

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, AMENDING FRISCO'S ZONING ORDINANCE, ORDINANCE NO. 11-04-09, AS AMENDED, SUBSECTION 1.06 (NONCONFORMING USES AND STRUCTURES); ESTABLISHING CERTAIN NEW REGULATIONS AND MODIFYING CERTAIN EXISTING REGULATIONS RELATING TO NONCONFORMING USES AND STRUCTURES; PROVIDING A PENALTY CLAUSE WITH A MAXIMUM FINE OF \$2,000, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") finds that it would be in the best interest of the citizens of the City of Frisco, Texas ("Frisco") to amend Subsection 1.06 (Nonconforming Uses and Structures) of the Frisco Zoning Ordinance, Ordinance No. 11-04-09, as it exists or may amended (and any successor ordinances thereto) (collectively, the "Zoning Ordinance"), as set forth in this Ordinance; and

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

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 Subsection 1.06 (Nonconforming Uses and Structures) of the Zoning Ordinance. Section 1.06 (Nonconforming Uses and Structures) of the Zoning Ordinance is amended as follows (additions are **bolded blue** and underlined, and deleted sections are shown **red** and ~~strike-through~~):

"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 legally 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 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 subsection, 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 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.
- (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.
 - (3) Any expansion of single-family residential uses on such lots deemed to be in conformance per this section shall comply with the current regulations prescribed in the zoning district at the time of expansion.
- (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.

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 Subsection (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. Expansion of nonconforming buildings or structures beyond ten (10) percent, including portions in compliance with current regulations, is prohibited. Ten (10) percent is the maximum building expansion allowed.

- (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.

1.06.10. Nonconforming Sites.

- (A) Conforming uses locating in a building or structure on a site vested prior to September 1, 2026, shall not be required to bring the site into compliance with current regulations, unless otherwise required by this Ordinance, as it exists or may be amended.”

SECTION 3: Savings/Repealing. The Zoning Ordinance 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 ordinances shall remain in full force and effect.

SECTION 4: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/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. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 5: Penalty. Any person, firm, corporation or entity violating any provision of this Ordinance, or the Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding Two Thousand and No/100 Dollars (\$2,000.00) or the highest amount allowed under applicable law. A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. Allegation and evidence of a culpable mental state is not required for proof of any offense defined in this Ordinance. 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 and the City Charter.

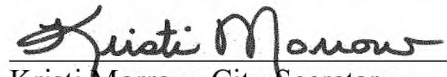
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**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
FRISCO, TEXAS** on this 1st day of September, 2026.

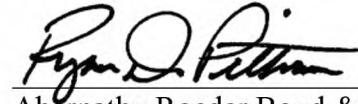



Mark Hill, Mayor

**ATTESTED TO AND
CORRECTLY RECORDED BY:**


Kristi Morrow, City Secretary

APPROVED AS TO FORM:


Abernathy Roeder Boyd & Hullett, P.C.
Ryan D. Pittman, City Attorneys

Dates of Publication: September 4, 2026, and September 11, 2026, *Frisco Enterprise*