

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. 64-13

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE MASTER PLAN OF THE TOWN OF FLOWER MOUND BY AMENDING ORDINANCE NO. 24-01, IN PART, WHICH ADOPTED THE MASTER PLAN, THROUGH THE AMENDMENT OF SECTION 1.0, LAND USE PLAN, AND SECTION 2.0, AREA PLANS, TO MAKE CERTAIN REVISIONS REGARDING THE CROSS TIMBERS CONSERVATION DEVELOPMENT DISTRICT AS SET FORTH HEREIN-BELOW; REPEALING ALL CONFLICTING ORDINANCES, ORDERS, OR RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 1998 the Town Council and the citizens of the Town of Flower Mound jointly undertook an update of the Town's Master Plan originally adopted in 1994 due to rapid and intense urbanization as well as an exploding population growth; and

WHEREAS, on or about December 17, 1998, the Town Council created a Master Plan Steering Committee to perform a number of tasks in conjunction with the update of the 1994 Master Plan; and

WHEREAS, the Master Plan was separated into distinct parts and the parts were considered in a logical, sequential order by the Town Council; and

WHEREAS, the aforementioned components of the Master Plan were the Land Use Plan, the Water Plan, the Wastewater Plan, the Thoroughfare Plan, five (5) Area Plans, nine (9) Specific Plan Areas, the Open Space Plan, the Parks and Trails Plan and the Urban Design Plan; and

WHEREAS, on January 19, 1999, the Town Council adopted Resolution 01-99, the Town's SMARTGrowth Program, a strategic initiative to manage both the rate and character of development in the Town of Flower Mound, which acronym represents "Strategically Managed and Responsible Town Growth"; and

WHEREAS, on February 17, 2000, the Town Council adopted Ordinance 10-00, SMARTGrowth Management Plan, as the fourth component of SMARTGrowth Program and is designed to implement a long-term growth management strategy of sustainable development that embraces the community's vision and values, achieves both community character and economic development objectives and considers the infrastructure and environmental impacts of land development; and

WHEREAS, on March 19, 2001, the Town Council of the Town of Flower Mound adopted all nineteen component plans, together with all amendments thereto, by Ordinance No. 24-01 as Flower Mound Master Plan 2001; and

WHEREAS, said Flower Mound Master Plan 2001 was the principal component of the SMARTGrowth Program and along with the SMARTGrowth Management Plan effectively required development proceed in a planned manner in accordance with the Town's vision for the future; and

WHEREAS, the Town of Flower Mound Master Plan 2001 establishes and articulates a community based vision to: preserve the country atmosphere and natural environment that makes Flower Mound a unique and desirable community; mitigate the ill effects of rapid and intense urbanization; create a balanced tax base to ensure the Town's long-term economic health and prosperity; and ensure all development is of enduring and exemplary quality; and

WHEREAS, the Town Council and the citizens of the Town of Flower Mound continue to recognize the value of a comprehensive master plan to guide growth and development of the Town; and

WHEREAS, the Town has periodically maintained and updated various provisions of the Master Plan 2001 and the SMARTGrowth Management Plan, as amended and now known as the SMARTGrowth Program as re-titled by Ordinance No. 41-01; and

WHEREAS, in November 2005, the Town Council and the citizens of the Town of Flower Mound initiated a review and update of Master Plan 2001; and

WHEREAS, a new Master Plan Steering Committee was created by Town Council on or about December 15, 2005, and began a review and evaluation of Master Plan 2001; and

WHEREAS, the Town routinely updated various components of Master Plan 2001 including, but not limited to, the Economic Development Plan, Medians and Rights-of-Way Design Guidelines as part of the Urban Design Plan, Parks and Trails Plan, Specific Plan Area 8, Thoroughfare Plan, Water Plan, and Wastewater Plan as well as establishing a new district, the Prairie Vista District, out of a portion of the Cross Timbers Conservation Development District; and

