

ORDINANCE NO. 23-82

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AS HERETOFORE AMENDED, SO AS TO CHANGE THE HEREIN DESCRIBED PROPERTY FROM "PD" PLANNED DEVELOPMENT DISTRICT A, UNIT 2 WITH 137.0 ACRES OF SINGLE FAMILY-DETACHED DWELLINGS, 93.0 ACRES OF MULTI-FAMILY DWELLINGS AND 8.22 ACRES OF OPEN SPACE TO "PD" PLANNED DEVELOPMENT DISTRICT A, UNIT 2 WITH 60.0 ACRES OF SINGLE FAMILY-DETACHED DWELLINGS, 50.0 ACRES OF SINGLE FAMILY-ATTACHED DWELLINGS, 50.0 ACRES OF MULTI-FAMILY DWELLINGS, 40.0 ACRES OFFICE CENTER USE, 29.6 ACRES RETAIL AND SERVICE USE ON A 229.56 ACRE TRACT OF LAND IN THE C. CHACON SURVEY, ABSTRACT NO. 299 AND THE J.T. STEWART SURVEY, ABSTRACT NO. 1161; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the Town of Flower Mound, Texas, and the governing body of the Town of Flower Mound, in compliance with the laws of the State of Texas, and with the provisions of the Comprehensive Zoning Ordinance of the Town of Flower Mound, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to the persons interested and situated in the affected areas and in the vicinity thereof, the governing body of the Town of Flower Mound is of the opinion that the zoning should be granted;

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

SECTION 1. That the Comprehensive Zoning Ordinance of the Town of Flower Mound, be, and the same is hereby amended by amending the zoning map of the Town of Flower Mound so as to given the following described property, zoning change classification from "PD" Planned Development District A, Unit 2 with 137.0 acres of Single Family-Detached dwellings, 93.0 acres of Multi-Family dwellings and 8.22 acres of Open Space to "PD" Planned Development District A, Unit 2 with 60.0 acres of Single Family-Detached dwellings, 50.0 acres of Single Family-Attached dwellings, 50.0 acres of Multi-Family dwellings, 40.0 acres Office Center Use, 29.6 acres Retail and Service Use zoning to-wit:

ALL that certain tract or parcel of land, lying and being situated in Denton County, Texas, and being a part of PART TWO (II), lying entirely North of Farm-to-Market Road 1171, and being out of the C. Chacon Survey, Abstract No. 299, and the J.T. Stewart Survey, Abstract No. 1161, as conveyed by deed dated July 5, 1961, from Carl B. Callaway and Katherine McLaurin Callaway to Edward S. Marcus, as shown of record in Volume 470, Page 131 of the Deed Records of Denton County, Texas, and being part of a 49.5 acre tract situated in the Carlos Chacon Survey, Abstract No. 299, by Manco Investments Company to W. Craig and recorded in Volume 222, Page 693, Denton County Deed Records, and being more particularly described as follows:

BEGINNING at a steel pin in the centerline of a North and South public road for the Southwest corner of the aforementioned Part Two (II);

THENCE N 00° 06' 50" E, a distance of 3,603.19 feet to a point for a corner;

THENCE N 88° 29' 01" E, a distance of 888.29 feet to a found iron pin for a corner;

THENCE N 89° 09' 16" E, a distance of 16.49 feet to a point for corner;

THENCE N 2° 34' 34" E, a distance of 839.86 feet to a point for a corner;

THENCE S 87° 25' 26" E, a distance of 288.00 feet to a point for a corner;

THENCE S 2° 34' 34" W, a distance of 400.00 feet to a point for a corner;

THENCE S 87° 25' 26" E, a distance of 170.00 feet to a point for a corner;

THENCE S 2° 34' 34" W, a distance of 230.00 feet to a point for a corner;

THENCE S 87° 25' 26" E, a distance of 460.00 feet to a point for a corner;

THENCE N 2° 34' 34" E, a distance of 230.00 feet to a point for a corner;

THENCE S 87° 25' 26" E, a distance of 491.34 feet to a point for a corner;

THENCE S 00° 09' 50" W, a distance of 4,665.69 feet to a point for a corner;

THENCE S 49° 32' 04" W, a distance of 89.77 feet to a point for a corner;

THENCE N 77° 00' 00" W, a distance of 1,766.51 feet to a found iron pin for a corner;

THENCE N 0° 28' 18" E, a distance of 220.69 feet to a found iron pin for a corner;

THENCE N 79° 10' 52" W, a distance of 548.0 feet to the POINT OF BEGINNING and containing 229.56 acres of land, more or less.

