances, or any other violation of State statute, administrative rule, or City Code of Ordinances.
- (7) Any action taken by the City in an emergency to mitigate an existing or potential hazard.

(C) Prohibited Uses and Activities

- (1) Land disturbing activity not authorized by a Letter of Permission by the Director and Director of Engineering Services.
- (2) Uncontained and contained areas of hazardous materials handling areas for the receiving and storage of hazardous waste.

(D) Exempted Standards

Developments complying with the standards of this section shall be exempt from the requirements

within [Subsection 4.01 Tree Preservation Requirements](#) (Page [118](#)).

(E) Criteria for Approval

(1) Voluntary Buffer Recommendation

The Director and the Director of Engineering Services shall recommend approval of the proposed development when the applicant demonstrates the land development activity is in compliance with the following requirements:

- a. The buffer has been properly identified and indicated on the required development plans;
- b. The land development activity will not cause damage to the buffer;
- c. Acceptance of an approved restoration plan (if applicable as determined by the Director);
- d. If jurisdictional wetlands are determined to be present by the U.S. Army Corps of Engineers or a qualified wetland delineator and would be impacted by the proposed project, a Section 404 Permit or Letter of Permission from the Corps shall be required before approval; and
- e. The approval shall expire when the development plans expire.

(2) Voluntary Buffer Approval

The Planning and Zoning Commission shall approve, deny, or approve with conditions the proposed development based on the criteria listed in [4.11.04. \(E\)\(1\)a](#) through [4.11.04. \(E\)\(1\)e](#).

Subsection 4.12. Multifamily Development Standards

The standards within this Subsection shall apply to all development within the [MF-15 – Multifamily-15 District](#) and [MF-19 – Multifamily-19 District](#).

4.12.01. Supplemental Area Regulations

(A) Minimum Front Yard

- (1) Adjacent to a townhouse, duplex, or single family zoning district or area shown on Future Land Use Plan for single family residential.

Building Height	Yard Depth
One-Story	Fifty (50) feet
Two-Story	Fifty (50) feet
Three-Story	MF-15 – Multifamily-15 District : One hundred fifty (150) feet MF-19 – Multifamily-19 District : Seventy-five (75) feet

- (2) Adjacent to a nonresidential or multifamily zoning district or area shown on the Future Land Use Plan as nonresidential or multifamily.

Building Height	Yard Depth
One-Story	Twenty-Five (25) feet
Two-Story	Twenty-Five (25) feet
Three-Story	MF-15 – Multifamily-15 District : One hundred (100) feet; Fifty (50) feet along the Dallas North Tollway for existing multifamily zoning as of May 1, 2001. MF-19 – Multifamily-19 District : Fifty (50) feet

(B) Minimum Side Yard

- (1) Adjacent to a residential zoning district or [PD – Planned Development District](#) that allows Residential or an area designated as single family residential, excluding multifamily, on the Future Land Use Plan.

Building Height	Yard Depth
One-Story	Fifty (50) feet; Detached accessory buildings and garages can be reduced to twenty-five (25) feet
Two-Story	Seventy-five (75) feet; Setbacks for two-story buildings can be reduced to fifty (50) feet if adjacent to a golf course or a Major Creek provided that a minimum setback from a single family lot line of one hundred fifty (150) feet is maintained.
Three-Story	One hundred fifty (150) feet

- (2) Adjacent to a nonresidential or multifamily zoning district or [PD – Planned Development District](#) that allows nonresidential or multifamily development.

Building Height	Yard Depth
One-Story	Twenty-five (25) feet
Two-Story	Twenty-five (25) feet
Three-Story	MF-15 – Multifamily-15 District : One hundred (100) feet MF-19 – Multifamily-19 District : Sixty (60) feet

(C) Minimum Rear Yard

- (1) Adjacent to a residential zoning district or [PD – Planned Development District](#) that allows Residential, or an area designated as single family residential, excluding multifamily, on the Future Land Use Plan.

Building Height	Yard Depth
One-Story	Fifty (50) feet; Detached accessory buildings and garages can be reduced to twenty-five (25) feet
Two-Story	Seventy-five (75) feet; Setbacks for two-story buildings can be reduced to fifty (50) feet if adjacent to a golf course or a Major Creek provided that a minimum setback from a single-family lot line of one hundred fifty (150) feet is maintained.
Three-Story	One hundred fifty (150) feet

- (2) Adjacent to a nonresidential or multifamily zoning district or [PD – Planned Development District](#) that allows nonresidential or multifamily development.

Height	Yard Depth
One-Story	Twenty-five (25) feet
Two-Story	Twenty-five (25) feet
Three-Story	MF-15 – Multifamily-15 District : One hundred (100) feet MF-19 – Multifamily-19 District : Sixty (60) feet

(D) Minimum Lot Area

- (1) Five (5) acres unless otherwise specified within a Planned Development or other zoning district.
- (2) Areas zoned multifamily that are developed to single family standards must meet lot areas as described for the zoning districts listed in [2.03.12. \(B\)\(2\) above](#) (Page [37](#)).
- (3) Properties that are zoned multifamily which are less than five (5) acres prior to April 5, 2011 are exempt from this requirement.

(E) Minimum Dwelling Area

Number of Rooms	Minimum Dwelling Area
One bedroom	Six hundred fifty (650) square feet
Two bedroom	Nine hundred (900) square feet
Each additional bedroom over two (2) bedrooms	An additional one hundred fifty (150) square feet of dwelling area (See Dwelling Unit Area (Page 313))

(F) Maximum Height Regulations

Building Height	Measured Height in Feet
One-story	Thirty (30) feet for any portion of the building
Two-Story	Forty (40) feet for any portion of the building
Three-Story	Fifty (50) feet for any portion of the building

4.12.02. Multifamily – Development Regulations

(A) Storm Water Detention

Unless otherwise approved by the Director, above ground storm water detention is prohibited within required landscape areas and open space areas unless associated with a lake or body of water that has a constant pool elevation. Additionally, dry detention ponds utilized as amenities may be approved by the Director to be within required landscape areas and open space areas.

- (1) These detention areas are subject to approval by the Director of Engineering Services and shall be designed to be an amenity for the property that allows the required volume of storm water to raise the water surface elevation for the duration of the storm.

(B) Pedestrian Connections

Gated or un-gated pedestrian connections will be provided to adjacent schools, parks, and nonresidential developments.

4.12.03. Multifamily – Building Orientation and Construction

(A) Parking

- (1) Parking is only allowed between the building and a public street when located at or beyond the required landscape buffer and screened with a headlight screen of earthen berms and/or a row of shrubs.
- (2) Parking between the building and a public street is also subject to tree planting requirements specified in [4.12.04. \(B\) Other Parking and Circulation Requirements](#) (Page [219](#)).
- (3) Buildings with enclosed garages, when adjacent to a public street, must face garage doors internally to the development. Garage doors may not face a public street.

(B) Detached Garages

- (1) No detached garages may be located between residential buildings and a public street.
- (2) Structured parking garages consisting of more than one (1) level must meet appropriate building setbacks as specified in [2.03.12. \(C\) Area Regulations](#) (Page [37](#)).

(C) Fiber Cement Siding

Fiber cement siding is allowed for architectural detailing and exterior trim work.

(D) Building Design

- (1) All main structures within the MF-15 and MF-19 districts must have a minimum of eighty (80) percent masonry on the first and second floors and fifty (50) percent on all other floors.
 - a. Fiber cement siding may be used for areas not considered conducive for masonry, as determined by the Chief Building Official, and architectural features, including but not limited to bay windows, dormers, chimneys not part of an exterior wall, and gables with an area of less than ten (10) square feet.
- (2) Exterior Insulation and Finish Systems (EIFS) are allowed as an alternative to stucco construction.
 - a. These construction methods are limited to areas nine (9) feet above the average finish grade and may not exceed ten (10) percent of the building façade elevation.
- (3) Flat roofs are prohibited.
- (4) All residential windows shall be operable, with the exception of decorative windows, transoms, and side lights. The windows in living areas and bedrooms, except for dormer windows, shall be a

minimum fifteen (15) square feet in size.

- (5) All stairs (except entry stairs and stoops to individual units and shared hallways) and elevated walkways shall be screened with architectural features to avoid a direct view of a stairwell from public streets and open space.
- (6) All multifamily buildings must use four (4) or more of the following architectural features.
 - a. Awnings/Canopies
 - b. Balconies (a minimum of twenty-five (25) square feet in size)
 - c. Dormers
 - d. Offsets within each building (minimum twenty (20) feet to receive credit)
 - e. Patio (a minimum of twenty-five (25) square feet in size)
 - f. Porches (a minimum of twenty-five (25) square feet in size)
 - g. Stoeps (a minimum of two (2) feet tall by four (4) feet wide)
 - h. Varied roof height in building (minimum ten (10) foot difference)
 - i. Others as approved by the Director
- (7) Mailrooms or mail kiosks shall be one hundred (100) percent masonry and constructed of the same materials as the main structure.
- (8) A façade plan shall be submitted with the Preliminary Site Plan and Site Plan for a MF development and shall comply with all MF architectural design standards set forth in this ordinance.
 - a. Buildings may not face each other and have the same façade and/or architectural features, except as otherwise approved by the Director.
- (9) Façade plans shall be reviewed according to [Subsection 6.16 Façade Plan Review](#) (Page [287](#)).

(E) Building Orientation

- (1) The residential building angle to public streets and single-family zoning districts will be between a minimum of twenty (20) to a maximum of seventy (70) degrees, unless parking is provided between the building and the street.
- (2) As an alternative to angling the buildings along the public street, adjacent buildings may be offset a distance equal to one-half ($\frac{1}{2}$) the width of the building closest to the street, not to be less than thirty (30) feet.

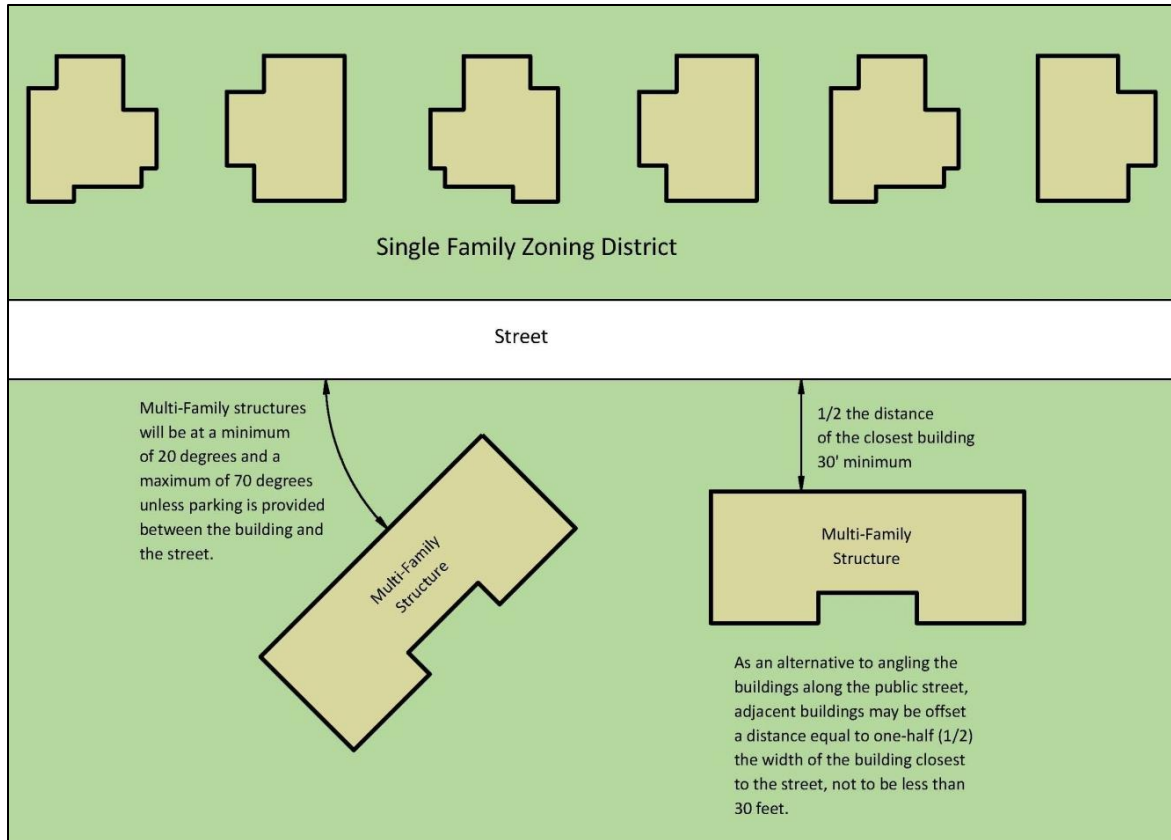


Figure 4.12.03.1: MF – Building Orientation

(F) Structure Separation

- (1) Multifamily structures on the same parcel shall have the following minimum distance between structures.

- a. From main structure to main structure with walls that have openings for doors or windows on façades facing each other.

Site Layout	Distance between Structure
Face to Face	Fifty (50) feet
Face to End	Thirty (30) feet
Corner to Face or End	Thirty (30) feet
End to End	Thirty (30) feet

- b. From main structure to main structure with walls that do not have openings, the minimum distance between structures is twenty (20) feet for one- and two-story buildings and thirty (30) feet for three-story buildings.
- c. From main structure to accessory buildings or pools, the minimum distance between structures is twenty (20) feet.
- d. From main structure to free standing garage building, the minimum distance between structures is thirty (30) feet
- (2) A multifamily structure on a parcel of land shall not be closer than a distance of fifty (50) feet to any nonresidential building, excluding garages, on an adjacent property.
- (3) The mailrooms or mail kiosk can be incorporated into another building or they must be separated from all other buildings by a minimum of twenty (20) feet.

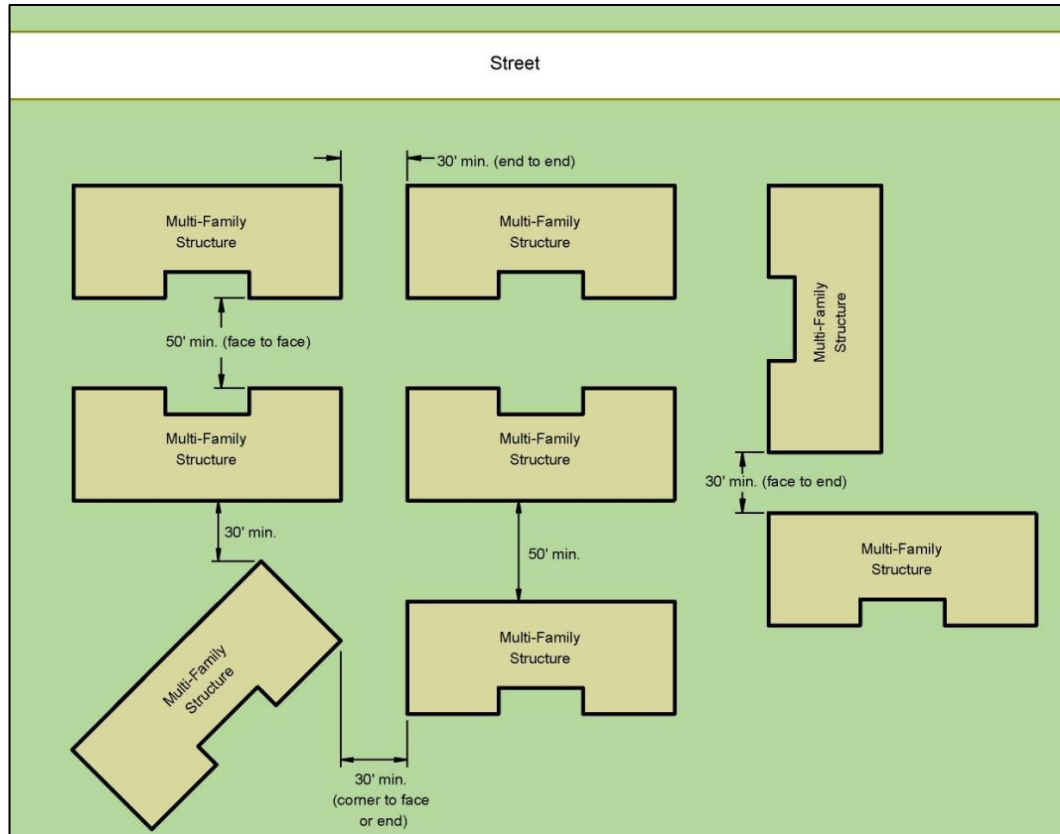


Figure 4.12.03.2: MF – Structure Separation

4.12.04. Multifamily – Parking and Circulation Standards

(A) Garages, When Provided

- (1) Garages shall be one hundred (100) percent masonry and be constructed of the same materials as the main structure.
- (2) The garage may be part of the dwelling structure.
- (3) Garage parking can only be counted toward required parking if the garage is attached to, and directly accessed from, the apartment unit that it serves through an internal doorway.
- (4) Additional garage parking can be provided, but will not count towards required parking calculations.
- (5) Garages shall be set back a minimum of eight (8) feet from the circulation aisle.
- (6) The garage shall not be used for storage, thereby prohibiting the parking of an operable vehicle.

(B) Other Parking and Circulation Requirements

- (1) Parking located between the building and a public street shall be at or beyond the required landscape buffer and requires a large tree every five (5) parking spaces along the first row of parking and a head light screen in addition to perimeter landscaping requirements.
- (2) Sub-grade parking under all or a portion of the building will not count against building height if half or more of sub-grade parking is below the average finish grade of the first floor.
- (3) When provided, trailer and recreational vehicle (RV) parking shall be limited to specific areas as designated on the approved Site Plan. Trailer and RV parking spaces shall be ten (10) feet by twenty-five (25) feet. These spaces shall be specifically called out on the Site Plan in an area behind the building line. A solid living screen shall be placed around the specified area.

- (4) Dead-end drive aisles shall have a maximum of ten (10) parking spaces.
- (5) Mail kiosk shall have a minimum of five (5) of the required parking spaces for the development within fifty (50) feet, unless a drive-through facility is provided.
- (6) Enclosed garage parking spaces shall be a minimum of ten (10) by twenty (20) feet.
- (7) Tandem parking spaces only count toward required parking when located in front of a detached garage. Tandem parking spaces shall be a minimum of nine (9) by twenty (20) feet.
- (8) Drive aisles within the apartment complex must be configured to decrease speed and shall have a maximum of five hundred (500) feet in a straight length without an offset of a minimum of thirty (30) feet, unless other traffic calming measures are approved by the Director, Director of Engineering Services, and Fire Chief.
- (9) Access to a public street in a single-family neighborhood will be limited access and will not function as a primary access point for the complex.
- (10) Access to single family alleys is prohibited.
- (11) Direct access to a median opening is required when the property is located on a divided thoroughfare. This shall be one of the minimum two points of access required.

4.12.05. Townhomes within Multifamily Zoned Areas

Areas zoned multifamily that are developed as townhomes shall comply with [Subsection 9.07 Form-Based Code Manual](#) (Page [361](#)) standards.

Subsection 4.13. Usable Open Space Requirements

4.13.01. Patio Home (PH) and Townhome (TH) Usable Open Space

(A) Area Requirement

- (1) The area dedicated as usable open space shall be fifteen (15) percent of the platted area of the development, excluding rights-of-way dedications for thoroughfares greater than 60-feet in width.
- (2) All usable open space areas shall be a minimum of 10,000 square feet with no slope greater than ten (10) percent and no width less than fifty (50) feet.
- (3) The Planning & Zoning Commission and/or City Council may give full or partial credit for usable open areas that exceed the maximum slope or which are otherwise unusable, if it is determined that such areas are environmentally or aesthetically significant and is in agreement with the Comprehensive Plan.
- (4) Required landscape buffers, floodplains, and erosion hazard setbacks shall not be counted towards the usable open space requirement.
 - a. Major creek areas delineated as the City's linear park system as shown on either the City's Parks Master Plan or City's Hike & Bike Trail Master Plan shall not count towards the required open space. The Major Creeks areas not shown as part of either plan may count toward the required open space where lots do not back to the open space.
- (5) During the review of patio home or townhome plat applications, the Planning & Zoning Commission shall consider the following criteria:
 - a. Lots shall not back to open space;
 - b. The site shall be centrally located unless prohibited by physical constraints; and
 - c. The site shall contain at least three of the following elements:
 1. Low, ornamental masonry walls or ornamental fencing – each with masonry columns and capstones – as perimeter fencing adjacent to roadways.
 2. Water feature, excluding detention ponds. Detention ponds may be utilized if designed as usable open space.
 3. Ornamental iron, stone or equivalent durable seating areas.
 4. Internal walkways constructed of stamped or stained concrete or brick pavers.
 5. Art, sculptures or fountains.
 6. Durable shade structures such as pavilions, arbors and gazebos.
 7. Other amenities as approved by the Planning & Zoning Commission.
 - d. Swimming pools and required parking for the amenities shall not count toward meeting the required amount of open space.
- (6) The minimum size of usable open space shall be 0.3 acre.
- (7) For sites greater than 15 acres, the required amount of usable open space shall be distributed throughout the neighborhood as multiple smaller open spaces at a minimum size of 0.3 acre per
- (8) All usable open space shall be arranged in one of the following alignments:
 - a. Radial: "hub and spoke" pattern, in which there is a central core with multiple branches extending out through the neighborhood; or
 - b. Distributed: decentralized pattern, in which smaller pockets of open space are evenly distributed throughout the neighborhood with a minimum dimension of a 50 foot width.

(B) Proximity Requirement

- (1) All residential lots must be located within a 660-foot walking distance of usable open space, measured along streets and/or walkways, from property line to property line. In order to preserve native trees or should a property have unique topography, size, or configuration, this distance may be increased by the Director. The Director shall consider:
 - a. Preserving native trees;
 - b. Preserving natural geographic features;
 - c. Physical constraints such as overall property size, configuration, or topography exist; or
 - d. Crime Prevention Through Environmental Design (CPTED).

(C) Open Space Street and Location Requirements**(1) Standard**

Usable open space must be easily accessible from adjacent streets. Sixty (60) percent of the perimeter of the usable open space shall be adjacent to a street (see [Figure 9.01.01.14: Patio Home and Townhome Open Space Requirement](#) (Page 354)). No alleys may be adjacent to usable open space.

(2) Reduction

During the consideration of patio home or townhome plat applications, the Planning & Zoning Commission may reduce the required sixty (60) percent of the perimeter of the usable open adjacent to a street (see [Figure 9.01.01.15: Open Space Reduction Exhibit A](#) (Page 355) and [Figure 9.01.01.16: Open Space Reduction Exhibit B](#) (Page 356)) if the following design criteria are met:

- a. All portions of the open space shall be visible from adjacent streets,
- b. The open space is easily accessible to all of the residents of the neighborhood, and
- c. Open fencing shall be required for homes abutting to the open space.

(D) Improvements permitted in Usable Open Space

- (1) Landscaping, sidewalks, and amenities such as tennis courts and swimming or wading pools may be located within usable open space areas.
 - a. Permitted improvements and amenities include landscaping, sidewalks, tennis courts, swimming or wading pool, gazebos, pavilions, or other similar facilities.

(E) Tree Requirement

- (1) Usable open space shall contain one minimum three (3) inch caliper shade tree for per the following.
 - a. 2,000 square feet of required usable open space for areas less than 15,000 square feet.
 - b. 5,000 square feet of required usable open space for areas equal to or greater than 15,000 square feet.
 - c. Street trees shall count towards usable open space tree requirement.
- (2) The trees shall be maintained in a healthy and growing condition, and must be replaced with trees of similar variety and size if damaged, destroyed, or removed.
- (3) A Landscape Plan must be approved prior to approval of the Final Plat.

(F) Exemption

The Planning & Zoning Commission and/or City Council may prohibit the creation of any usable open space if it is determined that such area would be a security or safety concern, difficult to maintain, or an unreasonable financial burden to the homeowners association.

4.13.02. Multifamily – Usable Open Space Requirements

(A) Planned Development Districts

For Planned Development Districts with multifamily zoning, open space shall be provided in accordance with the Zoning Ordinance, as it currently exists or may be amended, unless otherwise described in the PD requirements.

(B) Area Requirements

Each lot or parcel of land developed within the [MF-15 – Multifamily-15 District](#) or [MF-19 – Multifamily-19 District](#) shall provide open space at a rate of twenty five (25) percent net area.

- (1) The open space shall have a maximum slope not exceeding ten (10) percent.
- (2) The open space shall have a minimum dimension of not less than thirty (30) feet.
- (3) Of the required open space, fifteen (15) percent or twenty thousand (20,000) square feet, whichever is greater, shall be grouped in one location.
 - a. Flood plain used for open space may receive full credit for that portion that is maintained in its natural state.
 1. Flood plain that is reclaimed and used for open space shall receive a fifty (50) percent credit toward open space.
 - b. Required perimeter landscape buffers will not count toward open space.
- (4) At the time of Preliminary Site Plan approval, the Planning & Zoning Commission may give full or partial credit for open areas that exceed the maximum slope, which are otherwise unusable, or which are less than the required twenty thousand (20,000) square feet specified in [4.13.02. \(B\)\(3\) above](#). These areas must be determined to protect and enhance the City's environmental quality (areas of floodplain or extreme topography, trees and natural landscape, viewsheds, and bodies of water) and aesthetic quality (incorporation of desirable designs reflecting the community vision established in the Comprehensive Plan).
- (5) A table showing square footage of each use and/or area is required on the Final Site Plan and Landscape Plan. The required table shall include required and provided open space and indicate credit for each use or area.
- (6) Required landscape buffers, floodplains, and erosion hazard setbacks shall not be counted towards the usable open space requirement.

(C) Landscaping

- (1) All required landscaping must be located within the required open space, exclusive of required perimeter or parking landscaped areas.
- (2) One (1) large tree, three (3) inches in caliper, shall be provided per three thousand five hundred (3,500) square feet of required open space.
 - a. A fewer number of trees can be planted where larger trees are provided.
 - b. The approved Landscape Plan must include the quantity and the size of the trees in the open space.

4.13.03. Nonresidential Open Space Requirements

(Ord. No. 17-08-51; 08/01/17) & (Ord. No 19-08-70;8/20/19)

(A) Dedicated Amount Requirement

All nonresidential developments shall provide one of the following types of open space:

(1) Consolidated Open Space Type A:

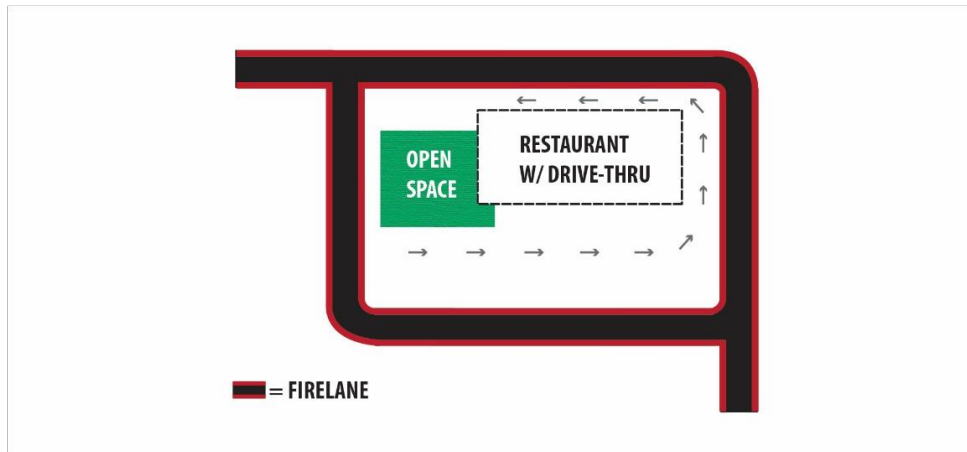


Figure 4.13.03.1: Example of Type A Consolidated Open Space

Single lot developments. All nonresidential developments on a single lot shall provide a minimum of ten (10) percent of the net total lot area as consolidated and usable open space. (see Figure 4.13.03.1). All open space shall be owned and maintained by the property owner(s) or the property owners' association.

(2) Consolidated Open Space Type B:

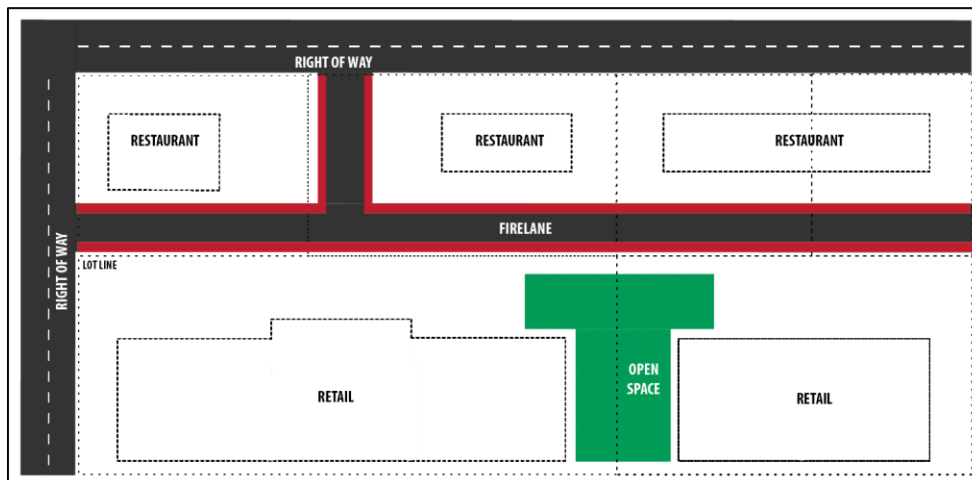


Figure 4.13.03.2: Example of Type B Consolidated Open Space

Developments containing more than one lot. All nonresidential developments consisting of more than one lot shall provide a minimum of ten (10) percent of the net total area of the lots of the overall development (as defined on the preliminary site plan and/or site plan) as consolidated and usable open space (see Figure 4.13.03.2). Such open space shall serve as the sole and exclusive open space for all of the lots in the development and shall be shown on the preliminary site plan. The open space may cross property lines. All open space shall be owned and maintained by the property owner(s) or property owners' association.

(B) Open Space Plan

The applicant shall submit an open space plan with the preliminary site plan and/or site plan submittal for the subject property. The open space plan shall include the information listed on the Open Space Plan Checklist, which shall be established and maintained by the Director. The approval of the open space plan shall expire when the development plans expire, but the platted easements shall remain in effect. Should the location open space change with a new preliminary site plan and/or site plan, then the platted easement shall be amended to reflect the revised location.

(C) Requirement for Open Space Easement

All Type A and Type B open space shall be dedicated as an easement on a conveyance plat and/or final plat. This plat shall be submitted in accordance with Subdivision Ordinance Section 3.03 and shall be submitted with the preliminary site plan. The plat and the preliminary site plan shall be considered at the same Planning & Zoning Commission meeting and the plat, once approved, shall be filed in accordance with Subdivision Ordinance Section 4.03(j).

(D) Timing of Improvements

(1) The construction of the required open space improvements:

- a. Shall be in conjunction with the development of the first lot of a preliminary site plan and completed on or before the acceptance of the final improvements for the first lot of a preliminary site plan and/or site plan; or
- b. May be deferred when the Director requires or agrees to accept escrow deposits. The developer shall deposit in escrow with the City an amount equal to one hundred and ten percent (110%) of the total "turnkey" costs, including, but not limited to, the design, permitting, acceptance and inflation costs related to the improvement(s). Should the escrow not cover the total costs at the time of development, the developer shall be responsible for the added costs to implement the open space improvements. If construction is deferred under this subsection, the improvements must be completed on or before the date established by the Director.

(E) Open Space Amenity Requirement

(1) The following shall not count toward the open space requirement (applicable to Type A and Type B):

- a. Vehicular paving;
- b. Parking lot tree islands;
- c. Building footprint;
- d. Utility yards;
- e. Required landscaping per Section 4.02 (Landscaping Requirement);
- f. Required Licensed Child-Care Facility play space; or
- g. Open space that is not viewable from the public right-of-way/public access easements nor provides access to the general public.

(2) The following amenities are required within the required open space (applicable to Type A and Type B):

- a. A pedestrian pathway constructed of brick or concrete pavers a minimum of eight (8) feet in width traversing the consolidated open space with pedestrian lighting;

- b. One shade tree, a minimum of ten (10) to twelve (12) feet in height and a minimum of six inch in caliper at the time of planting, planted a minimum of thirty (30) feet on center staggered on each side of the eight-foot walking path;
- c. Plaza or courtyard covered with brick or concrete pavers;



Figure 4.13.03.3: Example of Plaza Covered with Brick or Concrete Pavers

- d. Lawn; a minimum of 30 (thirty) percent of the consolidated open space requirement, or as otherwise approved by the Planning & Zoning Commission;



Figure 4.13.03.4: Example of Typical Lawn

- e. Furniture, such as benches and/or low masonry seating walls; and
- f. Overlook (required only for retention/detention ponds).

- 3) In addition to the required amenities, at least eight of the following amenities are required within the required open space (applicable to Type A and Type B), as approved by the Planning & Zoning Commission:
- a. Sculptures, and/or pedestrian entry monuments/gateways, as approved by the Planning & Zoning Commission. Each installation to be counted as one amenity. A pair of pedestrian entry monuments count as one (1) amenity. A maximum of four (4) amenities may be counted from this category;
 - b. Water features, excluding required retention/detention ponds, (to be counted as three (3) amenities). A maximum of one (1) water feature shall be counted towards an open space amenity;
 - c. Tree groves/orchards (Trees shall be a shade tree a minimum of ten (10) to twelve (12) feet in height and a minimum of six inch in caliper at the time of planting);
 - d. Shade structures such as pavilions or pergola (to be counted as three (3) amenities). A maximum of one (1) shade structure shall be counted towards an open space amenity;
 - e. Raised planter beds with plants of seasonal color and/or native plants with brick and/or stone veneer (collectively count as one (1) amenity);
 - f. Educational paths with plaques & monuments describing natural habitats and plant life of the surrounding area; and/or
 - g. Other features as approved by the Planning & Zoning Commission.

