

**TOWN OF FLOWER MOUND, TEXAS
ORDINANCE NO. 13-24**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 82, "DEVELOPMENT STANDARDS," CHAPTER 86, "SIGNS," CHAPTER 98, "ZONING," AND APPENDIX A, "FEE SCHEDULE," OF THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS, BY AMENDING REGULATED USES, DEFINITIONS, DEVELOPMENT STANDARDS, ILLUSTRATIONS, AND FEES FOR THE PURPOSE OF CLARIFYING AND UPDATING CERTAIN SECTIONS TO REFLECT CURRENT PLANNING PRACTICES AND STATE LAW; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Flower Mound, Texas (the "Town"), 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 (the "Town Council") previously adopted Chapter 82, "Development Standards," Chapter 86, "Signs," and Chapter 98, "Zoning," Appendix A, "Fee Schedule," of Subpart B, "Land Development Regulations," of the Code of Ordinances, Town of Flower Mound, Texas; and,

WHEREAS, the Town Council finds and determines that it is necessary to amend certain definitions and regulated uses for clarification purposes to reflect current planning practices and to comply with State law; and,

WHEREAS, the Town Council finds and determines that it is necessary to amend sign regulations to allow for middle schools to install digital changeable message signs, enhance compatible ground sign design standards, and grant additional flexibility regarding the location of wall signs; and,

WHEREAS, the Town Council finds and determines that it is necessary to amend certain fees associated with platting and the Subdivision Site Plan process commensurate to staff time; and,

WHEREAS, the Planning and Zoning Commission of the Town held a public hearing on March 25, 2024, and the Town Council held a public hearing on April 1, 2024, 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 as outlined herein are in the best interest of the Town and will promote the health, safety, and general welfare of the citizens of the Town and the general public;

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

SECTION 1

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 by updating section 82-74, "Off-street parking requirements," by removing the "Motor vehicle fuel service station" parking ratio 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

Use Type	Parking

<i>Automobile and related service uses</i>	

Motor vehicle fuel service station	6 spaces

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SECTION 2

Division 2, "Landscaping," of Article V, "Landscaping and screening," of Chapter 82, "Development Standards," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended by updating section 82-247, "Outdoor patios and seating areas," to read as follows:

"Sec. 82-247. Outdoor patios and seating areas.

Outdoor patios and seating areas associated with nonresidential uses shall be shown on the site plan and landscape plan. An elevation drawing may be required to determine compliance with this section. In addition, outdoor patios and seating areas are subject to the following standards:

- (1) For any nonresidential use electing to incorporate patio fencing, and for all restaurant uses, the area must be clearly defined through the use of ornamental fencing or similar fencing that is consistent and complementary to the building or development in which it is located.

SECTION 3

Division 3, "Screening," of Article V, "Landscaping and screening," of Chapter 82, "Development Standards," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended by updating section 82-271, "Parking areas," to establish minimum planting requirements for screening shrubs; by removing section 82-275, "Outdoor lighting," in its entirety and renumbering subsequent sections; and by amending section 82-277, "Screening plant selection list," to establish minimum shrub measurements at time of planting to read as follows:

"Sec. 82-271. Parking areas.

Parking areas shall be screened from street view to a minimum height of three feet above the highest finished grade adjacent to the street or curb line of the parking area. Such screening may be accomplished by the use of plants, earth berms, walls or fences, or natural topography, provided that walls or fences shall not be used for screening parking areas from principal, country or scenic roadways. However, notwithstanding the foregoing, schools shall be exempt from the requirements of this division.

- (2) *Shrubs.* At time of planting, parking area shrubs must be, at a minimum, five (5) gallons in size.
- (3) *Spacing.* Shrub spacing shall be determined based on species characteristics to achieve the expected screening.

Sec. 82-275. Height of screening devices.

Sec. 82-276. Screening plant selection list.

- (c) At time of planting, shrubs used to satisfy a contiguous dense six (6) foot screen must measure three (3) feet in height. Spacing shall be determined based on species characteristics to achieve the expected screening.

Sec. 82-277. Exposed concrete and retaining walls.

Secs. 82-278—82-300. Reserved.”

SECTION 4

Division 4, “Residential compatibility standards,” of Article V, “Landscaping and screening,” of Chapter 82, “Development standards,” of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended by updating section 82-302, “Compatibility buffer,” to amend the regulations for multifamily development landscape setbacks to read as follows:

“Sec. 82-302. Compatibility buffer.

- (3) For multifamily development, the landscape setback shall consist of a minimum 50-foot landscaped buffer. Understory plants of species included in section 82-276, Screening plant selection list, shall be provided in order to achieve a continuous dense six-foot screen. Native shade trees, a minimum three-inch caliper and of species included in section 94-68 of this Code, Approved tree lists, shall be provided at a ratio of one tree per 500 square feet of buffer area.

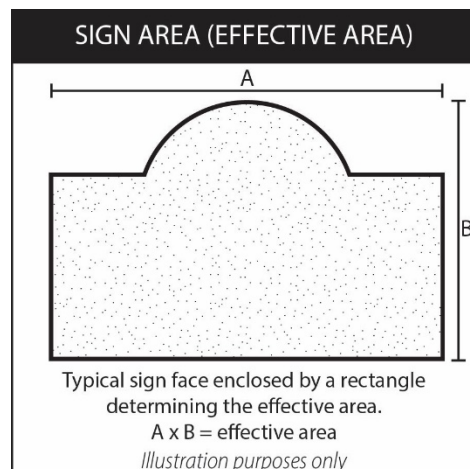
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SECTION 5

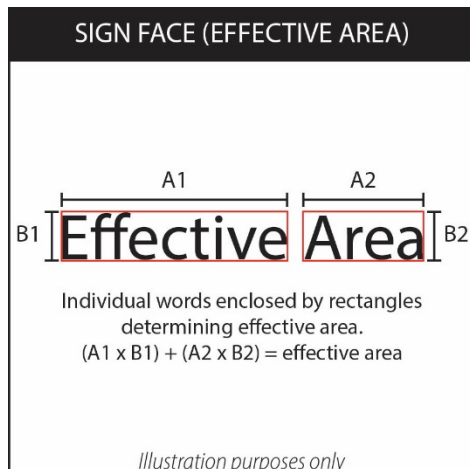
Article I, “In general,” of Chapter 86, “Signs,” of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended by updating section 86-2, “Definitions,” to include several illustrations and update the definition for “sign face” to read as follows:

“Sec. 86-2. Definitions.

