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 4.13.03 (NONRESIDENTIAL OPEN SPACE REQUIREMENTS) OF SECTION 4 (SITE DEVELOPMENT REQUIREMENTS), BY MODIFYING CERTAIN REGULATIONS GOVERNING NONRESIDENTIAL OPEN SPACE AND ESTABLISHING NEW REQUIREMENTS FOR CONSOLIDATED AND USABLE OPEN SPACE IN NONRESIDENTIAL DEVELOPMENTS; PROVIDING A PENALTY CLAUSE, 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”) has investigated and determined that Subsection 4.13.03 (Nonresidential Open Space Requirements) of Section 4 (Site Development Requirements) of the Zoning Ordinance, Ordinance No. 11-04-09, as amended (“Zoning Ordinance”), of the City of Frisco, Texas (“Frisco”) should be amended to modify certain regulations governing nonresidential open space and establish new requirements for consolidated and usable open space in nonresidential developments, as provided herein; and

WHEREAS, the City Council finds that this Ordinance contains textual amendments to the Zoning Ordinance that do not change zoning district boundaries, and therefore, written notice to individual property owners is not legally required; and

WHEREAS, the City Council finds that all legal notices required for amending the Zoning Ordinance have been given in the manner and form mandated by law, public hearings have been held on the proposed amendments and all other requirements have been fulfilled; and

WHEREAS, the City Council finds that it would be advantageous, beneficial and in the best interest of the citizens of Frisco to amend the Zoning Ordinance 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 Subsection 4.13.03 (Nonresidential Open Space Requirements) of Section 4 (Site Development Requirements) of the Zoning Ordinance. Subsection 4.13.03 (Nonresidential Open Space Requirements) of Section 4 (Site Development Requirements) of the Zoning Ordinance is hereby amended as follows:

"4.13.03. Nonresidential Open Space Requirements

(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](image1.png)

**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](image2.png)

**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;

d. Lawn; a minimum of 30 (thirty) percent of the consolidated open space requirement, or as otherwise approved by the Planning & Zoning Commission;

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.
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
Tree Groves/Orchards
**Shade Structures**

![Figure 4.13.03.15: Typical Shade Structure](image1)

![Figure 4.13.03.14: Typical Shade Structure](image2)

**Raised Planter Beds**

![Figure 4.13.03.16: Typical Raised Planter Beds](image3)

![Figure 4.13.03.17: Typical Raised Planter Beds with Stone Terracing](image4)

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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](image)

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)
(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) (Placement of Open Space), 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


(G) 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.

The Planning & Zoning Commission shall approve, deny, or approve with conditions the proposed open space plan based upon the criteria listed in Subsection 4.13.03.(G)(1)(a)-(c) (Open Space Recommendation).”

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 upon conviction therefore, shall be fined in a sum not exceeding TWO THOUSAND AND NO/100 DOLLARS ($2,000.00). Each continuing day’s violation 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 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 August, 2017.

Jeff Cheney, Mayor

Attested to and correctly recorded

Jenny Page, City Secretary

Approved as to form:

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

Dates of publication: August 4 & 11, 2017, Frisco Enterprise
Memorandum

To: Honorable Mayor Cheney and Members of the Frisco City Council
Cc: George A. Purefoy, City Manager
    John Lettelleir, FAICP, Director of Development Services
From: Anthony Satarino, AICP, Planning Manager
Date: 08/01/2017

Agenda Caption: Consider and act upon adoption of an Ordinance to amend the Comprehensive Zoning Ordinance, Section 4.13.03. Nonresidential Open Space Requirements and Section 7.01. Terms and Words Defined, concerning proposed amendments to nonresidential open space requirements.

Action Requested: City Council adoption of an Ordinance to amend the Comprehensive Zoning Ordinance, Section 4.13.03. Nonresidential Open Space Requirements and Section 7.01. Terms and Words Defined, concerning proposed amendments to nonresidential open space requirements.

Background Information: On July 6, 2017, the City Council held a public hearing, and directed staff to prepare an Ordinance by a vote of 6 – 0.