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Sculptures, Pedestrian Entry Monuments/Gateways



Figure 4.13.03.5: Typical Modern Sculpture



Figure 4.13.03.6: Typical Traditional Sculpture



Figure 4.13.03.7: Typical Gateway Feature



Figure 4.13.03.8: Typical Entry Monument

Water Features



Figure 4.13.03.9 Typical Interactive Water Feature



Figure 4.13.03.10: Typical Traditional Water Feature



Figure 4.13.03.11: Typical Contemporary Water Feature



Figure 4.13.03.12: Typical Reflecting Pool Water Feature

Tree Groves/Orchards



Figure 4.13.03.13: Typical Tree Grove

Shade Structures



Figure 4.13.03.15: Typical Shade Structure



Figure 4.13.03.14: Typical Shade Structure

Raised Planter Beds



Figure 4.13.03.16: Typical Raised Planter Beds



Figure 4.13.03.17: Typical Raised Planter Beds with Stone Terracing

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(F) Placement of Open Space

(1) The required open space shall meet the following location requirements (applicable to Type A and Type B):

- a. The required open space shall be of fifty (50) feet or greater in width at its narrowest point, and a minimum square footage of 2,500 square feet (applicable to Type A and Type B);
- b. The required open space shall be adjacent to a minimum of one (1) commercial building (an occupied space a minimum of 6,000 square feet), not separated by vehicular traffic, on a minimum of one (1) side. All commercial buildings shall comply with the Fire Code.
- c. A front or side of a commercial building must be adjacent to the required open space (applicable to Type A and Type B) and be permeable/interactive. For restaurants uses (an occupied commercial building a minimum of 2,500 square feet), the required open space may be located behind a commercial building providing outdoor dining. (see Figure 4.13.03.18).

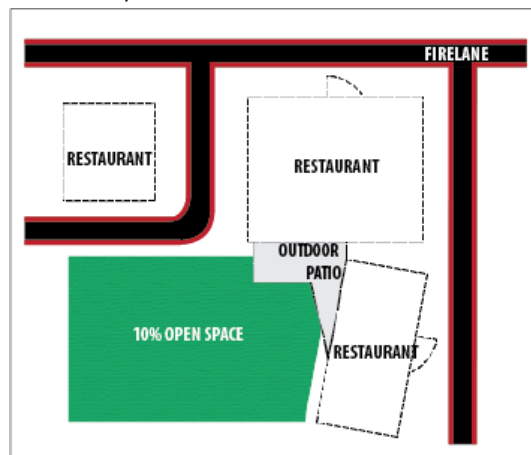


Figure 4.13.03.18: Example of Open Space at Rear of Building

- d. The applicant may request to the Planning & Zoning Commission that the required open space may be split into separate areas within the development through an alternative design. The applicant must demonstrate to the Planning & Zoning Commission how the alternative design meets the intent of the Nonresidential Open Space Requirements set forth herein. The alternative design shall conform to Subsection 4.13.03(C)(D). (See Figure 4.13.03.19)

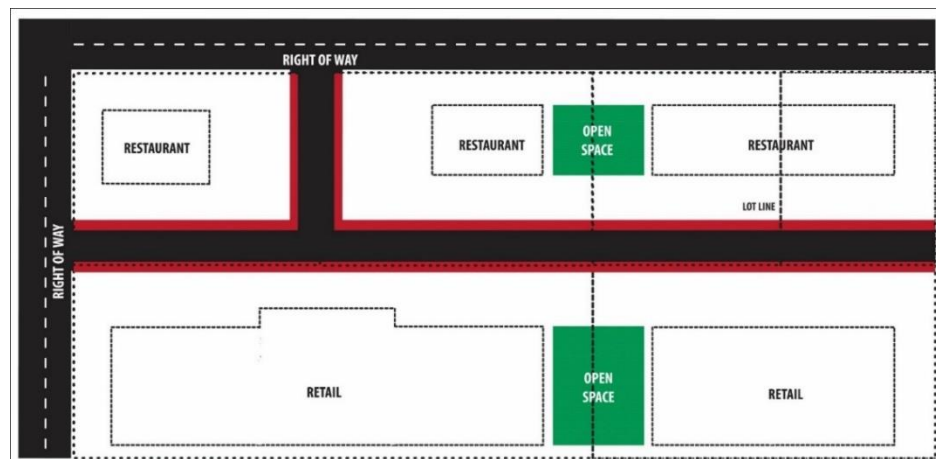


Figure 4.13.03.19: Example of Type B Consolidated Open Space (Split)

- 2) Incorporating Natural Features:
 - a. In this subsection, the term “natural feature” is defined as a:
 - i. Creeks;
 - ii. Natural drainage area;
 - iii. Floodplain (FEMA Special Flood Hazard Area and fully-developed 100-year floodplain) and/or.
 - iv. Protected trees.
 - b. The site’s natural feature(s) shall be preserved and incorporated into the required open space (Type A or Type B) in accordance with Subsection 4.13.03(A)(1-2), (Dedicated Amount Requirement). The natural feature(s) shall be defined and identified on the open space plan submitted with the preliminary site plan and/or site plan in accordance with Subsection 4.13.03(B) (Open Space Plan) and Subsection 4.13.03(C) (Requirement for Open Space Easement).
 - c. The required open space containing the natural feature(s) shall comply with Subsection 4.13.03(F)(1)(a-d) (Placement of Open Space). If the applicant identifies a natural feature where it is not possible for a commercial building to comply with Subsection 4.13.03(F)(1)(a-d), the applicant may request an alternative design to the Planning & Zoning Commission. The applicant must demonstrate how the alternative design incorporates the natural feature and meets the intent of the Nonresidential Open Space Requirements set forth herein.
 - d. The required open space containing the natural feature(s) shall provide amenities in accordance with Subsection 4.13.03(E)(2-3) (Open Space Amenity Requirement), as permitted by Federal, State and Local requirements (lawn amenity requirement may be waived with Planning & Zoning Commission approval).
- (3) Detention Ponds or Retention Ponds
 - a. A detention and/or retention pond may count toward the required open space if it meets the following design requirements:
 - i. Meets the location criteria set forth in Subsection 4.13.03(F)(1) (Placement of Open Space);
 - ii. Meets Engineering Standards;
 - iii. Slope of the pond area does not exceed three (3) percent; allowable to twenty-five (25) percent, but requires stone terracing for any slope exceeding three (3) percent. Terracing or the cutting of a sloped plane into a series of successively receding flat surfaces or platforms, shall have a maximum shelf depth of three feet with maximum 6-inch risers;
 - iv. Accessible by the public;
 - v. The water surface in the retention pond as measured at the normal pool elevations shall only account for a maximum of ten (10) percent of consolidated open space requirement;

- vi. Natural stone or brick veneer is required on headwalls, bridges, wall, culverts, retaining walls, and like structures; and



Figure 4.13.03.20: Example of Stone/Brick Infrastructure Veneer

- vii. Meets the amenity requirements set forth in Subsection 4.13.03(E)(2-3).

(G) Open Space Plan Application

- (1) The property owner shall file an application for the approval of an Open Space Plan. The filing shall include the information listed on the Open Space Plan Checklist, as it exists or may be amended, which shall be established and maintained by the Director and published as part of the Development Application Handbook.
- (2) The applicant shall file an Open Space Plan with a Preliminary Site Plan, when a Preliminary Site Plan is required. The Open Space Plan must be approved prior to the consideration of the Preliminary Site Plan. Failure to obtain approval of the Open Space Plan shall be grounds for denial or rejection of a Preliminary Site Plan application.
- (3) The applicant shall file an Open Space Plan with a Site Plan. The Open Space Plan must be approved prior to the Site Plan. Failure to obtain approval of the Open Space Plan shall be grounds for denial or rejection of a Site Plan application.
- (4) The approval of the Open Space Plan shall expire when the Preliminary Site Plan or Site Plan expires, but the platted easements shall remain in effect. Should the location of the open space change with a new Site Plan, then the platted easement shall be amended to reflect the revised location.

- (E)** All Type A and Type B open space shall be dedicated as an easement on a Conveyance Plat, Replat and/or Final Plat. The plat shall be submitted in accordance with Subdivision Ordinance Section 3.03 and after approval of the Preliminary Site Plan, or Site Plan if no Preliminary Site Plan is required. The plat, once approved, shall be filed in accordance with Subdivision Ordinance Section 4.03(j).

(F) Criteria for Approval**(1) Open Space Recommendation**

The Director shall recommend approval of the proposed open space plan when the applicant demonstrates that:

- a. The open space plan has been submitted and found to be in compliance with all applicable City ordinances and standards; and
- b. The applicant has received approval from the Director for instances requiring Director approval; or
- c. In the event that the proposed open space plan fails to comply with this section, the applicant shall provide documentation stating the reasons for non-compliance and provide an acceptable alternative proposal that meets the intent of this section for quality, usable and consolidated open space.

(2) Criteria for Open Space Approval

- a. The Planning & Zoning Commission shall approve, deny, or approve with conditions the proposed open space plan based upon criteria listed in Subsection 4.13 .03 (G)(1)(a)-(c) (Open Space Recommendation), except as provided in Subsection 4.13.03(G)(2)(b). A denial of the Open Space Plan by the Planning & Zoning Commission shall result in denial of the Preliminary Site Plan or Site Plan.
- b. Staff shall approve or deny the Open Space Plan when submitted with the Site Plan if all the following conditions are met:
 - i. Valid Open Space Plan and Preliminary Site Plan approved by the Planning & Zoning Commission;
 - ii. Amenity types and dimensions (height, length, width) remain the same;
 - iii. Size of open space remains the same;
 - iv. Location of open space remains the same; and
 - v. General conformance to the quality of the design and amenities of the space, as approved by the Planning & Zoning Commission.

Section 5. Development Review Bodies



Subsection 5.01. Director of Development Services

5.01.01. Director Review and Coordinating Authority.

In addition to other applications expressly delegated by City Ordinance or Charter, the Director of Development Services is responsible for reviewing and coordinating the following types of applications.

The Director is Responsible for Reviewing and/or Coordinating.		
Section Number	Application	Page
3.02.01. (A)(5)c	Approval of a Listed Commercial Stealth Antenna	97
3.02.01. (A)(5)d	Approval of an Unlisted Commercial Stealth Antenna	97
4.04.06. (E)(1)	Mixed Use Shared Parking Agreement	154
4.04.06. (E)(4)	Rescinded Shared Parking Agreement Approval	155
6.19.04.	Appeal of a Rescinded Shared Parking Agreement Approval	295
6.19.06.	Appeal of a Residential Cluster Development	295
4.10.11.	Approval of a Residential Cluster Development	209
4.11.04. (E)(1)	Voluntary Buffer Recommendation	213
6.19.05.	Appeal of a Temporary Outdoor Lighting Decision	295
6.19.07.	Appeal of an Administrative Decision	295
5.04.06. (B)	Nonconforming Use Reconstruction, Extension or Enlargement	243
5.04.06. (C)	Amortization of a Nonconforming Use	243
5.04.06. (D)	Variance	243
5.04.09.	Appeal of a Board of Adjustment Decision	244
6.01.01. (C)	Application for a Building Permit or Certificate of Occupancy within Newly Annexed Land	247
6.05.07.	Preliminary Site Plan	253
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6.19.10.	Appeal of a SCSP Decision to the Planning & Zoning Commission	296
6.19.11.	Appeal of a SCSP Decision to the City Council	296
6.05.09. (C)	Revised Preliminary Site Plan (PSP) or Site Plan (SP)	261
6.19.12.	Appeal of a Revised PSP or SP Decision	296
6.06.02. (A)	Zoning District Change (Zoning Map Amendment)	264
6.06.02. (B)	Zoning Text Amendment	264
6.19.13.	Appeal of a Planning & Zoning Commission Decision to Deny a Zoning Amendment	296
6.14.07. (C)(1)	Minor PD Amendment	283
6.19.02.	Appeal of a Denial of a Unlisted Commercial Stealth Antenna	294
6.19.14.	Appeal of a Minor PD Amendment Decision	297
6.19.15. (A)	Initial Appeal of a Façade Plan	297
6.19.15. (B)	Final Appeal of a Façade Plan	297
6.19.16. (A)	Appeal of an Alternative Compliance Standard Decision made by the Director	298
6.19.16. (B)	Appeal of an Alternative Compliance Standard Decision made by the Planning & Zoning Commission	298

5.01.02. Director Decision Authority.

In addition to other applications expressly delegated by City Ordinance or Charter, the Director of Development Services has the authority to deciding the following applications and petitions.

The Director has the Authority to Decide.		
Section Number	Application	Page
3.02.01. (A)(5)c	Approval of a Listed Commercial Stealth Antenna	97
3.02.01. (A)(18)j	Determination of a Home Occupation Use not Specifically Listed:	107
4.01.03. (B)	Tree Removal Permit	118
4.04.08. (A)(49)a	Best/Current Practices Parking Ratio Application	160
4.05.06.	Exterior Lighting Plan	171
4.10.09.	Density Bonus for Housing Integration	208
6.05.08.	Site Plan	256
6.05.09. (B)	Substantially Conforming Site Plans (SCSP)	260
6.13.01. (A)	Landscape Plan Approval	277
6.16.03. (D)	Façade Plan Approval	290

5.01.03. Director Authority to Approve Specific Standards

In addition to other applications expressly delegated by City Ordinance or Charter, the Director is authorized to consider standards subject to his or her approval. The applicable standards are located throughout the zoning ordinance and the following provides a summary of the various sections where the specific standards are found. The complete sections are listed below and each entire section should be read to determine which specific standards within those sections are authorized for the Director's approval.

The Director has the Authority to Approve Specific Standards.		
Section Number	Section	Page
2.04.04. (G)	OTC Regulations for Property not Platted or Vested	45
2.05.05. (F)(2)	Tollway Overlay Exterior Appearance of Buildings/Structures	82
4.01.05. (C)	Replacement Trees on a Different Property	120
4.01.06.	Tree Protection Measures	121
4.02.03. (A)(2)	Tree and Shrub Planting Standards	128
4.02.09. (C)(5)	Alternative Plant Coefficient (Pc) or Irrigation Efficiency (IE) Approval	137
4.03.07. (B)	Placement of Refuse and Recycling Storage Collections Facilities in a Parking Lot	147
4.04.03. (C)	Encroachment Upon the Public Right-of-Way or Required Landscaping Areas	153
4.04.03. (D)	Dead End Parking	153
4.04.05. (A)	Vehicular Access	154
4.04.06. (E)(2)	Uses Prohibited from Mixed Use Shared Parking Agreements	155
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4.04.08. (A)(49)	Best/Current Practices Parking Ratio	160
4.04.09. (B)	OTC Parking Reduction and Awarding of Downtown Public Parking Lot Spaces	161

The Director has the Authority to Approve Specific Standards.

Section Number	Section	Page
<u>4.07.14. (B)(4)</u>	<u>Open Space Credit</u>	<u>193</u>
<u>4.07.17</u>	<u>Interconnectivity of Residential and Nonresidential Developments</u>	<u>197</u>
<u>4.08.02. (B)</u>	<u>Secondary Exterior Materials</u>	<u>199</u>
<u>4.10.12.</u>	<u>Conveyance of Open Space</u>	<u>209</u>
<u>4.11.04. (B)</u>	<u>Permitted Uses and Activities</u>	<u>212</u>
<u>4.12.02. (A)</u>	<u>Storm Water Detention</u>	<u>216</u>
<u>4.12.03. (D)</u>	<u>Building Design</u>	<u>216</u>
<u>4.12.04. (B)</u>	<u>Other Parking and Circulation Requirements</u>	<u>219</u>
<u>4.13.03</u>	<u>Nonresidential Open Space Requirements</u>	<u>224</u>
<u>6.07.02. (C)(1)</u>	<u>Written Notice Delivery Methods</u>	<u>267</u>
<u>6.16.02. (B)</u>	<u>MF-15 and MF-19 Review Criteria</u>	<u>288</u>
<u>6.16.03. (D)</u>	<u>Façade Plan Approval</u>	<u>290</u>

Subsection 5.02. Planning & Zoning Commission

5.02.01. Creation of Planning Commission

The Planning & Zoning Commission is established by the City Charter.

5.02.02. Commission's Role of Review and Recommendation to the City Council

In addition to other applications expressly delegated by City Ordinance or Charter, the Planning & Zoning Commission shall be responsible for reviewing and making recommendations on the following applications to the City Council.

Applications the Planning & Zoning Commission Reviews and Recommends Actions to the City Council		
Section Number	Application	Page
3.02.01. (A)(5)d	Approval of an Unlisted Commercial Stealth Antenna	97
6.19.05.	Appeal of a Temporary Outdoor Lighting Decision	295
6.01.01. (C)	Application for a Building Permit or Certificate of Occupancy within Newly Annexed Land	247
6.06.02. (A)	Zoning District Change (Zoning Map Amendment)	264
6.06.02. (B)	Zoning Text Amendment	264

5.02.03. Authority for Deciding Applications and Appeals

In addition to other applications expressly delegated by City Ordinance or Charter, the Planning & Zoning Commission shall make the final decision on the following applications and appeals.

Applications the Planning & Zoning Commission Reviews has the Authority to Decide		
Section Number	Application	Page
3.02.01. (A)(18)k	Appeal of the Director's Home Occupation Determination:	107
4.03.05. (A)(4)b	Exception to the Size Limitation of Outside Storage and Display Areas	146
4.04.06. (E)(1)	Mixed Use Shared Parking Agreement	154
4.04.06. (E)(4)	Rescinded Shared Parking Agreement Approval	155
4.10.11.	Approval of a Residential Cluster Development	209
4.11.04. (E)(2)	Voluntary Buffer Approval	213
4.13.01. (C)	Open Space Street and Location Requirement	222
6.01.01. (C)	Application for a Building Permit or Certificate of Occupancy within Newly Annexed Land	247
6.05.07.	Preliminary Site Plan	253
6.19.10.	Appeal of a SCSP Decision to the Planning & Zoning Commission	296
6.05.09. (C)	Revised Preliminary Site Plan (PSP) or Site Plan (SP)	261
6.14.07. (C)(1)	Minor PD Amendment	283
6.19.15. (A)	Initial Appeal of a Façade Plan	297
6.19.16. (A)	Appeal of an Alternative Compliance Standard Decision made by the Director	298

5.02.04. Commission Membership

(Ord. No 2020-08-43; 7/7/20)

(A) Appointments; Terms; Controlling Provisions

The appointment and service of commissioners on the Planning & Zoning Commission shall be subject to all applicable requirements of Article IX of the City Charter and Chapter 2 (Administration), Article III of the Code of Ordinances. The term of office shall be for three (3) years. In the event of a conflict between provisions of this Subsection 5.02.04, Article IX of the City Charter, Chapter 2 of the Code of Ordinances and/or other law, the provisions of Article IX of the City Charter, this Subsection 5.02.04, Chapter 2 of the Code of Ordinances and other law shall control in that order.

(B) Term Limits

No commissioner shall serve on the Planning & Zoning Commission for more than three (3) consecutive terms or nine (9) consecutive years, whichever is less, unless extended by the affirmative vote of at least three-fourths (3/4ths) of the members of the City Council. The Mayor shall be entitled to vote when a vote of three-fourths (3/4ths) of the members of the City Council is required under this subsection.

(C) Reappointment

Except for a commissioner whose tenure has been extended by the City Council as provided in subsection (B) above, a commissioner who has reached his or her term limit may be reappointed to serve on the Commission after being off the Commission for at least one (1) year, and upon reappointment, the commissioner is eligible to serve another three (3) consecutive terms or nine (9) consecutive years, whichever is less. Such commissioner is eligible, however, for appointment to a different board or commission without waiting.

(D) Vacancies; Removal

A mid-term appointment necessary to fill a vacancy shall be subject to Section 2-66 of the Code of Ordinances. Each commissioner serves at the pleasure of the City Council and may be removed at the discretion of the City Council."

Subsection 5.03. City Council

5.03.01. City Council Authority for Amendments to this Zoning Ordinance

The City Council may from time to time amend, supplement or change by ordinance the text of this Zoning Ordinance on its own initiative or upon petition for a text amendment.

5.03.02. City Council Authority for Deciding Applications and Appeals

The City Council shall make the final decision on the following applications and appeals. In addition, any other applications not otherwise delegated to another body or City official by City Ordinance or Charter, the City Council shall make the final decision.

City Council has the Authority to Decide		
Section Number	Application	Page
6.19.03.	Appeal of a Temporary Building Decision to Council	294
6.19.02.	Appeal of a Denial of a Unlisted Commercial Stealth Antenna	294
6.19.04.	Appeal of a Rescinded Shared Parking Agreement Approval	295
6.19.05.	Appeal of a Temporary Outdoor Lighting Decision	295
6.19.06.	Appeal of a Residential Cluster Development	295
6.19.08.	Appeal of a Preliminary Site Plan	295
6.19.09.	Appeal of a Site Plan	296
6.19.11.	Appeal of a SCSP Decision to the City Council	296
6.19.12.	Appeal of a Revised PSP or SP Decision	296
6.06.02. (A)	Zoning District Change (Zoning Map Amendment)	264
6.06.02. (B)	Zoning Text Amendment	264
6.19.13.	Appeal of a Planning & Zoning Commission Decision to Deny a Zoning Amendment	296
6.19.14.	Appeal of a Minor PD Amendment Decision	297
6.19.15. (B)	Final Appeal of a Façade Plan	297
6.19.16. (B)	Appeal of an Alternative Compliance Standard Decision made by the Planning & Zoning Commission	298

Subsection 5.04. Board of Adjustment

5.04.01. Establishment of the Board of Adjustment

(A) Establishment

The Board of Adjustment (Board) is established by the City Charter.

(B) City Council Approval of All Board Rules and Regulations

All rules and regulations adopted by the Board shall be reviewed and approved by the City Council.

- (1) The rules and regulations shall be consistent with and not in conflict with this ordinance, the City Charter, or other rules and regulations prescribed by the City Council.

(C) Board Operating Procedures

The Board shall function according to the laws of the State of Texas, the Charter of the City of Frisco, Texas, and the provisions of this Ordinance.

5.04.02. Board Membership

(A) Five-Member Board

The Board shall consist of five (5) members, to be appointed by the City Council for a term of two (2) years; provided, however, that of the first five (5) appointments made under this Ordinance, three (3) shall be appointed to serve a two (2) year term and two (2) shall be appointed to serve a one (1) year term; and, thereafter, three (3) shall be appointed during even-numbered years and two (2) shall be appointed during odd-numbered years, for said two (2) year term.

(B) Term Limits

No Board Member shall serve for more than three (3) consecutive terms or six (6) consecutive years (whichever is less).

(C) Vacancies

When vacancies occur on the Board, the City Council shall appoint, by majority vote, a replacement to serve the remainder of that term.

5.04.03. Board Administration and Procedures

(A) Quorum

Each case before the Board must be heard by at least four (4) members.

(B) Alternate Board Members

The Board shall have three (3) alternate Board Members appointed by the City Council to serve in the absence of one (1) or more regular Board Members when requested to do so by the Mayor or City Manager.

- (1) Each alternate Board Member serves for the same period as a regular Board Member and is subject to removal in the same manner as a regular Board Member.
- (2) A vacancy among the alternate Board Members is filled in the same manner as a vacancy among the regular Board Members.
- (3) An alternate Board Member serves upon the same terms and conditions as a regular Board Member.

5.04.04. Officers

(A) Board Officers and Elections

- (1) The Board shall have a Chair, Vice-Chair and Secretary whose terms shall be one (1) year.
- (2) The Chair, Vice-Chair and Secretary shall be elected by the members of the Board.
- (3) The nomination and election of officers shall occur at the first Board meeting following the City Council's annual appointments.

(B) Role of the Chairperson

- (1) The Chairperson shall preside over meetings and shall be entitled to vote upon each issue.

(C) Role of the Vice-Chair

- (1) The Vice-Chair shall assist the Chair in directing the affairs of the Board.
- (2) In the absence of the Chair, the Vice-Chair shall assume all duties of the Chair.

(D) Role of the Secretary

- (1) The Secretary shall keep the Minutes of all meetings, and in the Secretary's absence, the Chair shall designate another member to act as Secretary.
- (2) The Secretary may accept the assistance of City personnel in taking and transcribing minutes.

5.04.05. By-Laws

(A) Development and Revision of By-Laws

The Board shall have the power to develop and revise by-laws for its own governance, which shall be subject to review and approval by the City Council. The by-laws shall include provisions for:

- (1) Establishment of meeting dates; and
- (2) Establishment of an appointment to certain committees made up of Board Members and other lay persons to assist the Board in the conduct of its responsibilities.

5.04.06. Duties and Responsibilities

(A) Appeal of an Administrative Decision, see [Subsection 6.19 Appeals and the Appeal Process](#) (Page [294](#)).

(B) Nonconforming Use Reconstruction, Extension or Enlargement

The Board may permit the reconstruction, extension or enlargement of a structure occupied by nonconforming uses, on the lot or tract occupied by such building, provided such reconstruction does not prevent the return of such property to a conforming use.

(C) Amortization of a Nonconforming Use

The Board may, in specific cases, amortize a nonconforming use in accordance with those procedures set forth in [Subsection 6.11 Amortization of Nonconforming Uses](#) (Page [274](#)).

(D) Variance

The Board of Adjustment is authorized in specific cases to grant a variance from the Zoning Ordinance terms, standards and criteria as outlined within [Subsection 6.09 Variance Procedures](#) (Page [272](#)).

(E) Special Exception of Building Official Error

The Board is authorized, in specific cases, to grant a special exception from the Zoning Ordinance terms, standards and criteria as outlined within [Subsection 6.10 Special Exception for Building Official Error](#) (Page [273](#)).

(F) Reinstatement of Nonconforming Rights

The Board is authorized in specific cases to reinstate nonconforming rights pursuant to [Subsection 6.12 Reinstatement of Nonconforming Rights](#) (Page [276](#)).

5.04.07. Public Hearing Required

To hear and take action on an application or appeal listed under [5.04.06. Duties and Responsibilities](#), the Board shall hold a public hearing and shall provide the notice required by this Ordinance for a zoning district change (see [Subsection 6.06 Amendments to the Zoning Ordinance / Districts and Administrative Procedures](#) (Page [263](#))). At the public hearing, the Board of Adjustment shall consider public comments, the Director's recommendation, and other applicable information.

5.04.08. Concurring Vote Required

The concurring vote of four (4) members of the Board is necessary for the following.

(A) Appeal of an Administrative Decision

Reverse or affirm an order, requirement, decision, or determination of an administrative official.

(B) Special Exception or Nonconforming Use Decision

Decide in favor of an applicant on a matter on which the Board is required to pass under a zoning ordinance (See [5.04.06. \(B\)](#) and [\(C\)](#)).

(C) Variance Decision

Authorize a variation from the terms of a zoning ordinance.

5.04.09. Appeal of a Board of Adjustment Decision

The Board's decision is final unless appealed to district court within ten (10) days after the Board's decision is filed in the Office of the Board. Such appeal must be made in accordance with Chapter 211 of the Texas Local Government Code. The Board's decision is filed in the Office of the Board when the Board votes and makes its decision in open session.

5.04.10. Power to Obligate and Finance

The Board shall have no power to obligate the City in any manner whatsoever. The Board's finances shall be handled in the same manner as any division of the City Government.

5.04.11. Ex Parte Communication

No member of the Board shall hold a meeting or communicate with an applicant or member of the public regarding a pending application or appeal outside of a public hearing.

5.04.12. Summary of the Powers of the Board of Adjustment

In addition to other applications expressly delegated by City Ordinance or Charter, the following is a summary of the powers of the Board of Adjustment.

Board of Adjustment has the Authority to Decide

Section Number	Application	Page
6.19.07.	Appeal of an Administrative Decision	295
5.04.06. (B)	Nonconforming Use Reconstruction, Extension or Enlargement	243
5.04.06. (C)	Amortization of a Nonconforming Use	243
5.04.06. (D)	Variance	243
Subsection 6.10	Special Exception for Building Official Error	273

Section 6. Development Review Procedures



PROGRESS IN MOTION

Subsection 6.01. Zoning Upon Annexation

All territory hereinafter annexed to the City shall be classified as [AG – Agricultural District](#). The procedure for establishing permanent zoning on annexed territory shall conform to the procedure set forth in [Subsection 6.06 Amendments to the Zoning Ordinance / Districts and Administrative Procedures](#) (Page 263) of this Ordinance.

6.01.01. Rules of Newly Annexed Territory Classified as the Agricultural District

In an area classified as [AG – Agricultural District](#):

(A) Building Permit or Certificate of Occupancy Required

No person shall erect, construct, proceed or continue with the erection or construction of any building or structure or cause the same to be done in any newly annexed territory to the City without first applying for and obtaining a Building Permit or Certificate of Occupancy from the Chief Building Official.

(B) Limited Permits within Newly Annexed Land

No permit for the construction of a building or use of land shall be issued by the Chief Building Official other than a permit which will allow the construction of a building or use permitted in the [AG – Agricultural District](#), unless and until such territory has been classified in a zoning district other than the [AG – Agricultural District](#), by the City Council in the manner prescribed by law except as provided in [6.01.01. \(C\) below](#).

(C) Application for a Building Permit or Certificate of Occupancy within Newly Annexed Land

- (1) Except as provided in [6.01.01. \(C\)\(2\) below](#), a building permit shall be approved if the applicant shows the following.
 - a. The use was already legally operating on the date the annexation proceedings were initiated for the property; or
 - b. The use was not already operating on the effective date of annexation, but was planned for the property before the 90th day before the effective date of annexation, and:
 1. One or more licenses, certificates, permits, approvals, or other form of authorization by a governmental entity were required by law for the planned land use; and
 2. A completed application for the initial authorization was filed with the governmental entity before the date the annexation proceedings were instituted. For the purpose of this section, a completed application is filed if the application includes all documents and other information designated as required by the governmental entity in a written notice to the applicant. For the purposes of this section, the date the annexation proceedings were instituted means the date the City Council approves the ordinance annexing the property.
- (2) Notwithstanding anything to the contrary, a building permit shall not be issued if the use in the annexed area falls under one of the categories set forth in Section 43.002(c) of the Texas Local Government Code and such use is prohibited by City ordinance or by the City Charter.
- (3) If a use described in 6.01.01. (C)(1) above does not comply with the zoning for the property, such uses shall be allowed to continue as a nonconforming use. Nothing shall prevent the City from amortizing a nonconforming use even if it existed or was planned for the property prior to the institution of annexation proceedings. The Board of Adjustment amortizes a nonconforming use only if they first determine the nonconforming use is a nuisance and/or that the nonconforming use presents a risk of imminent destruction of property or injury to persons. Pursuant to Section 43.002(c) of the Texas Local Government Code, such regulations are expressly enforceable against a use even if it existed or was planned prior to the institution of annexation proceedings.
- (4) The property owner has a right to appeal the Planning & Zoning Commission's decision to City Council, if an appeal is submitted to the Director of Development Services in writing within ten (10) calendar days after the Planning & Zoning Commission voted and made their determination in open

session. After receiving and reviewing the appeal application of the Planning & Zoning Commission decision, the City Council may, by majority vote, authorize the issuance of a Building Permit or Certificate of Occupancy or may disapprove the application pending permanent zoning.

Subsection 6.02. Platting Property Not Zoned

6.02.01. Zoning Required for Platting

(A) Denial of Plats for Lands without Permanent Zoning

The Planning & Zoning Commission shall not approve any plat of any subdivision within the City Limits until the area covered by the proposed plat shall have been zoned by the City Council, as described in [Subsection 6.01 Zoning Upon Annexation](#) (Page [247](#)).

(B) Agricultural Exemption

A plat may be approved on land with the [AG – Agricultural District](#) designation if the proposed use of the property is determined to be the permanent use of the property.

6.02.02. Annexation Proceedings Postpones Platting Approvals

The Planning & Zoning Commission may conditionally approve any plat or any subdivision within any area where a petition or ordinance for annexation or a recommendation for annexation is pending before the City Council unless and until such annexation shall have been approved by ordinance of the City Council.

6.02.03. Subdivision Ordinance Platting Requirements

Refer to the Subdivision Ordinance for platting requirements within the City Limits and its extraterritorial jurisdiction.

6.02.04. Simultaneous Zoning and Annexation

Zoning and annexation request may be simultaneously considered. City council must adopt the annexation ordinance prior to adoption an ordinance for zoning.

Subsection 6.03. Creation of Building Site

6.03.01. Conditions Required for Building Site, Tract, or Lot Creation

No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, building tract, or building lot has been created by compliance with one of the following conditions.

(A) Approved Plat of Record

The lot or tract is part of a plat of record, properly approved by the Planning & Zoning Commission, and filed in the Plat Records of Collin or Denton Counties, Texas as may be applicable by location of property.

(B) Annexation

The plat, tract, or lot faces upon a dedicated street and was separately owned prior to annexation to the City, in which event a building permit for only one main building conforming to all the requirements of this Ordinance may be issued on each such original separately owned parcel without first complying with [6.03.01. \(A\) above](#).

(C) Approved Site Plan

The plat or tract is all or part of a Site Plan officially approved by the Planning & Zoning Commission, and compliance has been made with provisions and improvements approved on such Site Plan for all utility and drainage easements, dedication of streets, alleys and other public improvements required to meet the standards established for the platting of land.

6.03.02. Building Permit Issuance Requires a Plat of Record

A plat of record shall be created prior to the issuance of a Building Permit. (See also Subdivision Ordinance)

Subsection 6.04. Certificates of Occupancy and Compliance

6.04.01. Certificates of Occupancy Required

(A) Certificates of Occupancy shall be required for any of the following:

- (1) Occupancy and use of a building hereafter erected or structurally altered;
- (2) Change in use of an existing building to a use of a different classification;
- (3) Occupancy and use of vacant land, except agricultural use;
- (4) Change in the use of land to a use of a different classification;
- (5) Any change in the use of a nonconforming use; and
- (6) Any use in existence with an annexation request.

(B) Certificate of Occupancy Required from Chief Building Official

No such use, or change of use, shall take place until a Certificate of Occupancy therefore shall have been issued by the Chief Building Official.

6.04.02. Procedure for New or Altered Buildings

(A) Written Application

Written application for a Certificate of Occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the Building Permit for such building.

(B) Timing of Certificate Issuance

Said Certificate shall be issued within fourteen (14) calendar days after a written request for the same has been made to said Chief Building Official or his agent after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Ordinance.

6.04.03. Procedure for Vacant Land or a Change in Building Use

(A) Written Application

Written application for a Certificate of Occupancy shall be made to the Chief Building Official for review according to [Subsection 6.03 Creation of Building Site](#) (Page [249](#)) for the following.

- (1) The use of vacant land,
- (2) For a change in the use of land or a building, or
- (3) For a change in a nonconforming use to a conforming use

(B) Timing of Certificate Issuance

If the proposed use is in conformity with the provisions of this Ordinance, the Certificate of Occupancy therefore shall be issued within fourteen (14) calendar days after the completed application for same has been made. The City shall not issue the CO where City taxes are delinquent.

6.04.04. Contents of a Certificate of Occupancy

(A) Building and Proposed Use

Every Certificate of Occupancy shall state that the building or the proposed use of a building or land complies with all provisions of the building and fire laws and Ordinances.

(B) Record of Certificates of Occupancy

A record of all Certificates of Occupancy shall be kept in file on the office of the Chief Building Official or his agent and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building or land affected.