Sign area (effective area) means the area enclosed by drawing a rectangle around the outermost extremities of the sign or its letters, insignias, logos, etc., if the same is placed on a wall. The area of a ground sign shall include the sign base and sign cabinet.



Sign face (effective area) means the actual surface upon which the message of a sign is displayed. In the case of wall signs, the area contained within the outermost limits of the letters, logos, numbers, insignias, etc. shall be considered the sign face effective area.



SECTION 6

Article II, "Regulations," of Chapter 86, "Signs," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended by updating section 86-44, "Comprehensive sign package," to remove the outdated site plan review fee requirements; updating section 86-67, "Ground signs," to require, at a minimum, two (2) sides of the sign to be comprised of masonry and to grant middle schools the ability to install digital electronic signs, with restrictions; updating section 86-68, "Wall signs," to allow wall signs on sides of buildings, regardless of street frontage but not adjacent to residential, and to remove additional sign limitations related to multi-building complexes; and updating section 86-70, "Awning or canopy signs," to update a referenced section to read as follows:

"Sec. 86-44. Comprehensive sign package

- (c) *Submittal requirements.* Any person, firm or corporation having a proprietary interest in any property within the corporate limits of the town requesting approval of a special sign permit shall file an application with the office of development services. The completed application shall include the following information:

- (5) A filing fee shall be submitted with every application in accordance with the fee schedule found in appendix A of this Code.

Sec. 86-67. Ground signs.

All ground signs shall be subject to the following requirements:

- (1) The height of a ground sign shall not exceed ten (10) feet and shall be measured from the adjacent street curb level or the mean street grade elevation if no curb exists.

- (7) A ground sign shall be architecturally compatible with the colors and materials of the building that it is identifying and must include an architecturally compatible border around the entire perimeter of the sign. The border must be masonry on two (2) sides of the sign, at a minimum.

- (9) Changeable message signs, including both electronic and changeable panels, shall not be permitted. Notwithstanding the foregoing, changeable message signs shall be allowed subject to the following restrictions.

- c. High schools and middle schools located in any zoning district shall be allowed a digital electronic sign face. Such sign face shall not blink, flash scroll or contain moving or animated parts, messages, or components and shall be limited to 32 square feet in sign area. Digital electronic signs permitted after the date of this ordinance shall not be illuminated from 9 p.m. to 7 a.m. if located within 150 feet of existing residential development, including multi-family, as measured perpendicularly from the sign face to property line.

Sec. 86-68. Wall signs.

- (a) *Generally.* All wall signs shall be subject to the following requirements:

- (4) No wall sign shall exceed 300 square feet of surface area.

- ~~(8) A single-tenant building within a corner development that faces an arterial or collector street and does not have the legal address may place an additional wall sign on this side wall, subject to the standards set forth in subsection (6) of this section.~~

- (b) *Specific signs.* Specific wall signs shall be subject to the following requirements:

- (1) A single-tenant building may place an additional wall sign on one side wall, subject to the standards set forth in subsection (a)(6) of this section. An additional sign on the side wall is not permitted on a wall that is adjacent to any residential use, including multi-family.

- (2) Nonresidential multitenant buildings with exterior access to more than two individual office or business suites may be allowed more than two wall signs for tenant identification, subject to the following:

- a. Each tenant with exterior access shall be permitted wall signs in compliance with subsection (a) of this section, with the height and width of such signs based on the lineal footage of the storefront and the standards set forth in subsection (a)(6) of this section.
- b. An end or corner tenant may place an additional wall sign on the side wall, subject to the standards set forth in subsection (a)(6) of this section. An additional sign on the side wall is not permitted on a wall that is adjacent to any residential use, including multi-family.

- d. ~~Wall signs authorized in this section are to be allowed in lieu of, and not in addition to, the general limitations on wall signs set forth in subsections (a)(2) and (3) of this section.~~

- (3) *Nonresidential buildings (multitenant interior access).*

- a. One wall sign shall be permitted per building wall not to exceed two walls to identify a maximum of two tenants.

- (4) *Nonresidential buildings (other).*

- a. One wall sign shall be permitted per tenant, plus one additional wall sign on the side wall for each end or corner tenant. An additional sign on the side wall is not permitted on a wall that is adjacent to any residential use, including multi-family.

- (5) *Building identification wall signs.* Building identification wall signs shall be permitted in accordance with section 86-68 et seq., subject to the following:

- d. ~~Multi-building complexes shall be allowed only one building identification wall sign.~~
- d. Building identification wall signs shall be limited to a maximum of 25 percent of the lineal building wall length with a maximum sign surface area not exceeding 150 square feet.
- e. The maximum allowable height and width of building identification wall signs shall be as follows:

Lineal Footage of Shell Building Wall	Maximum Sign Width	Maximum Sign Height
Less than 150 feet	25% of lineal footage	18 inches
151 feet up to 300 feet	25% of lineal footage	24 inches
301 feet or more	25% of lineal footage	30 inches

- f. When building identification wall signs are to identify a building/development, the tenant signs for that building must be reduced by 50 percent of the allowed width, height and overall square footage pursuant to subsection (a)(6) of this section.
 - g. Building identification wall signs shall be allowed only on the primary building wall.
 - h. Building identification wall signs shall only be attached to building walls, mansard roofs with slopes of 60 degrees or greater.
 - i. No building identification wall sign attached to a mansard roof or building wall shall extend above the roofline.
 - j. No building identification wall sign shall protrude more than 12 inches from the principal structure to which it is attached (i.e., the depth of the sign shall not exceed 12 inches).
 - k. No building identification sign shall be closer than one foot from the edge of the building wall or mansard roof that it is attached to.
- (6) *Multifamily developments.* Multifamily developments of eight units or more shall be permitted one wall sign for identification of the development for each street frontage.

