

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. 42-21

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 74, "GENERAL PROVISIONS," AND CHAPTER 82, "DEVELOPMENT STANDARDS," OF THE TOWN'S CODE OF ORDINANCES, TO AMEND PARKING AND ACCESSORY BUILDING REGULATIONS; 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 74, "General Provisions," of Subpart B, "Land Development Regulations," of the Town of Flower Mound Code of Ordinances, as amended, establishing general provisions for Subpart B; and

WHEREAS, the Town Council of the Town of Flower Mound previously adopted Chapter 82, "Development Standards," of Subpart B, "Land Development Regulations," of the Town of Flower Mound Code of Ordinances, as amended, establishing appropriate standards for the development of land within the Town; and

WHEREAS, the Town Council finds and determines the Town's parking and accessory building regulations should be updated to clarify certain sections; and

WHEREAS, the Planning and Zoning Commission of the Town of Flower Mound, Texas, held a public hearing on September 27, 2021, and the Town Council of the Town of Flower Mound, Texas, held a public hearing on October 4, 2021, 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; and

WHEREAS, the Town Council finds that the amendments to Chapters 74 and 82 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

Section 74-3, "Definitions," of Chapter 74, "General provisions," of Subpart B, "Land Development Regulations," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby

amended to replace the definitions for “Accessory building, attached,” “Accessory building, detached,” and “Building, main,” and create a new definition for “Structure, primary,” to be inserted alphabetically and read as follows:

“Sec. 74-3. - Definitions.

Accessory building, attached, also known as an addition, means an integral portion of the main building devoted to uses incidental and accessory to the primary use, such as an attached garage, storage area, living space, or carport. An accessory building is considered integral when it shares a common wall (minimum six feet in width), roofline, and foundation with the main building. The addition must aesthetically match the main building and not have the appearance of a separate structure. If an attached accessory building is air conditioned, the space must be accessible from within the main building.

Accessory building, detached means a freestanding building, or a building connected to the main building by means of a breezeway or unenclosed walkway, designed and used for functions incidental and accessory to the main use, such as a garden shelter, separate garage, carport, or storage house.

Building, main means the building on a lot that is occupied by the primary use. See also *Structure, primary*.

Structure, primary, see *Building, main*.

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SECTION 2

Section 82-72, “Applicability of article provisions,” of Article III, “Off-street parking and loading,” of Chapter 82, “Development Standards,” of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended in its entirety to read as follows:

“Sec. 82-72. – Applicability of article provisions.

- (a) *New and complying development*. New and complying development shall be subject to the following provisions:
- (1) Every use of a building or land must provide the minimum off-street parking and loading spaces required by this article. The adequate provision of parking spaces will be reviewed during rezoning, specific use permit (SUP), site plan, and certificate of occupancy reviews.
 - (2) The number of parking and loading spaces may be reduced when the land use or floor area of a building is changed or reduced to a use or floor area requiring fewer parking or loading spaces.
 - (3) When a building is expanded or a land use is changed so as to increase the number of parking or loading spaces required, the number of such spaces must be increased.
- (b) *Existing noncomplying development*. Developments with noncomplying parking and loading areas are subject to the following provisions:

- (1) Existing parking and loading spaces may not be reduced below the minimum required by this article.
 - (2) No building permit or certificate of occupancy shall be issued for any new building, building addition or expansion, change of use, remodeling, or structural alterations until all parking and loading areas associated with the development are brought into full conformity with the provisions of this article.
- (c) *Engineering Design Criteria.* The provisions established under this article are not intended to supersede any requirement contained within the Town of Flower Mound Engineering Design Criteria and Construction Standards Manual, as amended.”

SECTION 3

Section 82-73, “Computing parking and loading requirements,” of Article III, “Off-street parking and loading,” of Chapter 82, “Development Standards,” of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended to replace subsections 1-6 and add subsection 10 to read as follows:

“Sec. 82-73. – Computing parking and loading requirements.