Subsection 6.05. Site Plan Requirements

6.05.01. Purpose

(A) Intent and Exclusion of Detached Single Family and Two-Family Uses

The purpose of the Site Plan process is to establish a procedure for coordinating improvements to properties zoned other than detached single family or two family uses.

(B) Multifamily, Townhome and Nonresidential Uses

Through Site Plan review, zoning standards and other applicable municipal standards or ordinances that may apply to specific site development can be uniformly implemented by the Planning & Zoning Commission for multifamily, townhome and nonresidential uses.

(C) Results

This procedure is intended to promote, among other items, the efficient and harmonious use of land, safe and efficient vehicular and pedestrian circulation, parking and loading, lighting, screening, open space, landscaping, and natural features.

6.05.02. General

(Ord. 19-08-70; 8/20/19)

(A) Process

A Preliminary Site Plan or Site Plan shall not be acted on unless and until it is properly filed in accordance with the provisions of this Ordinance.

(1) Meetings

- a. It is recommended that the applicant meet with an authorized representative of the Development Services Department to allow the applicant to learn the general procedures for approval, and to review the general plan of the proposed development, but the development/project shall not be discussed in sufficient detail.
- b. No applications may be submitted to or accepted for filing with representatives of the Development Services Department during the meeting.
- c. No rights derived from Chapter 245 of the Texas Local Government Code, as amended, shall accrue from any Pre-submittal Meeting, Pre-submittal Process or documents offered for review in connection therewith. There shall be no vested rights based on a Pre-Submittal filing meeting.

(2) Zoning

- a. Conformance with Existing Zoning. All applications shall be in conformance with the existing zoning on the property (if applicable).
- b. Request to Rezone First. If an applicant seeks to amend the zoning for the property, the request to rezone the land shall be submitted and approved prior to acceptance of an application for filing.

(3) Preliminary Site Plan

- a. Preliminary Site Plan approval assures the applicant that the general layout is acceptable prior to proceeding to a Site Plan.

(4) Site Plan

- a. Site Plan approval is required prior to the release of a grading permit.

(5) Preliminary Site Plan and Site Plan Approval

- a. Preliminary Site Plans require Planning & Zoning Commission review and approval, unless otherwise specified by ordinance.
- b. Site Plans require Director review and approval. The Director shall review if all of the following conditions are met:
 1. Valid Preliminary Site Plan;
 2. A building does not move closer to an abutting residential property;
 3. A building's height does not increase;
 4. A building's size does not change by more than ten (10) percent or 1,000 square feet, whichever is greater;
 5. Screening remains the same;
 6. Cross access remains the same;
 7. Open Space remains the same; and
 8. Parking lot does not increase or decrease by more than ten (10) percent.

(B) Process Purpose

The purpose of this process is to:

- (1) Ensure compliance with adopted City development regulations and other applicable regulations that apply to the property for which the City has enforcement responsibility;
- (2) Promote safe, efficient and harmonious use of land through application of City-adopted design standards and guidelines;
- (3) Promote the vision established by the Comprehensive Plan;
- (4) Ensure adequate public facilities to serve development;
- (5) Prevent or mitigate adverse development impacts, including overcrowding and congestion;
- (6) Aid evaluation and coordination of land subdivision;
- (7) Incorporate the assets of open space and natural features into the design of a site; and
- (8) Promote the public health, safety and welfare.

6.05.03. Applicability

(Ord. 19-08-70; 8/20/19)

Subsection 6.05 shall apply to the following:

(A) Nonresidential Development

- (1) Nonresidential development, except as provided in [6.05.04. Exemptions](#).

(B) Residential Development

- (1) Residential development having more than two dwelling units, including attached single-family

residences, townhomes, and condominiums.

- (2) Manufactured home parks.

6.05.04. Exemptions

Agricultural buildings and temporary field construction offices/staging areas as permitted by the Building Inspection Division are exempted from the requirements of this [Subsection 6.05. Site Plan Requirements](#).

6.05.05. Submission of Applications

(Ord. 19-08-70; 8/20/19)

Applications for approval of plans required by this [Subsection 6.05. Site Plan Requirements](#) are governed by [Subsection 6.07. Vesting and Complete Application Filing Requirements](#).

6.05.06. Reserved

(Ord. 19-08-70; 8/20/19)

6.05.07. Preliminary Site Plan

(Ord. 19-08-70; 8/20/19)

(A) Preliminary Site Plan General

The purpose of the Preliminary Site Plan is to:

- (1) Ensure compliance with applicable development regulations and previously approved, valid plans affecting development of the property;
- (2) Provide satisfactory vehicular and pedestrian connectivity to adjoining developments and within the site;
- (3) Promote the long-term viability of multi-parcel developments by providing visibility of internal tracts;
- (4) Determine the preliminary design of drainage facilities and utilities; and
- (5) Promote the health, safety and welfare of the public

(B) Preliminary Site Plan Applicability

- (1) Prerequisite for a Site Plan

- a. Except as provided in Subsection 6.05.07(B)(3), an approved, valid Preliminary Site Plan shall be required prior to the filing and consideration of an application for any Site Plan for and development of the following:
 - i. Nonresidential development, except as provided in Subsection 6.05.04;
 - ii. Residential development having more than two dwelling units, including attached single-family residences (townhomes), multifamily residences and condominiums.
 - iii. Manufactured home parks; or
 - iv. Parking lot development, and reconstruction or reconfiguration of the parking lot by more than ten (10) percent.
- b. Failure to obtain approval of a Preliminary Site Plan, where a Preliminary Site Plan is required under this Ordinance, shall be grounds for denial or rejection of a Site Plan application.

(2) Area Scope

- a. A Preliminary Site Plan must include all contiguous property of common ownership, except that approved platted lots that are not part of the intended development may be shown for informational purposes only.
- b. Property which has been subdivided by metes and bounds, regardless of ownership, shall be included in the Preliminary Site Plan; since the subdivision of land was not conducted in accordance with the Subdivision Ordinance.

(3) A Site Plan may be submitted in lieu of a Preliminary Site Plan if all of the following conditions apply:

- a. The property is platted;
- b. The property is not proposed to be subdivided; and
- c. Development of the property shall not be phased.

(C) Preliminary Site Plan Application Procedure and Requirements

(1) Preliminary Site Plan General Application

The property owner shall file an application for the approval of a Preliminary Site Plan. This application shall include the information listed on the Preliminary Site Plan Checklist, as it exists or may be amended, which shall be established and maintained by the Director, and published as part of the Development Application Handbook.

(2) Preliminary Site Plan Additional Requirements

- a. The following plans shall be submitted with a Preliminary Site Plan as documents to aid in the review of the Preliminary Site Plan. These additional plans shall not be considered filed and shall not be acted on by the Director, the Planning & Zoning Commission or the City Council; however, failure to submit such plans, where such plans are required under this Ordinance, with the Preliminary Site Plan application shall be grounds for denial or rejection of the Preliminary Site Plan application:
 - i. Preliminary utility/drainage plans,
 - ii. Preliminary Traffic Impact Analysis;
 - iii. Preliminary Traffic Circulation Study;
 - iv. Preliminary Landscape Plan and Tree Survey;
 - v. Preliminary Flood Study and/or Reclamation; and
 - vi. Preliminary Facade Plans.
- b. An Open Space Plan, where required under Subsection 4.13.03, shall be filed at the same time as the Preliminary Site Plan application and must be approved prior to consideration and approval of the Preliminary Site Plan, except as provided in Subsection 6.05.07(B)(3). Failure to submit such plan, where required under Subsection 4.13.03, with the Preliminary Site Plan application shall be grounds for denial or rejection of the Preliminary Site Plan application, except as provided in Subsection 6.05.07(B)(3).

- i. The Planning & Zoning Commission shall approve, deny, or approve with conditions the proposed open space plan based upon criteria listed in Subsection 4.13 .03 (G)(1)(a)-(c)(Open Space Recommendation). A denial of the Open Space Plan by the Planning & Zoning Commission shall result in denial of the Preliminary Site Plan.

(3) Preliminary Site Plan Standards of Approval

- a. The Planning & Zoning Commission may approve, conditionally approve or deny a Preliminary Site Plan based on:
 - i. Conformance with the Comprehensive Plan and Adopted guidelines;
 - ii. Compliance with the Zoning Ordinance and other applicable regulations and previously approved, valid plans for the property;
 - iii. Impact on the site's natural resources (i.e., floodplain, drainage, trees, topography etc.) but excluding fence rows;
 - iv. Effect on adjacent and area property and land use;
 - v. Safety and efficiency of vehicular and pedestrian circulation, traffic control and congestion mitigation;
 - vi. Safety and convenience of off-street parking and loading facilities;
 - vii. Access for firefighting and emergency equipment to buildings;
 - viii. Use of landscaping and screening to shield lights, noise, movement or activities from adjacent properties, and to complement the design and location of buildings and parking; and
 - ix. The location, size and configuration of usable open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
- b. In the event of a denial, the applicant may file a new Preliminary Site Plan application subject to the requirements and regulations in effect at the time the application is filed.

(4) Preliminary Site Plan Effect

- a. City approval of a Preliminary Site Plan shall entitle the owner(s) to file an application for Site Plan approval for development of the entire site or a portion thereof provided that the Site Plan conforms to the Preliminary Site Plan and any conditions attached to its approval.
- b. During the time the Preliminary Site Plan remains valid, the location of buildings, landscaped areas, open space, streets, drives, fire lanes, median breaks, curb cuts and parking shall remain fixed except as to permit minor amendments meeting the

requirements of Subsection 6.05.09(C) (Preliminary Site Plan (PSP) or Site Plan (SP) Amendments).

- c. Except where authorized by ordinance, a Preliminary Site Plan may not be used to approve an exception to development regulations.
- d. Where an approved Preliminary Site Plan conflicts with an adopted regulation and no variance or exception is expressly approved, the regulation shall apply.

(5) Preliminary Site Plan Lapse

- a. The approval of a Preliminary Site Plan shall be effective for a period of two (2) years from the date of approval, at the end of which time the Preliminary Site Plan shall expire unless the applicant demonstrates to the Director that progress has been made toward completion of the project for which the Preliminary Site Plan was approved or that a Site Plan has been approved.
- b. An expired Preliminary Site Plan approval is null and void.
- c. If the progress towards completion is only for a portion of the property, the Preliminary Site Plan for the remaining property shall expire.
- d. Any new Preliminary Site Plan submitted for review and approval shall be subject to the existing regulations at the time of submittal.

- (6) For appeals, see [Subsection 6.19. Appeals and the Appeal Process.](#)

6.05.08. Site Plan

(Ord. 19-08-70; 8/20/19)

(A) Site Plan General Information

The Site Plan is a detailed plan of the public and private improvements to be constructed. The purpose of the plan is to:

- (1) Ensure compliance with applicable development regulations and previously approved, valid plans affecting development of the property;
- (2) Coordinate and document the design of public and private improvements to be constructed;
- (3) Coordinate the subdivision of land, including the granting of easements, rights-of-way, development agreements and provision of surety;
- (4) Promote the health, safety and welfare of the public; and
- (5) Identify and address environmental concerns (i.e., floodplain, drainage, trees, topography, etc.).

(B) Site Plan Applicability

- (1) Prerequisite for the Filing and Approval of Any Construction Plan and Permit

An approved, valid Site Plan is required prior to the filing and approval of any construction plan and permit for and development of the following:

- a. Nonresidential development, except as provided in Subsection 6.05.04;
- b. Residential development having more than two dwelling units, including attached single-family residences (townhomes), multifamily residences and condominiums;
- c. Manufactured home parks; or
- d. Parking lot development, and reconstruction or reconfiguration of a parking lot by more than ten (10) percent.

(C) Site Plan Application Filing and Requirements

(1) Site Plan Application Filing

The property owner shall file an application for the approval of a Site Plan. This filing must include the information listed on the Site Plan Checklist, as it exists or may be amended, which shall be established and maintained by the Director and published as part of the Development Application Handbook.

(2) Site Plan Additional Requirements

- a. An Open Space Plan, where an Open Space Plan is required under Subsection 4.13.03, must be filed at the same time as the Site Plan application and shall be considered and approved prior to approval of the Site Plan. A denial of the Open Space Plan shall result in denial of the Site Plan.
 - 1. Staff shall approve or deny the open space plan when submitted with the Site Plan if all the following conditions are met:
 - i. Valid Open Space Plan and Preliminary Site Plan approved by the Planning & Zoning Commission;
 - ii. Amenity types and dimensions (height, length, width) remain the same;
 - iii. Size of open space remains the same;
 - iv. Location of open space remains the same; and
 - v. General conformance to the quality of the design and amenities of the space, as approved by the Planning & Zoning Commission.
 - 2. If the abovementioned conditions are not met, The Planning & Zoning Commission shall approve, deny, or approve with conditions the proposed open space plan based upon criteria listed in Subsection 4.13.03 (G)(1)(a)-(c) (Open Space Recommendation).
- b. A Façade Plan, where a Façade Plan is required under Subsection 6.16, must be filed at the same time as the Site Plan application. Failure to obtain approval of a Façade Plan, where a Façade Plan is required under this Ordinance, shall be grounds for denial of the Site Plan.
- c. A Landscape Plan and a detailed Tree Survey shall be submitted with a Site Plan application as documents to aid in the review of the Site Plan. If required, a Traffic Impact Analysis, Traffic Circulation Study, and/or Flood Study shall be submitted with a Site Plan as documents to aid in the review of the Site Plan. These additional plans shall not be considered filed and shall not be acted on by the Director, the Planning &

Zoning Commission or the City Council; however, failure to submit such plans, where such plans are required under this Ordinance, with the Site Plan application shall be grounds for rejection or denial of the Site Plan application.

(3) Site Plan Standards of Approval

a. Director Approval Scenario

Where application for Site Plan approval is made for development defined on an approved, valid Preliminary Site Plan, the Director may approve, conditionally approve or deny the application based upon the criteria listed below.

b. Planning & Zoning Commission Approval Scenario

If cases where no Preliminary Site Plan exists, the Planning & Zoning Commission may approve, conditionally approve, table or deny a Site Plan based upon the criteria listed below.

c. In the event of a denial, the applicant may file a new Site Plan application subject to the requirements and regulations in effect at the time the application is filed.

(4) Approval Criteria

- a. Conformance with the Comprehensive Plan and adopted design guidelines.
- b. Compliance with the Zoning Ordinance and other applicable regulations and previously approved, valid plans for the property.
- c. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
- d. The width, grade and location of streets designed to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.
- e. The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary, and to complement the design and location of buildings and be integrated into the overall site design.
- f. The location, size and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
- g. Protection and conservation of soils from erosion by wind or water or from excavation or grading.
- h. Protection and conservation of water courses and areas subject to flooding.
- i. The adequacy of streets, water, drainage, sewerage facilities, garbage disposal and other utilities necessary for essential services to residents and occupants.
- j. City taxes on the property are not delinquent.

(5) Site Plan Effect

- a. Approval of a Site Plan entitles the owner to apply for approval of building permits and engineering plans. Failure to obtain approval of a Site Plan, where a Site Plan is required under this Ordinance, shall be grounds for denial or withholding of building permits or engineering plans.
- b. Approval of a Site Plan shall not affect other applicable regulations concerning development and land use.
- c. Except where authorized by ordinance, a Site Plan may not be used to approve a variance to development regulations.
- d. Where an approved plan conflicts with an adopted regulation and no variance is expressly approved, the regulation shall apply.

(6) Site Plan Lapse

- c. Applications filed on or after September 1, 2005.
 1. For applications filed on or after September 1, 2005, the approval of a Site Plan shall be effective for a period of two (2) years from the date of filing of the application with the Zoning and Submission Administrator or designee at the end of which time the Site Plan shall expire unless the applicant demonstrates to the Director that progress has been made towards completion of the project for which the Site Plan was approved.
 2. Submission and receipt of approval of engineering plans and building permits prior to expiration of the Site Plan shall be evidence of progress towards completion.
 3. However, if engineering plans and permits have been approved only for a portion of the property or if the progress towards completion is only for a portion of the property and/or improvements, the Site Plan for the remaining property and/or improvements, together with any Preliminary Site Plan for the property, shall expire.
- d. Applications filed before September 1, 2005
 1. For applications filed before September 1, 2005, the approval of a Site Plan shall be effective for a period of eighteen (18) months from the date of approval by the Planning & Zoning Commission, at the end of which time the applicant must have submitted and received approval of engineering plans and building permits.
 2. If the engineering plans and building permits are not approved, the Site Plan approval, together with any Preliminary Site Plan for the property, is null and void.
 3. If engineering plans and permits have been approved only for a portion of the property and for improvements, the Site Plan for the remaining property and/or improvements, together with any Preliminary Site Plan for the property, shall be null and void.
- e. Expired Site Plans
 1. For all expired Site Plans, the applicant shall be required to submit a new Site Plan and if required, a new Site Plan, for review and approval by the Planning & Zoning Commission subject to the then existing regulations.
 2. Site Plan approval shall expire upon completion of the improvements shown on the plan. Permits must remain valid during the construction process.

3. Subsequent additional development, site modifications and redevelopment shall be permitted in accordance with [Subsection 6.05.09. Site Plan Amendments](#) (Page 262) and shall be considered a new project subject to the then existing ordinances, laws and regulations of the City.

(7) For appeals, see [Subsection 6.19 Appeals and the Appeal Process](#) (Page 294).

6.05.09. Site Plan Amendments

(Ord. 19-08-70; 8/20/19)

As changes are proposed to an approved Preliminary Site Plan (PSP) or an approved Site Plan (SP), an applicant shall comply with the following review and approval processes.

(A) Updates During Construction Plan Reviews

- (1) Updates made to a Site Plan based on modifications made during Construction Plan review shall require a new Site Plan application subject to the requirements and regulations in effect at the time the application is filed. Failure to submit a new Site Plan application in such an event shall be grounds for denial of the Construction Plan application.
- (2) The applicant shall submit as-built drawings prior to final acceptance for approval by the Director.

(B) Substantially Conforming Site Plans (SCSP)

- (1) This plan shall include, but is not limited to, corrections of distances and dimensions, adjustments of building configuration and placement, change in building area not to exceed 1,000 square feet or 10%, whichever is greater, changes to utility locations, modifications to the number or size of meters, the increase or decrease of the parking lot by more than ten (10) percent, and the addition of cellular antenna ground-mounted equipment where the use has been approved.
- (2) The property owner shall file an application for the approval of a Substantially Conforming Site Plan. The filing shall include the information listed on the Substantially Conforming Site Plan and Site Plan Checklists, as it exists or may be amended, which shall be established and maintained by the Director and published as part of the Development Application Handbook.
- (3) The filing of a Substantially Conforming Site Plan application shall include a Landscape Plans as documents to aid in the review of the Substantially Conforming Site Plan. This additional plan shall not be considered filed and shall not be acted on by the Director, the Planning & Zoning Commission or the City Council; however, failure to submit such plans, where such plans are required under this Ordinance, with the Substantially Conforming Site Plan application shall be grounds for denial or rejection of the Substantially Conforming Site Plan application.
- (4) The Substantially Conforming Site Plan shall be reviewed and approved or denied by the Director. If the Substantially Conforming Site Plan results in changes to the approved Construction Plan, a new Construction Plan application must be submitted subject to the requirements and regulations in effect at the time the application is filed. Failure to submit a new Construction Plan application in such an event shall be grounds for denial of the Substantially Conforming Site Plan.
- (5) An applicant may appeal the denial of a Substantially Conforming Site Plan to the Planning & Zoning Commission in accordance with [Subsection 6.19 Appeals and the Appeal Process](#) (Page 294).

- (6) The expiration of a Substantially Conforming Site Plan shall be the same date of the originally approved Site Plan. In cases where a Site Plan has already expired, the Substantially Conforming Site Plan shall expire six (6) months from the date of approval during which time all permits shall be issued for construction.
- (7) Depending on the changes proposed, other approvals may be required. If required, a Façade Plan application in accordance with Subsection 6.16 shall be filed at the same time as the Substantially Conforming Site Plan application. Failure to obtain approval of a Façade Plan, where a Façade Plan is required under this Ordinance, shall be grounds for denial or rejection of the Substantially Conforming Site Plan.
- (8) Failure to submit the plans described in this subsection with the Substantially Conforming Site Plan application shall be grounds for rejection or denial of the Substantially Conforming Site Plan application.

(C) Preliminary Site Plan (PSP) or Site Plan (SP) Amendments

- (1) The procedure for amending a Preliminary Site Plan or Site Plan depends on the type of change being proposed and shall follow the requirements for minor amendments and major amendments, as follows:
 - a. A minor amendment to a Preliminary Site Plan shall be approved on the corresponding Site Plan. A minor amendment to a Site Plan shall be approved on a Substantially Conforming Site Plan. A minor amendment shall be defined as an amendment that meets each of the following criteria:
 1. A building does not move closer to an abutting residential property;
 2. A building's height does not increase;
 3. A building's size does not change by more than ten (10) percent or 1,000 square feet or more, whichever is greater;
 4. Screening remains the same;
 5. Cross access remains the same
 6. Open Space remains the same; and
 7. Parking lot does not increase or decrease by more than ten (10) percent.
 - b. Where an amendment to a Preliminary Site Plan or Site Plan does not meet all of the criteria for a minor amendment, a major amendment to the Preliminary Site Plan or Site Plan must be processed through the usual and customary Preliminary Site Plan or Site Plan procedure described in Subsection 6.05.
 1. The approved Preliminary Site Plan or Site Plan for which the major amendment is proposed shall be null and void upon the filing of a new Preliminary Site Plan or Site Plan application.
 2. If a major amendment to a Preliminary Site Plan or Site Plan is proposed after the Preliminary Site Plan or Site Plan application has been filed, but not yet approved or otherwise acted on, the Preliminary Site Plan or Site Plan under review is automatically withdrawn and a new application for a Preliminary Site Plan or Site Plan must be filed.

3. A major amendment requiring the filing of a new Preliminary Site Plan or Site Plan application shall be considered a new project and shall be evaluated under the regulations in effect at the time the application is submitted.
4. The new plan application requires approval by the Planning & Zoning Commission.
5. For appeals of Preliminary Site Plan or Site Plan decisions, see Appeals and the Appeal Process.
6. The new Preliminary Site Plan or Site Plan shall expire two (2) years from the date of Planning & Zoning Commission approval.
7. Construction plans and building plans associated with the project that have been submitted or approved shall be updated with a new construction plan or building plan filing. The construction of the modified improvements shall not occur until after the approval of a new Site Plan or Substantially Conforming Site Plan.

6.05.10. Revocation of Site Plan Approval

The City Council or the Planning & Zoning Commission may revoke approval of a Preliminary Site Plan or Site Plan if it determines that the conditions of the approval have not been met; if the plan contains, or is based upon, incorrect information; or if it is determined that the approval was obtained using fraud or deceit.

6.05.11. Additional Development and Redevelopment

(A) Additional Development, Site Modifications, or Redevelopment

Following the completion of improvements shown on an approved Site Plan, additional development, site modifications, or redevelopment of the site shall be permitted subject to the approval of a revised Site Plan, which shall be considered a new project and shall require submittal of a revised Site Plan and the approval of the Planning & Zoning Commission under the regulations, requirements and procedures then in effect.

(B) Minor expansions and redevelopment

Minor expansions and redevelopment may be approved by the Director under the terms of [6.05.09. Site Plan Amendments](#) (Page [260](#)).

6.05.12. Design Standards and Specifications

(A) Incorporation of Design Standards and Specifications

The following design standards and specifications, as they exist or may be amended, are required in addition to the design standards and specification set forth in this ordinance:

- (1) Subdivision Ordinance;
- (2) Downtown Architectural Guidelines;
- (3) Fire Code;
- (4) Engineering Design Standards and Construction Details;
- (5) Any design standards and specifications approved by the City Council following the enactment of this provision; and
- (6) Building Code.

Subsection 6.06. Amendments to the Zoning Ordinance / Districts and Administrative Procedures

6.06.01. Authority to Amend Ordinance

(A) Authority

The City Council may from time to time, after receiving a final report thereon by the Planning & Zoning Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the Zoning District Map.

(B) Ordering Changes or Amendments

- (1) The Planning & Zoning Commission or City Council may order the consideration of any changes or amendments to the Zoning Ordinance.
- (2) Any zoning district boundary amendment (also referred to as a zoning map amendment) may be ordered for consideration by the:
 - a. City Council;
 - b. Planning & Zoning Commission; or
 - c. The owner of the real property (or the authorized representative of an owner of real property).

(C) Planning & Zoning Commission Recommendation Required

In no case shall the City Council act upon any zoning request prior to recommendation by the Planning & Zoning Commission.

(D) Zoning Amendment Application Submittal

- (1) Each applicant for zoning or for an amendment or change to the existing provisions of this Zoning Ordinance shall submit a zoning application to the Director on or before a scheduled submission date and shall be accompanied by payment of the appropriate fee as established by the City.
- (2) All applications received on a date other than an official submittal date shall be dated received on the next official submittal date.
- (3) Applications must be complete for acceptance.

(E) Additional Considerations

- (1) Consideration for a change in any district boundary line or special zoning regulation may be initiated only with written consent of the property owner, or by the Planning & Zoning Commission or City Council on its own motion when it finds that public benefit will be derived from consideration of such matter.
- (2) In the event the ownership stated on an application and that shown on the City records are different, the applicant shall submit written proof of ownership.
- (3) The advertisement of a zoning change or Specific Use Permit shall be initiated by staff upon receipt of applicant's written response to staff's recommendation. The response shall indicate whether the applicant agrees or disagrees with the staff recommendation. Where the applicant disagrees with any portion of the recommendation, the applicant shall cite the reasons for the disagreement.

(F) Zoning Application Details

- (1) To ensure the submission of adequate information, the Director is hereby empowered to maintain and distribute a list of specific requirements for zoning applications and update, modify such requirements as deemed necessary by the Director.
- (2) Upon periodic review, the Development Services staff shall have the authority to update such requirements for zoning application details.

6.06.02. Zoning Amendments Process, Public Hearing and Notice

(A) Zoning District Change (Zoning Map Amendment)

- (1) One Planning & Zoning Commission Public Hearing Required
Prior to making its report to the City Council, the Planning & Zoning Commission shall hold at least one public hearing on each application.
- (2) Written Notice of the Planning & Zoning Commission Public Hearing
Before the tenth (10th) calendar day before the hearing date before the Planning & Zoning Commission, written notice of each public hearing before the Planning & Zoning Commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved Municipal Tax Roll, of property within two hundred (200) feet of the property in which the change in classification is proposed. This notice is served by deposit in the United States Postal Service.
- (3) Published Notice of the City Council Public Hearing
Notice of City Council public hearing shall be given by publication in the official newspaper of the City, stating the time and place of such public hearing, a minimum of fifteen (15) calendar days prior to the date of the public hearing.

(B) Zoning Text Amendment

- (1) Published Notice Prior to Public Hearing
Notice of public hearings on proposed changes in the text of the Zoning Ordinance shall be accomplished by one publication not less than fifteen (15) calendar days prior to both the Planning & Zoning Commission and City Council meetings thereto in the official newspaper of the City.
- (2) Exemption
Changes in the ordinance text that do not change zoning district boundaries do not require written notification to individual property owners.

(C) Joint Public Hearing Option

- (1) Whenever an application for a Zoning Map Amendment or Zoning Text Amendment must be preceded by a public hearing before both the Planning & Zoning Commission and the City Council, the Commission and the Council may conduct a joint public hearing (in accordance with Texas Local Government Code 211.007(d)) and take action on the application in the following manner:
 - a. The Council shall establish the date of the joint public hearing by motion at a regular or special meeting;
 - b. The Council shall cause notice of the joint public hearing to be provided as required by [6.06.02. \(A\)/6.06.02. \(B\)](#), or, by a vote of two-thirds (2/3) of its members, may prescribe a different type of notice for the joint public hearing;
 - c. The Commission and the Council shall be convened for the hearing and for any action to be taken on the petition or application; and
 - d. The Commission and the Council may take action on the petition or application at the same meeting, provided that the Council shall not take action until the recommendation of the Commission has been received.
- (2) Special Notice
 - a. Pursuant to Texas Local Government Code Section 211.007(d), the City Council may, by a two-thirds vote, prescribe the type of notice to be given of the time and place of a public hearing held jointly by the City Council and the Planning & Zoning Commission.
 - b. If notices are prescribed under this subsection, then notice requirements within [6.06.02. \(A\)](#) and [6.06.02. \(B\)](#) do not apply.

6.06.03. Failure to Appear before the Commission

The Planning & Zoning Commission may deny a zoning application if the applicant or representative fails to appear at one (1) or more hearings before the Planning & Zoning Commission.

6.06.04. Planning & Zoning Commission Consideration and Report

(A) Planning & Zoning Commission Vote

The Planning & Zoning Commission, after the public hearing is closed, may vote to approve, approve with amendments and conditions, table, or deny in whole or in part the application.

(B) Planning & Zoning Commission Table

The Planning & Zoning Commission may table for not more than ninety (90) calendar days from the time it is posted on the agenda until it has had opportunity to consider other proposed changes which may have a direct bearing thereon.

(C) Planning & Zoning Commission Consideration

In making their determination, the Planning & Zoning Commission shall consider, among other things, the following factors.

- (1) Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.
- (2) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.
- (3) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances that may make a substantial part of such vacant land unavailable for development.
- (4) The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
- (5) How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.
- (6) The impact on the environment regarding the floodplain, riparian areas, topography, and vegetation.
- (7) Whether the request is consistent with the comprehensive plan and other master plans.
- (8) Any other factors which will substantially affect the health, safety, morals, or general welfare.
- (9) Findings of a Traffic Impact Analysis (TIA), if required.

(D) Planning & Zoning Commission Justification for Denial

- (1) If the Planning & Zoning Commission denies the zoning request, it may offer reasons to the applicant for the denial.

(E) For appeals, see [Subsection 6.19 Appeals and the Appeal Process](#) (Page 294).

6.06.05. City Council Consideration

(A) Proposal Recommended for Approval by the Commission

- (1) Every proposal which is recommended favorable by the Planning & Zoning Commission shall be automatically forwarded to the City Council for setting and holding of public hearing thereon or as amended by the City Charter.
- (2) No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.

(B) City Council Consideration and Action

- (1) City Council, after the public hearing is closed, may vote to approve, approve with amendments and conditions, table, or deny in whole or in part the application.

(C) Three-Fourths City Council Vote Required for Protested Amendments**(1) Documented Protest Requirements****a. Documented Protest Filing**

Protests against proposed amendments shall be filed at least seven (7) calendar days before the date of the public hearings.

b. Documented Protest Participant Requirements

1. Interior Protester: The owners, duly signed and acknowledged, of twenty (20) percent or more of the lots or land area included within a proposed amendment boundary may participate in a documented protest for a specific case.
2. Exterior Protester: The owners, duly signed and acknowledged, of twenty (20) percent or more of the lots or land area within a two hundred (200) foot radius of the exterior boundary of the area included in a proposed amendment may participate in a documented protest for a specific case.

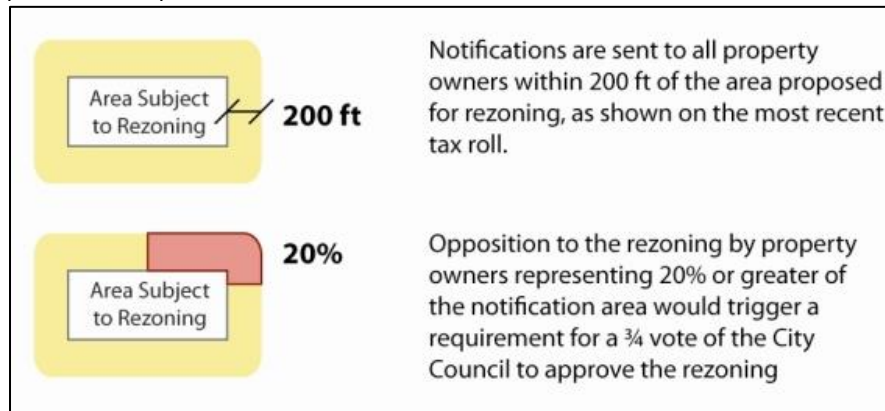


Figure 6.06.05.1: Documented Protest Participant Requirements

(2) Documented Protest Effect

If a documented protest, as defined in [6.06.05. \(C\)\(1\) above](#), against a proposed amendment, supplement, or change to a zoning regulation or boundary has been filed with the Director, then such amendments shall not become effective except by the affirmative vote of three-fourths (3/4), or four (4) votes of all members of the City Council.

(D) Denial by City Council

- (1) The City Council may deny any request with prejudice.
- (2) If a request has been denied with prejudice, the same or similar request may not be resubmitted to the City for six (6) months from the original date of denial.

(E) Final Approval and Ordinance Adoption

- (1) Approval of any zoning change or amendment by the City Council at the scheduled public hearing shall constitute instruction to City staff to prepare the appropriate ordinance for final formal passage at a subsequent time.
- (2) If finally approved by the required number of votes, the ordinance shall be executed by the Mayor.
- (3) The Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

Subsection 6.07. Vesting and Complete Application Filing Requirements

(Ord. 19-08-70; 8/20/19)

6.07.01. Filing Procedures

- (A) All applications and filings for approval required by Section 6 Development Review Procedures (including Land Development Applications and Zoning/SUP types, as defined in Subsection 7.01) shall be filed with the Development Services Department.
- (B) The Development Application Handbook (as defined in Subsection 7.01), as exists or may be amended, shall prescribe the procedure to file.
- (C) All applications and filings shall occur only on official Development Review Schedule dates, published as part of the Development Application Handbook and mandated by Subsection 6.07.03.
- (D) If an application or filing is rejected by the Development Services Department, then it is not considered filed under this Ordinance and the law or regulation governing the application or filing, including Chapter 212 of the Texas Local Government Code, if applicable.
- (E) Any application submitted on a date other than an official Development Review Schedule Date shall be rejected and shall not be considered filed under this Ordinance and the law or regulation governing the application or filing, including Chapter 212 of the Texas Local Government Code, if applicable.
- (F) Modification of Applications Prior to Approval. The applicant may modify any complete application following its filing and prior to the expiration of the period during which the City is required to act on the application, as follows:
 - (1) The modification is for revisions requested by the City, and the modification is received at least fourteen (14) calendar days prior to the time scheduled for decision on the application. The application shall be decided within the original period for decision (from the original official filing date).
 - (2) Any other modifications to an application will not be accepted.

6.07.02. Incomplete Application Procedures

(A) Period of Time for Determining Incomplete Application

On or before the tenth (10th) calendar day after an application is filed with the Development Services Department, the City shall determine if an application is complete.

(B) Determination of Incomplete Applications

If the application does not contain all information and/or does not conform to all standards required by any ordinance, checklist, law or regulation governing the application, then it shall be considered incomplete and rejected.