WHEREAS, on June 6, 2011, the Town updated the architectural standards of the Urban Design Plan, reaffirmed Master Plan 2001 and all of its component parts, and continued the stated vision to not only preserve the country atmosphere and natural environment that makes Flower Mound a unique and desirable community, but also

create a great place to live, work, and play that sustains the community that has been created; and

WHEREAS, The Town of Flower Mound Master Plan 2001 is now known and referred to simply as the Master Plan; and

WHEREAS, discussion on reviewing the Master Plan began during the Town Council retreat in the spring of 2012 where work programs were discussed for the upcoming year, and discussions on the Master Plan review made it clear that the vision of the Master Plan was still valid and supported by the community; and

WHEREAS, on August 5, 2013, the Town Council and the citizens of the Town of Flower Mound initiated a review and update of the Master Plan by Resolution 18-13 through a community engagement process; and

WHEREAS, the community engagement process was an effort to prompt and encourage individuals to be part of the review process through social media, and a dedicated webpage; and

WHEREAS, the webpage information was structured to provide individuals the information to become involved in the process and to have source and background information to join the discussion of the Town's Master Plan; and

WHEREAS, the Town of Flower Mound Master Plan establishes and articulates a community based vision to: preserve the country atmosphere and natural environment that makes Flower Mound a unique and desirable community; mitigate the ill effects of rapid and intense urbanization; create a balanced tax base to ensure the Town's long-term economic health and prosperity; and ensure all development is of enduring and exemplary quality; and

WHEREAS, the proposed review of the Master Plan was seek to confirm and strengthen the vision, and determine the adequacy of existing Town regulations to implement said vision; and

WHEREAS, the community engagement process, known as the "Our Master Plan Project," was intended to provide a framework for early public involvement, promote diverse participation and active engagement, and produce community led options; and

WHEREAS, early community engagement helps identify community sentiment regarding the Master Plan effort; and

WHEREAS, 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 and of all testimony and information submitted during said public hearings, the Town Council of the Town of Flower Mound, Texas, has determined that it is in the public's best interest and in support of the health, safety, morals, and general welfare of the citizens of the Town of Flower Mound that the Master Plan of the Town of Flower Mound, Texas, be amended to reflect the outcomes of the community engagement process as more particularly set forth herein-below.

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 hereby found to be true and correct legislative and factual findings of the Town of Flower Mound, and they 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, Section 1.0, Land Use Plan, and Section 2.0, Area Plans, of the Master Plan, adopted by Ordinance No. 26-11, are 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 Master Plan are not amended, but shall remain intact and are hereby ratified, verified, and affirmed.

SECTION 3

From and after the effective date of this Ordinance, Section 1.0, Land Use Plan, of the Master Plan is hereby amended by deleting the paragraph entitled "Cross Timbers Conservation Development District & Prairie Vista District" under the heading "Purpose and Benefit of Six (6) Major Planning Areas" in its entirety and replacing said paragraph with a new paragraph also entitled "Cross Timbers Conservation Development District & Prairie Vista District" so that hereafter said paragraph shall be and read as follows:

"Cross Timbers Conservation Development District & Prairie Vista District"

The Cross Timbers Conservation District and Prairie Vista District preserve the integrity of the largely intact Cross Timbers ecological area in central Flower Mound, which provides the Town with its unique country atmosphere and natural environment, while allowing environmentally sensitive development to occur.

There are a total of two (2) area plans in these districts establishing appropriate land uses and relationships between land uses in these districts.”

SECTION 4

From and after the effective date of this Ordinance, Section 1.0, Land Use Plan, of the Master Plan is hereby amended by deleting the paragraph entitled “Cross Timbers Conservation Development District” under the heading “Area Plan Districts” in its entirety and replacing said paragraph with a new paragraph entitled “Cross Timbers Conservation Development District” so that hereafter said paragraph shall be and read as follows:

“Cross Timbers Conservation Development District

Predominantly residential development, typically being single family residential development at net densities no greater than one unit per two acres. Moderate increases in densities may be appropriate in combination with cluster developments, conservation easements and/or other conservation techniques that preserve the Cross Timbers ecosystem, other natural systems, and Scenic Corridors and Vistas. Commercial recreation uses, such as equestrian facilities, golf courses and other uses compatible with the conservation goals of the district are also suitable.”