The number of parking spaces required for a specific development proposal shall be based on the requirements listed in section 82-74, Off-street parking requirements, and the following provisions:

- (1) *Deviation of required spaces.* The amount of parking may be reduced or increased by 20 percent. Deviations for all uses, excluding “Religious Assembly/Institution or Rectory,” in excess of 20 percent must be accompanied by a parking study and approved by the town council. Deviations for “Religious Assembly/Institution or Rectory” increasing required spaces in excess of 30 percent, must be accompanied by a parking study and approved by the town council. Any approved parking in excess of 20 percent must be mitigated. Mitigation may be achieved by the use of pervious paving, increased landscaping, increased stormwater treatment, or other method to reduce the impact of the increased parking.
- (2) *Unlisted uses.* Where questions arise concerning the minimum off-street parking requirements for any use not specifically listed, the requirements may be interpreted by the town as those of a similar use.
- (3) *Large developments.* A large development is defined as any development that is required to provide over 250 parking spaces based on the parking ratios listed in section 82-74. All large developments are required to provide a parking study as defined in this section. If the required parking study finds that a reduced number of parking spaces is necessary, due to the mixture of uses onsite, the reduced number becomes the town standard for that specific development.
- (4) *Parking study.* A parking study required by this article must be reviewed by the town along with any traffic engineering and planning data appropriate to the establishment of a parking requirement for the use proposed. A parking study, when required by this article, must include, but not be limited to, estimates of parking requirements based on recommendations in studies such as those from the Urban Land Institute, the Institute of Traffic Engineers, or the Texas A&M Transportation Institute, and based on data collected from uses or combinations of uses that are the same or comparable to the proposed use. Comparability shall be determined by density, scale, bulk, area, type of activity, and location. The study must include a shared parking analysis based on the mixture of uses and corresponding peak demand. Specifically, the parking required for restaurants should be included in the study and be determined by the

number, location, and type of restaurants proposed. The study must document the source of data used to develop recommendations.

- (5) *Location*. All required off-street parking spaces, unless otherwise approved through this article, must be located and arranged on the site to insure optimal access and use.
- (6) *Fractions*. When measurements determining the number of required parking spaces result in fractions, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall be rounded upward to the next full number.

- (10) *Required Loading Spaces*. The number of required loading spaces shall be determined by the town manager or their designee during the development process."

SECTION 4

Section 82-74, "Off-street parking and loading space requirements," of Article III, "Off-street parking and loading," of Chapter 82, "Development Standards," of Subpart B, "Land Development Regulations," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended to rename the section to "Off-street parking requirements" and to amend the opening statement and schedule title to read as follows:

"Sec. 82-74. – Off-street parking requirements.

The following are the off-street parking requirements:

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

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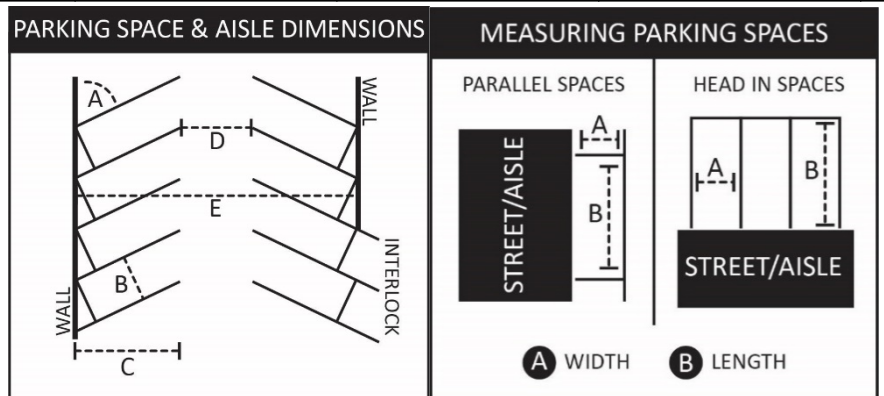
SECTION 5

Section 82-77, "Parking space and aisle dimensions," of Article III, "Off-street parking and loading," of Chapter 82, "Development Standards," of Subpart B, "Land Development Regulations," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended in its entirety to read as follows:

"Sec. 82-74. – Parking space and aisle dimensions.