Sec. 86-70. Awning or canopy signs.

An awning or canopy sign can be used as the primary sign in lieu of a wall sign or neon sign, subject to the following:

- (7) All outdoor lighting for canopy or awning signs must comply with the outdoor lighting provisions set forth in section 98-1101 et seq. of this Code.

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SECTION 7

Article I, "In general," of Chapter 98, "Zoning," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended by updating section 98-2, "Definitions," to include new and updated definition for purposes of clarification; to rename the following: "Auto repair garage" to "Auto service center," and "Cleaning shop or laundry pickup station" to "Cleaning/laundry shop with pickup station"; and to remove "Cleaning/laundry shop, pickup station only," "Cleaning/laundry shop with pickup station," and "Motor vehicles fuel service station," to read as follows:

"Sec. 98-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amusement and recreation (indoors) means an establishment wholly enclosed within a building offering entertainment or games of skill to the general public for a fee. Typical uses include, but are not limited to, dancehalls bowling alleys, billiard and pool establishments, electronic video game arcades, skating rinks, teen clubs, escape rooms, laser tag arenas, and inflatable bounce house parks.

Amusement and recreation (outdoor) means an establishment offering entertainment or games of skill to the general public for a fee wherein any portion of the activity takes place outdoors. Typical uses include, but are not limited to, a golf driving range, paint ball, archery range, and miniature golf course.

Asphalt or concrete batching plant, temporary, means a temporary facility for producing asphalt or concrete products used in construction activities on the same or nearby sites.

Assembly hall means a building, or part of a building, in which facilities are provided and used for such purposes as a meeting, gathering, or assembly of persons for civic, educational, political, religious, or social events, including weddings and receptions, and may include a banquet hall or private club.

Auto leasing or rental means an establishment, other than car sales, new or used, for the purposes of renting or leasing automobiles, vans, and light trucks; may include incidental parking and limited servicing of leased and rented vehicles. Shall not include services related to auto painting or body shop.

Auto painting or body shop means an establishment offering services related to automobile painting; undercoating or rustproofing; rebuilding, reconstructing, or replacing mechanical systems; and/or body work. Such establishments may also offer “auto service center” services.

Auto service center means an establishment providing general repair and servicing of motor vehicles. Such repair and servicing may include oil change and tire rotations; window tinting and car wrapping; reconditioning of engines, air conditioning systems, and transmissions; wrecker service; replacement or repair of brakes, shock absorbers, tires, batteries, mufflers, or upholstery, and other similar mechanical or electronic components. In no instance shall such establishment include services related to an “auto painting or body shop.” This use may include gasoline sales as an accessory use.

Auto storage or auction means an establishment where automobiles are stored for the purpose of being auctioned. Such establishments may include an auto service center as an incidental use for automobiles to be auctioned.

CBD store means any establishment authorized by the state to distribute and sell consumable hemp products, which may include cannabidiol (CBD) oil, CBD gummies, food and drinks infused with CBD, over-the-counter medicine containing CBD, and topical

lotions and cosmetics containing CBD. Any CBD store that sells smokable products shall be considered a smoking related business.

~~Cleaning/laundry shop, pickup station only, means a pickup station for cleaning or laundry where the work is performed other than on the premises.~~

~~Cleaning/laundry shop with pickup station means a custom cleaning, laundry or pressing shop with a pickup station where work is performed on-site utilizing a nonchemical process for cleaning or laundry.~~

Cleaning/laundry shop with pickup station means a custom laundry cleaning or pressing shop not exceeding 4,000 square feet in floor area or a pickup station for laundry or cleaning where the work is performed other than on the premises.

Day camp for children means a facility arranged and conducted for the organized recreation and instruction of children, including outdoor activities, on a daytime basis only. Shall not include facilities required to be licensed with the Texas Department of Health and Human Services, such as day care centers, day care homes, and community homes.

Day activity and health services facility, also known as adult day care, means an establishment or facility licensed by the state that provides services on a daily or regular basis, but not overnight, to four or more elderly persons or persons with disabilities, as defined by the state's human resource code.

Day care center means an establishment licensed by the state that provides care, protection, and supervision for seven or more children under the age of 14 for periods of less than 24 hours per day on a regular basis, excluding any establishment classified as a day care home, or residential child-care facility per state law. This classification also includes a day activity and health services facility, as defined, and shall not include overnight lodging, medical treatment, counseling, and/or rehabilitative services and does not apply to any school.

Day care home means an establishment registered with the state, defined as a "family home," that provides care, protection, and supervision in the caretaker's single-family detached residence for not more than six children under 14 years of age, excluding the caretaker's own children, and that provides care after school for not more than six (6) additional elementary school children, provided that the total number of children cared for, including the caretaker's own children, does not exceed twelve (12). This classification shall not include overnight lodging, medical treatment, counseling, and/or rehabilitative services and does not apply to any school.

Dwelling, multifamily, means any building or its portion that is designed and built to be occupied as three or more dwelling units on a single lot.

Early release home means a single-family or duplex residential building, owned by the developer or contractor, that will not be sold or occupied until final subdivision acceptance. An early release home must not be used as a construction office.