SECTION 5

From and after the effective date of this Ordinance, Section 2.0, Area Plans, of the Master Plan is hereby amended by deleting the provisions entitled “Area Plan 2 – Skillern/Scenic,” “Area Plan 3 – Shiloh Road,” “Area Plan 4 – High Road,” and “Area Plan 5 – Roanoke Hills/Tour 18,” under the heading “Cross Timbers District” in their entirety and replacing said provisions with a new provision entitled “Cross Timbers Conservation Development District Area Plan” so that hereafter said provision shall be and read as follows:

“Cross Timbers Conservation Development District Area Plan

The Cross Timbers Conservation Development District Area Plan preserves the integrity of the largely intact Cross Timbers ecological area in central Flower Mound, which provides the Town with its unique country atmosphere and natural environment, while allowing environmentally sensitive development to occur. The area plan establishes development options within the district and identifies specific elements needing consideration.

There are several development options within the District:

1. Retain all or part of the property for personal use. This option would include (but not require) the potential of donating a conservation easement on all or part of the property in order to realize some economic benefit.
2. Develop all or part of the property, or sell all or part of the property to others for development on two acre lots as permitted under the existing Agricultural zoning.
3. Develop all or part of the property, or sell all or part of the property to others for development as a conservation development, with the number of lots as permitted under the existing Agricultural zoning, but with smaller lots and eligibility for incentive benefits as established by the Town's SMARTGrowth Program. This option would include the potential donation of a conservation easement on all or part of the property in order to realize some additional economic benefit.
4. Develop all or part of the property at lot sizes larger than two acres, as permitted under the existing Agricultural zoning.
5. Develop all or part of the property in Rural Development (lot sizes five acres or larger) that reflects the country atmosphere and natural environment of Flower Mound, as permitted under the existing Agricultural zoning. This could include coordinated development for specialized types of development, such as equestrian oriented developments.
6. Coordinate development planning with adjoining land owners as a combined conservation development, with the number of lots as permitted under the existing Agricultural zoning but with smaller lots and eligibility for incentive benefits as established by the Town's SMARTGrowth Program, as a coordinated Planned Development. This option would include (but not require) the potential of donating a conservation easement on all or part of the property in order to realize some additional economic benefit.
7. Develop all or part of the property as appropriate non-residential development. Appropriate non-residential development might include active equestrian commercial activities (similar to the existing Flower Mound Equestrian Center), active use "country"

commercial uses (similar to the Circle R Ranch, or roadside farm product stands), or other commercial uses that reinforce the "country atmosphere and natural environment" that is characteristic of the Cross Timbers Conservation Development District, and are fully compatible with and acceptable to neighbors and landowners in the Zone.

8. Develop the property as a cluster development. The intent of the clustering option is to maximize open space conservation, including preserving Scenic Corridors and Vistas, on a site by site basis to realize a community benefit that provides the Town with its unique country atmosphere and natural environment. The continuation and/or connection of open space areas between adjacent developments are important in protecting the ecological value in the District. Cluster developments may be allowed in the District and must demonstrate the following:
 - a. Density shall be commensurate with the quality and character of the open or natural lands conserved and the extent to which the conserved land contributes to the preservation of the Cross Timbers Conservation Development District's country character, including its open, natural, scenic and ecological values. Density will be evaluated on a project-by-project basis. The maximum density that can be granted for a cluster development can be no more than 1 unit per 1.6 acres ($100/1.6 = 62$ units or a 24% increase above the base density. For example, on a 100 acre development, the 100 acres is divided by 1.6 to produce 62 units or a 24% (12 unit) increase in density above the base density of 1:2 or 50 units.
 - b. Minimum lot size is one-half acre or 21,780 square feet; however, any development shall contain a mixture of lot sizes and any development shall be cognizant of external adjacent lot sizes.
 - c. Open space may be managed by a land trust, Homeowners Association, and/or the Town. Any development proposal must detail the perpetual maintenance and funding for the open space areas, which must be feasible and appropriate for the areas preserved. Recreational uses may be allowed which may be appropriate given the type, location, intensity, and adjacency. Any recreational use should be characteristic

of the District, compatible with adjacent land uses and should be open to the public. Floodplain may be counted as open space.

