

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. 08-20

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 78, "ADMINISTRATION" OF THE TOWN'S CODE OF ORDINANCES, SECTION 78-87, "TEMPORARY USE PERMITS" TO UPDATE THE PROVISIONS GOVERNING THE ISSUANCE OF TEMPORARY USE PERMITS; AMENDING CHAPTER 98, "ZONING" OF THE TOWN'S CODE OF ORDINANCES, THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN, SECTION 98-2, "DEFINITIONS" TO CREATE A DEFINITION FOR GOVERNMENT OFFICE/CLASSROOM, TEMPORARY; AMENDING SECTION 98-993, "SALES TRAILER, TEMPORARY", TO INCORPORATE STANDARDS FOR THE FIELD OFFICE, TEMPORARY USE; CREATING SECTION 98-1005, "GOVERNMENT OFFICE/CLASSROOM, TEMPORARY", ESTABLISHING STANDARDS FOR THIS USE; AMENDING ARTICLE III, "DISTRICT REGULATIONS" TO ADD "GOVERNMENT OFFICE/CLASSROOM, TEMPORARY" AS A TEMPORARY USE ALLOWED WITHIN ALL ZONING DISTRICTS; AMENDING SECTION 98-952 "USE CLASSIFICATION" ADDING "GOVERNMENT OFFICE/CLASSROOM, TEMPORARY" TO THE SCHEDULE OF USE REGULATIONS CHART AS A USE ALLOWED IN ALL ZONING DISTRICTS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; 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 municipality 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 previously adopted Chapter 78, Administration, of Subpart B, Land Development Regulations, of the Town of Flower Mound Code of Ordinances, as amended, establishing provisions for the issuance of temporary use permits in the Town; and,

WHEREAS, the Town Council of the Town of Flower Mound previously adopted Chapter 98, Zoning, of Subpart B, Land Development Regulations, of the Town of Flower Mound Code of Ordinances, as amended, establishing regulations for zoning and uses of land and development of real property within the Town; and,

WHEREAS, the Town Council finds and determines that government entities, such as schools, should have the ability to provide services to the public through temporary buildings during times of construction and the regulations related to temporary uses should be updated to reflect this; and,

WHEREAS, the Planning and Zoning Commission of the Town of Flower Mound, Texas held a public hearing on April 13, 2020, and the Town Council of the Town of Flower Mound, Texas, held a public hearing on April 20, 2020, with respect to the amendments described herein; and,

WHEREAS, the Town has complied with all requirements of Chapter 211 of the Texas Local Government Code, Chapter 78 of the Town's Land Development Regulations, and all other laws dealing with notice, publication and procedural requirements for the approval of a Land

Development Regulations Amendment;

WHEREAS, the Town Council finds that the amendments to Chapters 78 and 98 as outlined herein are in the best interest of the Town of Flower Mound and will promote the health, safety, and general welfare of the citizens of the Town of Flower Mound and the general public.

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

SECTION 1

Subsections (3), (4), (5), (6) of Section 78-87, "Temporary use permits," of Chapter 78, "Administration," of Subpart B – "Land Development Regulations," of the Code of Ordinances, Town of Flower Mound, Texas, are hereby amended to read as follows:

"Sec. 78-87. – Temporary use permits.

(3) *Conditions*. The applicant shall meet all conditions for such temporary use permit set forth in subpart B of this Code. In addition, the building official may prescribe reasonable conditions upon a temporary use permit to protect the public health, safety, and general welfare of the community.

(4) *Time limit*. A time limit for the discontinuance of the temporary use shall be specified on the temporary use permit.

(5) *Revocation*. The building official shall have the right, upon finding that a permitted temporary use is causing a hazard or nuisance, to revoke such temporary use or to deny any extension. The building official may also revoke a temporary use permit for misrepresentation of facts or failure to comply with applicable regulations. After revocation, such temporary use shall immediately cease and all temporary structures shall be removed within ten days of notification of such finding.

(6) *Appeal*. An applicant may appeal to the Town Council any conditions not mandated by health and safety codes or the revocation of a temporary use permit."

SECTION 2

Section 98-2, "Definitions," of Chapter 98, "Zoning," of Subpart B – "Land Development Regulations," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended to add a definition of "Government office/classroom, temporary" to be added and inserted alphabetically to read as follows:

"Sec. 98-2. – Definitions

Government office/classroom, temporary, means a building used to house displaced government employees and/or students attending elementary or secondary schools, so that the primary function of the associated governmental entity can continue uninterrupted while new construction or renovations occur on-site.