**SECTION 2.** That all the ordinances of the Town of Flower Mound in conflict with the provisions of this ordinance be, and the same are hereby repealed, and all other provisions of the ordinances of the Town of Flower Mound not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3.** That the above described property shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the Town of Flower Mound, as heretofore, amended and as amended herein by granting of this zoning request. The additional statements listed below shall apply to the above described property:

1. Development units will be submitted for detailed plat approval to the Planning & Zoning Commission before development takes place. Also, the developer shall submit a master plan for all utilities and drainage throughout the development prior to approval of the first specific site plan.
2. Density - Density shall include open space; not roads.
  - a. Single Family-Detached - Average density of 3.5 units per acre with a maximum of 5.0 units per acre.
  - b. Single Family-Attached - Average density of 8.5 units per acre with a maximum of 10.0 units per acre; the lowest density abutting Rippy Road.
  - c. Multi-Family - Average density of 16.0 units per acre with a maximum of 20.0 units per acre.
3. Setbacks -
  - a. F.M. 1171 - There will be a 75 foot setback from the 150' right-of-way on F.M. 1171 with 1/2 being used for parking. Also, heavily landscaped to provide screening of parking area.

- b. Morriss Road - There will be a 60 foot setback from the 100' right-of-way on Morriss Road with 1/2 being used for parking in office and retail areas. Also, heavily landscaped to provide screening of parking area.
- c. Rippy Road - There will be a 60 foot setback from the 150' right-of-way on Rippy Road with 1/2 being used for parking in the retail area. Also, heavily landscaped to provide screening for parking.
4. There will be no additional entries off of F.M. 1171 than the one shown on the site plan. Access off of Rippy Road shall be limited to one in the retail area and one within the development.
5. Building Heights in Office Units - No office building within 300 feet of Morriss Road will be in excess of 30 feet from the top of the gradeline of Morriss Road. There will be three (3) story office buildings on F.M. 1171; five (5) story office buildings around the loop on the inside, seven (7) story office buildings on the lake; and three (3) story office buildings north of the loop, west of the 300' line.
6. The principal street from Morriss Road to F.M. 1171 through the development will be a divided road with 80 feet of right-of-way; the remaining roads will have 60 feet of right-of-way.
7. If construction (a permanent structure) in each category in the Development unit is not started within five (5) years and if construction within at least one category is not started within two (2) years of the Town Council's approval of the Planned Development zoning, the Planning & Zoning Commission may reconsider the zoning for possible change.
8. Height restrictions for Retail and Multi-Family will be determined at the time the site plan is approved.
9. A portion designated as Multi-Family on Morriss Road will be traded out with a similar size parcel near the northern most lake adjacent to Timber Trails Park.
10. The developer or property owner will assume the responsibility of maintaining the setbacks or include the provisions in a deed or covenants to assure that this will be adhered to.
11. No building permits will be issued within the Planned Development until the contract relative to right-of-way on abutting roadways have been signed.

**SECTION 4.** Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the Town of Flower Mound and, upon conviction, shall be punished by a fine not less than ONE DOLLAR (\$1.00) nor more than TWO HUNDRED DOLLARS (\$200.00) for each offense, and each day the violation or noncompliance continues shall constitute a separate and distinct offense.

**SECTION 5.** This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provides.

DULY PASSED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, on the 9<sup>th</sup> day of August, 1982.

APPROVED:

Sanjiv Prasad  
MAYOR

ATTEST:

Kathleen C. Aljota  
TOWN SECRETARY (Deputy)