

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, AMENDING ARTICLE 2 SECTION 3.03 (SCHEDULE OF USES), SECTION 3.04 (CONDITIONAL DEVELOPMENT STANDARDS), AND SECTION 4.02 (DEFINITIONS) OF THE COMPREHENSIVE ZONING ORDINANCE NO. 00-11-01; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that Article 2 Section 3.03 (Schedule of Uses), Section 3.04 (Conditional Development Standards), and Section 4.02 (Definitions) of the City of Frisco, Texas ("Frisco") Comprehensive Zoning Ordinance No. 00-11-01 should be amended; and

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

WHEREAS, the City Council finds that it will be advantageous, beneficial and in the best interest of the citizens of Frisco to amend Frisco's Comprehensive Zoning Ordinance No. 00-11-01 as set forth below.

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

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

SECTION 2: Amendment to Frisco's Comprehensive Zoning Ordinance No. 00-11-01. Article 2 Section 3.03 (Schedule of Uses), Section 3.04 (Conditional Development Standards), and Section 4.02 (Definitions) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01 is hereby amended as follows:

3.03 SCHEDULE OF USES (Z2000-0061, ZA2001-0010, ZA2002-0001, ZA2002-0004, ZA2002-0009, ZA2002-0019)

A	RE	SF-1	SF-2	SF-3	SF-4	SF-5	OT-R	PH	TH	2F	MF-1	MF-2	MH	Section 3.03(B) Accessory and Incidental Uses										Preston Road Overlay District						
Agricultural	Residential Estate	Single-Family 1	Single-Family 2	Single-Family 3	Single-Family 4	Single-Family 5	Original Town Residential	Patio Home	Town Home	Two Family	Multi-Family 1	Multi-Family 2	Mobil Home	Office 1	Office 2	Neighborhood Services	Retail	Original Town Commercial	Highway	Commercial 1	Commercial 2	Corporate Office	Information & Technology	Industrial	US 380 Gateway	Rural Corridor	Main Street	Retail Corridor	SH 121 Gateway	
7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7						

3.04 CONDITIONAL DEVELOPMENT STANDARDS (ZA2001-0010, ZA2002-0004, ZA2002-0016)

7 Temporary Building:

- A. Temporary buildings may be utilized by houses of worship (churches), public schools, and government agencies only. (See Article II, Section 4, 4.02);
- 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 Building Official, who shall evaluate each application for a temporary building based on the following criteria:
 - a) 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;
 - b) total enrollment, employment, and/or membership size;
 - c) documentation of growth records depicting the number of people in the congregation, school and/or office;
 - d) whether the facility is a start-up church, or school, or new government facility;
 - e) indication of alternative options that were explored before a temporary building application was considered;
 - f) acts of nature; and/or
 - g) any other evidence which is reasonably related to the immediate need for additional space;
 - 2) a preliminary site plan to the Planning and Development 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 Planning and Development 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) 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);
 - 2) has a specific plan of how an additional year would allow the applicant to construct the permanent building(s) by providing:
 - a) evidence of numeric growth, beyond that which was specifically anticipated by the applicant;
 - b) house of worship (church), school, or government membership, enrollment, and/or employment growth records;
 - c) evidence that alternative options were explored before an extension of the temporary building permit was requested; and
 - d) any other criteria reasonably deemed appropriate by the Planning & Zoning Commission.
- E. The applicant may challenge a decision of the Building Official or Planning & Zoning Commission, by appealing, in writing, to the City Council within 14 days of a decision of the Building Official or the Planning & Zoning Commission. The City Council's decision is final.
- F. Four or more members of City Council may appeal the decision of the Planning & Zoning Commission by submitting a written notice of appeal to the Planning & Development Department. The City Council shall consider and act on whether it will appeal the Commission's decision no later than fourteen (14) 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. Written notice of the City Council's vote to appeal shall be submitted to the Planning & Development Department within seven (7) days of the City Council's vote. The City Council shall consider the appeal at a public meeting no later than forty-five (45) days after the date on which the notice of appeal is submitted to the Planning & Development Department. The City Council may affirm, modify, or reverse the decision of the Planning & Zoning Commission.

SECTION 4 DEFINITIONS

- 4.02 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. These temporary buildings may be used by a house of worship (church), public school (kindergarten (K) through twelfth (12th) grade), or government building for a period no greater than three (3) years, subject to approval by the Building Official. Additional one (1) year extension(s), thereafter, may be approved by the Planning & Zoning Commission. Appeals for determinations made by the

Building Official or Planning & Zoning Commission may be forwarded to City Council for consideration. See Article II, Section 3.04(7) Temporary Building.

SECTION 3: Savings/Repealing Clause: Frisco's Comprehensive Zoning Ordinance No. 00-11-01 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

SECTION 4: Severability: Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5: Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance or any provision of Frisco's Comprehensive Zoning Ordinance No. 00-11-01, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6: Effective Date: This Ordinance shall become effective from and after its adoption and publication as required by law the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
FRISCO, TEXAS on this 19th day of August, 2003.

E. Michael Simpson
E. MICHAEL SIMPSON, Mayor

ATTESTED TO AND
CORRECTLY RECORDED BY:

Nan Parker

NAN PARKER
City Secretary

APPROVED AS TO FORM:

Julie Y. Fort

ABERNATHY, ROEDER, BOYD & JOPLIN, P.C.
RICHARD M. ABERNATHY
City Attorneys

DATE OF PUBLICATION:

August 22, 2003
August 29, 2003, Frisco Enterprise