(C) City Shall Provide Notice of Incomplete Applications**(1) Written Notice Delivery Methods**

The City shall reject all incomplete applications and provide written notice of the failure to the applicant by one of the following methods:

- a. Mail,
- b. Email,
- c. Facsimile,
- d. Delivery service, or
- e. Hand delivery or other delivery method of written notice approved by the Director.

(2) The written notice need not identify all reasons why the application was deemed incomplete. If the notice contains one or more reasons why the application was deemed incomplete, addressing the reason(s) identified in the notice does not guarantee acceptance of a subsequent application.

6.07.03. Development Review Schedule Dates

The Director shall publish schedules of the official development review processing dates as follows:

- (A) A Development Review Schedule for all land development applications and filings excluding Construction Plans (except those described in Subsection 6.07.03(B)) for the period October 1 to September 30 of each year shall be set by the Planning & Zoning Commission on or before September 1 of each year and shall be published as part of the Development Application Handbook. Any changes or amendments to the approved schedule requires Planning & Zoning Commission Approval. Any application submitted on a date other than an official Development Review Schedule Date shall be rejected and shall not be considered filed under this Ordinance and the law or regulation governing the application or filing, including Chapter 212 of the Texas Local Government Code, if applicable.
- (B) A Disapproval Development Review Schedule for the period October 1 to September 30 of each year shall be set by the Planning & Zoning Commission on or before September 1 of each year and shall be published as part of the Development Application Handbook. Any changes or amendments to the schedule requires Planning & Zoning Commission Approval. The Disapproval Development Review Schedule shall govern an applicant's response to the conditional approval or disapproval of a plan or plat subject to Section 212.0093 of the Texas Local Government Code. Any application submitted on a date other than an official Development Review Schedule Date shall be rejected and shall not be considered filed under this Ordinance and the law or regulation governing the application or filing, including Chapter 212 of the Texas Local Government Code, if applicable.
- (C) Zoning/Specific Use Permit and Planned Development Zoning Development Review Schedules for the period October 1 to September 30 of each year shall be set by the Planning & Zoning Commission on or before September 1 of each year and shall be published as part of the Development Application Handbook. Any changes or amendments to the schedule requires Planning & Zoning Commission Approval. Any application submitted on a date other than an official Development Review Schedule Date shall be rejected and shall not be considered filed under this Ordinance and the law or regulation governing the application or filing, including Chapter 212 of the Texas Local Government Code, if applicable.

6.07.04. Fees, Forms and Procedures**(A) Schedule of Fees**

The City Council shall establish a schedule of fees relating to application approval processes.

(B) Delinquent Taxes

No application shall be approved for properties with delinquent City taxes.

(C) Procedures, Forms and Standards

The Director shall establish procedures, forms and standards with regard to the content, format and number of copies of information constituting an application.

6.07.05. Mandated Action for Permits

If an ordinance, law or regulation mandates that an application be acted upon, or deemed approved by the City if it is not acted upon, within a specified time period that is too short to allow the City to wait for the documents or information required to be requested in a Notice of Incomplete Application, the City may process the application to determine whether it is approved or denied.

6.07.06. Zoning Applications**(A) Complete Applications Required**

- (1) No zoning application or request shall be accepted unless it is accompanied by a completed application and all documents required by and prepared in accordance with the requirements of the Zoning Ordinance, the Zoning or Planned Development Checklist, as amended from time to time, which shall be established and maintained by the Director and published as part of the Development Application Handbook, or any other applicable ordinance, and it is filed with the Director.
- (2) If the applicant is requesting a change in land use, development standards, and/or any other City regulation (i.e. Building Code, Fire Code, etc.) shall provide written documentation to support such request with the filing of the application.

(B) Texas Local Government Code Chapter 245 does not apply to Zoning Applications

- (1) Chapter 245 of the Texas Local Government Code, as amended, shall not apply to a zoning application or an ordinance establishing zoning since neither is a permit under this Zoning Ordinance or Chapter 245.

(C) Denial of Zoning Applications.

- (1) The acceptance or processing by any City official of a zoning application prior to the time a complete application is submitted hereby is deemed to be null and void and, upon discovery, shall be grounds for rejection or denial of such application.
- (2) A typographical error shall not constitute an incomplete application.
- (3) The applicant may be notified of such rejection or denial for an incomplete zoning

application in writing.

6.07.07. No Accrual of Vested Rights from Specific Applications

No rights derived from Chapter 245 of the Texas Local Government Code, as amended, shall accrue from an application for a permit that expires, from an application for a permit that is denied or from an application that does not provide fair notice.

6.07.08. 30-Day Action Extensions Request

- (1) **Request.** An applicant may submit in writing a request to extend the 30-day action in relation to the decision time for plats of thirty (30) days, as mandated by State law.
- (2) **Received.** If the applicant requests an extension, such request must be received by the municipal authority on or before the eleventh (11th) calendar day prior to the municipal authority's deadline to act.

Subsection 6.08. Dormant Development Projects / Expired Projects

6.08.01. Progress Towards Completion Defined

For purposes of this 6.08.01. Progress Towards Completion Defined, progress toward completion of the development of land shall be considered to have occurred if as of May 11, 2000:

(A) No Expiration Date

The approved application did not have an expiration date; and

(B) Progress Benchmarks

Any one or more of the following had occurred.

- (1) An application for a Final Plat or plan was properly filed in accordance with City ordinances, and said Final Plat or plan has not expired.
- (2) A good-faith attempt was made to file an application for a permit required to begin or continue towards completion of the development.
- (3) Costs were incurred for developing the project, including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the development (but not including the cost of land acquisition) in the aggregate amount of five (5) percent of the most recent appraised value of the real property on which the project is located.
- (4) Fiscal security was posted with the City, or other regulatory agency, to ensure performance of obligations required by City ordinances and/or regulatory agencies.
- (5) Utility connection fees or impact fees for the project were paid to the appropriate authority or regulatory agency.

6.08.02. Expiration Date for Project and Permits Filed on or After September 1, 2005

(A) Projects

For projects commenced on or after September 1, 2005 by the filing of an application for a permit, the project shall expire on the fifth (5th) anniversary of the date the first application for a permit that was approved by the City was filed if there is no progress towards completion.

- (1) Following expiration of a project, any new applications for permits submitted for a project shall be subject to the then existing regulations.

(B) Permits

Applications for a permit filed on or after September 1, 2005, for which the application does not expire pursuant to [6.07.01. Incomplete Application Procedures](#) (Page 267) or for which the permit is subsequently approved, the application for a permit and/or the permit shall expire two (2) years from the date the application for a permit was filed if there is no progress towards completion.

6.08.03. Expiration Date for Permits Filed before September 1, 2005 and Approved on or after May 11, 1999

(A) Expiration Date Specified

Applications for permits and projects filed with the City before September 1, 2005 and approved on or after May 11, 1999 shall be valid for the period of time specified in the ordinances that existed on the date the application for permit was filed.

(B) No Expiration Date Specified

If the approved application did not have an expiration date, then the permit shall be valid for eighteen (18) months beginning on the date the application for permit was filed.

Subsection 6.09. Variance Procedures

6.09.01. Purpose and Applicability

(A) Cases for which a Variance may be Granted

The Board of Adjustment may authorize, in specific cases, a variance of from the terms of a zoning ordinance for the following:

- (1) Height,
- (2) Yard,
- (3) Lot Area,
- (4) Exterior structure,
- (5) Lot coverage,
- (6) Off-street parking, and
- (7) Loading requirements.

(B) Variance Criteria

A variance may be granted only if the Board finds that:

- (1) The requested variance is not contrary to the public interest; and
- (2) The requested variance does not violate the intent of the Zoning Ordinance, as amended; and
- (3) The requested variance allows the spirit of the Zoning Ordinance to be observed and substantial justice done; and
- (4) The requested variance would not cause injury to or restrict development on any other parcel of land; and
- (5) The requested variance is not needed merely to promote economic gain or to prevent economic loss; and
- (6) A literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. An unnecessary hardship only exists when a variance is needed to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (7) The unnecessary hardship, if any, is neither self-created nor personal to the owner of the parcel of land.

(C) Variance Limitations

(1) Completed Action Required Before a Variance

An application or request for a variance shall not be heard or granted with regard to any parcel of property or portion thereof upon which a Preliminary Site Plan, Site Plan, Preliminary Plat or Final Plat, when required by the Zoning Ordinance or the Subdivision Ordinance for any parcel of property or portion thereof, has not been finally acted upon by both the Planning & Zoning Commission and, where required, by the City Council.

(2) Exhausted all Other Options

The administrative procedures and requirements of the Zoning Ordinance, and any amendments thereto, with regard to both the Planning & Zoning Commission and City Council consideration and action, on Preliminary Site Plans, Site Plans, Preliminary Plats, and Final Plats, must be exhausted prior to requesting a variance.

(D) Public Hearing Required

- (1) The Board of Adjustment shall hold a public hearing for each variance applicant and shall provide the notice and public hearing required by this ordinance.
- (2) At the public hearing, the Board of Adjustment shall consider public comments, the Director's recommendation, and other applicable information and shall approve, approve with conditions, or deny the variance application.

Subsection 6.10. Special Exception for Building Official Error

6.10.01. Special Exception Criteria

The Board may issue a special exception to grant nonconforming status for a structure that did not conform to this Ordinance when it was constructed or established, if the Board finds:

- (A) The nonconformity was clearly and specifically shown in plans and specifications duly submitted to obtain a City permit;
- (B) Before the work was done, neither the owner, the designer, the surveyor, the contractor nor any other person assisting with the work knew about the nonconformity;
- (C) The nonconformity was clearly covered by the City permit (the same permit for which the plans and specifications were submitted), and the permit was otherwise regularly issued;
- (D) After learning of the nonconformity, the owner promptly conferred with the administrative official and voluntarily halted any further nonconforming work;
- (E) The item will cause no health or safety hazard and no significant impact upon another person or property; and
- (F) The item can be brought into conformity with this Ordinance within the time period specified in the special exception, at a modest or reasonable cost.
 - (1) Exception: Bringing the item into conformity need not be required if the Board finds that the impact of the item on other persons or properties is either nil or extremely small.

6.10.02. Time to Comply; Conditions

No such special exception is effective unless it specifies a time period within which the item must be brought into conformity with this Ordinance (if required; see above). Nonconforming status granted for a specified time period is lost when the specified time period expires or if ownership is sooner transferred (unless the new owner acknowledges both the special exception and the date the time period expires, by written instrument filed with the administrative official before the transfer). Any special exception issued under this section may contain conditions designed to:

- (A) Reduce nonconformity;
- (B) Mitigate (or compensate for) the effects of nonconformity;
- (C) Achieve conformity sooner than the specified time period; or
- (D) Any combination of the foregoing.

Subsection 6.11. Amortization of Nonconforming Uses

6.11.01. Initiation of Compliance Case

Only the City Council, by majority vote, may request that the Board of Adjustment consider establishing a compliance date for a nonconforming use.

6.11.02. Public Hearing Process

Upon receiving a request under [6.11.01. Initiation of Compliance Case](#) from the City Council, staff shall schedule the First Public Hearing before the Board. The Board may establish a compliance date only after holding two separate hearings.

(A) First Public Hearing

The Board shall hold a public hearing to determine whether continued operation of the nonconforming use will have an adverse effect on nearby properties. If, based on the evidence presented at the public hearing, the Board determines that continued operation of the use will have an adverse effect on nearby properties, it shall schedule a second public hearing to establish a compliance date for the nonconforming use; otherwise, it shall not. In determining whether the continued operation will have an adverse effect on nearby properties, the Board shall consider the following factor

- (1) The character of the surrounding neighborhood.
- (2) The degree of incompatibility of the use with the zoning district in which it is located.
- (3) The manner in which the use is being conducted.
- (4) The hours of operation of the use.
- (5) The extent to which continued operation of the use may threaten public health or safety.
- (6) The environmental impacts of the use's operation, including but not limited to the impacts of noise, glare, dust, and odor.
- (7) The extent to which public disturbances and nuisances may be created or perpetuated by continued operation of the use.
- (8) The extent to which traffic or parking problems may be created or perpetuated by continued operation of the use.
- (9) Any other factors relevant to the issue of whether continued operation of the use will adversely affect nearby properties.
- (10) Notwithstanding anything to the contrary, the Board cannot amortize a use described in [6.01.01.\(C\)\(1\)](#) unless it finds that the use is a nuisance and/or that the use presents a risk of imminent destruction of property or injury to persons.

(B) Second Public Hearing

- (1) If the Board has determined in the first public hearing that the nonconforming use has an adverse effect on nearby properties, it shall hold a second public hearing to set a date for compliance. The Board shall, in accordance with the law, provide a compliance date for the nonconforming use under a plan whereby the owner's actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period. The following factors must be considered by the Board in determining a reasonable amortization period.
 - a. The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming.
 - b. Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages.

- c. Any return on investment since inception of the use, including net income and depreciation.
 - d. The anticipated annual recovery of investment, including net income and depreciation.
 - e. A reasonable wind-up period for the nonconforming use.
- (2) If the Board, at the first public hearing, requests financial documentation and/or records from the owner relating to the factors listed directly above, the owner shall provide said documents and/or records at least thirty (30) days before the second public hearing. If the owner does not provide said documentation, the Board is authorized to make its determination of a compliance date based upon any reasonably available public records as well as public testimony at the hearing. Failure by owner to provide the requested financial documents and records shall not prevent the Board from setting a compliance date.

6.11.03. Ceasing Operations

If the Board establishes a compliance date for a nonconforming use, the use must cease operations on that date and it may not operate thereafter unless it becomes a conforming use.

6.11.04. Definitions

For purposes of this subsection, "owner" means the owner of the nonconforming use at the time of the Board's determination of a compliance date for the nonconforming use.

6.11.05. Finality of Decisions

(A) Decisions that cannot be Immediately Appealed

A decision by the Board that the continued operation of a nonconforming use will have an adverse effect on neighboring property and the Board's decision to schedule a second public hearing to establish a compliance date are not final decisions and cannot be immediately appealed.

(B) Decision to Deny a Request to Establish a Compliance Date

A decision by the Board to deny a request to establish a compliance date is final unless appealed to state court within ten (10) calendar days in accordance with Chapter 211 of the Local Government Code.

(C) Decision Setting a Compliance Date

A decision by the Board setting a compliance date is final unless appealed to state court within ten (10) calendar days in accordance with Chapter 211 of the Local Government Code.

Subsection 6.12. Reinstatement of Nonconforming Rights

(A) Loss of Nonconforming Rights Status

If the Director and/or his designee determines that a nonconforming use has been permanently abandoned under [1.06.04. \(B\) Reinstatement of Nonconforming Use Rights](#) (Page [21](#)) and has lost its nonconforming rights, the use shall not be instituted on that parcel or other parcel in any district which does not permit the discontinued use.

(B) Notice to Owner and/or Operator Required

Notice of this determination shall be made in writing to the owner and/or operator of the abandoned nonconforming use.

(C) Application for Nonconforming Rights Reinstatement

- (1) The owner and/or operator of the abandoned nonconforming use may submit a written application to the Board to have the nonconforming rights reinstated.
- (2) Written application for reinstatement of nonconforming rights must be made within ten (10) business days after the Director and/or his designee issues the written notice of determination that a use has been permanently abandoned.

(D) Board Decision

The Board may reinstate nonconforming rights only if the Board finds there was a clear intent not to abandon the use even though the use was discontinued for six (6) months or more. The failure of the owner and/or operator to remove on-premise signs shall not be considered (on its own) evidence of a clear intent not to abandon the use.

Subsection 6.13. Landscape Plan Review

(Ord. 19-08-70; 8/20/19)

6.13.01. Process

(A) Landscape Plan Submission

- (1) The Landscape Plan shall be submitted with the Preliminary Site Plan, Site Plan and Substantially Conforming Site Plan as a document to aid in the review of the Preliminary Site Plan, Site Plan, and Substantially Conforming Site Plan. The Landscape Plan shall not be considered formally filed and shall not be acted on by the Director, the Planning & Zoning Commission or the City Council when submitted with such plans; however, failure to submit such plan, where such plan is required under this Ordinance, with the Preliminary Site Plan, Site Plan, or Substantially Conforming Site Plan shall be grounds for denial or rejection of the Preliminary Site Plan, Site Plan, or Substantially Conforming Site Plan application.
- (2) Landscape Plans shall include the information listed on the Landscape Plan Checklist, as it exists or may be amended, which shall be established and maintained by the Director and published as part of the Development Application Handbook.

(B) Landscape Plan Approval

- (1) The landscape documents required under Subsection [4.02.02. \(C\) Landscape Plan](#) (Page [125](#)) shall be filed for review and approval with the Construction Plans.
- (2) Landscape Plans shall include the information listed on the Landscape Plan Checklist, as it exists or may be amended, which shall be established and maintained by the Director and published as part of the Development Application Handbook.
- (3) The provisions of this Subsection shall be administered and enforced by the Director.
- (4) Permits for building, paving, utilities, or construction shall not be issued prior to an approval and construction release of required landscape documents by the City, unless approved by the Director.
- (5) Tree preservation requirements shall be met prior to construction release with a tree penult obtained pursuant to Subsection [4.01. Tree Preservation Requirements](#) (Page [118](#)), prior to removal of trees and existing site vegetation.
- (6) An approved Landscape Plan shall expire at the same time that the approved Construction Plans with which it was submitted expire.

6.13.02. Review Criteria

(A) Objectives

The following criteria shall be used to evaluate proposed Landscape Plans:

- (1) The landscape design should have proportion, balance, unity, variety of species, and a variety of color throughout the seasons.
- (2) Landscape designs should define spaces including entrance areas, pedestrian paths, vehicular

avenues, parking areas, sitting areas, etc.

- (3) As an architectural feature, landscape designs should visually soften the mass of the buildings, parking areas, and other structures.
- (4) Indigenous landscape materials should be selected whenever feasible.
- (5) Landscaping should:
 - a. Reduce the reliance on irrigation, thus conserving the public water supply;
 - b. Minimize erosion pursuant to best management practices acceptable the Director of Engineering Services;
 - c. Allow groundwater recharge pursuant to practices approved by the Director of Engineering Services;
 - d. Shade seating, walking and outdoor activity areas;
 - e. Provide a barrier between vehicles and pedestrians;
 - f. Diminish the intrusion of headlights and other glare;
 - g. Provide a natural habitat for birds and other wildlife;
 - h. Shield buildings from winter wind and summer sun thereby conserving energy; and
 - i. Enhance overall character and ecological function of the site through and restoration of native vegetation, and eradication of invasive species.

Subsection 6.14. PD Application and Review

6.14.01. Planned Development Requirements

(A) Modified Development Requirements

Development requirements for each PD District shall be set forth in the amending Ordinance granting the PD District and shall include, but may not be limited to standards listed in the following documents:

- (1) Zoning Ordinance;
- (2) Subdivision Ordinance;
- (3) Engineering Design Standards and Construction Details;
- (4) Sign Ordinance; and
- (5) Other requirements as the City Council and Planning & Zoning Commission may deem appropriate.

(B) Reference Base Zoning District

When referencing a base zoning district, the PD ordinance will not have to provide any of the references listed in [6.14.01. \(A\) above](#) unless they vary from the zoning district requirements.

(C) Different Standards List

- (1) All applications to the City for PD zoning shall list all requested standards differing from the normal requirements set forth throughout this Ordinance and related City development requirements.
- (2) All applications without this list will be considered incomplete.
- (3) The list shall be provided in the form of a comparison table that lists all current standards and the corresponding proposed standards for the PD District.
- (4) The applicant shall provide written justification for the PD request and associated standards, including a statement of impact on public health, safety, and welfare.

(D) Two PD Types

Two types of PDs can be requested, an overlay PD and a free-standing PD, described below.

- (1) **Overlay PD District:** In the overlay PD District, uses shall conform to the standards and regulations of the base zoning district.
 - a. The particular zoning district must be stated in the granting ordinance.
- (2) **Free-Standing PD District:** In the free-standing PD District, any use may be allowed for any district that is listed in this Ordinance.
 - a. All standards and uses shall be outlined within the granting ordinance and the PD shall be in conformance with the purpose and intent of the Comprehensive Plan.
 - b. A base zoning district shall be assigned and stated within the granting ordinance at the time of City Council approval of the ordinance.
 - c. This base zoning district will be used when any specific regulations are not listed in the granting ordinance.

(E) PD Application Materials Submitted

An applicant for a PD District shall submit all materials required by this Zoning Ordinance, including but not limited to [6.14.01. \(C\) above](#), with the application.

- (1) The Director shall send written notice, within fourteen (14) calendar days after the date the application is filed, to any applicant that has submitted incomplete materials stating the remaining documents or other information needed to make the application complete.
- (2) The application for a PD District shall expire on the forty-fifth (45th) calendar day after the date the application was filed if the applicant fails to submit the remaining documents or other information needed to make the application complete on or before such forty-fifth (45th) calendar day.
- (3) In addition, the applicant is encouraged to conduct a neighborhood meeting with area homeowners within the vicinity of the request prior to appearing before the Planning & Zoning Commission. The applicant shall notify the Director of any scheduled neighborhood meetings at least seven (7) calendar days prior the meeting.

(F) PD District Map (Zoning Exhibit “A”)

The PD District Map shall include all lands within the PD district and adjacent properties.

- (1) The Director shall establish all dimensional requirements for PD District Maps.

(G) Development Schedule

A development schedule may be requested by staff, the Planning & Zoning Commission, or the City Council at any time during the PD request process.

(H) Conformity

The PD District standards shall conform to all other sections of this Ordinance unless specifically excluded or modified in the granting ordinance.

(I) Minimum Net Acreage

The minimum net acreage for a PD request shall be fifteen (15) acres unless a specific finding is made by the City Council that the establishment of the district is required to implement the Comprehensive Plan, a strategic focus area, a special project, or any other purpose (see Section [6.14.04. Infill Development Standards for Planned Developments](#) (Page [281](#))).

6.14.02. Appropriate Plans and Standards for Planned Developments (Zoning Exhibit “B” and “C”)

(Ord. 19-08-70; 8/20/19)

In establishing a PD District in accordance with this section, the City Council shall approve and file as part of the amending ordinance appropriate plans and standards for each PD District, which shall be attached as Zoning Exhibit “B” to the PD ordinance.

(A) Proposed Standards

Zoning Exhibit “B” shall outline the list of proposed standards for the PD.

(B) Different Standards for Different Tracts

If different standards will be applied to different tracts within the PD, then separate regulations for each tract shall be specified.

(C) Additional Requirements (Zoning Exhibit “C”)

- (1) If the proposed PD is amending uses only, nothing additional is required unless supplemental

information is necessary to clarify the request.

- (2) If the proposed PD amends any other standards, a zoning exhibit of the proposed PD will be required (which shall be attached as Zoning Exhibit "C" to the PD ordinance), unless otherwise determined by the Director.
- (3) Zoning Exhibit "C" shall facilitate understanding of the request during the review and public hearing process, and will serve as a guide for future development within the PD District.
- (4) If required, the Zoning Exhibit "C" shall reflect the overall layout of the entire development and the Director shall maintain a list of required details within the Development Handbook.
- (5) If the PD is nonresidential and/or mixed use in nature, the Zoning Exhibit "C" shall also include but not be limited to building dimensions and location, structure height, uses, parking specifications, floor area ratio and lot coverage, open space specifications, drainage features, landscaping and trees, floodplain/riparian details, and architectural style or elevations for illustrative purposes.
- (6) The City may require further written documentation that describes and explains the Exhibit "C" layout.
- (7) The Exhibit "C" shall in no way vest rights for the property that are outside the regulations of the Zoning Ordinance and other applicable City ordinances, as they currently exist or shall be amended. Neither the Exhibit "C" nor any of the other documents required under Subsection 6.14 shall be considered "plans" or "plats" as those terms are defined under Chapter 212 of the Texas Local Government Code.

6.14.03. Mixed Use Standards for Planned Developments

(A) Mixed Use Standards

A PD may be requested to encourage mixed use development that utilizes characteristics similar to the following mixed use standards.

- (1) Mixed use may be accomplished by a vertical mixing of varying uses within the same building or group of buildings.
- (2) Mixed use may be accomplished by a new urbanism design or traditional neighborhood development (see [6.14.05. below](#)).
- (3) Mixed use development shall be compatible with adjacent properties.
- (4) Mixed use developments shall integrate open space.
- (5) Mixed use developments shall be located along major thoroughfares wherever possible. A Traffic Impact Analysis will be required unless it is waived by the Director.
- (6) Mixed use planned development ordinances shall contain architectural standards that tie the entirety of the development together.

6.14.04. Infill Development Standards for Planned Developments

(A) PD for Developing or Redeveloping Infill Sites

A Planned Development may be used for the purpose of developing or redeveloping infill sites such as those in older areas or those that have remained vacant and are currently surrounded by development

on fifty (50) percent or more of their perimeter.

(B) Resource Guides

- (1) The Director shall maintain resource guides regarding infill development for Planned Developments. These are to be referenced as guidelines only. The use of these specific guidelines for infill developments shall be subject to City Council approval.

6.14.05. New Urbanism Planned Developments

(A) Purpose

A PD may be used for the purpose of creating a new urbanism neighborhood.

(B) New Urbanism Criteria

When the claim is made that the purpose of a PD is for new urbanism purposes, the applicant shall use the following criteria to qualify the PD.

- (1) Uses
The creation of neighborhoods with a range of uses and housing types (i.e., mixed uses). Commercial uses and more intensive residential uses are frequently located in a neighborhood center.
- (2) Design Focus
Limits on the size, location, and design of buildings as opposed to the strict separation of uses.
- (3) Interconnected Streets
An interconnected network of streets that are safe also designed for pedestrians and which provide a variety of routes for local traffic.
- (4) Transportation Options
A range of transportation options are available due to the pattern of streets and the proximity of various land uses.
- (5) Public Spaces
High quality public space (greenbelts, parks, plazas and streets) are an organizing feature and gathering place for the neighborhood.

(C) Statement of Purpose

In the case of a new urbanism development, the statement of purpose and intent shall describe how the proposed development will be in compliance with the above criteria.

- (1) The Director shall maintain a listing of resources identifying textual and visual references for new urbanism concepts.
- (2) The use and application of standards from these references will be evaluated by staff prior to the presentation of the PD to the Planning & Zoning Commission.

6.14.06. Form-Based Code Manual Requirement for Planned Developments

The procedure for establishing a Planned Development District shall incorporate applicable sections of the Form-Based Code Manual, listed in [Subsection 9.07 Form-Based Code Manual](#) (Page 361) as it currently exists or may be amended.

6.14.07. District Procedures for Planned Developments

The procedure for establishing a PD District shall follow the procedure for zoning amendments as set forth in [Subsection 6.06 Amendments to the Zoning Ordinance / Districts and Administrative Procedures](#) (Page 263). This procedure is further expanded as follows for approval of Zoning Exhibit "C".

(A) Zoning Exhibit “C” Approval

The Planning & Zoning Commission and City Council may approve the Exhibit “C,” separately or jointly in public hearings. A single public hearing for the PD request may be adequate when:

- (1) The applicant submits adequate data with the request for the Planned Development (PD) District to fulfill the requirement; or
- (2) Information on the Zoning Exhibit “C” and attached application is sufficient to determine the appropriate use of the land.

(B) Zoning Exhibit “C” Approval Prerequisite

The Ordinance establishing the PD District shall not be approved until the Zoning Exhibit “C” is approved, if required.

(C) PD Amendment Procedure (Minor and Major Amendments)

The procedure for amending a PD is based upon the type of change being proposed and shall follow the guidelines regarding minor amendments and major amendments, as follows:

(1) Minor PD Amendment

- a. A minor amendment to a PD shall be requested at the time of Preliminary Site Plan, is subject to approval by the Planning & Zoning Commission, and shall be defined as a change that meets the following standards:
 1. Does not propose any new general type of use beyond those approved initially;
 2. Does not increase heights of buildings or floor area ratio;
 3. Does not decrease the amount of open space being provided and/or the residential density of the PD; and/or
 4. Does not change access, circulation, or infrastructure in a way that would impact surrounding properties.
- b. A minor amendment shall be submitted at the time of the development application, and the application shall include supporting data with an outline of any minor amendments being proposed on the plan(s).
- c. For appeals, see [Subsection 6.19 Appeals and the Appeal Process](#) (Page 294).

(2) Major PD Amendment

Where an amendment to a PD does not meet the criteria of a minor amendment, a major amendment to a PD shall be processed through the normal PD procedure as described herein. The process will require reconsideration of the entire PD with the amendment. In the case of amending a portion or tract of the PD, the following actions are required:

- a. Signatures of all property owners within the PD on the application for the PD request;
- b. Public notification to all the property owners within the PD in addition to property owners within 200 feet of the tract; and
- c. The three-fourths ($\frac{3}{4}$) majority vote shall apply to the property owners within two hundred (200) feet of the tract being re-zoned.

6.14.08. Impact Report for Planned Developments**(A) Written Report**

When a PD District is being considered, a written report from the Director, discussing the impact on public infrastructure, City services, and parks, environmental, and written comments from the applicable public school district may be submitted to the Planning & Zoning Commission prior to the Commission making any recommendations to the City Council.

(B) Denial

In the event written comments are not forthcoming in a reasonable amount of time, the Commission may, at its discretion, deny the request.

6.14.09. Zoning Map and PD List

All PD Districts approved in accordance with the provisions of this Ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the Zoning District Map, and a list of such Planned Development Districts, together with the category of uses permitted therein, shall be listed and maintained as part of this ordinance in [Subsection 9.02 Planned Developments](#) (Page [357](#)).

6.14.10. City-Initiated Zoning Change for Planned Developments

The Planning & Zoning Commission or the City Council on its own motion may initiate a zoning change to a PD designation if it finds that public benefit will be derived from consideration of such matter. Refer to [6.06.01. Authority to Amend Ordinance](#) (Page [263](#)) in this Zoning Ordinance, as it exists or may be amended, for zoning or rezoning procedures.

6.14.11. Existing Planned Development Ordinances

The Planned Development District Ordinances listed in [Subsection 9.02 Planned Developments](#) (Page [357](#)) (the "Existing Ordinances") are PD Ordinances previously adopted by the City Council. These Existing Ordinances are affected by the amendments to this Zoning Ordinance according to the following guidelines.

(A) Existing PD Regulations Established by Reference to a Previous Zoning Ordinance Amended

- (1) Any allowable uses and/or development standards set forth in the Existing Ordinances that are established by reference to a previously adopted zoning ordinances, such as Ordinance No. 84-02-03 or No.93-07-11, shall be governed by the allowable uses and/or development standards established in this Zoning Ordinance for the applicable zoning district shown on the equivalency table, [Subsection 2.02 Equivalency Table](#) (Page [26](#)).

(B) Existing PD Regulations not Established by Reference to a Previous Zoning Ordinance Remain

- (1) Any allowable uses and/or development standards set forth in the Existing Ordinances that are not established by reference to a previously adopted zoning ordinances, such as Ordinance No. 84-02-03 or No. 93-07-11 shall be governed by the allowable uses and/or development standards set forth in the Existing Ordinances.

(C) All other Applicable PD Provision Amended

Except as provided above, all other provisions of the Existing Ordinances are amended by this Zoning Ordinance, and to the extent amended, development shall be governed by the terms and conditions of this Zoning Ordinance.

Subsection 6.15. Specific Use Permit (SUP) Application and Review

6.15.01. Specific Uses Permit Regulations and Procedures

(Ord. No. 19-10-82; 10/1/19)

(A) Compatibility Considerations

The City Council and the Planning & Zoning Commission in considering any request for Specific Use Permit shall only approve such request after they have determined that the use or uses allowed will not be detrimental to the adjacent properties or to the City as a whole.

The Director, City Council and the Planning & Zoning Commission may require from the applicant any plans, information, operational data, and expert evaluation concerning the location, function, and characteristics of the proposed use or buildings.

The City Council when establishing a Specific Use Permit, and the Planning & Zoning Commission when making a recommendation concerning a Specific Use Permit, shall establish conditions and regulations, in addition to those of the base zoning district, necessary to protect the health, safety, morals, and general welfare of the neighborhood and/or the City. In addition, the use shall be in general conformance with the Comprehensive Plan and general objectives of the City. These conditions may include but are not limited to:

- (1) Paving of streets, alleys, and sidewalks,
- (2) Means of ingress and egress to public streets,
- (3) Provisions for drainage,
- (4) Adequate off-street parking,
- (5) Protective screening, landscaping, and open space,
- (6) Area or security lighting,
- (7) The locations and heights of structures,
- (8) Architectural compatibility of buildings,
- (9) Intensity of the use, and
- (10) Adequate traffic circulation required to contain all stacking activity on the site.

(B) Imposed Conditions for Approval

- (1) In granting a Specific Use Permit, the City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the Chief Building Official for use of the building on such property pursuant to such Specific Use Permit and such conditions precedent to the granting of the certificate of occupancy.
- (2) Any special conditions shall be set forth in writing in the ordinance granting the SUP.

(C) Compliance Mandatory with Written Requirements

No Specific Use Permit shall be granted unless the applicant, owner and grantee of the Specific Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements of the Specific Use Permit, as attached to the Preliminary Site Plan or Site Plan drawing(s) and approved by the Planning & Zoning Commission and City Council.

(D) Timing

- (1) If required, a building permit shall be applied for and secured within six (6) months from the time of granting the Specific Use Permit, provided however, that the City Council may authorize an extension of this time upon recommendation by the Planning & Zoning Commission and City Council may review the Site Plan for continued validity.
- (2) If the Site Plan is determined invalid, the property owner(s) must submit a new or revised Site Plan for approval prior to any construction or application for building permit for the area designated for

the Specific Use Permit.

(E) Enlargement, Modification, or Structural Alternation

- (1) A building, premise, or land used under a Specific Use Permit may be enlarged, modified, structurally altered, or otherwise changed provided the changes do not:
 - a. Increase the height of structures;
 - b. Increase building square footage from its size at the time the original Specific Use Permit was granted by greater than ten (10) percent;
 - c. Reduce the distance between a building or noise-generating activity on the property and an adjacent, off-site residential use. This provision shall not apply should the property and the residential use be separated by a major thoroughfare depicted on the City's Thoroughfare Plan; or
 - d. Reduce the amount of open space as indicated on the previously approved zoning exhibit.
- (2) All other enlargements, modifications, structural alterations, or changes shall require the approval of a new Specific Use Permit.

(F) Board of Adjustment Exclusion

The Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any Specific Use Permit.

(G) Zoning Map

- (1) When the City Council authorized granting of a Specific Use Permit, the Zoning Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the appropriate zoning district for the approved use and prefixed by an "S" designation.
- (2) Specific Use Permits granted shall be indicated by numerical designation on the Zoning District Map.
- (3) [Subsection 9.03 Specific Use Permits](#) (Page [357](#)) of this Ordinance shall list by the numerical designate each SUP and the conditions of approval.
- (4) Specific Use Permits are issued to the property.