Health club or athletic club means a recreational facility where all activities are contained within an enclosed building for a membership or fee for the purpose of physical fitness. Such facilities may include, but are not limited to, aerobic exercise, tennis, swimming, or racquet facilities, or a gymnasium, weight room, sauna, or other facilities serving associated recreational activities.

Model home means a single-family or duplex residential structure temporarily used for the display of new residences within the subdivision or development in which the residential structure is located. A model home must not be used as a construction office.

~~*Motor vehicle fuel service station* means a building or place arranged, designed, used or intended to be used for the primary purpose of dispensing gasoline, oil, diesel fuel, liquified petroleum gases, greases, batteries, and other minor automobile accessories at retail direct to the motor vehicle trade and where other services to motor vehicles can be rendered such as the following: sales and servicing of spark plugs and other ignition parts; tire repair and servicing, but no recapping; replacement of mufflers and tailpipes, water hose, fan belts, brake fluid, light bulbs, floor mats, wiper blades and arms for windshields, radiator cleaning and flushing; washing and polishing; greasing and lubrication; air cleaners; adjusting brakes, tuning engines; air conditioner service; wheel balancing and alignment; provided, however, that the above automotive services are considered vehicle maintenance and replacement services and shall never be construed to include any major overhaul; the removal and/or rebuilding of an engine, cylinder head, transmission, differential, radiator, springs, or axles; steam cleaning; body or frame work; painting; upholstery; or replacement of glass. This use may include the incidental sale of meats, fruits, vegetables, bakery products, dairy products, personal care items, cleaning products and similar household items to a localized or neighborhood market, for off-premises consumption, provided that in no case shall the floor area devoted to such sales exceed 2,400 square feet.~~

Off-site parking lot, accessory, means a premise providing a paved, ground-level, open space area, used solely for the parking of motor vehicles, and where such parking is allowed with or without payment of a fee, contract, or other form of remuneration.

Off-site parking structure, accessory, means a building or structure consisting of one or more levels, above or below grade, available for the parking of motor vehicles, with or without payment of a fee, contract, or other form of remuneration.

Personal improvement services means an establishment primarily engaged in the provision of informational, instructional, personal improvement, and similar services of a nonprofessional nature. Typical uses include, but are not limited to, portrait shops, photography studios, artists' studios, private music lessons, driving schools, art, handicraft or hobby instruction, and counseling and referral services.

Theater means an establishment, not otherwise defined, offering entertainment or performance within an auditorium contained within an enclosed building. Such entertainment or performance may include, but is not limited to, cinematic, opera, theatrical or stage production, or musical.

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SECTION 8

Article III, "District regulations," of Chapter 98, "Zoning," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended by updating numerous divisions and sections by renaming all instances of "Fire station" to "Fire station/public safety," "Auto repair garage" to "Auto service center," "Cleaning/laundry pickup station only" to "Cleaning/laundry shop with pickup station," and "Model home, subject to section 98-100" to "Model home/early release home, subject to section 98-1000"; by removing instances of "Dance hall"; and updating section 98-905, "Modifications" by removing the "Mixed Use District" modification related to specimen or protected tree removal permit requirements to read as follows:

"Sec. 98-272. Permitted uses.

The following uses shall be permitted in the A agricultural district, subject to compliance with any applicable conditions and all other provisions of this chapter:

Building material yard and construction office, town

Fire station/public safety

Model home/early release home, subject to section 98-1000

Sec. 98-277. Conservation development option and standards.

- (e) Outdoor lighting. New residential subdivisions with five or more buildable lots within the Cross Timbers Conservation Development District must comply with the following outdoor lighting standards.

- (2) New public outdoor lighting, including street lighting, must make use of timers, dimmers, motion sensors, or other adaptive controls, and must be substantially dimmed or extinguished by 11:00 p.m., unless public safety concerns demand otherwise, as determined by town council.

- (4) Outdoor lighting fixtures using lamps or bulbs, regardless of the number of bulbs and level of initial lamp lumens, must not exceed 3,000 kelvins and meet the following:
- a. If the initial lamp lumens are equal to or greater than 1,500, the fixture must be fully shielded. No shielding is required for fixtures with an initial lamp lumens less than 1,500.
 - b. Outdoor lighting fixtures must be sufficiently shielded and aimed such that spillage of light onto adjacent properties is minimized and glare from the light emitting and/or reflecting parts of a luminaire is not visible from an adjacent property.
 - c. Sag-lens, drop-lens, searchlights, beacons, laser sources, and mercury vapor fixtures are prohibited.
 - d. Outdoor uplighting is prohibited, except in cases where the fixture is shielded by a roof overhang or similar structural shield that will not cause light to extend beyond the structural shield.
- (5) A developer shall only be exempt from sections 98-277(e)(2) and/or 98-277(e)(4) if the town manager, or their designee, received a signed letter from the utility provider stating no current street light product meets either or both aforementioned lighting standard.

Sec. 98-302. Permitted uses.

The following uses shall be permitted in the SF-E, single-family estate district, subject to compliance with any applicable conditions and all other provisions of this chapter.

Building material yard and construction office, town

Fire station/public safety

Model home/early release home, subject to section 98-1000

Sec. 98-332. Permitted uses.

The following uses shall be permitted in the SF-30 single-family district-30, subject to compliance with any applicable conditions and all other provisions of this chapter.

Building material yard and construction office, town

Fire station/public safety

Model home/early release home, subject to section 98-1000

Sec. 98-362. Permitted uses.

The following uses shall be permitted in the SF-15 single-family district-15, subject to compliance with any applicable conditions and all other provisions of this chapter:

Building material yard and construction office, town

Fire station/public safety

Model home/early release home, subject to section 98-1000

Sec. 98-392. Permitted uses.

