

**TOWN OF FLOWER MOUND, TEXAS**

**ORDINANCE NO. 12-13**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE OFFICIAL ZONING MAP, EXHIBIT "A" OF SUBPART B, LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY CHANGING THE ZONING ON APPROXIMATELY 0.88 ACRES IN THE J. TANNEHILL SURVEY, ABSTRACT NUMBER 1252, DENTON COUNTY, TEXAS, AS MORE FULLY DESCRIBED IN EXHIBIT "A" HERETO, FROM AGRICULTURAL DISTRICT (A) USES TO MIXED USE DISTRICT-1 (MU-1) USES IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND PURSUANT TO SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, after public notice and public hearing as required by law, the Planning and Zoning Commission of the Town of Flower Mound, Texas, has recommended a change in zoning classification of the property described herein, and has recommended amending the official zoning map, Exhibit "A" of Subpart B, Land Development Regulations, of the Code of Ordinances of the Town of Flower Mound, Texas, regarding the rezoning of the property hereinafter described; and

**WHEREAS**, all legal requirements, conditions, and prerequisites have been complied with prior to this case coming before the Town Council of the Town of Flower Mound; and

**WHEREAS**, the Town Council of the Town of Flower Mound, after public notice and public hearing as required by law, and upon due deliberation and consideration of the recommendation of the Planning and Zoning Commission of the Town of Flower Mound and of all testimony and information submitted during said public hearings, has determined that, in the public's best interest and in support of the health, safety, morals, and general welfare of the citizens of the Town, the zoning of the property described herein shall be changed, and that the official zoning map, Exhibit "A" of Subpart B, Land Development Regulations, of the Code of Ordinances of the Town of Flower Mound, Texas, shall be amended to reflect the rezoning of the property herein described.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:**

**SECTION 1**

All of the above premises are found to be true and correct legislative findings of the Town and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2**

From and after the effective date of this Ordinance, the property described herein shall be rezoned as set forth in this section, and the official zoning map, Exhibit "A" of Subpart B, Land Development Regulations, of the Code of Ordinances of the Town of Flower Mound, Texas, is hereby amended and changed in the following particulars to reflect the action taken herein, and all other existing sections, subsections, paragraphs, sentences, definitions, phrases, and words of said Land Development Regulations are not amended, but shall remain intact and are hereby ratified, verified, and affirmed, in order to create a change in the zoning classification of the property described herein, as follows:

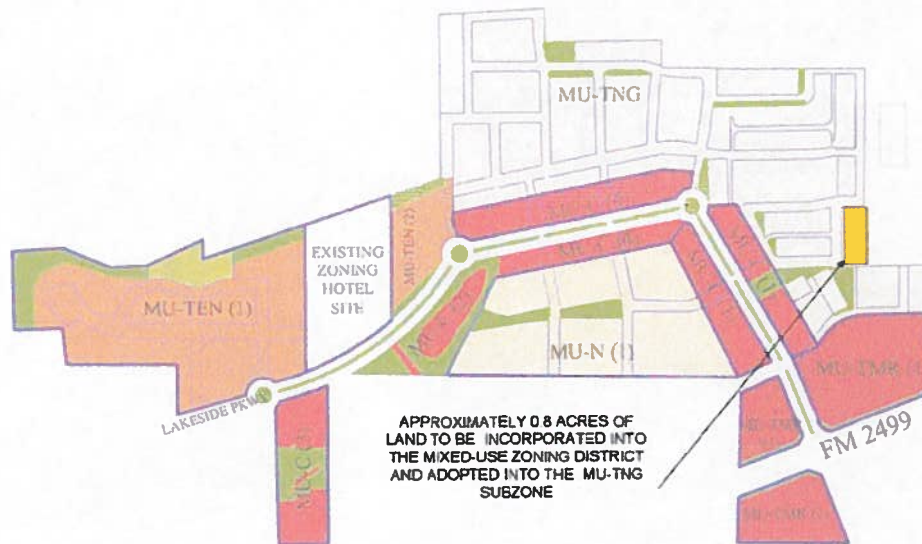
That certain tract of land being approximately 0.88 acres of land in the J. Tannehill Survey, Abstract Number 1252, of Flower Mound, Denton County, Texas, and being more fully described in Exhibit A attached hereto and incorporated herein for all purposes (the "Property"), presently zoned Agricultural District (A) uses is hereby changed to Mixed Use District-1 (MU-1) Uses in accordance with the specific requirements of the Town's Master Plan and specific requirements stated herein to make such property a component of the Mixed Use District-1 (MU-1) Zoning Classification established by Ordinance No. 63-12.

**SECTION 3**

From and after the effective date of this Ordinance, all development of the Property, or any part or portion thereof, shall comply with and conform to the requirements of Mixed Use District-1 (MU-1) Zoning Classification established by Ordinance No. 63-12 and the following minor non-substantive revisions are made to the Development Standards attached to Ordinance No. 63-12 to include the Property in the said Mixed Use District-1 (MU-1) Zoning Classification:

- Page 9      Figure shown of "EXISTING ZONING OF SUBJECT SITE" shall include the Property, existing zoning is AG.
- Page 10     Figure shown of "PROPOSED ZONING OF SUBJECT SITE" shall include the Property, proposed zoning is MU.
- Page 11     Table 1.1, Statistical Report, proposed change is as follows: Single Family lots increases from 56.8 acres to 57.7 acres and the total increases from 149.7 acres to 150.6 acres.
- Page 22     On the "CONCEPT PLAN AND REGULATING PLAN" the proposed change is to add the Property to the MU-TNG subzone as shown below.