(H) Amend, Change, or Rescind a Specific Use Permit

Upon holding a properly notified public hearing, the City Council may amend, change, or rescind a Specific Use Permit after recommendation by the Planning & Zoning Commission if:

- (1) There is a violation and conviction of any of the provisions of this ordinance or any ordinance of the City that occurs on the property for which the Specific Use Permit is granted;
- (2) The building, premise, or land uses under a Specific Use Permit is enlarged, modified, structurally altered, or otherwise significantly changed without approval of a separate Specific Use Permit for such enlargement, modification, structural alteration, or change;
- (3) Violation of any provision of the terms or conditions of a Specific Use Permit;
- (4) Ad valorem taxes on the property are delinquent by more than six (6) months;
- (5) The Specific Use Permit was obtained by fraud or with deception; or
- (6) The advertisement of a zoning change or Specific Use Permit shall be initiated by staff upon receipt of applicant's written response to staff's recommendation. The response shall indicate whether the applicant agrees or disagrees with the staff recommendation. Where the applicant disagrees with any portion of the recommendation, the applicant shall cite the reasons for the disagreement.

(I) New Commercial Antennas and Antenna Support Structures

- (1) A provider area coverage map shall be submitted to demonstrate that an existing commercial

antenna or antenna support structure cannot accommodate the applicant's proposed antenna. No new commercial antennas or antenna support structures shall be permitted unless the applicant demonstrates that existing antenna support structures in the relevant coverage area cannot accommodate the applicant's proposed antenna. In addition, the applicant shall demonstrate each of the following:

- a. Existing commercial antennas and antenna support structures located within the relevant coverage area do not meet the applicant's reasonable engineering requirements;
- b. Existing commercial antennas and antenna support structures located within the relevant coverage area are not of a sufficient height to meet the applicant's reasonable engineering requirements; and
- c. Existing commercial antennas and antenna support structures located within the relevant coverage area do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.

Subsection 6.16. Façade Plan Review

(Ord. 19-08-70; 8/20/19)

6.16.01. Applicability

An approved façade plan is required prior to issuance of a building permit for the following developments.

(A) OTR and OTC Districts

All new construction shall require an approved façade plan.

(B) MF-15 and MF-19 Districts

All new multifamily residential construction

(C) PRO and TO Zoning Districts

All new nonresidential construction

(D) All Nonresidential and Mixed-Use Zoning Development

All nonresidential and mixed-use development

(E) Residential

Single family residential where specified in a Planned Development.

6.16.02. Façade Plan Review Criteria

(A) OTR and OTC Review Criteria

(1) OTR – Original Town Residential District

All new construction shall comply with the following:

- a. [4.07.09. \(E\) OTR Façade Plan Requirement](#) (Page [189](#))
- b. [Subsection 9.06 Downtown Architectural Design Standards; OTC & OTR](#) (Page [360](#))

(2) OTC – Original Town Commercial District

All new construction development shall comply with the following:

- a. [4.07.09. \(F\) OTC Façade Plan Requirement](#) (Page [189](#))
- b. [Subsection 9.06 Downtown Architectural Design Standards; OTC & OTR](#) (Page [360](#))

(B) MF-15 and MF-19 Review Criteria

- (1) Buildings with the same façade and/or architectural features may not face each other, except as otherwise approved by the Director.
- (2) All new multifamily residential construction shall comply with [4.12.03. Multifamily – Building Orientation and Construction](#) (Page [216](#)).

(C) PRO and TO Review Criteria

- (1) PRO – Preston Road Overlay District

All new nonresidential construction shall comply with the following:

1. [2.05.04. \(D\)\(5\) PRO Exterior Appearance of Buildings and Structures](#) (Page [59](#))
2. [2.05.04. \(D\)\(6\) PRO Building Materials and Colors](#) Page ([59](#))
3. [Subsection 4.09 Nonresidential Design Standards](#) (Page [202](#))

- (2) TO – Tollway Overlay District

All new nonresidential and mixed-use construction shall comply with the following:

1. [2.05.05. \(F\)\(2\) Tollway Overlay Exterior Appearance of Buildings/Structures](#) (Page [82](#))
2. [Subsection 4.09 Nonresidential Design Standards](#) (Page [202](#))

(D) All Nonresidential Development Review Criteria

- (1) All nonresidential buildings shall comply with the following:

- a. [4.07.09. Exterior Construction of Main Buildings](#) (Page [188](#))
- b. [Subsection 4.09 Nonresidential Design Standards](#) (Page [202](#))

- (2) All nonresidential buildings shall comply with the following provisions:

- a. Facade Composition — The facade shall incorporate a three-part hierarchy of base, middle, and top to emphasize verticality and maintain balance;
- b. Building Composition — The building shall utilize appropriate form and proportion through well scaled volumes and articulation of those volumes (massing).
- c. Rhythm — The facade shall be composed of a series of patterns to create an inherent rhythm;
- d. Vertical Alignment — Setbacks, reveals, and projections in the vertical plane of the building facade shall be utilized to enhance the legibility of the facade composition;
- e. Horizontal Alignment — The height of the vertical alignments shall be designed to maintain consistency along the frontage;
- f. Four-Sided Architecture — All buildings shall be architecturally finished on all four sides with the same materials, detailing, and features unless meeting the regulations of Subsection 4.08.02(c)-(d); and
- g. Façade Plan Booklet — All buildings shall comply with the abovementioned provisions, further detailed through image examples in the Façade Plan Booklet, as it exists or may be amended, which shall be established and maintained by the Director and published as part of the Development Application Handbook.

(E) Residential

- (1) All residential buildings shall comply with the following provisions:
 - a. Subsection 4.07.09 (Exterior Construction of Main Buildings).
 - b. Façade Plan Booklet — All buildings shall comply with the image examples in the Façade Plan Booklet, as it exists or may be amended, which shall be established and maintained by the Director and published as part of the Development Application Handbook.

6.16.03. Façade Plan Application Process**(A) Application Requirements**

The property owner shall file an application for the approval of a Façade Plan. This filing shall include the information listed on the Façade Plan Checklist, as it exists or may be amended, which shall be established and maintained by the Director, and published as part of the Development Application Handbook.

(B) Required Façade Plans Submittals

- (1) OTC, OTR, MF-15, MF-19, PRO, TO, and all nonresidential and mixed-use development.
 - a. The applicant may submit a preliminary façade plan and sample material boards with the Preliminary Site Plan application for all new development as specified above to ensure consistency and compatibility for all buildings within a development.
 1. The purpose of the preliminary façade plan is to ensure consistency and compatibility for all buildings within a single development.
 2. The Preliminary Façade Plan is a document to aid in the review of the Preliminary Site Plan. The Preliminary Façade Plan shall not be considered filed and shall not be acted on by the Director, the Planning & Zoning Commission or the City Council; however, failure to submit a Preliminary Façade Plan, where a Preliminary Façade Plan is required under this Ordinance, with the Preliminary Site Plan application shall be grounds for rejection or denial of the Preliminary Site Plan application.
 - b. The applicant shall file a final Façade Plan and sample material boards with the Site Plan application to ensure minimum requirements have been met. The Façade Plan must be approved prior to or in conjunction with the approval of the Site Plan. Failure to obtain approval of a final Façade Plan, where a final Façade Plan is required under this Ordinance, shall be grounds for denial of the Site Plan.
 - c. If changes are proposed to an approved Façade Plan, the applicant shall file a new Façade Plan application with a Substantially Conforming Site Plan to ensure the changes are consistent with the building information shown on the Site Plan (i.e., building dimensions, height, etc.). Failure to obtain approval of the new Façade Plan application, where a new Façade Plan is required under this Ordinance, shall be grounds for revocation of the Site Plan or denial of the Substantially Conforming Site Plan application.

(C) Façade Plan Review

- (1) The Director shall review the façade plan application for compliance with this Ordinance and

standards referenced herein.

- (2) Corporate identities that conflict with the building design criteria but meet the overall design intent of the applicable regulations may be reviewed on a case by case basis and approved by the Director.

(D) Façade Plan Approval

- (1) The Director may approve or deny the Façade plan application based on compliance or violation of this Ordinance and standards referenced herein.
- (2) Corporate identities that conflict with the building design criteria but meet the overall design intent of the applicable regulations may be reviewed on a case by case basis and approved by the Director.

(E) Façade Plan Denial

- (1) If the Director denies the Façade plan, the Director shall send the applicant a report with the reason for the denial.

(F) For appeals, see [Subsection 6.19 Appeals and the Appeal Process](#) (Page [294](#)).

Subsection 6.17. Historic Landmark Procedure

6.17.01. "HL" Designation Criteria

- (A) In making an "HL" designation, the Planning & Zoning Commission and City Council shall consider one or more of the following criteria.**
- (1) Character, interest or value as a part of the development, heritage or cultural characteristics of the City, Counties of Collin and Denton, State of Texas, or United States.
 - (2) Location as the site of a significant historic event.
 - (3) Identification of a person or persons who significantly contributed to the culture and development of the City.
 - (4) Exemplifications of the cultural, economic, social or historical heritage of the City.
 - (5) Portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.
 - (6) Embodiment of distinguishing characteristics of an architectural type of specimen.
 - (7) Identification as the work of an architect or master builder whose individual work has influenced the development of the City.
 - (8) Embodiment of elements of architectural design, detail, materials or craftsmanship.
 - (9) Relationship to other distinctive buildings, sites or areas which are eligible for preservation according to a plan based on historic, cultural or architectural theme.
 - (10) Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood community of the City.
 - (11) Archaeological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.
 - (12) Value as an aspect of community sentiment or public pride.
- (B) The applicant shall provide responses to the Director regarding the criteria listed above.**

6.17.02. Demolition Review for Historic Landmarks

(A) Purpose

- (1) The demolition review process is established to encourage alternatives to the demolition of properties which have received a historical designation.
- (2) This review applies only to those properties which have received an "HL" designation by the City Council.

(B) Demolition Review Procedure

- (1) Certificate of Appropriateness for Demolition Required

No structure, or any portion of a structure, which has received an "HL" designation may be demolished without City Council approval of a Certificate of Appropriateness for demolition upon recommendation from the Planning & Zoning Commission.
- (2) Demolition Application Process
 - a. Any application for demolition will be submitted to the Director who will then schedule the permit application for the next available Planning & Zoning Commission meeting.

- b. City staff will forward with the application a recommendation regarding the condition of the building, the reasonableness of the cost of restoration or repair, the purpose of preserving the designated structure, and any other factors deemed appropriate for consideration.

(3) Demolition for Health and Safety Reasons

In instances where the Chief Building Official and/or the Fire Chief or their representatives determines that the continued existence of a structure poses extreme health or safety dangers to the public, they may institute demolition proceedings without action by the Planning & Zoning Commission and the City Council.

6.17.03. Economic Hardship for Demolition of Historic Landmarks

(A) Criteria

If an applicant's Certificate of Appropriateness for proposed demolition has been denied, then the applicant may apply for relief on the ground of hardship. In order to prove the existence of a hardship, the applicant shall establish, to the satisfaction of the City Council, that:

- (1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
- (2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return;
- (3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed; and/or,
- (4) The structure or property is in irreparably damaged condition and as such poses a nuisance to the surrounding area and is a "threat" to the health, safety and general welfare of the community.

(B) Procedure

- (1) In cases where the City Council denies a Certificate of Appropriateness for demolition, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the City Council makes a finding that a hardship exists.
- (2) The City Council may hold a public hearing on the hardship application at which time an opportunity will be provided for proponents and opponents of the application to present their views.
- (3) The applicant shall consult in good faith with the City Council, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.
- (4) All decisions of the City Council shall be in writing. A copy shall be sent to the applicant and a copy filed with the City Secretary's office for public inspection. The City Council's decision shall state the reasons for granting or denying the hardship application.

Subsection 6.18. Alternative Compliance Standards

Alternative compliance is a method for the Director, P&Z, or City Council to approve predetermined alternative compliance standards listed throughout this Zoning Ordinance. These predetermined alternative compliance standards may not be suitable for all scenarios of land development. The purpose of the alternative compliance standards is to allow for different standards that are in agreement with the City's Comprehensive Plan and will produce an equal level of results as intended by the original development standards.

6.18.01. Applicability

Alternative compliance standards are only applicable to properties zoned nonresidential and designated as mixed use within the Comprehensive Plan or properties zoned nonresidential within the PRO – Preston Road Overlay District or TO – Tollway Overlay District. The following standards are eligible for alternative compliance standards.

- (1) Front Yard Setbacks
May not adversely affect or potentially adversely affect adjacent residential property.
- (2) Building Heights
May not adversely affect or potentially adversely affect adjacent residential property.
- (3) Façade Requirements
Alternative building materials and designs of similar quality shall be used.
- (4) Land Uses
Apply only to vertical mixed use, where appropriate based on the Comprehensive Plan.

6.18.02. Action Required

The Director shall process alternative compliance standards requests as outlined in [6.18.04. Approval Process](#) (Page 293).

6.18.03. Review and Approval Criteria

- (A) **Comprehensive Plan**
The alternative compliance standard shall be in agreement with and promote concepts from the Comprehensive Plan.
- (B) **An Equal or Greater Level of Intensity**
The alternative compliance standard shall be in compliance with the standards outlined in the Form-Based Code Manual.
- (C) **Building Orientation/Pedestrian Environment**
The alternative compliance standard promotes the concept of orienting buildings close to the street and/or sidewalk to enhance the pedestrian environment.
- (D) **Redevelopment**
Redevelopment considerations with attention toward out parcels, parking areas, vehicular circulation, building layout, and connectivity to surrounding streets and trails/sidewalks.

6.18.04. Approval Process

Approval of an alternative compliance standards application subject to the approval chart below. For appeals, see [Subsection 6.19 Appeals and the Appeal Process](#) (Page 294).

Standard	Director Approval	P&Z Approval	City Council Approval
Front Yard Setbacks		X	
Building Heights			X
Façade Requirements	X		
Land Uses			X

Subsection 6.19. Appeals and the Appeal Process

This section establishes the appeal process for different applicants. All appeals are not processed in the same manner. Appeals are based on an applicant's judgment that the person or body rendering a Zoning Ordinance decision may be incorrect in either the process to reach a decision or in the decision itself.

6.19.01. Summary of Appeal Applications

Appeals and Appeal Process		
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6.19.02. Reserved

(Ord. No. 19-10-82; 10/1/19)

6.19.03. Appeal of a Temporary Building Decision to Council

- (A) The applicant may challenge a decision of the Chief Building Official or Planning & Zoning Commission, by appealing, in writing, to the City Council within fourteen (14) calendar days of a decision of the Chief Building Official or the Planning & Zoning Commission.
 - (1) The City Council's decision is final.
- (B) Four (4) or more members of City Council may appeal the decision of the Planning & Zoning Commission by submitting a written notice of appeal to the Development Services Department.
 - (1) The City Council shall consider and act on whether it will appeal the Commission's decision no later than fourteen (14) calendar days from the date of such decision or at its first regular meeting (for which there is time to post an agenda as required by law) that occurs after the Commission meeting

at which the decision was made, whichever is later.

- (2) Written notice of the City Council's vote to appeal shall be submitted to the Development Services Department within seven (7) calendar days of the City Council's vote.
- (3) The City Council shall consider the appeal at a public meeting no later than forty-five (45) calendar days after the date on which the notice of appeal is submitted to the Development Services Department.
- (4) The City Council may affirm, modify, or reverse the decision of the Planning & Zoning Commission.

6.19.04. Appeal of a Rescinded Shared Parking Agreement Approval

A decision by the Planning & Zoning Commission to rescind a shared parking approval may be appealed to the City Council (see appeal procedure in [6.19.08. Appeal of a Preliminary Site Plan](#) (Page 295)).

6.19.05. Appeal of a Temporary Outdoor Lighting Decision

- (A) The applicant may appeal the Chief Building Official's decision within ten (10) calendar days after the Chief Building Official's decision, in writing, to the Director for his or her consideration.
- (B) The applicant may appeal the Director's decision within ten (10) calendar days after the Director's decision, in writing, to the City Council
- (C) The City Council's decision shall be final.

6.19.06. Appeal of a Residential Cluster Development

(A) Appeal of Cluster Development

Upon appeal if the City Council finds that the requirements in [4.10.10. Director Review Criteria](#) are satisfied, it may approve the residential cluster development, subject to any special conditions.

(B) Special conditions to residential cluster development

The City Council may, in its opinion, apply such special conditions to its approval of a residential cluster development as may be required to maintain harmony with neighboring uses and to promote the objectives and purposes of this Ordinance, Subdivision Ordinance, and/or the Comprehensive Plan.

6.19.07. Appeal of an Administrative Decision

- (A) The Board may hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance or Section 211.007, Texas Local Government Code ("the Code") as it exists or may be amended.
- (B) In exercising the Board's authority herein, the Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the Board has the same authority as the administrative official.

6.19.08. Appeal of a Preliminary Site Plan

- (A) The applicant, Director of Development Services, or four (4) members of City Council may appeal the decision of the Planning & Zoning Commission regarding a Preliminary Site Plan by submitting a written notice of appeal to the Development Services Department.
 - (1) The applicant or Director of Development Services must submit said written notice of appeal no later than fourteen (14) calendar days from the date of such decision.
 - (2) Written notice of the City Council's vote to appeal shall be submitted to the Development Services Department within seven (7) calendar days of the City Council's vote.

- (B) The City Council shall consider the appeal at a public meeting no later than forty-five (45) calendar days after the date on which the notice of appeal is submitted to the Development Services Department.
- (C) The City Council may affirm, modify, or reverse the decision of the Planning & Zoning Commission.

6.19.09. Appeal of a Site Plan

- (A) The applicant, Director, or four (4) members of City Council may appeal the decision regarding a Site Plan by submitting a written notice of appeal to the Director.
 - (1) The applicant or Director must submit said written notice of appeal no later than fourteen (14) calendar days from the date of such decision.
 - (2) The City Council shall consider and act on whether it will appeal the Commission's decision no later than fourteen (14) calendar days from the date of such decision or at its first regular meeting (for which there is time to post an agenda as required by law) that occurs after the Commission meeting at which the decision was made, whichever is later.
 - (3) Written notice of the City Council's vote to appeal shall be submitted to the Development Services Department within seven (7) calendar days of the City Council's vote.
- (B) The City Council shall consider the appeal at a public meeting no later than forty-five (45) calendar days after the date on which the notice of appeal is submitted to the Development Services Department.
- (C) The City Council may affirm, modify, or reverse the Site Plan decision.

6.19.10. Appeal of a SCSP Decision to the Planning & Zoning Commission

- (A) Disapproval from the Director may be appealed to the Planning & Zoning Commission by the applicant in writing no later than fourteen (14) calendar days from the date of such decision.
- (B) The Planning & Zoning Commission shall consider the appeal at a public meeting no later than forty-five (45) calendar days after the date on which the notice of appeal is submitted to the Development Services Department.
- (C) The Planning & Zoning Commission may affirm, modify, or reverse the decision of the Director.

6.19.11. Appeal of a SCSP Decision to the City Council

- (A) The Planning & Zoning Commission decision may be appealed to City Council in accordance with the procedures set forth in [6.19.09. Appeal of a Site Plan](#) (Page [296](#)).

6.19.12. Appeal of a Revised PSP or SP Decision

- (A) An applicant may appeal the denial of a revised PSP or SP to the City Council in accordance with Section [6.19.09. Appeal of a Site Plan](#) (Page [296](#)).

6.19.13. Appeal of a Planning & Zoning Commission Decision to Deny a Zoning Amendment (Ord. No 2020-07-35; 7/7/20)

- (A) When the Planning & Zoning Commission determines that a proposed zoning amendment, supplement or change should be denied, it shall so report and recommend to the City Council and Planning staff shall notify the applicant.

- (B) If the proposal is denied by the Commission, the request shall not be forwarded to the City Council unless the applicant requests an appeal to the City Council or the request is sent for review by the Commission by simple majority vote.
- (C) Upon denial of a proposed zoning amendment, supplement, or change by the Planning & Zoning Commission, the applicant may, upon his own motion within fourteen (14) calendar days, file with the Director a written request that a public hearing be scheduled and held before the City Council regarding the application. The applicant's written request for appeal shall state why the appeal is being made and provide all necessary documentation to support the request.
- (D) The applicant shall be responsible for the costs of re-notification, including postage.
- (E) A vote of three-fourths (3/4ths) of the members of the City Council is required to overrule a recommendation of the Planning & Zoning Commission that a proposed zoning amendment, supplement, or change be denied. The Mayor shall be entitled to vote when a vote of three-fourths (3/4ths) of the members of the City Council is required under this subsection.
- (F) The City shall not take action on a property where City taxes are delinquent.

6.19.14. Appeal of a Minor PD Amendment Decision

- (A) The denial of a minor amendment may be appealed to the City Council upon denial by the Planning & Zoning Commission (see [6.19.09. Appeal of a Site Plan](#) (Page [296](#))).

6.19.15. Façade Plan Appeal Process

(A) Initial Appeal of a Façade Plan

- (1) If the Director denies the application, the applicant or two (2) members of the Planning & Zoning Commission may appeal the Director's decision to the Planning & Zoning Commission.
- (2) The appellant shall submit a written statement requesting the appeal stating specific reasons for the request to the Director within fourteen (14) calendar days of the decision, which shall be forwarded to the Planning & Zoning Commission.
- (3) The Planning & Zoning Commission shall review façade plan application for compliance with this Ordinance and standards referenced herein.
- (4) The Planning & Zoning Commission may approve or deny the façade plan application based on compliance or violation of this Ordinance and standards referenced herein.

(B) Final Appeal of a Façade Plan

- (1) If the Planning & Zoning Commission denies the application, the applicant or two (2) members of the City Council may appeal the Planning & Zoning Commission's decision of the City Council.
- (2) The appellant shall submit a written statement requesting the appeal stating specific reasons for the request to the Director within fourteen (14) calendar days of the decision, which shall be forwarded to the City Council.
- (3) The City Council shall review façade plan application for compliance with this Ordinance and standards referenced herein.
- (4) The City Council may approve or deny the façade plan application based on compliance or violation of this Ordinance or standards referenced herein.
- (5) The decision of the City Council is final.

6.19.16. Appeal Process**(A) Appeal of an Alternative Compliance Standard Decision made by the Director**

- a. Denial from the Director may be appealed to the Planning & Zoning Commission by the applicant in writing no later than fourteen (14) calendar days from the date of such decision.
- b. The Planning & Zoning Commission shall consider the appeal at a public meeting no later than forty-five (45) calendar days after the date on which the notice of appeal is submitted to the Development Services Department.
- c. The Planning & Zoning Commission may affirm, modify, or reverse the decision of the Director.

(B) Appeal of an Alternative Compliance Standard Decision made by the Planning & Zoning Commission

- a. The applicant, Director, or four (4) members of City Council may appeal the decision of the Planning & Zoning Commission regarding a Site Plan by submitting a written notice of appeal to the Director.
 1. The applicant or Director must submit said written notice of appeal no later than fourteen (14) calendar days from the date of such decision.
 2. The City Council shall consider and act on whether it will appeal the Commission's decision no later than fourteen (14) calendar days from the date of such decision or at its first regular meeting (for which there is time to post an agenda as required by law) that occurs after the Commission meeting at which the decision was made, whichever is later.
 3. Written notice of the City Council's vote to appeal shall be submitted to the Development Services Department within seven (7) calendar days of the City Council's vote.
- b. The City Council shall consider the appeal at a public meeting no later than forty-five (45) calendar days after the date on which the notice of appeal is submitted to the Development Services Department.
- c. The City Council may affirm, modify, or reverse the decision of the Planning & Zoning Commission.

Section 7. Definitions



Subsection 7.01. Terms and Words Defined

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

Accessory Structure

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

Acts of Nature

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

Advertising Sign or Structure

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

Agricultural Use

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

Airport/Heliport

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

Alcoholic Beverage Establishment

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

Alcoholic Beverage Sales

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.

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

Alley

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

Amenity Center

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

Antenna

A commercial or non-commercial instrument or device consisting of wires, poles, rods, or reflecting discs, designed for transmitting or receiving any portion of the radio, microwave, or electromagnetic spectrum. (Ord. No. 19-10-82; 10/1/19)

Antenna, Amateur Radio

An antenna which is used for transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission. (Ord. No. 19-10-82; 10/1/19)

Antenna, Stealth

A Stealth Antenna is a commercial antenna that is designed to be non-obtrusive, or virtually transparent or invisible to the surrounding neighborhood. The following constitute stealth antennas (Ord. No. 19-10-82; 10/1/19):

- (A) Antennas that are completely enclosed within a building or structure, such as:
 - (1) Church steeple;
 - (2) Clock tower; or
 - (3) Other similar architectural feature.
- (B) Antennas on the roof of a minimum three-story building, not to exceed ten (10) feet above the height of the building, and not visible from a point six (6) feet above ground level at the property line of the lot on which the antenna is located. If a parapet does not accomplish this screening, screening one (1) foot above the height of the equipment and painted a complimentary color to match the building must be provided.
- (C) Antennas on a public utility structure, such as a water tower or high transmission line support tower, provided that they do not exceed the height of the structure and are painted to match the structure.
- (D) Antennas located on an athletic field light pole provided that they do not exceed the height of the light pole and are painted to match the structure.
- (E) Example of Stealth Antennas (Arrows indicate locations of antennas):



Figure 7.01.1: Examples of Stealth Antenna Rooftop Concealments



Figure 7.01.2: Examples of Stealth Antenna Steeple and Tower Concealments

Antenna and/or Antenna Support Structure, Commercial

An antenna and its support structure used for commercial broadcasting or telecommunication purpose including but not limited to a satellite dish exceeding twelve (12) feet in diameter and a radio, television or microwave tower for a commercial use. All radiating equipment must comply with Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Occupational Health and Safety Administration (OSHA), and all other applicable State and Federal regulatory agency requirements and guidelines for human safety, as they exist or may be amended. Definition includes ancillary ground equipment. (Ord. No. 19-10-82; 10/1/19)

Antenna and/or Antenna Support Structure, Non-Commercial

An instrument or device consisting of wires, poles, rods, or reflecting discs and its support structure not exceeding forty (40) feet in height above the ground elevation at the base of the support structure, designed for transmitting or receiving any portion of the radio, microwave, or electromagnetic spectrum. This definition shall also include a satellite dish antenna not to exceed twelve (12) feet in diameter and an amateur radio antenna. (Ord. No. 19-10-82; 10/1/19)

Antenna Support Structure

Any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of transmission, retransmission, and/or reception of electromagnetic, radio, television, or microwave signals.

Antique Shop and Used Furniture

A retail establishment engaged in the selling of works of art, furniture, or other artifacts of an earlier period, with all sales and storage occurring inside a building.

Apartment

A room or suite of rooms in a multifamily residence arranged, designed, or occupied as a place of residence by a single family, individual, or group of individuals.

Applicant

Any person or entity that submits to the City an application for a permit required by the City for a Project. To be qualified as an Applicant under this Ordinance, the person or entity must have sufficient legal authority or proprietary interests in the land to commence and maintain proceedings under this Ordinance. The term shall be restricted to include only the Property Owner(s), or a duly authorized agent and representative of the Property Owner.

Application

A formal application to the City for review and approval in which all required documents and information have been included and fees paid. All instances of the terms filing, file, filed, submit, submittal, submission, and submitted herein shall be equivalent in meaning to the term filing, except as otherwise stated. (Ord. No. 19-08-70; 08/20/19)

Application for a Permit

Any document filed with the City that clearly indicates that the applicant is seeking consideration for a permit, the type of permit sought and provides the City with fair notice of the project, and when used in this Zoning Ordinance, shall include a plan for development of real property or a plan for development; but excluding applications to establish or amend a zoning district, including but not limited to a request to establish or amend a Planned Development District or to receive or amend a Specific Use Permit.

Artificial Plant

An object made or produced by a human being and designed or intended to imitate a naturally occurring plant. (Ord. No. 2020-03-11; 3/17/20)

Artificial Turf

A carpetlike surface of synthetic fibers designed or intended to resemble or imitate natural grass and used for sports, residential and commercial applications. (Ord. No. 2020-03-11; 3/17/20)

Artisan's Workshop

An establishment used for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leather-craft, hand-woven articles, and related items.

Assisted Living Facility

A facility providing residence, supervision and daily assistance for individuals, generally persons 55 years of age or older, with common dining and recreational areas designed for the needs of the elderly. Services in these establishments include assistance with routine living functions that are non-medical in nature, such as dressing, grooming, bathing, and social and recreational services, such as meal services, transportation, housekeeping, linen and organized social activities. An assisted living facility may include an adult daycare as an accessory use.

Athletic Stadium or Field, Private

A private field(s) and structure used for sporting events with associated spectator seating, either permanent or temporary.

Athletic Stadium or Field, Public

A field(s) and structure owned and operated by the City and/or a local independent school district used for sporting events with associated spectator seating, either permanent or temporary.

Auto Parts Sales, Outside

The use of any land area for the display and sale of new or used parts, including tires, for automobiles, panel trucks or vans, trailers, or recreation vehicles.

Automobile

A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people, including, but not limited to, passenger cars, trucks, buses, motor scooters, and motorcycles.

Automobile Paid Parking Lot/Garage

An area or structure where a fee is charged for parking automobiles and which serves as the primary use on the lot. This use does not include the storage of gasoline.

Automobile Parking Lot/Garage

An area or structure where the parking of automobiles serves as the primary use on the lot. This use does not include the storage of gasoline.

Automobile Repair, Major

General repair or reconditioning of engines, air-conditioning systems, and transmissions for automobiles; wrecker or towing service with on-site storage of vehicles; collision services including body, frame, or fender straightening or repair; customizing; painting; vehicle steam cleaning; tire retreading; insurance estimations with on-site storage; undercoating and rust proofing, and other similar uses.

Automobile Repair, Minor

An establishment used for the dispensing or sales of automobile fuels, lubricants, and automobile accessories; the minor repair or replacement of parts and performing state inspections and making minor repairs necessary to pass said inspection; automobile detailing; window tinting, and the sales and installation

of automobile radios. Uses listed under “Automobile Repair, Major” or any other similar uses are not included. Vehicles, which are inoperative or are being repaired, may not remain parked outside for a period greater than seven (7) calendar days.

Automobile Sales, Used

Sales of used automobiles or light load vehicles.

Automobile Sales/Leasing, New

Sales, rental, and/or leasing of new automobiles or light load vehicles, including, as accessory uses: Automobile Sales, Used; Automobile Repair, Major; and Automobile Storage.

Automobile Storage

The storage on a lot or tract of operable automobiles for the purpose of holding such vehicles for sale, lease, distribution, or storage.

Bank, Savings and Loan, or Credit Union

An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds, including automated teller machines.

Basement (or Cellar)

A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (½) of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

Beauty Salon/Barber Shop

Establishments primarily engaged in providing services generally involved in the care of the person or his apparel including, but not limited to, barber and beauty shops, tanning salons, ear piercing shops, cosmetic tattooing shops, and reducing salons.

Bed and Breakfast Inn

An owner (or operator) occupied residence with up to five (5) bedrooms available for overnight guests. A Bed and Breakfast Inn may provide for guest stays up to fourteen (14) consecutive calendar days; however, it shall not offer weekly rental rates. Kitchen and dining facilities may be included to provide meals for guests only; however, no food preparation shall be permitted in guest bedrooms. A Bed and Breakfast Inn shall not include restaurants, banquet facilities, or similar services.

Bicycle Corral

A group of either short-term or long-term bicycle parking spaces that are located in the vehicular parking area adjacent to the curb. The corral is generally surrounded by a painted white box on the street with flexible vertical delineators and a wheel stop where vehicles are likely to back into the adjacent parking spot. (Ord. No. 16-05-42; 05/17/2016)

Bicycle Rack, Long-Term

A bicycle parking fixture that provides at least two bicycle spaces and includes at least a four-foot-wide by six-foot-long dimension, intended for parking more than three hours, and is fully protected from the elements. (Ord. No. 16-05-42; 05/17/2016)

Bicycle Rack, Short-Term

A bicycle parking fixture that provides at least two bicycle spaces and includes at least a four-foot-wide by six-foot-long dimension, intended for parking less than three hours. (Ord. No. 16-05-42; 05/17/2016)

Big Box Retail Development

Big Box uses are defined as single tenant retail buildings over 70,000 square feet.

Block

A grouping of residential lots (and their alleys) that are partially or fully surrounded by one or more streets. A block consists of one or two tiers of lots. Lots that are separated by an alley are in the same block, but lots that are separated by a street are in different blocks.

Block Face

The portion of a block that abuts a street.

Block Length

The length of the block face between two intersections

Boarding or Rooming House

A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodging are provided for three or more persons, but not to exceed eight persons.

Body Art Studio

An establishment whose services include tattooing and/or body piercing. Tattooing shall mean the placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin. Body piercing shall mean the creation of an opening in an individual's body to insert jewelry or another decoration.

Brewery

An establishment holding a "Brewer's Permit or a Brewer's Self Distribution Permit" issued by the Texas Alcoholic Beverage Commission in accordance with the Texas Alcoholic Beverage Code, as amended. (Ord. No. 2020-04-24; 4/21/20)

Brewpub

An establishment holding a "brewpub" license issued by the Texas Alcoholic Beverage Commission in accordance with the Texas Alcoholic Beverage Code, as amended, permitting the license holder to manufacture, brew, bottle, can, package, and label malt liquor, ale and beer; sell or offer without charge, on the premises of the brewpub, to ultimate consumers for consumption on or off those premises, malt liquor, ale or beer produced by the license holder, in or from a lawful container, to the extent the sales or offers are allowed under the license holder's other permits or licenses; which license holder must also hold with another TABC permit or license authorizing on-premises consumption. Total production of malt liquor, ale and beer cannot exceed 10,000 barrels for each licensed brewpub. (Ord. No. 18-09-48; 09/18/18)

Buildable Area

The allowable area available to construct a building or structure after complying with the City's applicable set back and maximum lot coverage requirements.

Building

Any structure used or intended for supporting or sheltering any use or occupancy.

Building, Main

A building in which the principal use of the lot on which it is situated is conducted. In a residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

Building Height

The vertical distance between the average of the highest and lowest points of grade of that portion of the lot covered by the building to the highest point of a structure.

Building Line

A line parallel, or approximately parallel, to any front lot line at a specific distance therefrom, marking the minimum distance from the front lot line that a building may be erected. (See [Figure 9.01.01.3: Front Yard, Building Line, and Lot Width Measurement](#) (Page 348))

Building Material and Hardware Sales, Major

An establishment for the sale of materials customarily used in the construction of buildings and other structures, including outside storage or display of materials or merchandise.