The following uses shall be permitted in the SF-10 single-family district-10, subject to compliance with any applicable conditions and all other provisions of this chapter:

Building material yard and construction office, town

Fire station/public safety

Model home/early release home, subject to section 98-1000

Sec. 98-422. Permitted uses.

The following uses shall be permitted in the SF-A single-family attached district, subject to compliance with any applicable conditions and all other provisions of this chapter:

Building material yard and construction office, town

Fire station/public safety

Model home/early release home, subject to section 98-1000

Sec. 98-431. Purpose and intent.

The SF-5 single-family residential district is designed primarily for single-family detached development on lots that are a minimum of 5,000 square feet in area. It is intended for areas designated as "high density single family detached" on the land use map of the comprehensive master plan. In addition to the use and area regulations of this division, development in the SF-5 single-family residential district shall be in compliance with all other applicable provisions of this chapter.

Sec. 98-432. Permitted uses.

The following uses shall be permitted in the SF-5 single-family district-5, subject to compliance with any applicable conditions and all other provisions of this chapter:

Building material yard and construction office, town

Fire station/public safety

Model home/early release home, subject to section 98-1000

Sec. 98-452. Permitted uses.

The following uses shall be permitted in the 2F duplex district, subject to compliance with any applicable conditions and all other provisions of this chapter:

Building material yard and construction office, town

Fire station/public safety

Model home/early release home, subject to section 98-1000

Sec. 98-482. Permitted uses.

The following uses shall be permitted in the MF multifamily district, subject to compliance with any applicable conditions and all other provisions of this chapter:

Building material yard and construction office, town

Fire station/public safety

Model home/early release home, subject to section 98-1000

Sec. 98-485. Minimum and maximum dimensions.

- (f) Minimum rear yard. The minimum rear yard in the MF multifamily district for all uses shall be 20 feet, subject to section 98-1028.

Sec. 98-512. Permitted uses.

The following uses shall be permitted in the MH mobile home district, subject to compliance with any applicable conditions and all other provisions of this chapter:

Building material yard and construction office, town

Fire station/public safety

Model home/early release home, subject to section 98-1000

Sec. 98-542. Permitted uses.

The following uses shall be permitted in the O office district, subject to compliance with any applicable conditions and all other provisions of this chapter:

Building material yard and construction office, town

Cleaning/laundry shop with pickup station

Fire station/public safety

Off-site parking lot, accessory

Off-site parking structure, accessory

Solar panel systems, subject to section 98-1002

Sec. 98-543. Specific uses.

The following uses shall be permitted in the O office district only upon approval of a specific use permit by the town council in accordance with the procedures and standards of section 90-186, specific use permits:

~~Parking structure, commercial~~

Sec. 98-572. Permitted uses.

The following uses shall be permitted in the R-1 retail district-1, subject to compliance with any applicable conditions and all other provisions of this chapter:

Building material yard and construction office, town

Fire station/public safety

Off-site parking lot, accessory

Off-site parking structure, accessory

Retail, large tenant (between 25,000 and 49,999 square feet), existing construction, subject to section 98-1010

Solar panel systems, subject to section 98-1002

Sec. 98-573. Specific uses.

The following uses shall be permitted in the R-1 retail district-1 only upon approval of a specific use permit by the town council in accordance with the procedures and standards of section 90-186, specific use permits:

Alcoholic beverage establishment with production area greater than 6,000 square feet, subject to section 98-1009

~~Parking structure, commercial~~

Retail, large tenant (between 25,000 and 49,999 square feet), new construction, subject to section 98-1010

Sec. 98-602. Permitted uses.

The following uses shall be permitted in the R-2 retail district-2, subject to compliance with any applicable conditions and all other provisions of this chapter:

Building material yard and construction office, town

~~Cleaning/laundry pickup station only~~

Fire station/public safety

Off-site parking lot, accessory

Off-site parking structure, accessory

Retail, large tenant (between 25,000 and 49,999 square feet), existing construction, subject to section 98-1010

Retail, large tenant (between 50,000 and 74,999 square feet), existing construction, subject to section 98-1010

Solar panel systems, subject to section 98-1002

Sec. 98-603. Specific uses.

The following uses shall be permitted in the R-2 retail district-2 only upon approval of a specific use permit by the town council in accordance with the procedures and standards of section 90-186, specific use permits:

Auto service center

~~Parking structure, commercial~~

Retail, large tenant (between 25,000 and 49,999 square feet), new construction, subject to section 98-1010

Retail, large tenant (between 50,000 and 74,999 square feet), new construction, subject to section 98-1010

Sec. 98-632. Permitted uses.

The following uses shall be permitted in the C-1 commercial district-1, subject to compliance with any applicable conditions and all other provisions of this chapter:

Building material yard and construction office, town

~~Cleaning/laundry pickup station only~~

Fire station/public safety

Off-site parking lot, accessory

Off-site parking structure, accessory

Retail, large tenant (between 75,000 and 99,999 square feet), existing construction, subject to section 98-1010

Solar panel systems, subject to section 98-1002

Sec. 98-633. Specific uses.

The following uses shall be permitted in the C-1 commercial district-1 only upon approval of a specific use permit by the town council in accordance with the procedures and standards of section 90-186, specific use permits:

Auto service center

CBD store, subject to section 98-1011

Retail, large tenant (between 75,000 and 99,999 square feet), new construction, subject to section 98-1010

Sec. 98-662. Permitted uses.

The following uses shall be permitted in the C-2 commercial district-2, subject to compliance with any applicable conditions and all other provisions of this chapter:

Auto service center

Building material yard and construction office, town

~~Cleaning/laundry pickup station only~~

~~Dance hall~~

Fire station/public safety

Off-site parking lot, accessory

Off-site parking structure, accessory

Retail, large tenant (100,000 square feet or more), existing construction, subject to section 98-1010

Solar panel systems, subject to section 98-1002

Sec. 98-663. Specific uses.