- d. Cluster development shall demonstrate how the development provides an appropriate transition to existing land uses. Factors to be considered include lot sizes, intervening roadways, and use of open space, among other factors.
- e. The approval of a development application for a cluster development shall require an enhanced public notification process. This process is to increase notice and encourage participation of the adjacent property owners and includes the following:
 1. Any developer using the cluster option must present plans to adjacent property owners and Homeowner Associations for comment and input on the proposed application.
 2. At the time of pre-application, Town staff will notify the affected property owners of the potential development.
 3. A meeting will be coordinated with the Developer and interested parties prior to the submittal of a development application.
 4. A second meeting will be held prior to the Planning and Zoning Commission meeting to update the interested parties prior to the public hearing. The agenda item for the proposal will reflect any consensus reached by the group as well as individual comments.

Elements needing consideration within the district include:

1. Scenic Corridors and Vistas - The scenic corridor is FM 1171 which has extensive views into the District. These viewsheds need to be incorporated into any development proposal, if development is contemplated, and would require compliance with the "Town of

Flower Mound SMARTGrowth Program” SMARTGrowth Analysis. Compliance with the SMARTGrowth Analysis could be achieved by conservation or cluster development, placing new houses outside of the view area, or by siting any new lots so the houses face toward FM 1171 across conserved open space, with access from a street internal to the development, rather than providing a view from FM 1171 into back yards or rear alleys.

2. Scenic corridors are present along the following roadways in addition to the roads identified in the Town’s Urban Design Plan within the Cross Timbers Conservation Development District:
 - a. Skillern Road
 - b. Scenic Road
 - c. Shiloh Road
 - d. Rocky Point Road
 - e. Red Rock Road
 - f. High Road
 - g. FM 1171 at the Cross Timbers Escarpment

Properties adjacent to these roads provide extensive views into the District. Compliance with the SMARTGrowth Analysis could be achieved by conservation or cluster development, placing new houses outside of the view area, or by siting any new lots so the houses face the roadways across conserved open space, with access from a street internal to the development, rather than providing a view from the roadways into back yards or rear alleys.”

SECTION 6

From and after the effective date of this Ordinance, Section 2.0, Area Plans, of the Master Plan is hereby amended by deleting the maps entitled “Area Plan 2 – Skillern/Scenic,” “Area Plan 3 – Shiloh Road,” “Area Plan 4 – High Road,” and “Area Plan 5 – Roanoke Hills/Tour 18,” and replacing said maps with a new map entitled “Cross Timbers Conservation Development District Area Plan Map,” which new map is attached hereto as Exhibit B and incorporated herein by reference for all purposes allowed by law.

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.

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

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.

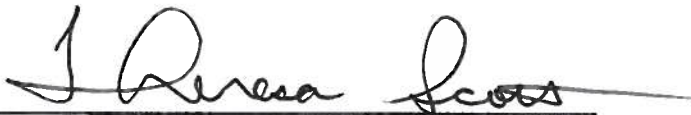
DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF 4 TO 1, ON THIS THE 16 DAY OF DECEMBER, 2013.

APPROVED:



Thomas E. Hayden, MAYOR

ATTEST:



Theresa Scott, TOWN SECRETARY

APPROVED AS TO LEGALITY AND FORM:



Terrence S. Welch, TOWN ATTORNEY

EXHIBIT B

Cross Timbers Conservation Development District Area Plan Map