Building Material and Hardware Sales, Minor

An establishment for the sale of materials customarily used in the construction of buildings and other structures, without any outside storage or display of materials or merchandise.

Building Official, Chief

The inspector or administrative official charged with responsibility for issuing permits and enforcing the Zoning Ordinance and Building Code.

Build-to-Line

A line parallel, or approximately parallel, to any lot line at a specific distance therefrom, marking the minimum distance from the lot line that a building may be erected, and marking the building envelope, which is the area in which a building may be erected.

Bus Terminal

Any premises for the transient parking or storage of motor-driven buses and the loading and unloading of passengers.

Business Service

An establishment primarily engaged in providing services not elsewhere classified, to business enterprises on a fee contract basis, including, but not limited to, advertising agencies, computer programming and software services, and office equipment sales, rental, leasing, or repair.

Cabinet/Upholstery Shop

An establishment for the production, display, and sale of cabinets, furniture, and soft coverings for furniture.

Campground or Recreational Vehicle Park

Any area that is designed for occupancy by transients using tents, mobile trailers, or recreational vehicles for temporary sleeping purposes.

Candlepower

The quantity of light required to illuminate a surface one (1) foot distance from a light source to the intensity of one (1) foot-candle.

Caretaker's/Guard's Residence

A residence located on a premises with a main nonresidential use and occupied only by a caretaker or guard, and his/her family, employed on the premises.

Carport

A structure in residential and multifamily districts open on a minimum of two sides designed or used to shelter not more than three (3) vehicles and not to exceed twenty-four (24) feet on its longest dimension. Also called "covered parking area." (Ord. No. 2021-07-47; 7/6/21)

Car Wash, Full Service

A facility where a customer can have a motorcycle, automobile and light load vehicle washed in exchange for financial consideration.

Car Wash, Self Service

A facility, typically coin operated, used by the customer to wash motorcycles, automobiles and light load vehicles.

Cemetery or Mausoleum

Property used for the interring of the dead.

Certificate of Occupancy

An official certificate issued by the City through the Chief Building Official that indicates conformance with or approved conditional variations from the zoning regulations and authorizes legal use of the premises for which it is issued; may be referred to as an Occupancy Permit.

Certified Arborist

An individual certified by the International Society of Arboriculture (ISA) as a certified arborist.

Child-Care: Foster Family Home (Independent)

Per the definition of the Department of Family and Protective Services (DFPS) or as amended by the DFPS, a single independent home that is the primary residence of the foster parents and licensed to provide care for six or fewer children up to the age of 18 years.

Child-Care: Foster Group Home (Independent)

Per the definition of the Department of Family and Protective Services (DFPS) or as amended by the DFPS, a single independent home that is the primary residence of the foster parents and licensed to provide care for seven to 12 children up to the age of 18 years.

Child-Care: Licensed Child-Care Center

Per the definition of the Department of Family and Protective Services (DFPS) or as amended by the DFPS, an operation providing care for seven or more children younger than 14 years old for less than 24 hours per day at a location other than the permit holder's home.

Child-Care: Licensed Child-Care Home

Per the definition of the Department of Family and Protective Services (DFPS) or as amended by the DFPS, the primary caregiver provides care in the caregiver's own residence for children from birth through 13 years. The total number of children in care varies with the ages of the children, but the total number of children in care at any given time, including the children related to the caregiver, must not exceed 12.

Child-Care: Listed Family Home

Per the definition of the Department of Family and Protective Services (DFPS) or as amended by the DFPS, a caregiver at least 18 years old who provides care in her own home for compensation, for three or fewer children unrelated to the caregiver, ages birth through 13 years. Regular care is provided, which is care provided for at least four hours a day, three or more days a week, and more than nine consecutive weeks. The total number of children in care, including children related to the caregiver, may not exceed 12.

Child Care: Registered Child-Care Home

Per the definition of the Department of Family and Protective Services (DFPS) or as amended by the DFPS, a caregiver who provides regular care in her own home for not more than six children from birth through 13 years. Child day care can be provided for six additional school-aged children before and after the customary school day. The total number of children in care at any given time, including the children related to the caregiver, must not exceed 12.

Church, Temple, Synagogue, Mosque, or Other Place of Worship

A building used primarily for religious assembly and worship and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns, rabbis, or other religious personnel on the premises (tax exempt as defined by State law). For the purposes of this ordinance, Bible study and other similar activities that occur in a person's primary residence shall not apply to this definition.

City

References to the "City" shall mean the City of Frisco, Texas.

City Council

The governing body of the City of Frisco, Texas.

Civic/Convention Center

A building or complex of buildings used for cultural, recreational, athletic, convention, or entertainment purposes.

Clear-Cutting

Any indiscriminate cutting, plowing, or grubbing of tree(s) without regard to their type or size for the purpose of clearing an area of land of trees.

College, University, Trade, or Private Boarding School

An institution established for educational purposes offering courses for study beyond the secondary education level, including trade schools and commercial schools offering training or instruction in a trade, art, or occupation. A boarding school is an educational institution offering primary and secondary level courses. Dormitories for students and employees only are permitted in conjunction with these uses.

Commercial Amusement, Indoor

An enterprise providing for indoor recreational activities, services, amusements, and instruction for an admission fee. Uses may include, but are not limited to, archery ranges, bowling alleys, ice- or roller-skating rinks, bingo parlors, amusement arcades, and/or practice areas. (Ord. No. 2020-11-72; 11/2/20)

Commercial Amusement, Outdoor

An enterprise providing for outdoor recreational activities, services, amusements, and instruction for an admission fee, including, but not limited to, batting cages, miniature golf, go-kart tracks, and carnivals.

Community Center

A building or portion of a building owned and/or operated by a government entity or not-for-profit agency in which facilities are provided for civic, educational, political, or social purposes.

Comprehensive Plan

Graphic and textual form policies which govern the future development of the City and which consists of various components governing specific geographic areas and functions and services of the City. Current Comprehensive Plan as it exists or may be amended,

Concrete/Asphalt Batching Plant, Permanent

A permanent manufacturing facility for the production of concrete or asphalt.

Concrete/Asphalt Batching Plant, Temporary

A temporary manufacturing facility for the on-site production of concrete or asphalt during construction of a project, and to be removed when the project is completed.

Construction Plans

The drawings and technical specifications that conform to the Engineering Standards and Subdivision Ordinance, as amended, and all other applicable ordinances of the City. Construction Plans, including bid documents, contract conditions, and escrow agreements, where applicable, provide a graphic and written description of the character and scope of the work to be performed in the construction of a development. (Ord. No. 19-08-70; 08/20/19)

Construction Yard and Field Office, Temporary

A building, structure, or storage/assembly yard used in conjunction with a development project for housing temporary supervisory or administrative functions related to development, construction, or the sale of real estate properties within the development and subject to removal at completion of construction.

Contractor's Shop and/or Storage Yard

A building, part of a building, or land area for the construction or storage (inside or out) of materials, tools, products, and vehicle fleets.

Convenience Store with Gas Pumps

A retail establishment that sells food and other consumable and non-consumable products for off-premise use or consumption. This definition shall also include the dispensing or sales of motor vehicle fuels, lubricants, and accessories, but shall not include automobile repair or the sale of replacement parts.

Convenience Store without Gas Pumps

A retail establishment that sells food and other consumable and non-consumable products for off-premise use or consumption.

Conversion Factor

A number that converts the Landscape Water Allowance and Estimated Landscape Water use from acre-inches per acre per year to gallons per square foot per year. The conversion factor is calculated as follows: $(325,851 \text{ gallons}/43,560 \text{ square feet})/12 \text{ inches} = (0.62)$

(A) 325,851 gallons = one acre foot

(B) 43,560 square feet = one acre

(C) 12 inches = one foot

Court

An open, unobstructed space, bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one side open to a street, alley, yard, or other permanent open space.

Coverage

The lot area covered by all structures located thereon. Structures shall include main structures and accessory structures with or without a permeable roof.

Cutoff

The point at which all light rays emitted by a lamp, light source or luminary are completely eliminated (cutoff) at a specific angle above the ground.

CPTED (Crime Prevention Through Environmental Design)

The concept of CPTED is based upon the following theory: the proper design and effective use of the built environment can lead to the reduction in the incidence and fear of crime, and an improvement in the quality of life.

Cutoff Angle

The maximum angle formed by a line drawn in the direction of emitted light rays at the light source and a line perpendicular to the ground from the light source, beyond which no light is emitted.

Data Center

A building or group of buildings primarily used to house computers and/or related equipment for the

purpose of collection, processing, storage or retrieval of data.
(Ord. No. 14-10-64; 10/21/14)

Day Services, Adult

A facility that provides services under an Adult Day Care Program on a daily or regular basis, but not overnight, to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility. Adult Day Services Centers (also referred to as Adult Day Care Centers) must be licensed by the Texas Department of Human Services.

Development

Any manmade change to improved or unimproved real estate, including but not limited to, buildings and/or other structures, paving, drainage, utilities, storage, and agricultural activities.

Development Application Handbook

A compilation of all schedules, applications, checklists, and any additional documents and resources required for the filing of an application. The Development Application Handbook, as amended from time to time, shall be established and maintained by the Director and published on the City website. (Ord. No. 19-08-70; 08/20/19)

Director

The Director of Development Services or his/her designee or representative.

Disability or Handicap

With respect to an individual:

- (A) A physical or mental impairment which substantially limits one or more of such person's major life activities,
- (B) A record of having such an impairment, or
- (C) Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

Distillery

An establishment holding a "Distiller's and Rectifiers Permit" issued by the Texas Alcoholic Beverage Commission in accordance with the Texas Alcoholic Beverage Code, as amended. (Ord. No. 2020-04-24; 4/21/20)

District

Any section or sections of the City for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform for each class or kind of building therein.

Donation Box

Any drop-off box, container, receptacle, trailer or similar facility that accepts donated textiles, clothing, shoes, books, toys, household items and/or other salvageable personal property items to be used by the operator for distribution, resale or recycling. (Ord. No.19-05-40; 05/21/19)

Downtown Public Parking Lot(s)

An area, other than street or public way, provided for self-parking by employees, visitors, and/or patrons of any state or local government, any public accommodations, retail or office establishments, or any other business open to the general public.

Drip Line

A vertical line running through the outermost portion of the crown of a tree and extending to the ground.

Dry Cleaning, Major

An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis.

Dry Cleaning, Minor

A custom cleaning shop or pick-up station not exceeding six thousand (6,000) square feet of floor area, including, but not limited to, dry cleaning plants having no more than one thousand five hundred (1,500) square feet of floor area for dry cleaning equipment.

Dwelling Unit Area

Dwelling unit area is defined as that area devoted to the living area in a residence or dwelling unit and is exclusive of porches, enclosed or open breezeways, storage area or closets, or other non-living space.

Easement

A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

Educational Use

A use that provides instruction and training in a wide variety of subjects provided by specialized establishments, such as schools, colleges, universities, and training centers.

Electrical Power Generating Plant

All equipment, fixtures, and property operated or maintained in connection with the production of electricity and transmission of electricity produced.

Equipment and Machinery Sales and Rental, Major

A building or open area used for the display, sale, rental, or storage of heavy equipment and machinery.

Equipment and Machinery Sales and Rental, Minor

A building or structure used for the inside display, sale, rental, or storage of light machinery, including, but not limited to, bicycles, lawn mowers, tools, and other small machinery.

Estimated Landscape Water Use (ELWU)

The annual total amount of water estimated to be needed to keep the plants in the landscape area healthy, it is based upon the local reference evapotranspiration rate, the size of the landscape area, the types of plants, and the efficiency of the irrigation system.

ET – Evapotranspiration

Loss of water from the soil both by evaporation and by transpiration from the plants growing thereon.

ET₀ Adjustment Factor

A factor applied to [Evapotranspiration, reference \(ET₀\)](#) that adjusts for plant coefficients and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. For the purpose of this example, the plant coefficient (Pc) shall be 0.3 and irrigation efficiency shall be 0.6. Therefore,

(A) Example: ET₀ Adjustment Factor = (0.3/0.6) = 0.5

Evapotranspiration, reference (ET₀)

The rate of evapotranspiration from a hypothetical reference crop that is assumed to be free of water stress and disease.

Fair Notice

An application for a permit containing information sufficient for the City to determine:

- (A) The size, number, location and shape of all lots involved in the project;
- (B) The desired zoning district and the specific uses allowed within the zoning district that will be developed on the property as part of the project;
- (C) The size, number, location and type of improvements to be made on the property as part of the project; and
- (D) The streets, alleys, water mains and taps, sanitary sewer mains and taps and storm sewers that will be necessary to adequately serve the property when the project is complete.

Fairgrounds/Exhibition Area

An area where outdoor fairs, circuses, or exhibitions are held.

Family

One or more persons related by blood, marriage, or adoption, or a group not to exceed four (4) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit and living as a single housekeeping unit.

Farm, Ranch, Stable, Garden, or Orchard

An area which is used for the cultivation of vegetables, fruits, and grain or for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

Farmer's Market

An area containing individual vendors who offer fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey for sale. This definition does not include the sale of any type of meat, fish, poultry, eggs, refrigerated dairy products, or home canned or packaged items.

Feed Store

An establishment for the selling of corn, grain, and other foodstuffs for animals and livestock and including other implements and goods related to agricultural processes, but not including farm machinery.

Fire Lane

A Fire Apparatus Access Road according to the International Fire Code.

Flea Market, Inside

A building or structure wherein space is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

Flea Market, Outside

An outdoor site where space is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

Flood or Spot Light

Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Floodplain

Any property within the limits as delineated by FEMA (Federal Emergency Management Agency) of the 100-year floodplain or as amended by an engineering flood study of the ultimate developed conditions prior to any reclamation.

Floor Area

The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.

Floor Area Ratio (FAR)

The floor area of a main building or buildings on a lot, excluding structured parking garages, divided by the lot area. See [Figure 9.01.01.1: Floor Area Ratio Illustration of 1:1](#) (Page [347](#))

Food Truck

A vehicle-mounted, self-contained food service operation, designed to be readily moveable (including catering trucks, but excluding stationary food vendors) and used to store, prepare, display, serve or sell food. Food trucks must completely retain their mobility at all times. (Ord. No. 2021-04-32; 4/20/21)

Food Truck Court

A development with a site plan approved for food truck operations on a continuous basis at the discretion of the property owner. (Ord. No. 2021-04-32; 4/20/21)

Food Truck Temporary Site

An improved, developed site that meets the requirement for business operations of food trucks on a temporary basis and limited duration. This applies to property zoned as non-residential. (Ord. No. 2021-04-32; 4/20/21)

Foot-Candle

A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle. When metric units are used, lux is the unit of light quantity. One (1) lux equals one (1) lumen per square meter of area. One (1) foot-candle equals 10.76 lux.

Fortune Teller/Psychic

A use involving the foretelling of the future in exchange for financial or other valuable consideration. Fortune telling shall include, but is not limited to, uses where the fortune is told through astrology, augury, card or tea reading, cartomancy, clairvoyance, clairaudience, crystal gazing, divination, magic mediumship, necromancy, palmistry, psychometry, phrenology, prophecy, and spiritual reading. Fortune telling does not include forecasting based on historical trends or patterns or religious dogma.

Fraternal Organization, Lodge, Civic Club, Fraternity, or Sorority

An organized group having a restricted membership and specific purpose related to the welfare of the members including, but not limited to, Elks, Masons, Knights of Columbus, Rotary International, Shriners, or a labor union.

Full Cutoff-Type of Luminaires or Horizontal Limited Luminaires

Luminaires constructed or shielded to direct all light at a cutoff angle of less than ninety (90) degrees.

Furniture Restoration

A workshop that specializes in furniture refinishing, including the use of all materials, tools, and chemicals associated with the use.

Garage, Private

An enclosed (on at least three (3) sides) accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called "enclosed parking space."

Garage Apartment

A dwelling unit attached to a garage (either above or on the same level as the garage), when the main structure is detached and owner-occupied. The garage may be attached to the main structure through an open breezeway. (Ord. No. 19-10-83;10/1/19)

Gas Pumps

Any facility, equipment, or fixture, including a canopy, used for retail dispensing of motor vehicle fuels.

General Manufacturing/Industrial Use Complying with Performance Standards

Manufacturing of finished products and component products or parts through the processing of materials or substances, including basic industrial processing. Such operations shall be determined by Health, Fire, and Chief Building Official not to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation.

Glare

Direct light emitted from a light source, which is sufficient to cause annoyance, discomfort, or temporary loss of visual performance and visibility.

Golf Course and/or Country Club

A land area and buildings used for golf, including fairways, greens, tee boxes, driving range, putting green, and associated maintenance and retail facilities. This definition shall also include clubhouses, dining rooms, swimming pools, tennis courts, and similar recreational or service uses available only to members and their guests.

Governmental Office

A building used for the provision of governmental executive, management, administrative, and/or postal services. Governmental offices include those facilities owned and/or operated by city, special district, county, state, and federal agencies.

Guest House

An accessory building used to house guests of the owner(s) of the main residential structure. (Ord. No. 19-10-83;10/1/19)

Gymnastics/Dance Studio

A building or portion of a building used as a place of work for a gymnast, dancer, or martial artist or for instructional classes in gymnastics, dance, or martial arts.

Hall, Dance

An establishment open to the general public for entertainment, in particular, dancing.

Hall, Reception/Banquet/Meeting

A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for a private event function, that is not open to the general public, whether or not a fee is charged.

Health/Fitness Center

A public or private facility operated to promote physical health and fitness. Activities may include exercise, physical therapy, training, and education pertaining to health and fitness. Uses or combinations of uses or facilities would typically include, but are not limited to, game courts, weight lifting and exercise equipment, aerobics, swimming pools and spas, and running or jogging tracks.

Heavy Load Vehicle

A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) of greater than 11,000 pounds, such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.

Height of Luminary

The height of a luminary shall be the vertical distance from the ground directly below the centerline of the luminary to the lowest direct light emitting part of the luminary.

Helistop

An accessory use where helicopters can land and take off but excluding refueling, maintenance, repairs, and storage of helicopters.

High-Water Use Zone

A Landscape Zone composed of high-water usage or non-drought tolerant plants.

Home Occupation

An occupation, which is secondary to the primary use of a dwelling as a residence, conducted on residential premises by the occupant of the residence. Home occupations shall be subject to the conditions set forth in [3.02.01. \(A\)\(18\) Home Occupation](#) (Page [105](#)) of the Zoning Ordinance.

Homebuilder Marketing Center

A building or structure used for the marketing and sale of lots or homes.

Hospital

An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, helistops, outpatient facilities, or training facilities as licensed by the State of Texas.

Hotel

A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, housekeeping service, and telephone are provided. Hotel room units are accessed through doorways into an internal hallway, courtyard, or lobby. Financial consideration for Hotel room units is generally calculated on a nightly basis.

Household Care Facility

A dwelling unit which provides residence and care to not more than nine persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; terminally ill; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. Where applicable, a household care facility shall have appropriate licensing and/or registration by the State of Texas.

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

Illumination Level

Average lighting intensity measured at grade (in foot-candles).

Incandescent Light

Illumination produced by a filament, which is heated by an electric current, including quartz and halogen lights.

Incidental Use

Any use different from the primary use but which complements and/or supplements the primary use. Incidental shall mean an area that constitutes not more than fifteen (15) percent of the main use. An incidental use is also an accessory use.

Indoor Gun Range

Any indoor facility open to the public and occupying all or a portion of a building where firearms are discharged for testing or recreation purposes. (Ord. No. 2020-11-72; 11/2/20)

Industrial Park

A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

Infill Development:

The development of structures within previously developed areas which utilize the existing infrastructure.

Institutional Use

A use that provides health, social, or community services, including uses such as hospitals, churches, public recreational centers, or rehabilitation care facilities.

Irrigation Efficiency (IE)

The measurement of the amount of water beneficially used by plants divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices.

Irrigator

A person who holds a license to practice irrigation in the State of Texas.

iSWM

The integrated Storm Water Management (iSWM) program, a site development design manual developed by the North Central Texas Council of Governments (NCTCOG).

Kennel

A use primarily engaged in providing pet care services (except veterinary) for four (4) or more animals, such as boarding, grooming, sitting, and training pets.

Lamp

The component of a luminary that produces the actual light.

Land Development Application

The term land development application includes the following application types: Preliminary Site Plan, Site Plan, Substantially Conforming Site Plan, Facade Plan, Open Space Plan, Construction Plan, Preliminary Plat, Final Plat, Amending Plat, Conveyance Plat, Minor Plat, Replat, and Disapproval. (Ord. No. 19-10-83;10/1/19)

Landfill

A tract of land used for the burial of farm, residential, institutional, industrial, or commercial waste that is not hazardous, medical, or radioactive.

Landscape Architect

A person who holds a license to practice landscape architecture in the State of Texas.

Landscape Plan

A plan prepared and stamped by a licensed Landscape Architect, including but not limited to a landscape (planting) plan, landscape specifications, hardscape details, irrigation plans (stamped by a licensed Irrigator) and irrigation specifications. (Ord. No. 19-10-83;10/1/19)

Landscape Water Allowance (LWA)

For design purposes, the upper limit of annual applied water for the established landscape area. It is based upon the local reference evapotranspiration rate ET_0 ([Evapotranspiration, reference \(ET0\)](#) (Page [314](#))), the [ET0 Adjustment Factor](#) (Page [314](#)), and the size of the landscape area.

Landscape Zone

A portion of the landscape area having plants with similar water requirements, site conditions or functions. (See Natural Landscape Zone, Water Resource Zone, and High Water Usage Zone).

Landscaping

Material such as, but not limited to, grass, groundcovers, shrubs, vines, hedges, trees, and non-living durable material commonly used in landscaping, such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.

Laundromat

A facility where patrons wash, dry, or dry-clean clothing and other fabrics in machines operated by the patron.

Light Load Vehicles

A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) not greater than 11,000 pounds, and having no more than two (2) axles, such as pick-up trucks, vans, recreational vehicles (less than thirty-two [32] feet in length), campers and other similar vehicles but not including automobiles and motorcycles.

Light Pollution

The shining of light produced by luminaires above the height of the luminaires and into the sky.

Light Trespass

The shining of light produced by luminaires beyond the boundaries of the property on which it is located.

Limited Assembly and Manufacturing Use Complying with Performance Standards

The fabrication, assembly, manufacturing, and packaging of finished products or parts, predominantly from previously prepared materials, but excluding basic industrial processing. Such operations shall be determined by Health, Fire, and Building officials not to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation.

Loading Space

An off-street space or berth used for the delivery and loading or unloading of vehicles.

Locksmith/Security System Company

Establishments primarily engaged in providing, installing, repairing, and/or monitoring locks and electronic security systems.

Lot

Any plot of land occupied or intended to be occupied by one main building and the required parking, or a group of main buildings, and accessory building and uses, including such open spaces as are required by the Ordinance, and other laws or ordinances, and having its principal frontage on a public street or officially approved place.

- (A) See [Figure 9.01.01.3: Front Yard, Building Line, and Lot Width Measurement](#) (Page [348](#))
- (B) See [Figure 9.01.01.5: Determining Lot Depth](#) on an Irregular Shaped Lot (Page [349](#))
- (C) See [Figure 9.01.01.6: Yard Measurements](#) (Page [349](#))

Lot, Area

The total area, measured on a horizontal plane, included within lot lines.

Lot, Corner

A lot which has at least two adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees (135°).

Lot, Depth

The mean horizontal distance between the front and rear lot lines. Thoroughfare easements shall not be included in lot depth calculations.

- (A) See [Figure 9.01.01.5: Determining Lot Depth](#) on an Irregular Shaped Lot (Page [349](#))

Lot, Double Frontage

A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

Lot, Flag or Panhandle

A lot having access to a street by means of a parcel of land having a depth greater than its frontage, and having a width less than the minimum required lot width, but not less than twenty-five (25) feet. The

maximum distance of the area less than the required width from the front property line shall be one hundred ten (110) feet.

Lot, Interior

A lot other than a corner lot.

Lot, Key

A corner lot that is so designed that the lots located directly behind it face the side street of the corner lot and are not separated by an alley shall be considered a key lot.

(A) See [Figure 4.07.03.1: Key Lot](#) (Page [185](#))

Lot Frontage

That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

Lot Line, Front

The narrower side of the lot abutting a street. Where two lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines.

(A) See [Figure 9.01.01.3: Front Yard, Building Line, and Lot Width Measurement](#) (Page [348](#))

Lot Line, Rear

The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero.

(A) See [Figure 9.01.01.6: Yard Measurements](#) (Page [349](#))

Lot Line, Side

Any lot line not the front or rear lot line.

Lot Lines or Property Lines

The lines bounding a lot as defined herein.

Lot of Record

A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Collin or Denton County or a lot subdivided by metes and bounds description prior to February 1984.

Lot Width

The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line that is closest to the front lot line.

(A) See [Figure 9.01.01.3: Front Yard, Building Line, and Lot Width Measurement](#) (Page [348](#))

Lumen

Unit used to express the light output of a lamp or fixture.

Luminary

A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

Luminous Tube Lighting

Gas-filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used (e.g. neon, argon, etc.).

Machine Shop

A workshop where metal fabrication tools, including, but not limited to, lathes, presses, and mills, are used for making, finishing, or repairing machines or machine parts.

Major Thoroughfare

A six lane divided roadway as identified on the Thoroughfare Plan of the Comprehensive Plan.

Masonry Construction

(A) Primary Materials

Unless otherwise provided for in this Ordinance, exterior construction materials are fired brick, natural and manufactured stone, granite, marble, architectural concrete block, and 3-step stucco process for all structures.

(B) Other Materials

Other exterior construction materials for nonresidential structures are tilt wall concrete panels and sealed and painted concrete block.

Massage Therapy, Licensed

Any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by State law. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

Massage Therapy, Unlicensed

Any place of business in which massage therapy is practiced by an unlicensed massage therapist. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

Mini-Warehouse/Self-Storage

A building(s) containing separate, individual self-storage units for rent or lease. The conduct of sales, business, or any activity other than storage shall be prohibited within any individual storage unit.

Miscellaneous Hazardous Industrial Use

Any industrial use not specifically defined in this section that is a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation.

Manufactured Home (HUD Code)

A factory-built, single-family structure, which is manufactured or constructed under authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation and is constructed with a permanent chassis and displays a red HUD certification label.

Model Home

A single family dwelling in a developing subdivision located on a legal lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built in the same subdivision.

Modular Home (or Industrialized Housing)

Per Section 1202 of the Texas Occupations Code or as may be amended:

- (A) Modular or Industrialized housing is a residential structure that is:
 - (1) Designed for the occupancy of one or more families,
 - (2) Constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site, and
 - (3) Designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.
- (B) Modular or Industrialized housing includes the structure's plumbing, heating, air conditioning, and electrical systems.
- (C) Modular or Industrialized housing does not include:
 - (1) A residential structure that exceeds three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof,
 - (2) Housing constructed of a sectional or panelized system that does not use a modular component, or
 - (3) A ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

Mortuary/Funeral Parlor

A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Motel

A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, housekeeping service, and telephone are provided. Each motel room unit has direct access to the outside. Financial consideration for Motel room units is generally calculated on a nightly basis.

Motorcycle

A usually two-wheeled self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this ordinance, motorbikes, motor scooters, mopeds, and similar vehicles are classified as motorcycles.

Motorcycle Sales/Service

The display, sale, repair, and servicing of new or used motorcycles.

Motor Vehicle

Any vehicle designed to carry one or more persons, which is propelled or drawn by mechanical power, such as automobiles, trucks, motorcycles, and buses.

Multifamily Residence

Attached dwelling units designed to be occupied by three or more households living independently of one another, exclusive of hotels, motels, or residence hotels.

Municipal Uses Operated by the City

Any area, land, building, structure, and/or facility owned, used, leased, or operated by the City, including, but not limited to, administrative office, maintenance facility, fire station, library, sewage treatment plant, police station, water tower, service center, park, heliport, helistop, and golf course.

Museum/Art Gallery

A building serving as a repository for a collection of natural, scientific, artistic, or literary objects of interest, and designed to be used for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods.

Natural Landscape Zone

A landscape zone composed of native and adapted plants that do not require irrigation after establishment.

Net Acreage, Lot

The acreage within the platted lot.

Net Acreage, Subdivision

The total remaining acres of a subdivision after subtracting land dedicated for rights-of-way greater than sixty (60) feet, floodplains, and erosion hazard setbacks, easements greater than twenty (20) feet, areas for thoroughfare screening, and land provided for City and school district purposes.

New Urbanism

The process of reintegrating the components of modern life – housing, workplace, shopping, and recreation – into compact, pedestrian friendly, mixed-use neighborhoods linked by transit and set in a larger regional

open space framework. New Urbanism is commonly referred to as “neotraditional planning” or “traditional neighborhood development.”

Nonconforming Use

A building, structure, or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.

Nonresidential

Property zoned or used for other than residential purposes.

Notice of Incomplete Application

See [Subsection 6.07 Vesting and Complete Application Requirement](#) (Page [267](#)).

Nursery, Major

An establishment for the cultivation and propagation, display, storage, and sale (retail and wholesale) of large plants, shrubs, trees, and other materials used in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use. Outdoor display and storage is permitted.

Nursery, Minor

A retail business for the display and/or sale of trees, shrubs, flowers, ornamental plants, seeds, garden and lawn supplies, and other materials used in indoor and outdoor planting, without outside storage or display.

Nursing/Convalescent Home

An institutional facility licensed by the State of Texas providing in-patient health care, personal care or rehabilitative services over a long period of time generally exceeding thirty days to persons chronically ill, aged or disabled who need on-going health supervision but not including hospitals. This use excludes the provision of surgical or emergency medical services and the provision of care for alcoholism, drug addiction, mental disease, or communicable disease.

Occupancy Classification

The use or intended use of the land or buildings by proprietors or tenants.

Office, Administrative, Medical, or Professional

A building used for the provision of executive, management, or administrative services. Typical uses include, but are not limited to, administrative offices and services including real estate, property management, investment, medical, architect, engineer, travel, secretarial services, accounting organizations and associations, and vehicle rental office without on-site storage of fleet vehicles.

Office and Storage Area for Public/Private Utility

The pole yard, maintenance yard, or administrative office of public or private utilities.

Office Center

A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers such as a coffee shop, newspaper or candy stand.

Office/Showroom

A building that primarily consists of sales offices and sample display areas for products and/or services delivered or performed off-premises. Catalog and telephone sales facilities are appropriate. Incidental retail sales of products associated with the primary products and/or services are permitted. Warehousing facilities shall not exceed fifty (50) percent of the total floor area. This designation does not include contractor's shop and storage yard.

Office/Warehouse/Distribution Center

A building primarily devoted to storage, warehousing, and distribution of goods, merchandise, supplies, and equipment. Accessory uses may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

Officially Approved Place of Access

Access, other than a dedicated street, to a property, which is approved by the City.

Oil Well/Gas Well and Mineral Extraction

Area used for development and production and all operational activities associated with oil and gas for any well drilled, to be drilled, or used for the intended or actual production of oil or natural gas, or a well classified as an oil or gas well under the laws of the State of Texas. Mineral extraction is the process of extracting sand, gravel, stone, or other minerals/natural resources from the earth.

Open Ornamental Fence

Fencing constructed with wrought iron, tubular steel or similar materials and designed to allow for partial visibility from one side of the fence to the other. Open ornamental fences may have solid masonry foundations, columns, or similar features. Chain link fences are not included in this definition.



Figure 7.01.3: Open Ornamental Fence with Landscape Materials

Outdoor Lighting

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

Outside Storage and Display

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

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

Outside Merchandise Display, Temporary

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

Park or Playground

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

Parking Lot

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

Parking Space

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

Patio Home (or Zero Lot Line Residence)

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

Pawn Shop

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

Permit

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

Photometric Plan

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

Plan for Development of Real Property or a Plan for Development

An administratively complete application for a Preliminary Site Plan or Site Plan. An application for a Preliminary Site Plan or Site Plan shall be considered administratively complete when all information required to be submitted by [Subsection 6.05 Site Plan Requirements](#) (Page [251](#)) for consideration has been received by the City, in addition to any required fees.

Planned Development District

Planned associations of uses developed as integral land use units such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single family dwellings or any appropriate combination of uses which may be planned, developed or operated or integral land use units either by a single owner or a combination of owners.

Planning & Zoning Commission

A board, appointed by the City Council as an advisory body, authorized to recommend changes in the zoning and other planning functions as delegated by the City Council. Also referred to as the "Commission."

Plant Coefficient (Pc)

A coefficient that, when multiplied by the reference evapotranspiration rate, estimates the amount of water used by plants.

Plat

A plan of a subdivision of land creating building lots and showing all essential dimensions and other information essential to comply with the subdivision standards of the City and subject to approval by the Planning & Zoning Commission and filed in the plat records of either Collin or Denton County.

Plot

A single unit or parcel of land that can be identified and referenced to a recorded plat or map.

Portable Building Sales

An establishment that displays and sells structures which are capable of being carried and transported to another location, not including manufactured homes.

Premises

Land together with any buildings or structures situated thereon.

Primary Use

The principal or predominant use of any lot or building.

Print Shop, Major

An establishment specializing in long-run printing operations including, but not limited to, book, magazine, and newspaper publishing using engraving, die cutting, lithography, and thermography processes.

Print Shop, Minor

An establishment specializing in short-run operations to produce newsletters, flyers, resumes, maps, construction documents and plans, and similar materials using photocopying, duplicating, and blue printing processes. This definition shall include mailing and shipping services, but excludes the on-site storage of heavy load fleet vehicles.

Private Club

An establishment holding a Private Club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code, as amended, that derives thirty-five (35) percent or more of its gross revenue from the sale or service of

alcoholic beverages for on-premise consumption and that is located within a dry area as defined in Title 6 (Local Option Elections) of the Texas Alcoholic Beverage Code, as amended.

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

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

Private Street Development

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

Private Utility (other than listed)

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

Progress Towards Completion

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

Project

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

Protected Residential Property

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

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

Public/Semi-Public Uses

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

Railroad Track and Right-Of-Way

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

Recreational Vehicle (RV)

A portable or mobile living unit used for temporary human occupancy away from the place of permanent residence of the occupants and self-propelled (motorized). Also see heavy load vehicle.

Recreational Vehicle Sales and Service, New/Used

Sales and/or leasing of new and/or used recreational vehicles or boats, including, as an accessory use, repair work of recreational vehicles and boats.

Recreational Vehicle/Truck Parking Lot or Garage

An area or structure designed for the short or long-term parking or storage of recreational vehicles, boats, or heavy load vehicles.

Recycling Center

A facility in which recoverable resources, such as newspapers, glassware, and metal cans are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.