EXHIBIT: REGULATING PLAN



Page 25 On Table 3.2, "DEVELOPMENT STANDARDS AND BULK REGULATIONS TABLE" the proposed change is as follows:

Under the MU-TNG sub-heading, the line item "Area: Concept Plan (acres)" changes from 56.8 to 57.7 acres, and the line item "Maximum Area" changes from 59 acres to 60 acres, and the line item "Maximum residential units" changes from 248 units to 258 units.

Page 38 On Figure 3.13 "MU-TNG SUBZONE MAP" the proposed change is to add the Property to the subzone where the Property would be subject to all the constraints and restrictions of the zoning and the sub-zone.

Page 81 On Table 6.1, "LAND USE TABLE" the proposed changes include the following:

In the column heading "Maximum Residential Units" and the row heading "MU-TNG," the value changes from 248 units to 258 units; and in the row heading "Totals," the value changes from 2200 units to 2210 units.

**SECTION 4**

This Ordinance shall be cumulative of all provisions of ordinances of the Town of Flower Mound, Texas, as of the date of this Ordinance, except where the provisions of this Ordinance are in conflict with the provisions of such other ordinances, in which event the provisions of this Ordinance shall prevail and control. All exhibits, attachments, schedules, diagrams and drawings attached hereto are incorporated into and made a part of this Ordinance for all purposes.

**SECTION 5**

It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section, and said remaining portions shall remain in full force and effect.

**SECTION 6**

This Ordinance and the attachments hereto are not intended to be nor shall they be interpreted, applied or deemed to constitute or create one or more vested rights regarding the Property under Chapter 245 of the Texas Local Government Code. All requests for development of the Property shall comply with all applicable Town ordinances relative to the development of the Lakeside DFW Mixed Use Development and all applicable land development regulations, including those contained in Subpart B of the Code of Ordinances, all as amended. Nothing herein shall be deemed a waiver of any such requirements.

**SECTION 7**


Any person, firm or corporation who violates any provision of this Ordinance or of any final site plan adopted by the Planning and Zoning Commission and/or Town Council of the Town of Flower Mound shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-13 of the Code of Ordinances of the Town of Flower Mound. Each day, or portion thereof, any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

**SECTION 8**

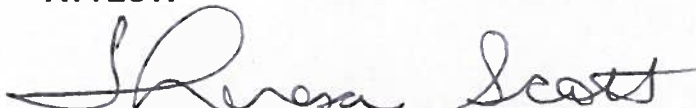
This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the Town of Flower Mound, Texas.

**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS BY A VOTE OF 5 TO 0, ON THIS THE 4<sup>th</sup> DAY OF MARCH, 2013.**

**APPROVED:**

  
\_\_\_\_\_  
**Thomas E. Hayden, MAYOR**

**ATTEST:**

  
\_\_\_\_\_  
**Theresa Scott, TOWN SECRETARY**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
**Terrence S. Welch, TOWN ATTORNEY**

**EXHIBIT "A"**  
**Legal Description**

**LEGAL DESCRIPTION**  
**0.889 ACRES**

**BEING** a tract of land situated in the J. TANNAHILL SURVEY, ABSTRACT NO. 1252, Town of Flower Mound, Denton County, Texas and being all of that tract of land filed by Certificate of Death dated January 19, 2009 to Ronda Garner, and being more particularly described as follows:

**BEGINNING** at a 1 inch iron pipe found in the west line of Surrey Road, a variable width right-of-way for the common southeast corner of said Ronda Garner tract and most easterly northeast corner of that tract of land described as Tract 4 in Deed to Lakeside DFW, Ltd., as recorded in Document No. 2000R-0044768, Deed Records, Denton County, Texas;

**THENCE** North 89 degrees 59 minutes 36 seconds West, leaving said west line and with the common south line of said Ronda Garner tract and north line of said Tract 4, a distance of 300.25 feet to a 3/4 inch iron pipe found for the common southwest corner of said Ronda Garner tract and an interior ell corner of said Tract 4;

**THENCE** North 03 degrees 00 minutes 40 seconds West, leaving said common line and with the common west line of said Ronda Garner tract and east line of said Tract 4, a distance of 128.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" found in the south line of that tract of land described in Deed to Town of Flower Mound, Texas, as recorded in Document No. 2004-14510, Deed Records, Denton County, Texas, for the common northwest corner of said Ronda Garner tract and most northerly northeast corner of said Tract 4;

**THENCE** North 89 degrees 56 minutes 17 seconds East, leaving said common line and with the common north line of said Ronda Garner tract and south line of said Town of Flower Mound, Texas tract, a distance of 305.09 feet to a point for corner in the west line of the above mentioned Surrey Drive for the common northeast corner of said Ronda Garner tract and southeast corner of said Town of Flower Mound, Texas tract;

**THENCE** South 00 degrees 50 minutes 43 seconds East, leaving said common line and with said west line, a distance of 128.20 feet to the **POINT OF BEGINNING** and containing 38,744 square feet or 0.889 acres of land, more or less.