

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. 39-13

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, THROUGH THE AMENDMENT OF ORDINANCE NO. 46-08, THE RIVER WALK AT CENTRAL PARK ADDITION, THROUGH THE AMENDMENT OF EXHIBIT B, "DEVELOPMENT STANDARDS," BY AMENDING SECTION 2.1, ENTITLED "PERMITTED USES," TO ALLOW SINGLE-FAMILY RESIDENTIAL USES IN THE COMMUNITY RESIDENTIAL (CR) SUBDISTRICT AND BY AMENDING SECTION 3.5, ENTITLED "DIMENSIONAL REGULATIONS IN THE CR COMMUNITY RESIDENTIAL SUBDISTRICT," TO ESTABLISH DIMENSIONAL AND SETBACK REGULATIONS FOR SINGLE-FAMILY RESIDENTIAL USES IN THE COMMUNITY RESIDENTIAL (CR) SUBDISTRICT; THROUGH THE AMENDMENT OF EXHIBIT C, "CONCEPT PLANS," BY AMENDING THE MAP DESIGNATED AS "CONCEPT PLAN LAND USE" TO REMOVE THE REQUIREMENT FOR "GROUND FLOOR RETAIL" EAST OF THE RIVER WALK AMENITY, AND BY AMENDING THE MAP DESIGNATED AS "CONCEPT PLAN PHASING" TO REDUCE THE NUMBER OF PHASES IN WHICH THE RIVER WALK AT CENTRAL PARK ADDITION WILL BE DEVELOPED IN ACCORDANCE WITH THE TOWN'S MASTER PLAN AND 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 and factual determinations of the Town of Flower Mound 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 (the "Flower Mound Code"), 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:

Ordinance No. 46-08 is hereby amended through the amendment of the Development Standards attached as Exhibit B to Ordinance No. 46-08 by amending Section 2.1, entitled "Permitted Uses," to allow single-family residential uses in the Community Residential (CR) Subdistrict and by amending Section 3.5, entitled "Dimensional Regulations in the CR Community Residential Subdistrict," to establish dimensional and setback regulations for single-family residential uses in the Community Residential (CR) Subdistrict; and through the amendment of the Concept Plans attached as Exhibit C to Ordinance No. 46-08 by amending the map designated as "Concept Plan Land Use" to remove the requirement for "Ground Floor Retail" east of the River Walk amenity, and by amending the map designated as "Concept Plan Phasing" to reduce the number of phases in which The River Walk At Central Park Addition will be developed.

SECTION 3

From and after the effective date of this Ordinance, Exhibit B, entitled "Development Standards," to Ordinance No. 46-08 is hereby amended by amending Section 2.1, entitled "Permitted Uses," to allow single-family residential uses in the Community Residential (CR) Subdistrict through the replacement of the existing table labeled "Schedule of Use Regulations" with a new table that is also labeled "Schedule of Use Regulations," and which new table is attached hereto as Exhibit 1 reflecting such revision.

SECTION 4

From and after the effective date of this Ordinance, Exhibit B, entitled "Development Standards," to Ordinance No. 46-08 is hereby amended by amending Section 3.5, entitled "Dimensional Regulations in the CR Community Residential Subdistrict," to establish dimensional and setback regulations for single-family residential uses in the Community Residential (CR) Subdistrict through the replacement of the existing table labeled "Schedule of Dimensional Regulations, CR Community Residential Subdistrict" with a new table that is also labeled "Schedule of Dimensional Regulations, CR Community Residential Subdistrict," and which new table is attached hereto as Exhibit 2 reflecting such revision.

SECTION 5

From and after the effective date of this Ordinance, Exhibit C, entitled "Concept Plans," to Ordinance No. 46-08 is hereby amended by amending the map designated as "Concept Plan Land Use" to remove the requirement for "Ground Floor Retail" east of the River Walk amenity through the replacement of the existing map labeled "Concept Plan Land Use" with a new map that is also labeled "Concept Plan Land Use," and which new map is attached hereto as Exhibit 3 reflecting such revision.

SECTION 6

From and after the effective date of this Ordinance, Exhibit C, entitled "Concept Plans," to Ordinance No. 46-08 is hereby amended by amending the map designated as "Concept Plan Phasing" to reduce the number of phases in which The River Walk at Central Park addition will be developed through the replacement of the existing map labeled "Concept Plan Phasing" with a new map that is also labeled "Concept Plan Phasing," and which new map is attached hereto as Exhibit 4 reflecting such revision.