Recycling Collection Point

An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items is allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas such as in churches and schools.

Recycling Plant

A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

Redevelopment

Any manmade change or alteration to a design and/or layout of an existing Development(s) including repair, expansion and/or removal and replacement of existing building and/or structure, paving drainage, utilities, storage and/or agricultural uses.

Rehabilitation Care Facility

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

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

Rehabilitation Care Institution

Subject to being licensed to operate by the Texas Department of Aging and Disability Services (DADS), a facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.

Research and Development Center

A facility that includes laboratories and experimental equipment for medical testing, prototype design and development, and product testing. Any facility that is determined by Health, Fire, or Building officials to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation is not to be included in this category.

Residence

Any building or portion thereof, which is designed or used as living quarters for one (1) or more households.

Residence Hotel (Extended Stay Hotel)

A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, housekeeping service, and telephone are provided. Residence Hotel room units are designed to be suitable for long term occupancy with financial consideration being calculated on a nightly, weekly, and/or monthly basis. Typical Residence Hotel attributes include, but are not limited to, kitchen facilities, two-story design, and external doorways into room units.

Residential District

District where the primary purpose is residential use.

Restaurant

An establishment where food and drink are prepared and consumed primarily on the premises. Drive-up windows are permitted.

Restaurant, Drive-In

An eating establishment where primarily food or drink is served to customers in motor vehicles or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.

Retail Stores and Shops

An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retail/Service, Incidental

Any use different from the primary use but which complements and/or supplements the primary use. Said use shall be operated for the benefit or convenience of the employees, visitors, or customers of the primary use. Incidental shall mean an area that constitutes not more than fifteen (15) percent of the main use.

Retirement Housing

Any age restricted development which may be in any housing form, including detached and attached dwelling units, apartments, and residences, offering private and semiprivate rooms and designed to provide meals and nursing care.

Riparian Buffer

An area of permanent vegetation adjacent to a water course and actively managed to maintain the integrity of stream channels and shorelines to reduce the impact of upland sources by trapping, filtering, and

converting pollutants and supplying food, cover, and thermal protection to fish and other wildlife. The Director shall establish and maintain a Riparian Buffer/Corridor Map.

Riparian Corridor

An ecosystem that includes three (3) major components: stream channel, floodplain, and transitional upland fringe. The Director shall establish and maintain a Riparian Buffer/Corridor Map indicating Riparian Corridor locations.

Room

A building or portion of a building that is arranged, occupied, or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.

Salvage Yard

Any lot upon which two (2) or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.

Satellite Dish Antenna

An oval or round, parabolic apparatus capable of receiving television communications.

School, Private

A school operated by a private or religious agency or corporation other than an independent school district, having a curriculum generally equivalent to a public elementary or secondary school.

School, Public

A school operated by an independent school district and providing elementary or secondary curriculum.

School District Bus Yard

Any premises owned and/or operated by an independent school district used for the parking and storage of motor-driven buses.

Servant's Quarters

An accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or a person or persons employed on the premises by the occupant on a full time basis as domestic help.

Sewage Treatment Plant/Pumping Station

A facility owned and/or operated by a private entity that is designed for the collection, removal, treatment, and/or disposal of water borne sewage.

Sexually Oriented Uses

Sexually oriented establishments and businesses as defined in City Ordinance Nos. 87-05-03, 91-02-05, 97-10-18, and 97-10-19 as they exist or may be amended. Sexually oriented uses include, but are not limited to, adult bookstore, adult video store, adult theater, adult cabaret, sexual encounter center, and nude modeling center.

Shopping Center

A group of primarily retail and service commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, provision of aesthetically appropriate design and protection from the elements.

Single Family Residence, Attached

A building having separate accommodations for, and occupied by not more than, two (2) households, whereby each individual dwelling unit is located on a separate lot of record as a result of the property line being coincident with the common wall separating each dwelling unit, such that dwelling units may be individually owned.

Single Family Residence, Detached

A dwelling designed and constructed for occupancy by one (1) household and having no physical connection to a building located on any other separate lot or tract.

Small Engine Repair Shop

A shop for the repair of lawnmowers, chainsaws, lawn equipment, and other small engine equipment and machinery.

Smart Controller

Smart controllers estimate or measure depletion of available plant soil moisture in order to operate an irrigation system, replenishing water as needed while minimizing excess water use. A properly programmed smart controller requires initial site-specific set-up and will make irrigation schedule adjustments, including run times and required cycles, throughout the irrigation season without human intervention.

Stable, Commercial

A stable used for the rental of stall space or for the sale or rental of horses or mules.

Stationary Food Vendor

Any person or persons who operates or sells food from a stationary cart, or trailer mounted on chassis, but without an engine for period of fifteen (15) calendar days or greater per year. Stationary food vendors who operate for fourteen (14) calendar days or less shall be considered temporary food establishments, as defined by the City Health Ordinance as it exists or may be amended. (Ord. No. 2021-04-32; 4/20/21)

Storage or Wholesale Warehouse

A building used primarily for the storage of goods and materials.

Story

That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above (also see "Mezzanine" and Section 502.1 from the 2006 International Building Code). It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

Story, Half

A single room within a dwelling unit above the second floor. A half-story will occupy no less than two-thirds (2/3) of the area under the roof, and shall have non-operating opaque windows for façades that face adjacent properties. Transparent windows may face the front yard. A half-story containing independent apartment, living quarters, or bedroom shall be counted as a full story.

Street

Any dedicated public thoroughfare that affords the principal means of access to abutting property.

Street, Intersection

Any street that joins another street at an angle, whether or not it crosses the other.

Structural Alterations

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

Structural Soil

A soil medium which is designed to meet or exceed pavement load bearing requirements while remaining root penetrable and supportive of tree growth.

Structure

Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground (also see definition of Building).

Studio Residence

A residence that includes up to fifty (50) percent of its total floor area as a work area for a photographer, artist, musician, architect, or similar occupation. The primary occupant of the work area must also be a permanent resident of the dwelling unit. All activities associated with the studio shall take place in the primary structure, as opposed to an accessory building or yard.

Taxidermist

An establishment whose principal business is the practice of preparing, stuffing, and mounting the skins of dead animals for exhibition in a lifelike state.

Telephone Exchange

A central switching hub servicing the public at large in which telephone lines are connected to permit communication.

Temporary Building

An industrialized or modular building or structure without a permanent foundation shall be considered a temporary building. Membrane structures shall not be considered a temporary building.

Temporary Irrigation

An irrigation system that is used to establish native and adapted plants species and is removed after a one year establishment period.

Temporary Outdoor Lighting

The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than four (4) calendar days with at least one-hundred and eighty (180) calendar days passing before being used again.

Theater, Drive-In

An open lot devoted to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

Theater, Neighborhood

A building or part of a building devoted to the showing of motion pictures or for dramatic, musical, or live performances, with a maximum of ten screens, stages, or combination thereof or a combined seating capacity of 2,500 or less.

Theater, Regional

A building or portion of a building used primarily for showing motion pictures or for dramatic, musical, or live performance having more than ten screens, stages, or combination thereof or a combined seating capacity greater than 2,500.

Townhome

A structure containing three (3) to eight (8) dwelling units with each unit designed for occupancy by one household and each unit attached to another by a common wall.

Tract

An un-platted area, parcel, site, piece of land, or property that is the subject of a zoning or development application.

Trailer, Hauling

A vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods or commodities, including boats.

Trailer, Travel or Camping

A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants designed to be towed behind another vehicle.

Trailer Rental

The display and offering for rent of trailers designed to be towed by light load vehicles.

Trailer/Manufactured Home Display and Sales

The offering for sale, storage, or display of trailers or manufactured homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

Transit Center

Any premises, including train or bus stations, for the loading and unloading of passengers and the temporary parking of transit vehicles between routes or during stopovers and excluding overnight parking and storage of transit vehicles.

Tree

A plant having a permanently woody main stem or trunk, ordinarily growing to a considerable height, and usually developing branches at some distance from the ground.

Tree, Protected

(A) Trees that meet the following requirement and are determined to be healthy by the Director:

- (1) Any tree six (6) inches or larger in diameter when measured at a point four and one-half feet (4½') above the ground level and which normally attains a height of at least twelve (12) feet at maturity.

(B) The following trees are excluded from the above definition of Protected Trees.

#	Common Name	Botanical Name
1	Bois d' Arc	Maclura pomifera
2	Chinaberry	Melia azedarach
3	Cottonwood	Populus deltoides
4	Hackberry, Texas Sugarberry	Celtis laevigata
5	Honey Locust	Gleditsia triacanthos
6	Mesquite	Populus deltoides
7	Mimosa	Mimosa sp.
8	Mulberry	Morus rubra
9	Silver Leaf Maple	Acer saccharinum
10	White Poplar	Populus alba
11	Willow	Willow sp.

Tree, Replacement or Transplanted

- (A) Any tree that is listed under [4.02.03. \(A\) Approved Plant Materials](#) (Page [126](#)) of the Zoning Ordinance, as it exists or may be amended, and/or utilized for mitigation of Protected Trees that have been or are required to be removed and replaced or transplanted under the requirements of the Ordinance.
- (B) A Replacement Tree is one that has been planted to mitigate the removal of a tree from the property.
- (C) A Transplanted Tree is one that exists on the property and is relocated within the property.
- (D) Replacement/Transplanted Trees are a minimum size of three (3) inches when measured at a point twelve (12) inches above the natural ground level and will normally attain a height of at least twelve (12) feet at maturity.

Tree, Street

A street tree is a tree required between the back of the curb and the sidewalk.

Truck

A light or heavy load vehicle (see definition for light and heavy load vehicle).

Truck Sales, Heavy Trucks

The display, storage, sale, leasing, or rental of new or used panel trucks, vans, trailers, recreational vehicles, or buses in operable condition.

Truck Terminal

An area and building where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis, including facilities for the temporary storage of loads prior to shipment.

Truck/Bus Repair

An establishment providing major and minor repair services to panel trucks, vans, trailers, recreational vehicles, or buses.

Two Family Residence (Duplex)

A detached dwelling designed with a common vertical wall between units and to be occupied by two households living independently of each other.

Urban Living (integrated with Hotel land use)

A minimum of two multifamily dwellings units on one lot that are vertically integrated into a structure also containing a hotel land use as noted per the Use Chart (Subsection 3.02).

(Ord. No. 16-01-05; 01/19/2016)

Urban Mixed Use

A development or portion of a development that includes a mixture of residential and nonresidential uses in a configuration where a majority of the buildings are two or more stories tall and pedestrian oriented.

Usable Open Space

Any land parcel or natural area that is set aside, dedicated, designated, or reserved for private use and enjoyment of owners and occupants of the land adjoining or neighboring such open space area.

(Ord. No. 18-11-68; 11/26/18)

Utility Distribution/Transmission Line

Facilities, including subsidiary stations, that serve to distribute, transmit, transform, or reduce the pressure of gas, water, or electric current, including, but not limited to, electrical transmission lines, gas transmission lines, and metering stations.

Variance

An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the Board of Adjustment of the City can grant a variance.

Veterinarian Clinic and/or Kennel, Indoor

An establishment, not including outside pens/kennels, where animals and pets are admitted for examination and medical treatment, or where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.

Veterinarian Clinic and/or Kennel, Outdoor

An establishment with outdoor pens/kennels, where animals and pets are admitted for examination and medical treatment, or where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.

Village Green

A communal usable open space area or park central to a neighborhood.

Water Resource Zone

A landscape zone that is designed for the purpose of capturing, filtering, reusing or infiltrating rainwater with the intended purpose of protecting and conserving water resources.

Water Treatment Plant

A facility owned and/or operated by a private entity that is used to alter the physical, chemical, or biological quality of water.

Wind Energy Conversion Systems, Farm or Utility

The principal use of the land is the commercial production of energy through one or multiple wind energy conversion systems (WECS).

Wind Energy Conversion Systems, Small

A small wind energy conversion systems (WECS) shall be defined as any device such as a wind charger, windmill, or wind turbine, which converts wind energy to a form of usable energy and is an incidental use to the primary use of a property.

Winery

An establishment holding a "Winery Permit" issued by the Texas Alcoholic Beverage Commission in accordance with the Texas Alcoholic Beverage Code, as amended. (Ord. No. 2020-04-24; 4/21/20)

Yard

An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

(A) See [Figure 4.07.02.2: Method for Measuring Front Yards](#) (Page [182](#)).

Yard, Front

A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.

(A) See [Figure 9.01.01.3: Front Yard, Building Line, and Lot Width Measurement](#) (Page [348](#)).

Yard, Rear

The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

(A) See [Figure 9.01.01.6: Yard Measurements](#) (Page [349](#)).

Yard, Side

The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.

(A) See [Figure 9.01.01.6: Yard Measurements](#) (Page [349](#)).

Zoning Application

A request to consider an ordinance establishing or changing a zoning district, including but not limited to an ordinance establishing or amending a Planned Development District or Specific Use Permit.

Zoning District Map

The official map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the Zoning Ordinance.

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Section 8. Administrative Clauses



PROGRESS IN MOTION

Subsection 8.01. Savings / Repealing

(A) Illegal Uses

By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use.

- (1) Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be.

(B) Repealing

All provisions of any ordinance in conflict with this Ordinance are hereby repealed; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance.

Subsection 8.02. Penalty for Violations

(A) Violation

A person who knowingly violates any provision of this chapter is guilty of a separate offense for each day during which the violation is continued.

(B) Fine

Each offense is punishable by a fine of not more than \$2,000 nor less than \$200, imprisonment, or both. The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

(C) Legal Rights

The penal provision imposed under this Ordinance shall not preclude the City of Frisco from filing suit to enjoin the violation. The City of Frisco retains all legal rights and remedies available to it pursuant to local, state, and federal law.

Subsection 8.03. Severability

(A) Unconstitutional or Invalid Section

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

(B) Independent Sections

The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

Subsection 8.04. Estoppel / Waiver

The failure of the City to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

Subsection 8.05. Publication

This Ordinance shall become effective after its passage and publication as required by law and the City Charter of the City of Frisco, Texas.

Approved as to Form:	Passed and Enrolled
	_____ Day of, _____, 20____
City Attorney (Signature in above box)	Adoption Date
	Mayor, City of Frisco, Texas (Signature in above box)
	Attest:
	City Secretary, City of Frisco, Texas (Signature in above box)

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Section 9. Appendices



PROGRESS IN MOTION

Subsection 9.01. Illustrations

9.01.01. Purpose and Use of Illustrations

The following illustrations are intended to be used as references through this Zoning Ordinance.