The following uses shall be permitted in the C-2 commercial district-2 only upon approval of a specific use permit by the town council in accordance with the procedures and standards of section 90-186, specific use permits:

Alcoholic beverage establishment with production area greater than 6,000 square feet, subject to section 98-1009

CBD store, subject to section 98-1011

Retail, large tenant (100,000 square feet or more), new construction, subject to section 98-1010

Sec. 98-692. Permitted uses.

The following uses shall be permitted in the I-1 industrial district-1, subject to compliance with any applicable conditions and all other provisions of this chapter:

Auto service center

Building material yard and construction office, town

CBD store, subject to section 98-1011

Cleaning/laundry shop with pickup station

~~Dance hall~~

Fire station/public safety

Off-site parking lot, accessory

Off-site parking structure, accessory

Retail, large tenant (100,000 square feet or more), existing construction, subject to section 98-1010

Solar panel systems, subject to section 98-1002

Sec. 98-693. Specific uses.

The following uses shall be permitted in the I-1 industrial district-1 only upon approval of a specific use permit by the town council in accordance with the procedures and standards of section 90-186, specific use permits:

Retail, large tenant (100,000 square feet or more), new construction, subject to section 98-1010

Tire retreading or recapping

Sec. 98-722. Permitted uses.

The following uses shall be permitted in the I-2 industrial district-2, subject to compliance with any applicable conditions and all other provisions of this chapter:

Auto service center

Building material yard and construction office, town

Cleaning/laundry shop with pickup station

Fire station/public safety

Off-site parking lot, accessory

Off-site parking structure, accessory

Retail, large tenant (100,000 square feet or more), existing construction, subject to section 98-1010

Solar panel systems, subject to section 98-1002

Tire retreading or recapping

Sec. 98-723. Specific uses.

The following uses shall be permitted in the I-2 industrial district-2 only upon approval of a specific use permit by the town council in accordance with the procedures and standards of section 90-186, specific use permits:

Retail, large tenant (100,000 square feet or more), new construction, subject to section 98-1010

Sec. 98-752. Permitted uses.

The following uses shall be permitted in the WR water recreation district, subject to compliance with any applicable conditions and all other provisions of this chapter:

Building material yard and construction office, town

Fire station/public safety

Off-site parking lot, accessory

Model home/early release home, subject to section 98-1000

Off-site parking lot, accessory

Sec. 98-753. Specific uses.

The following uses shall be permitted in the WR water recreation district only upon approval of a specific use permit by the town council in accordance with the procedures and standards of section 90-186, specific use permits:

Off-site parking structure, accessory

Sec. 98-782. Permitted uses.

The following uses shall be permitted in the REC recreational district, subject to compliance with any applicable conditions and all other provisions of this chapter:

Building material yard and construction office, town

Fire station/public safety

Off-site parking lot, accessory

Solar panel systems, subject to section 98-1002

Sec. 98-783. Specific uses.

The following uses shall be permitted in the REC recreational district only upon approval of a specific use permit by the town council in accordance with the procedures and standards of section 90-186, specific use permits:

Off-site parking structure, accessory

Sec. 98-842. Permitted uses.

The following uses shall be permitted in the CC campus commercial district, subject to compliance with any applicable conditions and all other provisions of this chapter:

Building material yard and construction office

~~Cleaning/laundry pickup station only~~

Fire station/public safety

Off-site parking lot, accessory

Off-site parking structure, accessory

Retail, large tenant (100,000 square feet or more), existing construction, subject to section 98-1010

Retail, large tenant (between 25,000 and 49,999 square feet), existing construction, subject to section 98-1010

Retail, large tenant (between 50,000 and 74,999 square feet), existing construction, subject to section 98-1010

Retail, large tenant (between 75,000 and 99,999 square feet), existing construction, subject to section 98-1010

Solar panel systems, subject to section 98-1002

Sec. 98-843. Specific uses.

The following uses shall be permitted in the CC campus commercial district only upon approval of a specific use permit by the town council in accordance with the procedures and standards of section 90-186, specific use permits:

Retail, large tenant (100,000 square feet or more), new construction, subject to section 98-1010

Retail, large tenant (between 25,000 and 49,999 square feet), new construction, subject to section 98-1010

Retail, large tenant (between 50,000 and 74,999 square feet), new construction, subject to section 98-1010

Retail, large tenant (between 75,000 and 99,999 square feet), new construction, subject to section 98-1010

Sec. 98-872. Permitted uses.

The following uses shall be permitted in the CI campus industrial district, subject to compliance with any applicable conditions and all other provisions of this chapter:

Building material yard and construction office, town

Cleaning/laundry shop with pickup station

Fire station/public safety

Off-site parking lot, accessory

Off-site parking structure, accessory

Retail, large tenant (between 75,000 and 99,999 square feet), existing construction, subject to section 98-1010

Retail, large tenant (100,000 square feet or more), existing construction, subject to section 98-1010

Solar panel systems, subject to section 98-1002

Sec. 98-873. Specific uses.

The following uses shall be permitted in the CI campus industrial district only upon approval of a specific use permit by the town council in accordance with the procedures and standards of section 90-186, specific use permits:

Retail, large tenant (100,000 square feet or more), new construction, subject to section 98-1010

Retail, large tenant (between 75,000 and 99,999 square feet), new construction, subject to section 98-1010

Sec. 98-905. Modifications.

(c) Tree preservation.

