CITY OF FRISCO, TEXAS **ORDINANCE NO.: _____**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, AMENDING ORDINANCE NO. 00-11-01; AMENDING THE SCHEDULE OF USES IN SECTION 3.03 (G) OF ARTICLE II OF FRISCO'S COMPREHENSIVE ZONING ORDINANCE NO. 00-11-01 AS IT RELATES TO ALCOHOLIC BEVERAGE ESTABLISHMENTS, PRIVATE CLUBS, AND RESTAURANT OR CAFETERIA USES; AMENDING §§ 3.04(25)(a), 3.04(26)(b), 3.04(26)(c)(A), 3.04(32)(b), AND 3.04(32)(b)(A) OF FRISCO'S ORDINANCE NO. 00-11-01; AMENDING REGULATIONS ON RESTAURANT OR CAFETERIA, ALCOHOLIC BEVERAGE ESTABLISHMENT, AND PRIVATE CLUB USES TO ALLOW SUCH USES IN SPECIFIC RESIDENTIAL DISTRICTS IF THEY ARE ACCESSORY TO A GOLF COURSE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City Council of the City of Frisco. Texas ("City Council") has invested and determined that it is in the best interest of the citizens of Frisco to amend the provisions of Comprehensive Zoning Ordinance No. 00-11-01 as described herein, in order to allow restaurant or cafeterias, alcoholic beverage establishments, and private club uses in specific residential zoning districts when they are an accessory use to a golf course.

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. Amending the Restaurant or Cafeteria use listed in Section 3.03 (G) (Service Uses) of Article II (Permitted Uses and Definitions) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01. The Restaurant or Cafeteria use shown in the Schedule of Uses in Subsection 3.03(G) of Article II (Permitted Uses and Definitions) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01 is hereby amended to reference Paragraph 25 (Restaurant or Cafeteria), as amended under this Ordinance, in those districts as depicted in Exhibit A, which is attached to and made a part of this Ordinance.

SECTION 3. Amending the Private Club use provided for in Section 3.03 (G) (Service Uses) of Article II (Permitted Uses and Definitions) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01. The Private Club use in Subsection 3.03(G) (Service Uses) of

Article II (Permitted Uses and Definitions) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01 is hereby amended to reference Paragraph 32 (Private Club), as amended under this Ordinance, in those districts as depicted in Exhibit A, which is attached to and made a part of this Ordinance.

SECTION 4. Amending the Schedule of Uses in Section 3.03 (G) (Service Uses) of Article II (Permitted Uses and Definitions) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01. The Schedule of Uses in Section 3.03(G) of Article II (Permitted Uses and Definitions) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01 is hereby amended to reference Paragraph 26 (Alcohol Beverage Establishment), as amended under this Ordinance, in those districts as depicted in Exhibit A, which is attached to and made a part of this Ordinance.

SECTION 5. Amending Subparagraph (a) of Paragraph 25 (Restaurant or Cafeteria) of Subsection 3.04 (Conditional Development Standards) of Section 3 (Use of Land and Buildings) of Article II (Permitted Uses and Definitions) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01. Subparagraph (a) of Paragraph 25 (Restaurant or Cafeteria) Subsection 3.04 (Conditional Development Standards) of Section 3 (Use of Land and Buildings) of Article II (Permitted Uses and Definitions) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01, is hereby amended to read as follows:

> "(a) A Restaurant or Cafeteria is permitted by specific use permit in the NS zoning district and is permitted by right in the R, OTC, O-2, C-1, C-2, CO, H, IT, and I zoning districts. A Restaurant or Cafeteria is also permitted in the A, RE, SF-1, SF-2, SF-3, SF-4, SF-5, PH, TH, 2F, MF-1 and MF-2 zoning districts only as an accessory use when in conjunction with the operation of a golf course."

SECTION 6. Amending Subparagraph (b) of Paragraph 26 (Alcoholic Beverage Establishment) of Subsection 3.04 (Conditional Development Standards) of Section 3 (Use of Land and Buildings) of Article II (Permitted Uses and Definitions) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01. Subparagraph (b) of Paragraph 26 (Alcoholic Beverage Establishment) of Subsection 3.04 (Conditional Development Standards) of Section 3 (Use of Land and Buildings) of Article II (Permitted Uses and Definitions) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01 is hereby amended to read as follows:

"(b) An Alcoholic Beverage Establishment is permitted only by specific use permit in R, OTC, O-2, C-1, C-2, CO, H, IT, and I zoning districts. An Alcoholic Beverage Establishment is also permitted by specific use permit in A, RE, SF-1, SF-2, SF-3, SF-4, SF-5, PH, TH, 2F, MF-1, MF-2, O-1, and NS zoning districts only as an accessory use when in conjunction with the operation of a golf course."