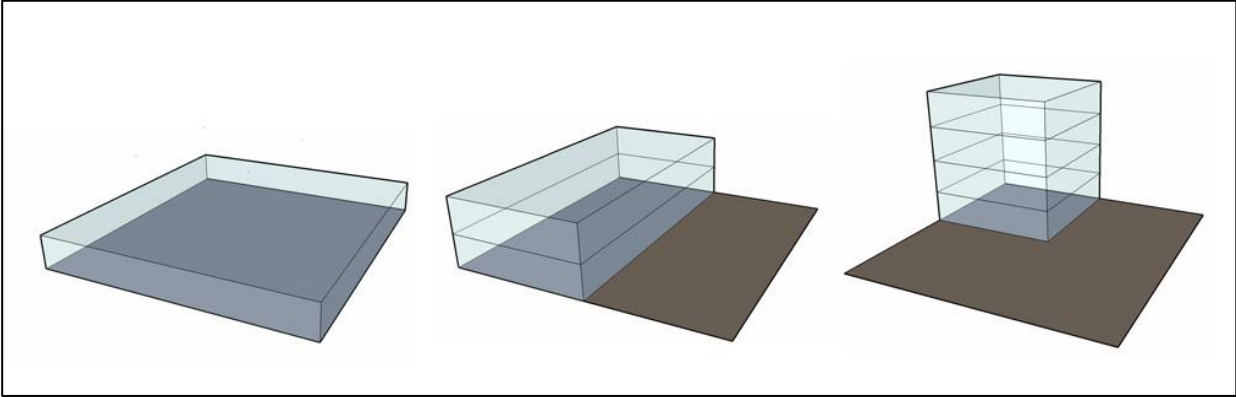


Figure 9.01.01.1: Floor Area Ratio Illustration of 1:1

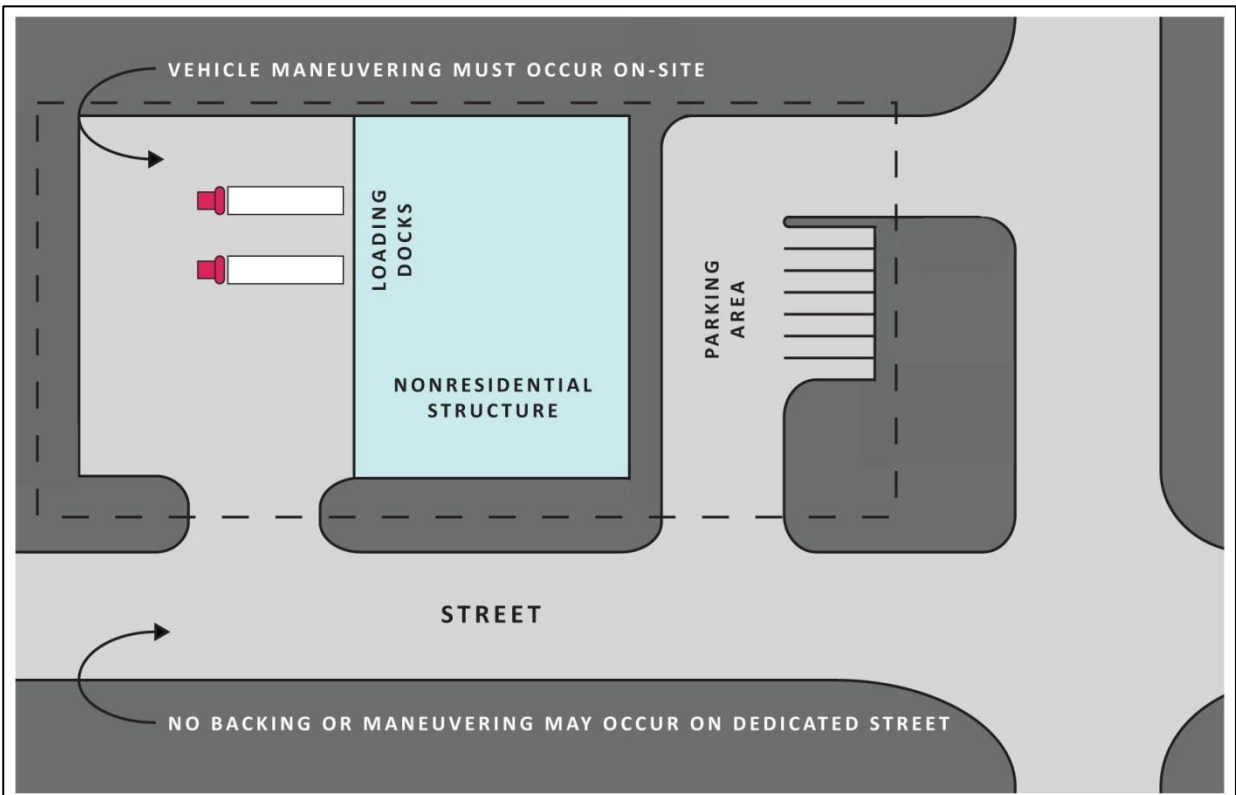


Figure 9.01.01.2: Off-Street Maneuvering for Loading and Parking Areas

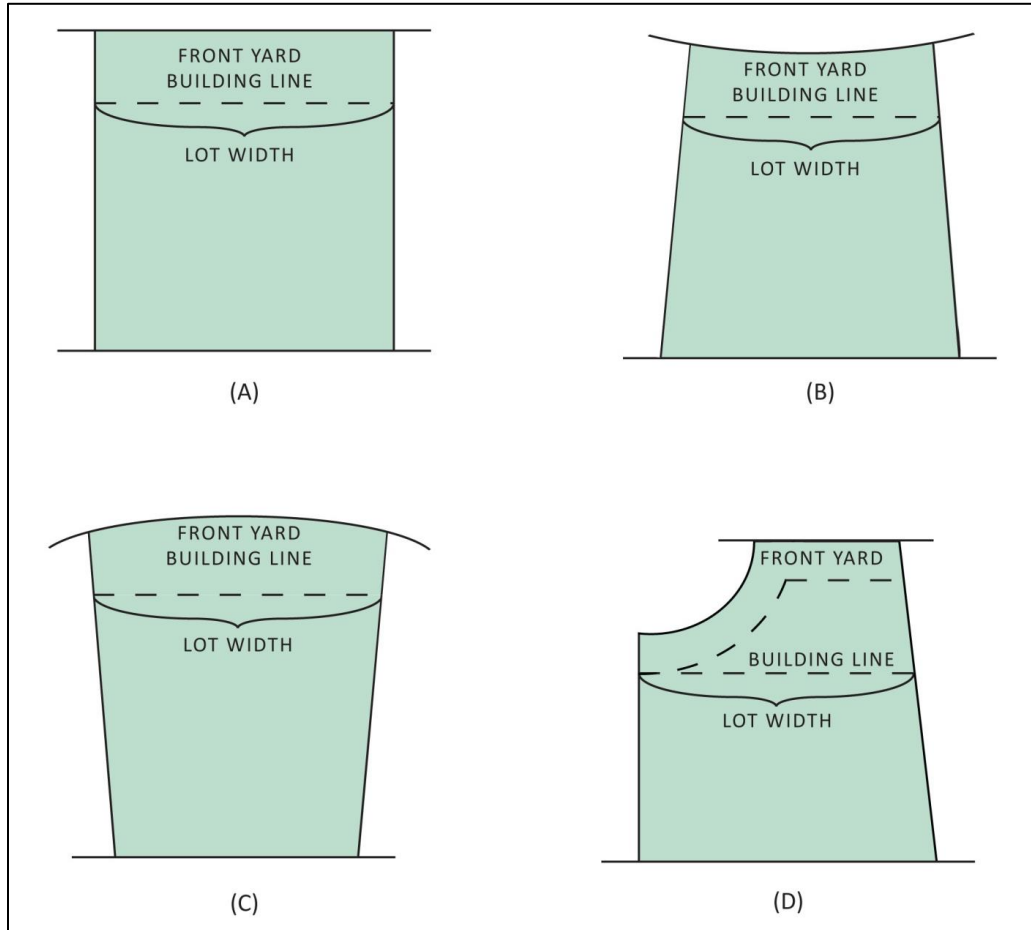


Figure 9.01.01.3: Front Yard, Building Line, and Lot Width Measurement

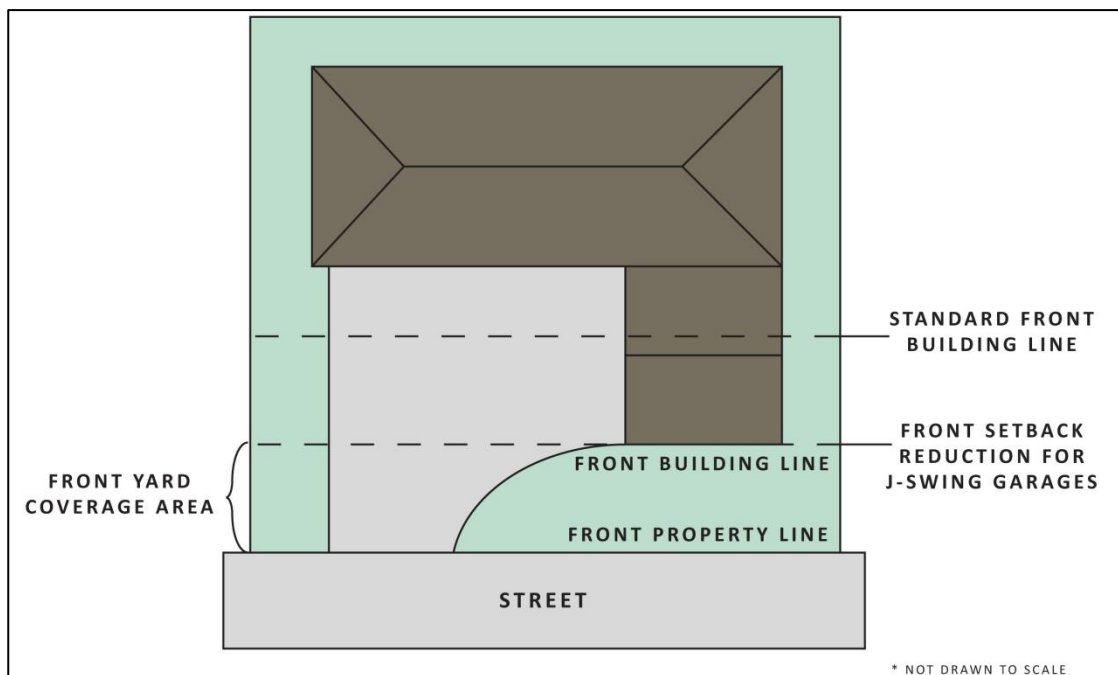


Figure 9.01.01.4: Front Yard Coverage

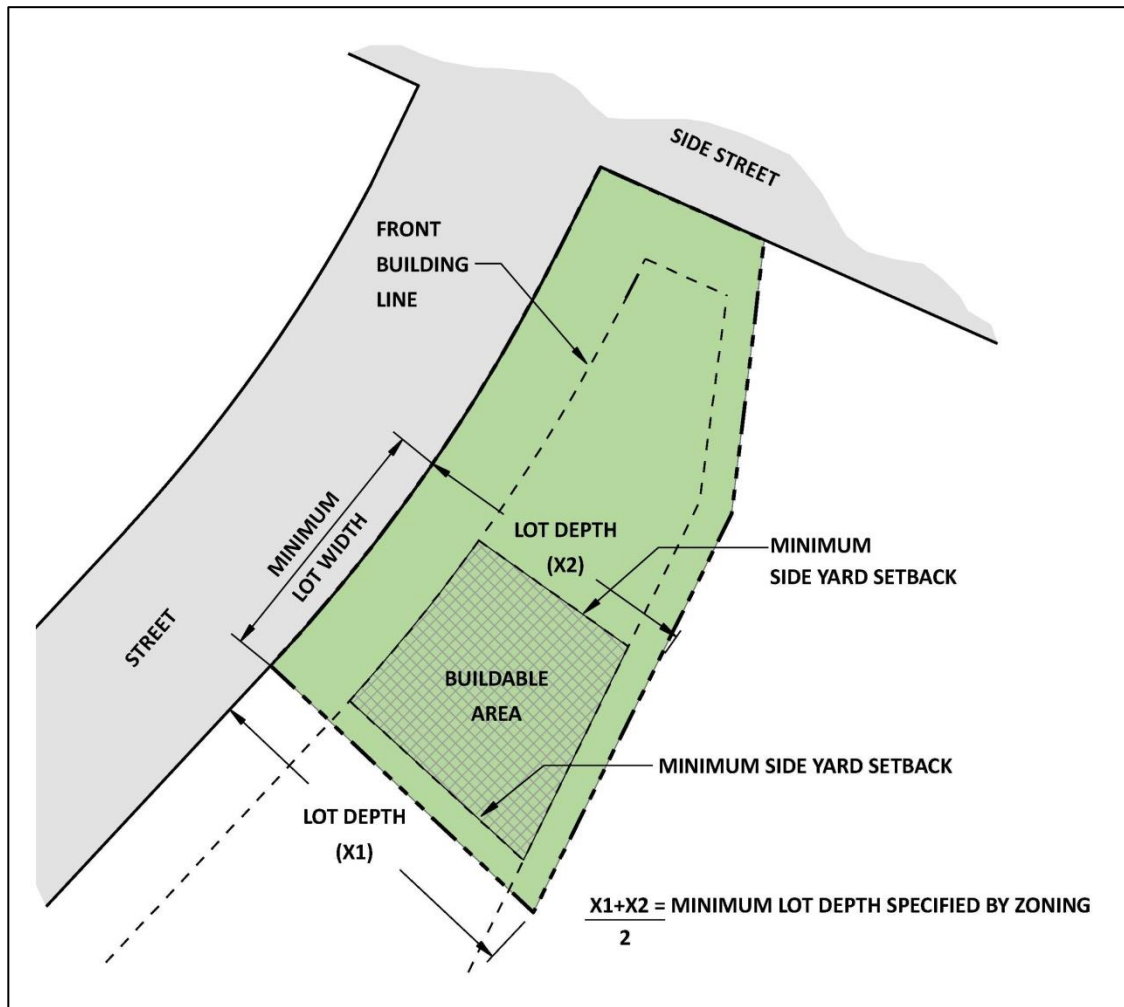


Figure 9.01.01.5: Determining Lot Depth on an Irregular Shaped Lot

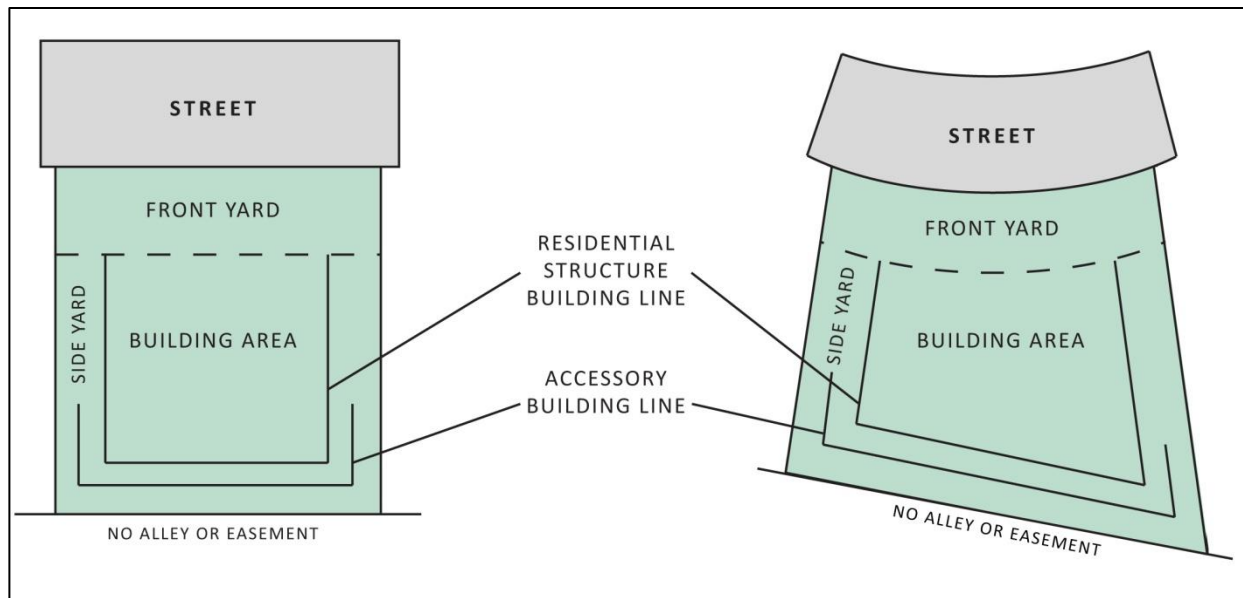


Figure 9.01.01.6: Yard Measurements

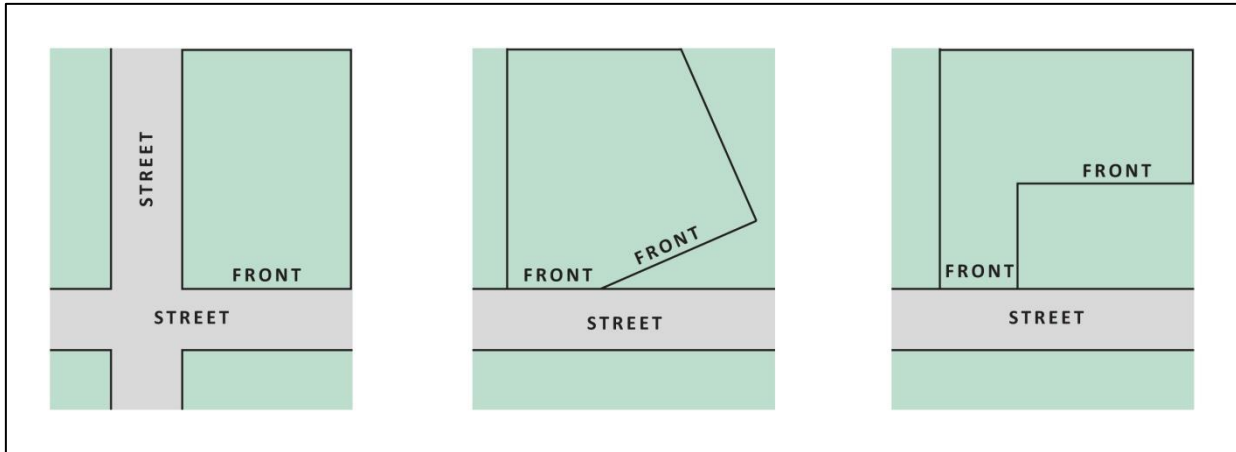


Figure 9.01.01.7: Lot Lines, Front

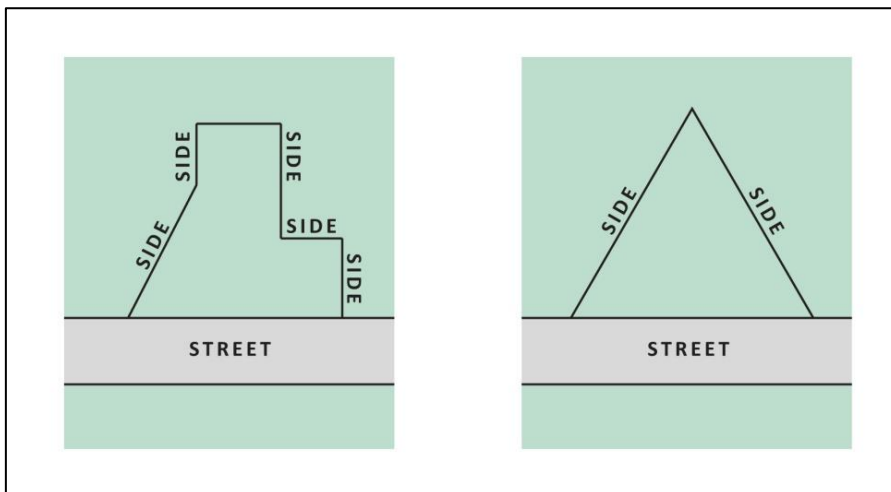


Figure 9.01.01.8: Lot Lines, Side

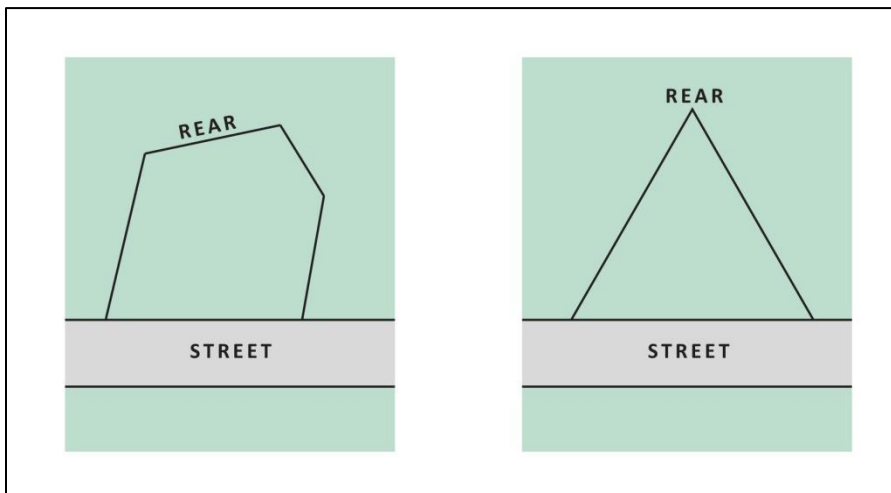


Figure 9.01.01.9: Lot Lines, Rear

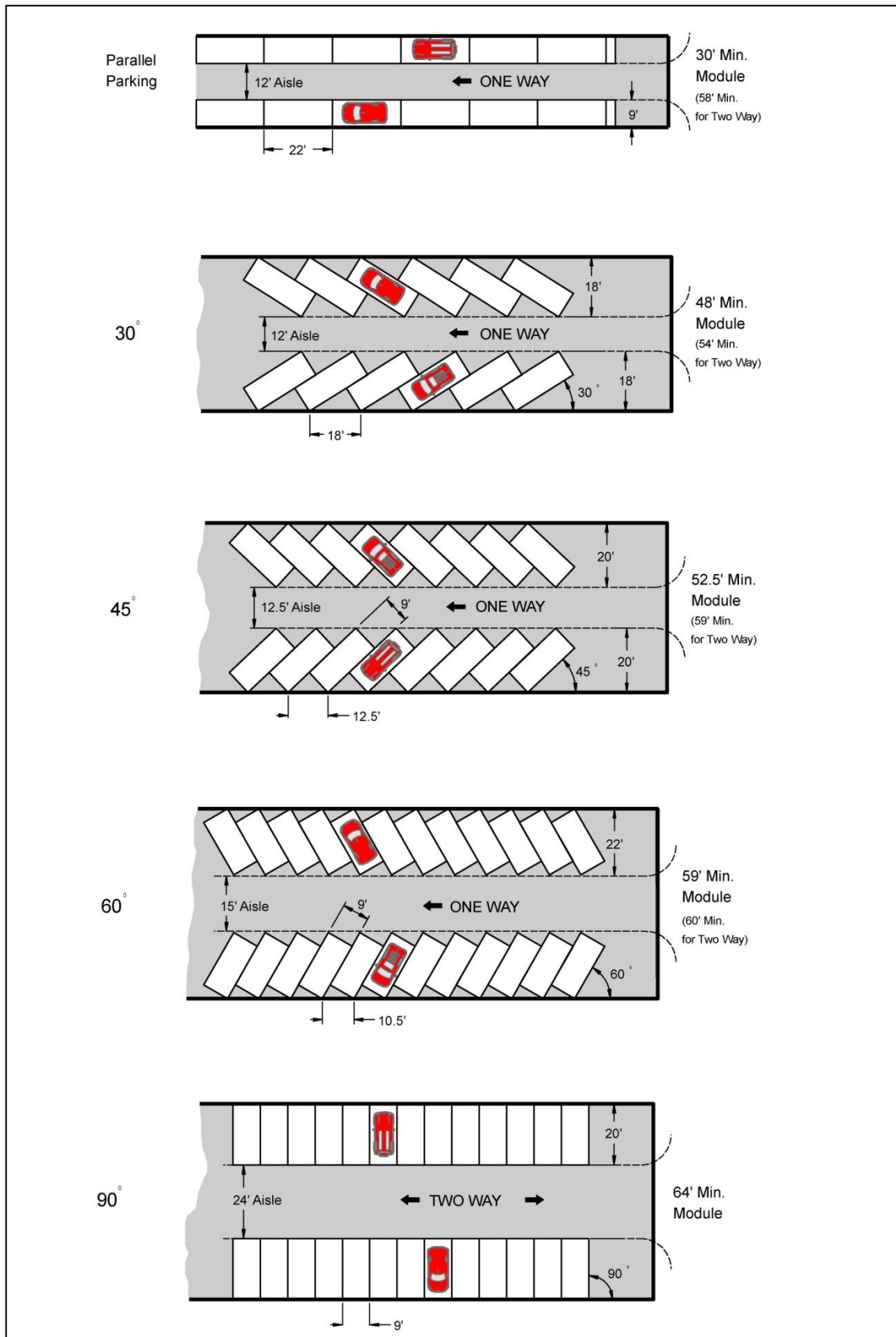


Figure 9.01.01.10: Parking Layouts

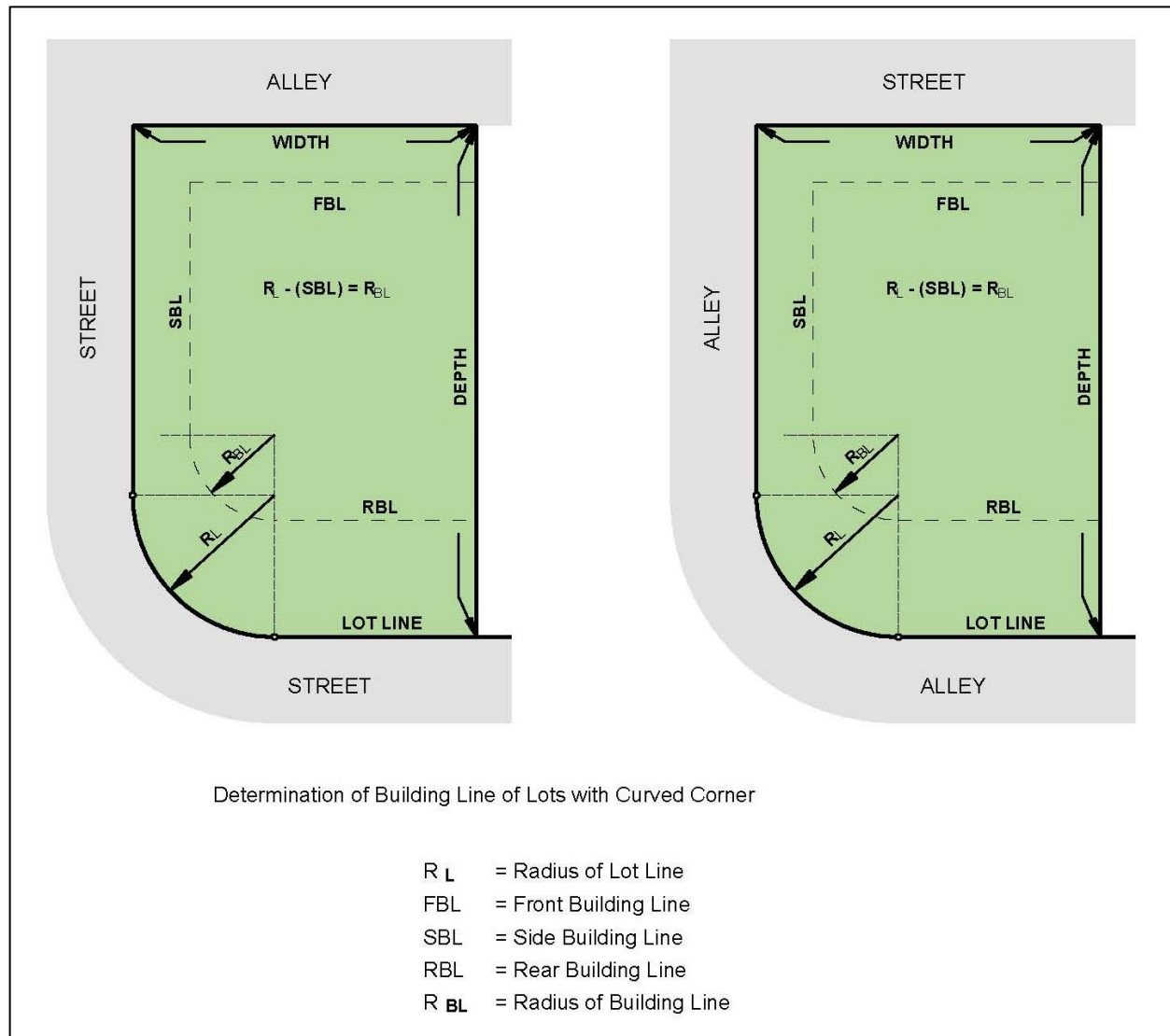


Figure 9.01.01.11: Determination of Building Line of Lots with Curved Corners

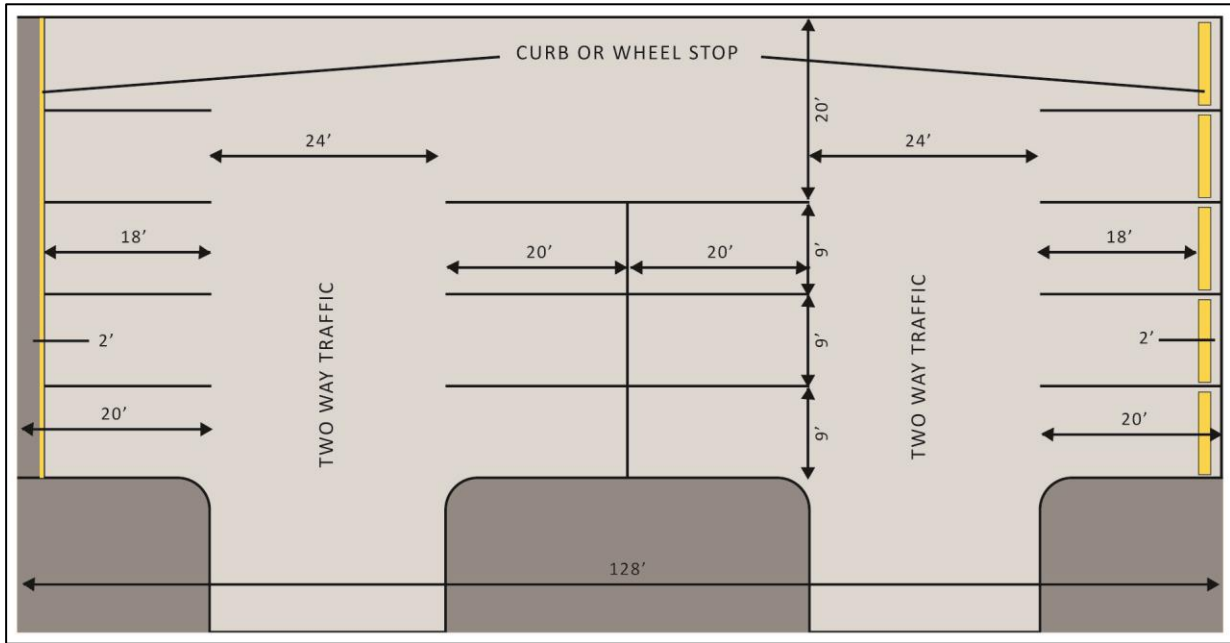


Figure 9.01.01.12: Parking Space Standards

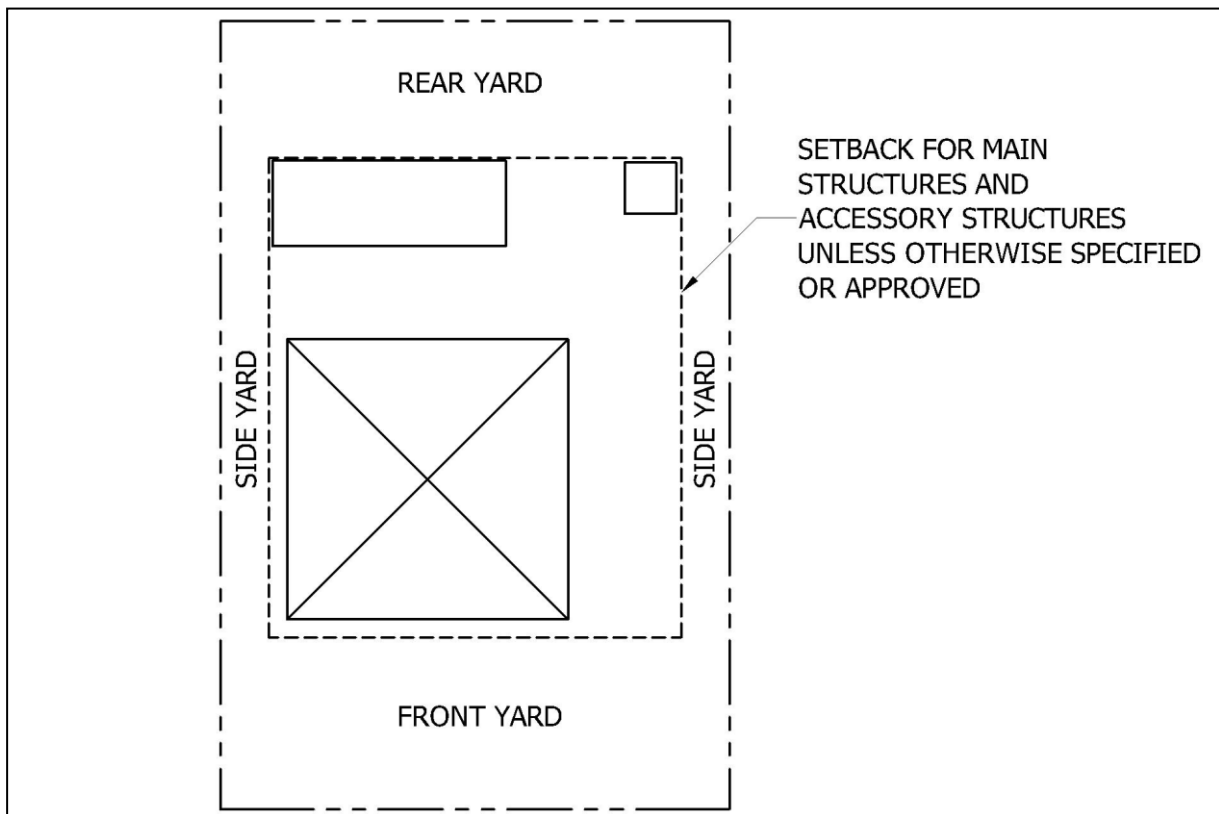


Figure 9.01.01.13: Accessory Building Setbacks

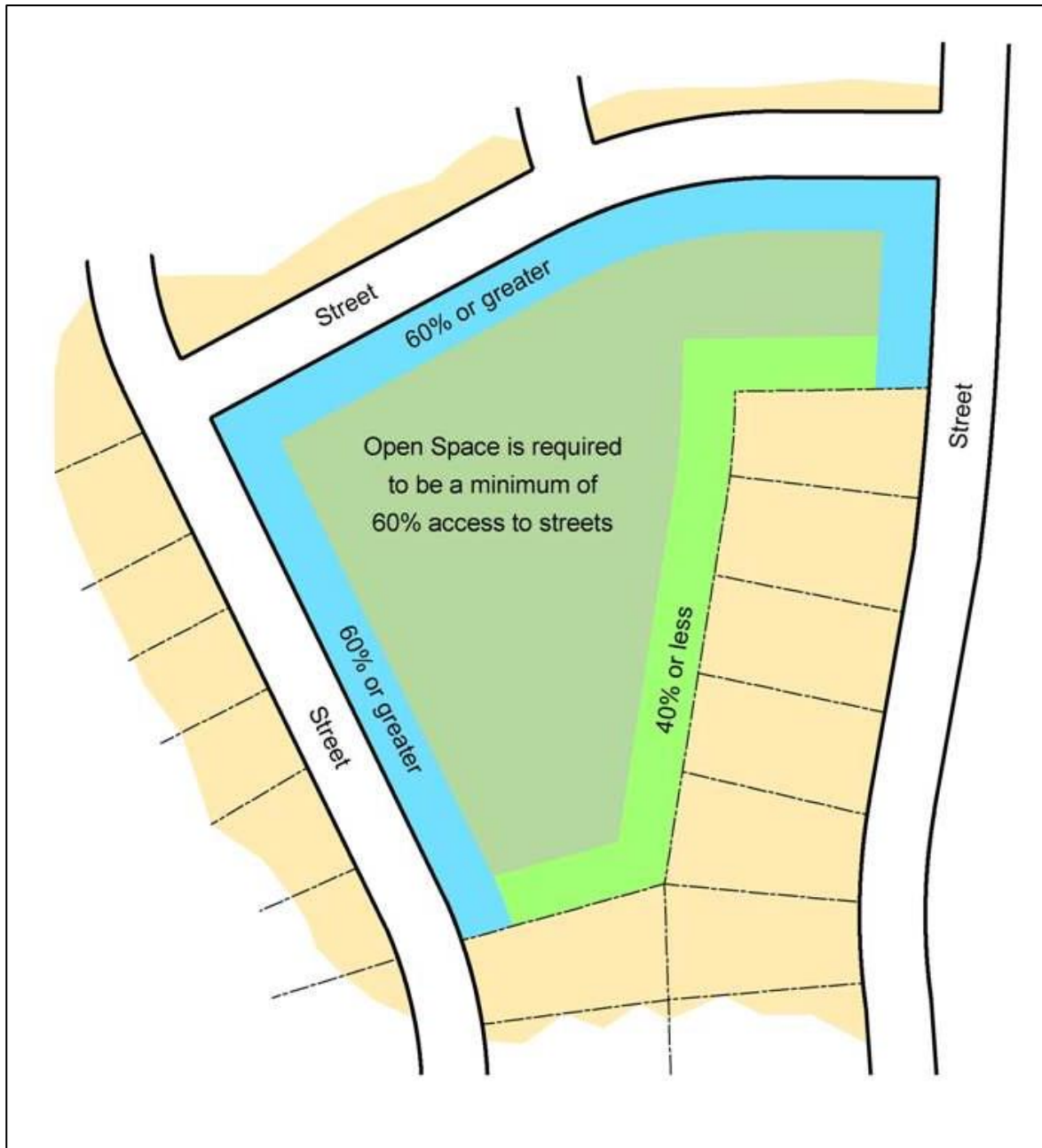


Figure 9.01.01.14: Patio Home and Townhome Open Space Requirement

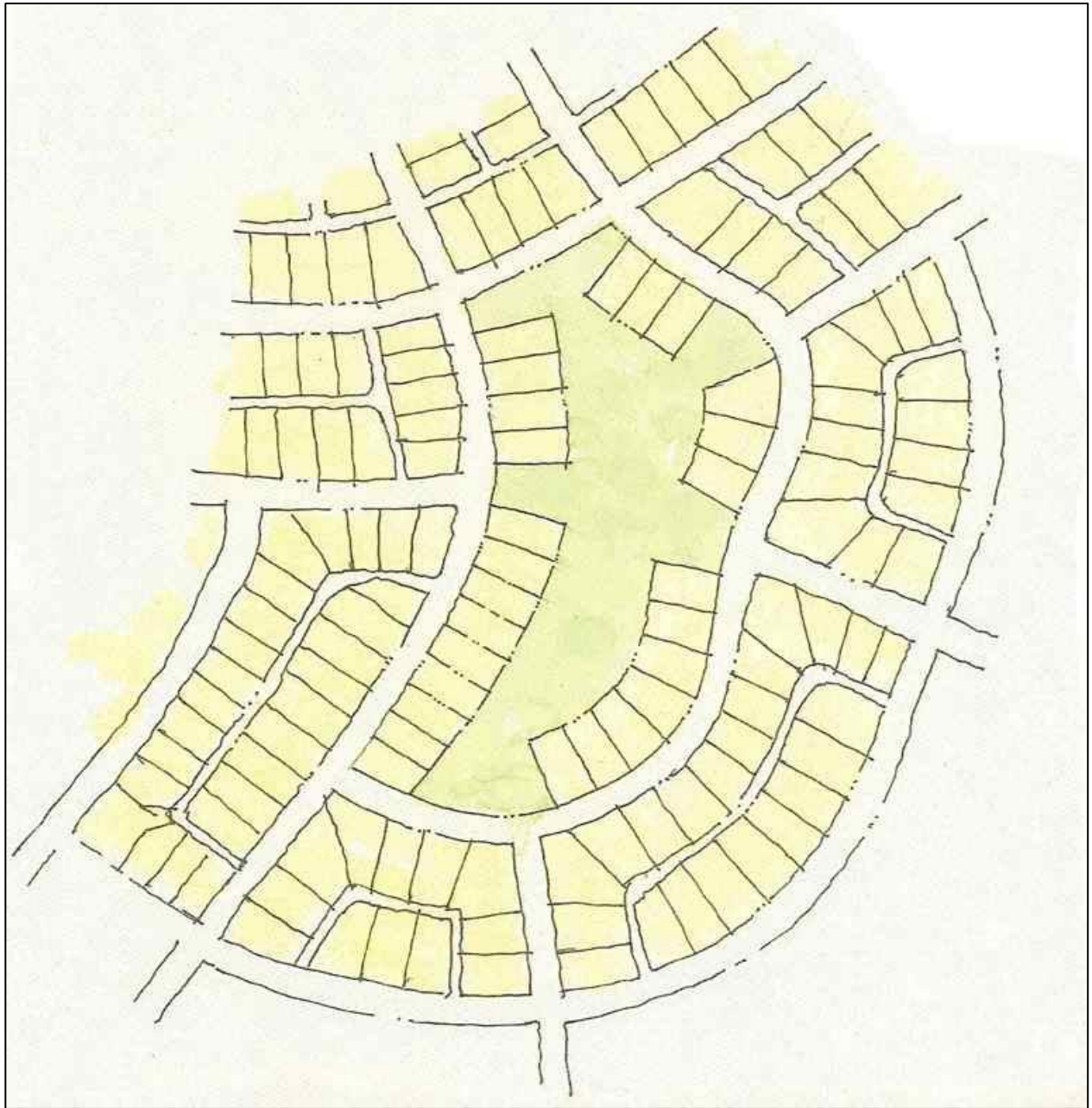


Figure 9.01.01.15: Open Space Reduction Exhibit A



Figure 9.01.01.16: Open Space Reduction Exhibit B

Subsection 9.02. Planned Developments

The Director shall maintain and update [a list of all Planned Developments](#) that shall be adopted in reference to this ordinance.

Subsection 9.03. Specific Use Permits

The Director shall maintain and update a list of all Specific Use Permits that shall be adopted in reference to this ordinance.

Subsection 9.04. Historic Landmark Designations

The following tracts of land have been designated as Historic Landmarks. Their locations are indicated on the Zoning District Map by an HL with a numerical value. The following describes the location of the property and various characteristics and conditions of approval:

#	Ordinance	Address (Location)
HL-1	00-09-17	7546 Oak Street (0.6± acre located on the northeast corner of North County Road and Oak Street)
HL-2	07-04-15	7604 Oak Street (1.0 acres)
HL-3	07-04-16	7210 Oak Street (0.6 acres on the northwest of County Road and Oak Street)

Subsection 9.05. Conversion Chart for Ordinance Nos. 93-07-11 and 00-11-01

Section	Location within Ordinance No. 93-07-11	Location within Ordinance No. 00-11-01	Current Ordinance No. 11-04-09
Enacting Clause	Section 1	Article I, Section 1	Subsection 1.01
Purpose	Section 2	Article I, Section 2	Subsection 1.02
Zoning District Map	Section 3	Article I, Section 3	Subsection 1.03
Zoning District Boundaries	Section 4	Article I, Section 4	0
Compliance Required	Section 5	Article I, Section 5	Subsection 1.05
Zoning Upon Annexation	Section 6	Article I, Section 6	Subsection 6.01
Zoning Districts Established and Definitions	Section 7	Article II, Section 1	Subsection 2.01
Use of Land and Buildings	Section 8	Article II, Section 3	Subsection 3.01
A – Agricultural District	Section 9	Article III, Section 1 (1.01)	2.03.01.
RE – Residential Estate District	Section 10	Article III, Section 1 (2.01)	2.03.02.
SF-1 – Single Family Residential District	Section 11	Article III, Section 1 (3.01)	2.03.03.
SF-2 – Single Family Residential District	Section 12	Article III, Section 1 (4.01)	2.03.04.
SF-3 – Single Family Residential District	Section 13	Article III, Section 1 (5.01)	2.03.05.
SF-4 – Single Family Residential District	Section 14	Article III, Section 1 (6.01)	2.03.06.
SF-5 – Single Family Residential District	Section 15	Article III, Section 1 (7.01)	2.03.07.
SF-6 – Single Family Residential District	Section 16	Article III, Section 1 (8.01)	2.03.08.
PH – Patio Home Residential District	Section 17	Article III, Section 1 (9.01)	2.03.09.
TH – Townhome District	Section 18	Article III, Section 1 (11.01)	2.03.11.
2F – Two Family Residential (Duplex)	Section 19	Article III, Section 1 (10.01)	2.03.10.
MF-1 – Multiple Family District – 1	Section 20	Article III, Section 1 (12.01)	2.03.12.
MF-2 – Multiple Family District – 2	Section 21	Article III, Section 1 (13.01)	2.03.13.
MH – Mobile Home District	Section 22	Article III, Section 1 (14.01)	2.03.14.
O-1 – Office District –1	Section 23	Article III, Section 2 (1.01)	2.04.01.
O-2 – Office District –2	Section 24	Article III, Section 2 (2.01)	2.04.02.
NS – Neighborhood Service District	Section 25	Article III, Section 2 (3.01)	
R – Retail	Section 26	Article III, Section 2 (4.01)	2.04.03.
OT – Original Town	Section 27	Article III, Section 2 (5.01)	2.04.04.
C-1 – Commercial District – 1	Section 28	Article III, Section 2 (6.01)	2.04.06.
C-2 – Commercial District – 2	Section 29	Article III, Section 2 (7.01)	2.04.07.
H – Highway District	Section 30	Article III, Section 2 (8.01)	2.04.05.
CO - Corporate Office District	Section 31-1	Article III, Section 2 (9.01)	
IT - Information & Technology District	Section 31-2	Article III, Section 2 (10.01)	2.04.08.
I – Industrial District	Section 32	Article III, Section 2 (11.01)	2.04.09.
PD – Planned Development District	Section 33	Article III, Section 3 (1.01)	2.05.01.
SUP or “S” – Specific Use Permits	Section 34	Article III, Section 3 (2.01)	2.05.02.
HL – Historic Landmark District	Section 34[A]	Article III, Section 3 (3.01)	2.05.03.
Preston Road Overlay District		Article III, Section 3 (4.01)	2.05.04.
Off-Street Parking and Loading Requirements	Section 35	Article IV, Section 4	Subsection 4.04
Special and Additional Supplementary Regulations	Section 36	Article IV, Section 9	Subsection 4.07
Accessory Building and Use Regulations	Section 37	Article IV, Section 7	Subsection 4.06
Site Plan Approval	Section 38	Article IV, Section 1	Subsection 6.05
Landscape Requirements	Section 39	Article IV, Section 2	Subsection 4.02
Screening Fence and Wall Standards	Section 40	Article IV, Section 5	Subsection 4.03
Lighting and Glare Standards	Section 41	Article IV, Section 6	Subsection 4.05
Tree Preservation Requirements		Article IV, Section 3	Subsection 4.01
Sign Regulations		Article IV, Section 8	

Section	Location within Ordinance No. 93-07-11	Location within Ordinance No. 00-11-01	Current Ordinance No. 11-04-09
Definitions	Section 42	Article II, Section 4	Section 7
Platting Property Not Permanently Zoned	Section 43	Article I, Section 7	Subsection 6.02
Creation of Building Site	Section 44	Article I, Section 8	0
Nonconforming Uses and Structures	Section 45	Article I, Section 10	Subsection 1.06
Changes and Amendments to All Zoning Ordinances and Districts and Administrative Procedures	Section 46	Article I, Section 11	Subsection 6.06
Certificates of Occupancy and Compliance	Section 47	Article I, Section 9	0
Preserving Rights in Pending Litigation and Violations Under Existing Ordinances	Section 48	Article V, Section 1	Subsection 8.01
Penalty for Violations	Section 49	Article V, Section 2	Subsection 8.02
Severability	Section 50	Article V, Section 3	Subsection 8.03
Estoppel/Waiver	Section 51	Article V, Section 4	Subsection 8.04
Publication	Section 52	Article V, Section 5	Subsection 8.05
Illustrations	Appendix A	Article VI, Appendix 1	Subsection 9.01
Planned Developments	Appendix B	Article VI, Appendix 2	Subsection 9.02
Specific Use Permits	Appendix C	Article VI, Appendix 3	Subsection 9.03
Historic Landmarks	Appendix D	Article VI, Appendix 4	Subsection 9.04
Equivalency Table			Subsection 2.02
TO – Tollway Overlay District			2.05.05.
Development Standards Tables			Subsection 2.06
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Nonresidential Design Standards			Subsection 4.09
Residential Cluster Development Option			Subsection 4.10
Voluntary Buffer Areas for Creeks and Tributaries			Subsection 4.11
Multifamily Development Standards			Subsection 4.12
Usable Open Space Requirements			Subsection 4.13
Director of Development Services			Subsection 5.01
Planning & Zoning Commission			Subsection 5.02
City Council			Subsection 5.03
Board of Adjustment	Section 46	Article I, Section 11	Subsection 5.04
Vesting and Complete Application Requirements		Article I, Section 12	Subsection 6.07
Dormant Development Projects / Expired Projects		Article I, Section 13	Subsection 6.08
Variance Procedures	Section 46	Article I, Section 11	Subsection 6.09
Amortization of Nonconforming Uses			Subsection 6.11
Landscape Plan Review			Subsection 6.13
PD Application and Review	Section 33	Article III, Section 3 (1.01)	Subsection 6.14
Specific Use Permit (SUP) Application and Review	Section 34	Article III, Section 3 (2.01)	Subsection 6.15
Facade Plan Review			Subsection 6.16
Historic Landmark Procedures	Section 34[A]	Article III, Section 3 (3.01)	Subsection 6.17
Alternative Compliance Standards			Subsection 6.18
Appeals and the Appeal Process			Subsection 6.19
Downtown Architectural Design Standards; OTC & OTR			Subsection 9.06
Form-Based Code Manual			Subsection 9.07

Subsection 9.06. Downtown Architectural Design Standards; OTC & OTR

The [Downtown Architectural Design Standards; OTC & OTR](#), as they exist in Ordinance No. 02-09-104, as amended, are adopted into this ordinance as if fully set forth herein.



Figure 9.01.01.1: Cover Page of the Downtown Architectural Design Standards; OTC & OTR

Subsection 9.07. Form-Based Code Manual

The [Form-Based Code Manual](#), as it exists in Ordinance No. 07-12-69, as amended, is adopted into this ordinance as if fully set forth herein.

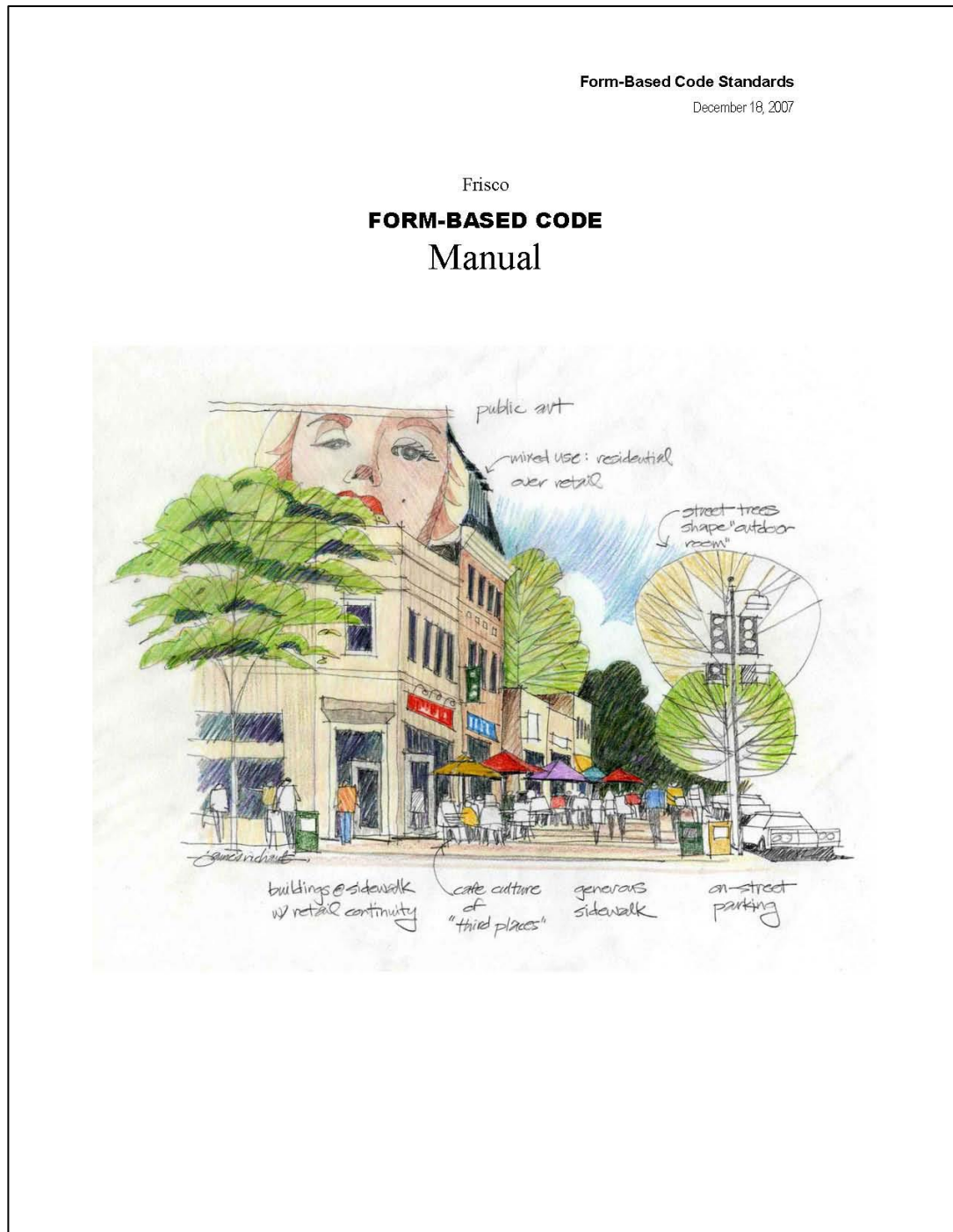


Figure 9.01.01.1: Cover Page of the Form-Based Code Manual

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