- (1) *General.* In mixed use development projects, tree removal and mitigation shall comply with chapter 94, "trees," and be evaluated in regard to the district as a whole based on the tree survey, unless provided herein.
- (2) *Tree removal.*

~~b. Removal of protected or specimen trees. The removal of specimen or protected trees located within a lot or site do not require a tree removal permit, however; such trees shall not be removed from a lot or site prior to all of the conditions listed in this subsection being met. No protected or specimen trees may be removed from a lot or site prior to the approval of a development plan, site plan, plat or replat. In addition, a pre-construction meeting with appropriate town staff shall occur prior to the removal of any protected or specimen tree and/or the authorization of grading and construction activities to begin on the lot or site.~~

- ~~(3) Mitigation requirements for authorized tree removal. Tree mitigation requirements for mixed use districts shall not apply to non-residential uses within the mixed use project. Mitigation requirements for residential uses for mixed use districts shall comply with the following provisions.~~
- ~~a. Protected trees on-site. It shall be the responsibility of any person removing a protected tree from a lot or site to replace each protected tree so removed with one tree having a caliper of two and one half three inches, measured in accordance with the terms of chapter 94 "Trees."~~
 - ~~b. Specimen trees on-site. It shall be the responsibility of any person removing a specimen tree from a lot or site to replace each specimen tree removed with one or more trees that total twice the caliper inches of the specimen tree(s) removed as measured in accordance with the terms of chapter 94 "trees." For example, if a 30-inch specimen tree is removed, it would be replaced with 60 caliper inches comprised of 20, three-inch caliper trees, five, 12-inch caliper trees or some other combination of trees the caliper measurement of which equates to 60 caliper inches.~~
 - ~~c. Mitigation payments. Mitigation payments in lieu of planting replacement trees shall be calculated and submitted to the town for approval. Fees in lieu of planting shall be paid to the town's tree preservation fund.~~
 - ~~d. Mitigation credits and incentives for preservation of protected and specimen trees. If any protected or specimen tree is preserved on a lot or site, credits for said preservation shall be given that will count toward the replacement or mitigation requirements within the lot or site. Credits will accrue only for those trees whose measured drip lines are left predominantly in their natural state. Minimal cutting, filling or other construction-related activities are allowed within the drip line of trees eligible for credits to the extent only that such trees are not damaged or killed by such activity within their drip line. Said credits will accrue as follows.~~
 - ~~1. For each protected tree preserved or transplanted within a lot or site or transplanted elsewhere in the site, one tree credit shall be given.~~
 - ~~2. For each specimen tree preserved or transplanted within a lot or site or transplanted elsewhere within the site, credit for caliper width equivalent to the caliper width of the tree preserved or transplanted shall be given. For example, preserving or transplanting a specimen tree having a 30-inch caliper width would result in 30 caliper inches of credit, or ten, three-inch caliper trees.~~

3. ~~For purposes of this section, one credit shall be given for landscaping trees planted in compliance with the mixed use district landscaping standards."~~

SECTION 9

Division 2, "Uses," of Article IV, "Supplementary district regulations," of Chapter 98, "Zoning," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended by updating section 98-952, "Use classification," to rename "Model home (98-1000)" to "Model home/early release home (98-1000)," "Fire station" to "Fire station/public safety," "Cleaning/laundry pickup station only" to "Cleaning/laundry shop with pickup station," "Auto repair garage" to "Auto service center," and "Tire retreading or capping" to "Tire retreading or recapping"; renaming section 98-1000, "Model home," and updating the section in its entirety; updating and renaming section 98-1002, "Solar panel systems for on-site residential use," to "Solar panel systems"; and updating section 98-10008, "Smoking related business," to include proof of licensure, if necessary, to read as follows:

"Sec. 98-952. Use classification.

Use Type/Section	98-271	98-301	98-343	98-331	98-361	98-391	98-421	98-451	98-481	98-511	98-541	98-571	98-601	98-631	98-661	98-691	98-721	98-751	98-781	98-811	98-841	98-871	98-891
Residential Uses	A	SFE	SF-5	SF30	SF15	SF10	SFA	2F	MF	MH	O	R1	R2	C1	C2	CC	CI	I1	I2	WR	REC	PD	CBD
Solar-panel-systems-(98-1002)	P	P	P	P	P	P	P													P		P	*
Accessory and Temporary Uses	A	SFE	SF-5	SF30	SF15	SF10	SFA	2F	MF	MH	O	R1	R2	C1	C2	CC	CI	I1	I2	WR	REC	PD	CBD
Accessory retail/service uses									P		P	P	P	P	P	P	P	P	P			P	*
Building material yard and construction office, town	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	*
Model home/early release home (98-1000)	P	P	P	P	P	P	P	P												P		P	*
Off-site parking lot, accessory											P	P	P	P	P	P	P	P	P	P	P	P	*
Off-site parking structure, accessory											P	P	P	P	P	P	P	P	P	S	S	P	*

Solar panel systems (98-1002)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	*

Educational, Institutional and Civic Uses	A	S F E	S F-5	SF 30	SF 15	SF 10	S F A	2 F	M F	M H	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

Fire station/public safety	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	*

Retail Uses	A	S F E	S F-5	SF 30	SF 15	SF 10	S F A	2 F	M F	M H	O	R 1	R 2	C 1	C 2	C C	C I	I 1	I 2	W R	R E C	P D	*

CBD store (98-1011)														S	S			P				S	*

Personal Service Uses	A	S F E	S F-5	SF 30	SF 15	SF 10	S F A	2 F	M F	M H	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

Cleaning/laundry shop with pickup station											P	P	P	P	P	P	P	P	P			P	*
Cleaning/laundry shop with onsite plant												S	S	P	P			P	P			P	*
Cleaning/laundry shop with pickup station											S	P	P	P	P	P						P	*

Dance hall															P			P				P	*

Automobile and Related Service Uses	A	S F E	S F-5	SF 30	SF 15	SF 10	S F A	2 F	M F	M H	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

Auto service center													S	S	P			P	P			P	*

Motor vehicle fuel service station													S	S	P			P	P	P		P	*
Tire retreading or recapping																		S	P			P	*

Sec. 98-1000 Model home and early release home

The construction of any home prior to the acceptance of public improvements by the town shall be subject to the conditions of this section.