For all parking areas, the minimum required dimensions of parking spaces and aisles shall be as indicated in the following table. If proposed parking angles are not shown in the table, dimensions shall be interpreted from the table by the town manager or their designee. All dimensions are in feet and measured as shown graphically in the figure following the table in this section. Minor deviations from these standards may be approved by the town manager or their designee for the design of parking structures. The dimensions in the table are graphically illustrated in the figures following the table in this section:

Parking Angle A	Parking Space Width B	Parking Space Depth to wall C	Aisle Width D	Wall Module Width (wall to wall) E
90 degree parking angle, two-way aisle				
90	9.00	17.5	26.0	61.0
60 degree parking angle, two-way aisle				
60	9.00	18.0	26.0	62.0
75 degree parking angle, one-way aisle				
75	9.00	18.5	22.0	59.0
60 degree parking angle, one-way aisle				
60	9.00	18.0	18.0	54.0
45 degree parking angle, one-way aisle				
45	9.00	16.5	15.0	48.0



SECTION 6

Section 82-78, "Parking area design," of Article III, "Off-street parking and loading," of Chapter 82, "Development Standards," of Subpart B, "Land Development Regulations," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended to amending subsections 1 and 4-9 and adding subsection 10 to read as follows:

"Sec. 82-78. – Parking area design.

All parking areas, unless indicated otherwise, must comply with the following design requirements:

- (1) Each off-street parking space must open directly onto an aisle or driveway that is not a public or private street or alley, provided that this subsection shall not apply to parking spaces provided by the town for town parks.

- (4) No parking space shall block access by emergency vehicles or be located within fire lanes.
- (5) No off-street parking spaces shall be located within a public or private street, alley, or joint access easement.

- (6) For parking areas including ten or more spaces, a minimum queuing distance of 20 feet shall be provided along all access drives between a street and the nearest parking space.
- (7) All parking spaces must be delineated by single or double stripes on each side of the space.
- (8) Curbs must be provided to prevent any vehicle using a parking area from encroaching on any public street, required landscaping area, sidewalk, trail, or adjacent property, unless otherwise approved by the town manager or their designee.
- (9) Parallel parking spaces shall have a minimum length of 23 feet and a minimum width of eight feet. A minimum width of ten feet must be required if any structure or obstacle that would impede the opening of a vehicle door is within two feet of the curbside of a parallel parking space.
- (10) Parking spaces shall not be located within triangular areas established by section 82-161."

SECTION 7

Section 82-79, "Residential parking area design," of Article III, "Off-street parking and loading," of Chapter 82, "Development Standards," of Subpart B, "Land Development Regulations," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended in its entirety to read as follows:

"Sec. 82-79. – Residential parking area design.

Required parking spaces for residential dwelling units, other than multifamily parking areas, must comply with the following requirements, unless indicated otherwise:

- (1) *Dimensions.* All required parking spaces must have a minimum width of nine feet and a minimum length of 20 feet.
- (2) *Location.* Required parking spaces for residential dwelling units, other than multifamily or mobile homes, must be located within an enclosed garage.
- (3) *Driveways.* A driveway complying with sections 82-132 and 82-135, and not less than 20 feet long measured from the property line, must connect the required enclosed garage or parking spaces to the public or private street, or alley. Driveways to parking areas, garages, or detached garages not required by this article must comply with section 82-80 when located within the required front or side yard setback. No portion of any driveway shall be located within the public or private street or alley.
- (4) *Residential and Multifamily Parking Areas.* Parking areas within any residential zoning district must comply with sections 82-77 and 82-78."

SECTION 8

Section 82-80, "Paving standards," of Article III, "Off-street parking and loading," of Chapter 82, "Development Standards," of Subpart B, "Land Development Regulations," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended in its entirety to read as follows:

“Sec. 82-80. – Paving standards.

All parking areas, loading spaces, and driveways, regardless of size or length, constructed after December 31, 1974, or unless otherwise granted within this article, must be free of weeds and surfaced with concrete, asphalt, brick, or other accepted pavement, as approved by the town manager or their designee.”

SECTION 9

Section 82-81, “Use of parking areas,” of Article III, “Off-street parking and loading,” of Chapter 82, “Development Standards,” of Subpart B, “Land Development Regulations,” of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended in its entirety to read as follows:

“Sec. 82-81. – Use of parking areas.