SECTION 3

Section 98-993, "Sales trailer, temporary," of Chapter 98, "Zoning," of Subpart B – "Land Development Regulations," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended to read as follows:

"Sec. 98-993. – Sales trailer, temporary or Field office, temporary.

(a) Generally

1. Any temporary building must have ground anchors for every ten feet of the length of the building.
2. Any temporary building must have skirting around the perimeter to conceal any space between the bottom of the building and grade.
3. Any temporary building must be located in a subdivision, on a platted lot, behind the required front yard, must meet the side and rear yard setbacks of the lot, and not be located within any easements.
4. Location and landscaping plans for a proposed temporary building must be approved by the building official or designee.
5. A temporary three-foot wide sidewalk is required from any temporary building to the curb.
6. Temporary buildings must meet all applicable requirements of Texas Accessibility Standards (TAS) and the Americans with Disabilities Act (ADA).
7. Building permit fees, as listed in Appendix A of this Code, plus any necessary utility connection fees, shall be paid.
8. A temporary building shall not be used for living or sleeping purposes.
9. Temporary buildings must be kept clean and free of trash and debris at all times.

(b) Sales trailer

1. A temporary permit allowing residential sales from a mobile office trailer shall be valid until the issuance of a certificate of occupancy for a model home, or for 120 days, whichever comes first. No extensions will be issued.
2. A building permit must be issued for the model home at the time of the temporary permit for the trailer.
3. The contractor must own buildable lot(s) and have active permit(s) in the subdivision.
4. At a minimum, the front of the temporary trailer must be landscaped with foundation plantings to conceal any skirting, and the front yard must be grassed.
5. Off-street parking of an all-weather surface shall be provided at a minimum rate of two spaces per proposed trailer, on the same side of the street as the models.
6. No permit shall be issued for a temporary residential sales trailer within a platted subdivision if any building permit has previously been issued within such subdivision, exclusive of model home permits.
7. No outside storage or other buildings are allowed.

(c) Field Office

1. A temporary field office permit will expire after one year, but may be extended with approval from the Building Official.

2. The contractor is required to move the field office within 30 days upon a request from the Building Official due to complaints.
3. Any proposed outside storage or fencing must be identified and approved at the time of permitting.
4. A non-residential temporary field office must be removed prior to the approval of a certificate of occupancy."

SECTION 4

Section 98-1005, "Government office/classroom, temporary," of Chapter 98, "Zoning," of Subpart B – "Land Development Regulations," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby added to read as follows:

"Sec. 98-1005. – Government office/classroom, temporary

- a) A temporary government office/classroom shall comply with all applicable requirements of the district in which it is located, including the requirements of the urban design plan that buildings be primarily earth tone or natural colors that complement the existing development. Such facility shall not be required, however, to meet the other standards of the urban design plan, or landscaping and underground utility requirements of the applicable zoning district.
- b) Any temporary building must be located in a subdivision, on a platted lot, behind the required front yard, must meet the side and rear yard setbacks of the lot, and not be located within any easements.
- c) Any temporary building must have a foundation or have ground anchors for every ten feet of the length of the building.
- d) If there is no permanent foundation, the temporary building must have skirting around the perimeter to conceal any space between the bottom of the building and grade.
- e) Location and landscaping plans must be approved by the building official or designee.
- f) At a minimum, any side(s) of a temporary building that are visible from the right-of-way must be landscaped and irrigated with foundation plantings and grass, unless the area is already developed with impervious surface.
- g) A temporary three-foot wide sidewalk that meets Texas Accessibility Standards (TAS) and the Americans with Disabilities Act (ADA) is required from any temporary building to the curb, unless there is already an accessible path in place from the sidewalk to the building on an approved all-weather surface.
- h) A temporary government office/classroom may be located on parking spaces, provided that such spaces are not necessary to meet the minimum parking requirements of the other uses on the lot or parcel, or the temporary building itself.
- i) Appropriate accessible parking that meets TAS and ADA standards shall be provided for any temporary buildings.
- j) A temporary government office/classroom shall not be located within, nor encroach upon, a fire lane, maneuvering aisle, vehicle stacking space or required landscaping areas of the lot or parcel upon which the facility is placed. The location of such facility shall comply with all visibility obstruction regulations of the town.
- k) An approved fire alarm that is connected to the main building fire alarm panel is required.