SECTION 7: Amending Item A of Subparagraph (c) of Paragraph 26 (Alcoholic Beverage Establishment) of Subsection 3.04 (Conditional Development Standards) of Section 3 (Use of Land and Buildings) of Article II (Permitted Uses and Definitions) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01. Item A of Subparagraph (c) of Paragraph 26 (Alcoholic Beverage Establishment) of Subsection 3.04 (Conditional Development Standards) of Section 3 (Use of Land and Buildings) of Article II (Permitted Uses and Definitions) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01 is hereby amended to read as follows:

"A. Eight Hundred (800) feet from a church, public hospital, public school, private school, and/or residential zoning district. For this purpose, residential zoning districts shall include, but is not limited to, properties that are zoned Neighborhood Service and residential Planned Development Districts. Separation from residential zoning districts does not apply to Alcoholic Beverage Establishments that are an accessory use in conjunction with the operation of a golf course."

SECTION 8. Amending Subparagraph (b) of Paragraph 32 (Private Club) of Subsection 3.04 (Conditional Development Standards) of Section 3 (Use of Land and Buildings) of Article II (Permitted Uses and Definitions) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01. Subparagraph (b) of Paragraph 32 (Private Club) of Subsection 3.04 (Conditional Development Standards) of Section 3 (Use of Land and Buildings) of Article II (Permitted Uses and Definitions) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01 is hereby amended to read as follows:

"(b) A Private Club is permitted only by specific use permit in R, OTC, O-2, C-1, C-2, CO, H, IT, and I zoning districts. A Private Club is also permitted by specific use permit in the A, RE, SF-1, SF-2, SF-3, SF-4, SF-5, PH, TH, 2F, MF-1, MF-2, O-

1, and NS zoning districts only as an accessory use when in conjunction with the operation of a golf course."

SECTION 9: Amendment to Item A of Subparagraph (b) of Paragraph 32, Subsection 3.04 (Conditional Development Standards) of Section 3 (Use of Land and Buildings) of Article II (Permitted Uses and Definitions) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01. Item (A) of Subparagraph (b) of Paragraph 32, Subsection 3.04 (Conditional Development Standards) of Section 3 (Use of Land and Buildings) of Article II (Permitted Uses and Definitions) is hereby amended as follows:

> "(A) Eight hundred (800) feet from a church, public hospital, public school, private school, and/or residential zoning district. For this purpose, residential zoning districts shall include, but are not limited to, properties that are zoned Neighborhood Service and residential Planned Development Districts. Separation from residential zoning districts does not apply to Alcoholic Beverage Establishments that are an accessory use in conjunction with the operation of a golf course."

SECTION 10: Penalty Provision. Any person, firm, corporation or entity violating this Ordinance or any provision of Frisco's Comprehensive Zoning Ordinance No. 00-11-01, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding Two Thousand and 00/100 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 11: 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 to the extent they are in conflict; 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 12: 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 13. 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 _____ day of _____, 2009.

_____
Maher Maso, Mayor

ATTESTED TO AND CORRECTLY RECORDED BY:

_____
Jenny Page, City Secretary

APPROVED AS TO FORM:

_____
Abernathy Roeder Boyd & Joplin P.C.
Claire E. Swann, City Attorneys

Date(s) of Publication: _____, Frisco Enterprise

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(F) Retail Uses	O-1	O-2	NS	R	OT-C	H	C-1	C-2	CO	IT	I	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
26	26	26	26	26	26	26	26	26	26	26	26	26		Alcoholic Beverage Establishment	26	26	26	26	26	26	26	26	26	26	26					
32	32	32	32	32	32	32	32	32	32	32	32	32		Private Club	32	32	32	32	32	32	32	32	32	32	32					
25	25	25	25	25	25	25	25	25	25	25	25	25		Restaurant or Cafeteria	25	25	25	25	25	25	25	25	25	25	25					

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(G) Service Uses	O-1	O-2	NS	R	OT-C	H	C-1	C-2	CO	IT	I	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
26	26	26	26	26	26	26	26	26	26	26	26	26		Alcoholic Beverage Establishment	26	26	26	26	26	26	26	26	26	26	26					
32	32	32	32	32	32	32	32	32	32	32	32	32		Private Club	32	32	32	32	32	32	32	32	32	32	32					
25	25	25	25	25	25	25	25	25	25	25	25	25		Restaurant or Cafeteria	25	25	25	25	25	25	25	25	25	25	25					

ATTACHMENT "A"