Required off-street parking spaces and associated aisles and maneuvering areas shall be used for vehicle parking only and comply with the provisions of chapter 66, article IV. – stopping, standing, parking. No sales, storage, display of merchandise (including vehicles), repair work, or dismantling shall be permitted in such areas.”

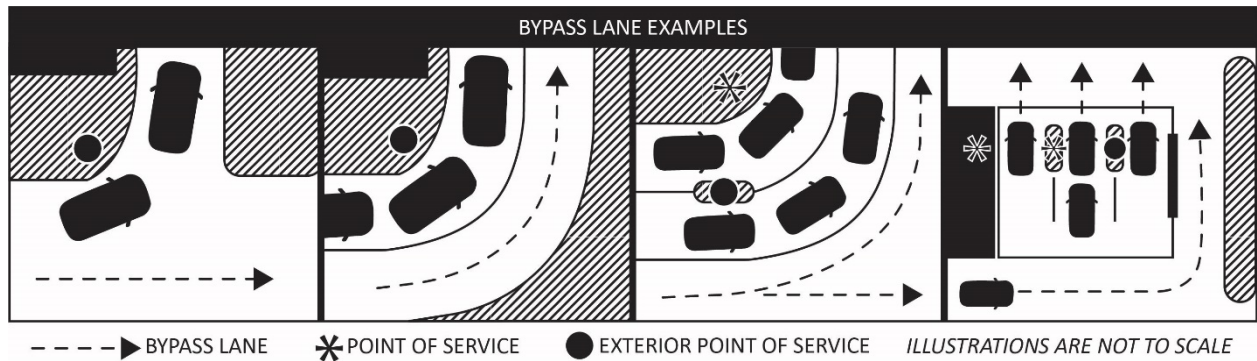
SECTION 10

Section 82-82, “Queuing requirements for drive-through facilities,” of Article III, “Off-street parking and loading,” of Chapter 82, “Development Standards,” of Subpart B, “Land Development Regulations,” of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended in its entirety to read as follows:

“Sec. 82-82. – Queuing requirements for drive-through facilities.

In addition to meeting the off-street parking requirements of this article, drive-through facilities must meet the following queuing standards:

- (1) *Dimensions.* Each queue space must have a width not less than ten feet and a length not less than 20 feet. Unless otherwise indicated, queuing shall be measured from the point of ultimate service to the end of the queuing lane.
- (2) *Design.* Each queue lane must be clearly defined and designed to not conflict or interfere with other traffic using the site.
- (3) *Bypass Lane.* A bypass lane with a minimum width of 12 feet must be provided for sites where service to occupied vehicles takes place. Bypass lanes must not be located within any queuing area. Up to the exterior first point of service, vehicles must have the ability to exit the queuing lane and return safely to the regular flow of traffic without any obstruction or barriers. For the purpose of this section, “exterior first point of service,” shall be defined as being the first, outermost, interaction between the establishment, such as a kiosk, window, menu board, or individual, and an occupied vehicle. This standard is graphically illustrated in the figure below:



- (4) *Number of queue spaces.* The minimum number of queue spaces, including the vehicle being serviced, shall be provided for each drive-through facility as follows:

Land Use Type	Minimum Queue Spaces
Bank teller lane	Five
Automated teller machine	Three
Restaurant, drive-through*	Five
Car wash stall, automatic or full service	Five
Car wash stall, self-service	Three
Oil change station	Four
Dry cleaning or laundry	Three
Photo lab or Pharmacy	Three
General retail	Four
Gasoline pump island	30 feet from each end of pump island
Schools, elementary or secondary, or Day care center	Based on the approved stacking and queuing analysis

- (a) During the site plan or specific use permit process, a queuing and stacking analysis prepared by a traffic engineering firm is required when one or more of the following is met:
- i. The land use type is "Restaurant, drive-through."
*While the minimum number of queue spaces required for a "Restaurant, drive-through" is five, a queuing and stacking analysis is required to determine whether a specific business's expected customer traffic will require additional stacking spaces.
 - ii. The land use type is "Schools, elementary or secondary, or Day care center."
 - iii. Other circumstances necessitating a traffic impact analysis as determined by the town manager or their designee.
- (5) *Tandem drive-through facilities.* The measurement for required queuing spaces shall begin at the last point of ultimate service.
- (6) *Single Stacking Space.* A single stacking space must be provided after the ultimate point of service, order board, kiosk, or stopping point to allow vehicles to pull clear of the transaction area prior to re-entering the normal flow of traffic."