SECTION 7

This Ordinance shall be cumulative of all provisions of ordinances of the Town of Flower Mound, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. All other provisions of Ordinance No. 46-08 save and except as specifically amended hereby shall remain in full force and effect.

SECTION 8

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.

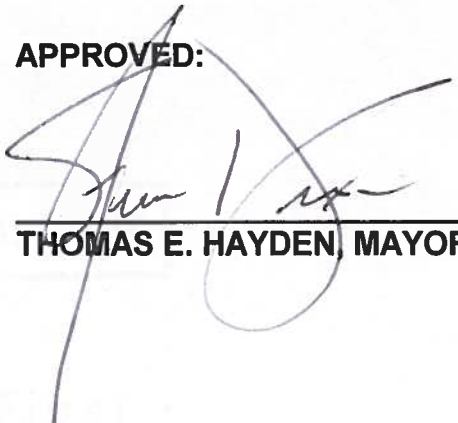
SECTION 9

Any person, firm or corporation who violates any provision of this Ordinance or of the final site plan as adopted by the Planning and Zoning Commission 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.

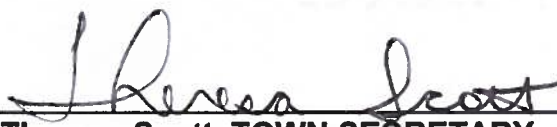
SECTION 10

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 19TH DAY OF AUGUST, 2013.

APPROVED:


THOMAS E. HAYDEN, MAYOR

ATTEST:


Theresa Scott, TOWN SECRETARY

APPROVED AS TO FORM:


Terrence S. Welch, TOWN ATTORNEY

EXHIBIT 1
Schedule of Use Regulations

<u>Use</u>	TC (2.2(i))	CR (2.2(h), (2.2(i))	CMU (2.2(i))	CRC (2.2(i))
Assembly hall	S		S	S
Auto leasing or rental	P			
Bakery or confectionery shop, retail	P	P	P	P
Bank or savings and loan	P	P	P	P
Bank or savings and loan with drive-through facility	S	S	S	P
Boardinghouse or roominghouse (2.2(a))	P	P		
Book store or stationery store	P	P	P	P
Bottling works (microbrewery)	P	P	P	P
Building material sales or storage (indoors)	P		P	P
Building material yard and construction office, temporary	T	T	T	T
Carnival or circus, temporary, subject to sec. 98-976	T	T	T	T
Church or rectory	P		P	P
Cleaning/laundry shop, pickup station only	P	P	P	P
College or university	P		P	
Communication tower, commercial, subject to sec. 98-977	S	S	S	S
Community center, public	P	P	P	P
Convenience store	P	P	P	P
Custom personal service	P	P	P	P
Day camp for children	S			
Day care center	S	S	S	S
Drugstore or pharmacy	P	P	P	P
Dwelling, multifamily (including either or both MF Loft and MF Traditional)	P	P	P	
Dwelling, townhome		P	P	
<u>Dwelling, single family detached</u>		P		
Electrical energy generating plant	S	S		

EXHIBIT 2
Schedule of Dimensional Regulations
CR Community Residential Subdistrict

3.5 Dimensional Regulations in the CR Community Residential Subdistrict.

SCHEDULE OF DIMENSIONAL REGULATIONS
CR COMMUNITY RESIDENTIAL SUBDISTRICT

Development Standard And Use	Minimum lot area (square ft)	Minimum lot width (feet)	Minimum front yard (feet)	Minimum side yard (feet)	Minimum rear yard (feet)	Maximum lot coverage (percent)	Minimum floor area per unit (sq ft)	Maximum floor area ratio	Maximum height (stories/ft)
MF Loft	E	E	13'6"	E	E	E	500 sq ft (3)	E	Sec. 3.3
MF Traditional	E	E	13'6"	E	E	E	700 sq ft (3)	E	Sec. 3.3
Townhome	2,250 sq ft	22.5'	13'6"	E	5' (2)	E	1,600 sq ft	E	Sec. 3.3
Single Family Detached	4,000 sq ft	40'	13'6"	1' (4)	5'	E	2,500 sq ft	E	Sec. 3.3
Nonresidential uses	N/A (1)	N/A (1)	N/A (1)	N/A (1)	N/A (1)	N/A (1)	N/A (1)	N/A (1)	N/A (1)