Board Review/Citizen Input: The Planning & Zoning Commission held a public hearing on June 28, 2017, and voted 4 – 1 to recommend approval of the request. (Cox absent) (Williamson against because he felt the proposal was too restrictive).

Alternatives: The City Council may:
- Approve the Ordinance;
- Approve the Ordinance with modifications;
- Table for further review; or
- Deny the Ordinance.

Financial Considerations: None.

Legal Review: The City Attorney’s office prepared the Ordinance.
Supporting Documents:

- City Council Outcome Memo dated July 7, 2017.
- Ordinance.

Recommendation: Recommended for adoption.
July 07, 2017

TO: Applicant

FROM: Anthony Satarino, AICP, Planning Manager AS

SUBJECT: Results of the City Council Meeting, July 06, 2017

Public Hearing –
Zoning Ordinance Amendment: Amendment to Nonresidential Open Space Requirements (ZA17-0001)

Owner(s): City of Frisco

Description: A request to amend the Comprehensive Zoning Ordinance, Section 4.13.03. Nonresidential Open Space Requirements and Section 7.01. Terms and Words Defined, concerning proposed amendments to nonresidential open space requirements, and to consider to direct Staff to prepare an ordinance of the same. (Development Services/AS)

Result/Action:

Approved: 6 – 0

ACTION:

City Council approved the request and directed staff to prepare an Ordinance per the following conditions:

4.13.03 Nonresidential Open Space Requirements

(A) Dedicated Amount Requirement

All nonresidential developments shall provide one of the following types of open space:

(1) Consolidated Open Space Type A:
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:

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;
(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
Tree Groves/Orchards
Shade Structures

Raised Planter Beds

This space left intentionally blank
(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](image)

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)
(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


(G) 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.
The Planning & Zoning Commission shall approve, deny, or approve with conditions the proposed open space plan based upon the criteria listed in Subsection 4.13.03.(G)(1)(a-c).
AFFIDAVIT OF LEGAL NOTICE

I, Nick Souders, Inside Sales Manager of the Frisco Enterprise, Celina Record, Internet a newspaper printed in the English language in Collin County, State of Texas, do hereby certify that this notice was Published in the Frisco Enterprise, Celina Record, Internet on the following dates, to-wit

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LEGAL: ORD. 17-08-51 $126.00
(Description) (Cost)

Inside Sales Manager of the Frisco Enterprise, Celina Record, Internet

Subscribed and sworn on this

11 day of August, 2017

Joni Craghead
Notary Public, State of Texas
Name: KRISTI MORROW  
Company: CITY OF FRISCO/CITY SECRETARY  
Address: 6101 FRISCO SQUARE BLVD  
         ATTN: ACCTS. PAYABLE  
         FRISCO, TX 75034-3253  
Account ID: 52740  
Telephone: (972) 292-5025  
Fax: (972) 292-5028  
E-mail: kmorrow@friscotexas.gov  

Name: Name:  
Last 4: Last 4  
Digit: Digit  
Expire: Expire  
Check: Check  
Amount: Amount  

LEGAL NOTICE  
CITY OF FRISCO  
PUBLIC NOTICE  
Notice is hereby given that the Frisco City Council adopted the following Ordinance at a regularly scheduled meeting held on Tuesday, August 1, 2017.  

ORDINANCE NO. 17-08-51: 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 4.13.03 [NONRESIDENTIAL OPEN SPACE REQUIREMENTS] OF SECTION 4 [SITE DEVELOPMENT REQUIREMENTS], BY MODIFYING CERTAIN REGULATIONS GOVERNING NONRESIDENTIAL OPEN SPACE AND ESTABLISHING NEW REQUIREMENTS FOR CONSOLIDATED AND USABLE OPEN SPACE IN NONRESIDENTIAL DEVELOPMENTS; PROVIDING A PENALTY CLAUSE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.  
A copy of this Ordinance may be read or purchased in the Office of the City Secretary, City of Frisco, 6101 Frisco Square Blvd, Frisco, Texas 75034 or may be viewed at www.friscotexas.gov.