SECTION 11

Section 82-83, "Off-street loading requirements," of Article III, "Off-street parking and loading," of Chapter 82, "Development Standards," of Subpart B, "Land Development Regulations," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended in its entirety to read as follows:

"Sec. 82-83. – Off-street loading requirements.

Loading requirements. Each development is required to detail where loading will occur and the type of vehicle servicing each specific use. The location and design of loading areas shall conform to the following standards:

- (a) *Paving standards.* The surface of all open off-street loading spaces shall comply with section 82-80.
- (b) *Design of loading areas.* All off-street loading spaces shall comply with the following design requirements:
 - 1. No off-street loading space shall be located within a public or private street. Any loading dock or door shall be set back far enough from the right-of-way so that no portion of the right-of-way is occupied by trucks or other vehicles while loading or unloading.
 - 2. The location of the loading area shall not interfere with the free circulation of vehicles in the off-street parking area. Where loading areas are directly adjacent to or integrated with an off-street parking lot, the town manager or their designee may require installation of physical barriers or other means of separating loading areas from parking areas and pedestrian traffic.
 - 3. No loading space shall block access by emergency vehicles.
- (c) *Use of loading areas.* All off-street loading spaces and associated aisles and maneuvering areas shall be used for vehicle loading only and shall not count towards required parking spaces. No sales, storage, display of merchandise (including vehicles), repair work, or dismantling shall be permitted in such areas."

SECTION 12

Section 82-161, "Clear visibility standards," of Division 2, "Driveways and Access," of Article IV, "Traffic," of Chapter 82, "Development Standards," of Subpart B, "Land Development Regulations," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended to read as follows:

"Sec. 82-161. – Clear visibility standards.

Walls, buildings, fences, parking areas, landscaping, or other obstructions exceeding two feet in height must not be placed within the following triangular areas at the intersections of streets, driveways, and alleys, except trees pruned higher than seven feet to permit unobstructed vision to automobile drivers:

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SECTION 13

Section 982-2, "Definitions," of Article I, "In General," of Chapter 98, "Zoning," of Subpart B, "Land Development Regulations," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended to replace the definition for "Accessory dwelling," to read as follows:

"Sec. 98-2. – Definitions.

Accessory dwelling means a dwelling unit accessory to the primary single-family dwelling use with permanent provisions for sleeping, cooking, and sanitation, located in a separate building on the same lot as the primary structure. The habitable floor area of an accessory dwelling shall not exceed 50 percent of the habitable floor area of the primary structure.

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SECTION 14

Section 98-1032, "Accessory buildings," of Division 3, "Dimensional Regulations," of Article IV, "Supplementary district regulations," 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 subsection (a)(5) to read as follows:

"Sec. 98-1032. – Accessory buildings.

(a) *Generally.*

- (5) *Attached accessory building.* An attached accessory building, also known as an addition to the main building, must comply with all regulations applicable to the main building to which it is attached."

SECTION 15

Section 98-1126, "Height for light pole standards," of Division 6, "Outdoor Lighting," of Article IV, "Supplementary district regulations," of Chapter 98, "Zoning," of Subpart B, "Land Development Regulations," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended in its entirety to read as follows:

"98-1126. – Height for light pole standards.

Maximum height for light pole standards shall be as follows:

- (1) In parking areas containing zero to 150 parking spaces, excluding parking spaces located within an enclosed parking garage, light pole standards shall not exceed 25 feet in height.
- (2) In parking areas containing 151 or more parking spaces, excluding parking spaces located within an enclosed parking garage, light pole standards shall not exceed 35 feet in height."

SECTION 16

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 17

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 18

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 19

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 20

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 21

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 4TH DAY OF OCTOBER, 2021.

APPROVED:

Derek France, **MAYOR**

ATTEST:

Theresa Scott, **TOWN SECRETARY**