

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. 01-20

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 09-18, WHICH AMENDED MIXED USE DISTRICT-1 (MU-1), ALSO KNOWN AS THE LAKESIDE DFW MIXED USE DEVELOPMENT; BY AMENDING EXHIBIT B TO INCORPORATE CERTAIN DEVELOPMENT STANDARDS RELATED TO PARKING FACILITIES APPLICABLE ONLY TO SUBZONES MU-TEN AND MU-C(3) TO ALLOW FOR THE PHASING IN OF PARKING INFRASTRUCTURE; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Flower Mound is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the Town Council of the Town of Flower Mound heretofore adopted the Land Development Regulations of the Town of Flower Mound, as amended, which Ordinance regulates and restricts the location and use of buildings, structures and land for trade, industry, residence and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and,

WHEREAS, in accordance with Chapter 78 of the Land Development Regulations, the owners of the property described as Subzones MU-TEN and MU-C(3) within the Lakeside DFW Mixed use Development have filed an application for a zoning amendment to amend Mixed Use District-1 (MU-1); and,

WHEREAS, the Planning and Zoning Commission of the Town of Flower Mound, Texas held a public hearing on January 13, 2020, and the Town Council of the Town of Flower Mound, Texas, held a public hearing on February 3, 2020, with respect to the proposed zoning amendment described herein; and,

WHEREAS, the Town has complied with all requirements of Chapter 211 of the Local Government Code, Chapter 78 of the Land Development Regulations, and all other laws dealing with notice, publication and procedural requirements for the approval of a Zoning Planned Development amendment on the property;

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

SECTION 1

The Land Development Regulations of the Town of Flower Mound, Texas, as amended, are hereby amended on the hereinafter described property and area as shown below:

Exhibit “B” to Ordinance No. 09-18, entitled “Lakeside DFW Development Code,” is hereby amended in part by adding Section 6.1I. entitled, “Location and design of off-street parking.” and adding Section 6.5 entitled, “Interim Parking.” To Section 6 Parking Standards, to allow for off-site parking facilities to be constructed on an interim basis, as a means for phasing in long-term parking structure facilities, as more fully described below. These sections shall read as follows:

Section 6.1 Location and design of off-street parking.

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- I. Section 82-75 of the Code of Ordinances addressing Off-site parking shall not apply to Subzones MU-TEN and MU-C(3). However, all required off-street parking spaces must be located within 1500’ of the use they are serving, unless provided through an Off-site Parking Facility that has a valet service located within 1500’ of the use.

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Section 6.5 Interim Parking.

- A. The following regulations related to Interim Parking apply only to Subzones MU-TEN and MU-C(3). The Concept Plan for Subzones MU-TEN and MU-C(3) of the Lakeside DFW Mixed Use Zoning District anticipates that the majority of the parking spaces shall be accommodated through on-street parking and structured parking garages. To facilitate the phased development over time, some surface parking in the form of Interim and/or Off-site Parking Facilities will be needed in areas planned for other uses until the structured parking garages are completed. The following standards shall apply to Interim or Off-site Parking Facilities.
 1. Interim Parking Facility: An Interim Parking Facility shall mean a surface parking lot located on land within Subzones MU-TEN or MU-C(3) of the Lakeside DFW Mixed Use Zoning District that is planned for other uses, and which, at some unspecified time in the future, will be demolished to allow for the development of the planned land use(s).
 2. Off-site Parking Facility: An Off-site Parking Facility shall mean a parking facility outside of Subzones MU-TEN and MU-C(3) of the Lakeside DFW Mixed Use Zoning District that is accessed through a valet service located within Subzone MU-TEN or MU-C(3).
 3. Development within Subzone MU-TEN of the Lakeside DFW Mixed Use Zoning District may employ either an Interim Parking Facility or an Off-site Parking Facility to meet the parking demand of the planned development within Subzone MU-TEN.
 4. An Interim Parking Facility shall comply with Section 6, except it shall not be required to comply with sections:
 1. Section 6.1.A: parking frontage on Type A and Type B streets
 2. Section 6.1.C: parking adjacent to intersections
 3. Figure 6.2: parking within 60’ of an intersection
 5. All applicable development standards shall apply to any new construction of an Off-site Parking Facility.
 6. Approval of an Interim Parking Facility: The applicant shall submit a Site Plan application for an Interim Parking Facility that shall also include the plan for the future transition of the Interim Parking Facility. The transition plan shall include a conceptual plan of the future relocated parking spaces, the approximate area(s) for the future parking, and the approximate number of spaces being displaced.

7. Removal of Interim Parking: To remove or demolish all or part of an Interim Parking Facility, the Applicant shall submit a site plan application for the relocation of the displaced parking spaces. The parking plan may include another Interim Parking Facility, an Off-site Parking Facility, or a permanent parking lot or garage complying with Section 6 herein.
8. No Interim Parking Facility may be opened for use until a Certificate of Occupancy is issued for a parking garage within MU-TEN, containing a minimum of two hundred (200) spaces.
9. No more than one (1) Interim Parking Facility may be constructed within Microzone MZ-1. In the event an Interim Parking Facility is constructed within Microzone MZ-1, no more than three hundred (300) parking spaces may be built.
10. No more than one (1) Interim Parking Facility may be constructed within Microzone MZ-5. In the event an Interim Parking Facility is constructed within Microzone MZ-5, no more than one hundred and eighty (180) parking spaces may be built.

SECTION 2

The use of the property described above shall be subject to all restrictions, terms and conditions contained herein, as well as the applicable regulations contained in Ordinance No. 09-18, the Lakeside DFW Development Code; the Land Development Regulations; and all other applicable and pertinent ordinances of the Town of Flower Mound.

SECTION 3

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the Town of Flower Mound, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 4

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

SECTION 5

Any person, firm, or corporation who violates any provision of this Ordinance as adopted by the 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 any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

SECTION 6

All rights and remedies of the Town of Flower Mound are expressly saved as to any and all violations of the provisions of the Land Development Regulations or any ordinances governing zoning that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7

The Town Secretary of the Town of Flower Mound is hereby directed to publish the caption in the official newspaper of the Town of Flower Mound as required by Section 3.07 of the Charter of the Town of Flower Mound.

SECTION 8

This Ordinance shall take effect and be in full force from and after the date of its passage and publication as required by law, and it is so ordained.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF 4 TO 1, ON THIS THE 3RD DAY OF FEBRUARY, 2020.

APPROVED:

Steve Dixon

Steve Dixon, **MAYOR**

ATTEST:

Theresa Scott

Theresa Scott, **TOWN SECRETARY**