- l) Access to sanitary facilities must be provided in compliance with the Town's currently adopted building code.
- m) In order for a permit for a temporary government office/classroom to be issued, there must be an active Commercial permit, either for new construction or remodel, issued to the site.
- n) The initial permit for a temporary government office/classroom shall be valid for one year, but may be extended with approval from the building official, as long as the permit for the associated construction or remodel work is still active.
- o) Temporary government office/classroom buildings must be removed prior to the issuance of the associated certificate of occupancy for the newly constructed or renovated space that the employees and/or students will be occupying, and the site where the temporary building(s) were located must be restored to its original state and/or configuration.
- p) Building permit fees as listed in appendix A of this Code, plus any necessary utility connection fees, shall be paid at the time of application.
- q) Temporary building sites must be kept clean and free of trash and debris at all times."

SECTION 5

Sections 98-275, "Temporary uses," 98-304, "Temporary uses," 98-334, "Temporary uses," 98-364, "Temporary uses," 98-394, "Temporary uses," 98-424, "Temporary uses," 98-434, "Temporary uses," 98-454, "Temporary uses," 98-484 "Temporary uses," 98-514, "Temporary uses," 98-544, "Temporary uses," 98-574, "Temporary uses," 98-604, "Temporary uses," 98-634, "Temporary uses," 98-664, "Temporary uses," 98-694, "Temporary uses," 98-724, "Temporary uses," 98-754, "Temporary uses," 98-784, "Temporary uses," 98-844, "Temporary uses," 98-874, "Temporary uses," of Article III, "District Regulations" of Chapter 98 of the Code of Ordinances, Town of Flower Mound, Texas, are hereby amended to add "Government office/classroom, temporary" to be inserted alphabetically to read as follows:

"Sec. 98-275 – Temporary Uses

Government office/classroom, temporary

Sec. 98-304 – Temporary Uses

Government office/classroom, temporary

Sec. 98-334 – Temporary Uses

Government office/classroom, temporary

Sec. 98-364 – Temporary Uses

Government office/classroom, temporary

Sec. 98-394 – Temporary Uses

Government office/classroom, temporary

Sec. 98-424 – Temporary Uses

Government office/classroom, temporary

Sec. 98-434 – Temporary Uses

Government office/classroom, temporary

Sec. 98-454 – Temporary Uses

Government office/classroom, temporary

Sec. 98-484 – Temporary Uses

Government office/classroom, temporary

Sec. 98-514 – Temporary Uses

Government office/classroom, temporary

Sec. 98-544 – Temporary Uses

Government office/classroom, temporary

Sec. 98-574 – Temporary Uses

Government office/classroom, temporary

Sec. 98-604 – Temporary Uses

Government office/classroom, temporary

Sec. 98-634 – Temporary Uses

Government office/classroom, temporary

Sec. 98-664 – Temporary Uses

Government office/classroom, temporary

Sec. 98-694 – Temporary Uses

Government office/classroom, temporary

Sec. 98-724 – Temporary Uses

Government office/classroom, temporary

Sec. 98-754 – Temporary Uses

Government office/classroom, temporary

Sec. 98-784 – Temporary Uses

Government office/classroom, temporary

Sec. 98-844 – Temporary Uses

Government office/classroom, temporary

Sec. 98-874 – Temporary Uses

Government office/classroom, temporary

***"

SECTION 6

Subsection (c), "Schedule of Use Regulations," of Section 98-952, "Use Classification," of Subdivision II, "Regulations," of Division 2, "Uses," of Article IV, "Supplementary District Regulations," of Chapter 98 of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended to add "Government office/classroom, temporary" in the Schedule of Use Regulations chart to read as follows:

"Sec. 98-952 – Schedule of Use Regulations Chart

Temporary Uses	A	S F E	SF- 5	SF 30	SF 15	SF 10	S F A	2F	M F	MH	O	R 1	R 2	C 1	C 2	C C	C I	I 1	I 2	W R	R E C	P D	C B D
Government office/classroom, temporary	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	*

***"

SECTION 7

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 8

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 9

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 10

All rights and remedies of the Town of Flower Mound are expressly saved as to any and all violations of the provisions of the Code of Ordinances as amended or revised herein, or any other ordinances affecting the matters regulated herein which 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 11

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 12

This Ordinance shall be in full force and effect from and after the date of its passage.

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 20TH DAY OF APRIL 2020.

APPROVED:

Steve Dixon, **MAYOR**

ATTEST:

Theresa Scott, **TOWN SECRETARY**