- (1) Nonresidential uses in the CR Community Residential subdistrict may be located only in mixed use buildings, and said buildings shall comply with these dimensional regulations.
- (2) The garage of a townhome may be built to the minimum rear yard line for the lot.
- (3) The number of dwelling units of the minimum size is limited by Section 2.3 of these Development Standards.
- ~~(4) The minimum separation between buildings shall be ten feet (10').~~

EXHIBIT 3
Concept Plan Land Use

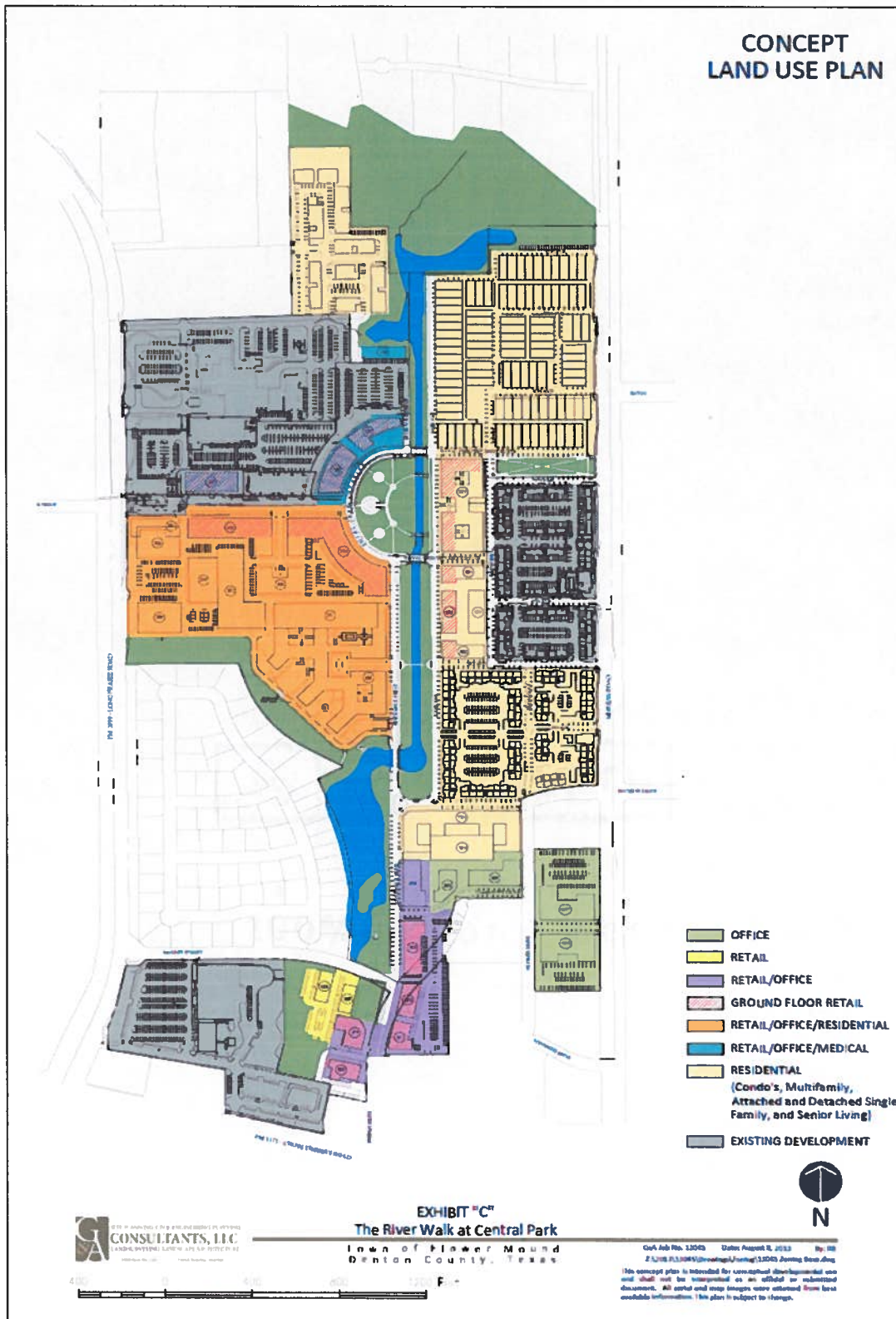


EXHIBIT 4
Concept Plan Phasing

**CONCEPT
PHASING PLAN**