- (1) The maximum number of model and early release homes allowed in each subdivision is subject to the limitations set forth in the table below:

Residential Subdivision Plat	Lots on	Total Model Homes Per Subdivision
Less than 10		None
11-50		2
51-100		4
More than 100		6

- (2) No model home or early release home may be constructed prior to the issuance of a building permit by the town.
- (3) No building permit for a model home or early release home shall be issued until the subdivision has passed the Sewer Line Verification inspection. In subdivisions where there is no public sewer, the permit shall not be issued until the subdivision has passed the Finished Grade Verification inspection.
- (4) No model home or early release home shall be sold until approval of a building final has been issued for the structure and a final acceptance of subdivision improvements is obtained from the town in accordance with the rules, regulations, and ordinances of the town.
- (5) Prior to the issuance of a permit for a model home or early release home, the developer/owner shall file a hold harmless agreement with the town agreeing to fully release the town from all claims, suits, judgments, and demands against the town which have accrued or which may accrue, and to hold the town harmless from all claims, suits, judgments, and demands against the town, either severally or jointly, which have accrued or which may accrue as a result of the improvements, including sidewalks, streets, water and sewer lines, installation of electricity and other utilities, not having been fully inspected and improved by the town.
- (6) The hold harmless agreement shall also indicate that the town shall assume no liability for the development or construction of the development or the improvements. The town only grants permission for the construction and showing of the model homes and in no way shall be held liable for the development of the subdivision or for any injury or damages which may result from the improvements, including those mentioned in subsection (5) of this section, not having been fully inspected and accepted by the town.
- (7) A model home shall be subject to the following additional requirements:
- A model home is not intended to allow the full scope of real estate activities and shall be restricted to the sales and marketing of the model or products similar to the model.

- b. The applicant/builder must own buildable lot(s) in the subdivision in order to apply for a model home permit.
- c. No outside storage or other buildings are allowed on the lot with the model home.
- d. The model home building permit application must include a site plan that shows the proposed location of the sales center, as well as all required parking, and pedestrian access.
- e. Minimum parking requirements for a model home sales center are five (5) parking spaces, of which a minimum of one (1) shall be dedicated as accessible parking. An accessible concrete sidewalk is required to provide barrier-free access from the parking lot to the model home sales center.
- f. All parking spaces shall be constructed of concrete, striped, and sized per Town specification and may be located onsite or on an immediately adjacent residential lot.
- g. All signage must conform to Chapter 86.
- h. Upon completion of all sales activity, a residential remodel permit will be required to convert the sales office, if located within a remodeled garage, back into a functioning garage, prior to sale of the model home.

Sec. 98-1002. Solar panel systems.

- (a) General purpose and description. The purpose of these regulations is to accommodate solar panel systems while protecting the public health, safety and welfare, and to provide a permitting process for solar panel systems to ensure compliance with the requirements and standards established in this section.

- (c) General regulations. Solar panel systems shall be allowed on all lots or tracts. The following general regulations shall apply to all solar panel systems.

Sec. 98-1008. – Smoking related business.

- (a) The sale of devices defined within section 18-530 of article X, regulation of smoking in public places, of the town's Code of Ordinances, within 1,000 feet of any school is hereby prohibited. The measurement of distance between the place of business where such devices are sold and the school shall be:
 - (1) In a direct line from the property line of the school to the property line of the place of business, and in a direct line across intersections; or
 - (2) If the place of business is located on or above the fifth story of a multistory building, in a direct line from the property line of the school to the property line of the place of business, in a direct line across intersections, and

vertically up the building at the property line to the base of the floor on which such devices are sold from.

- (b) Prior to the issuance of a certificate of occupancy permit, proof of any required state licensure must be provided to the town.

Sec. 98-1011. – CBD Store

- (a) The location of a CBD store within 1,000 feet of any school is hereby prohibited. The measurement of distance between the place of business where such products are sold and the school shall be made:
 - (1) In a direct line from the property line of the school to the property line of the place of business, and in a direct line across intersections; or
 - (2) If the place of business is located on or above the fifth story of a multistory building, in a direct line from the property line of the school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which such devices are sold from.
- (b) Prior to the issuance of a certificate of occupancy permit, proof of required state licensure must be provided to the town.

Secs. 98-1012—98-1019. – Reserved.”

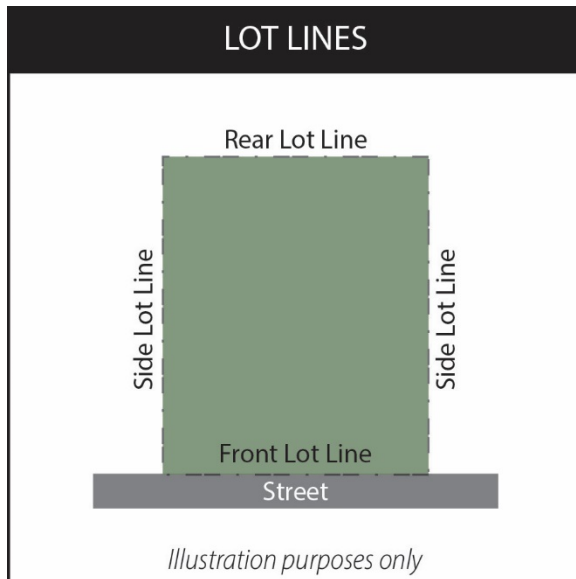
SECTION 10

Division 3, “Dimensional regulations,” of Article IV, “Supplementary district regulations,” Chapter 98, “Zoning,” of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended by updating section 98-1020, “Illustrations,” by establishing new illustrations related to lot dimensional regulations; replacing section 98-1021,

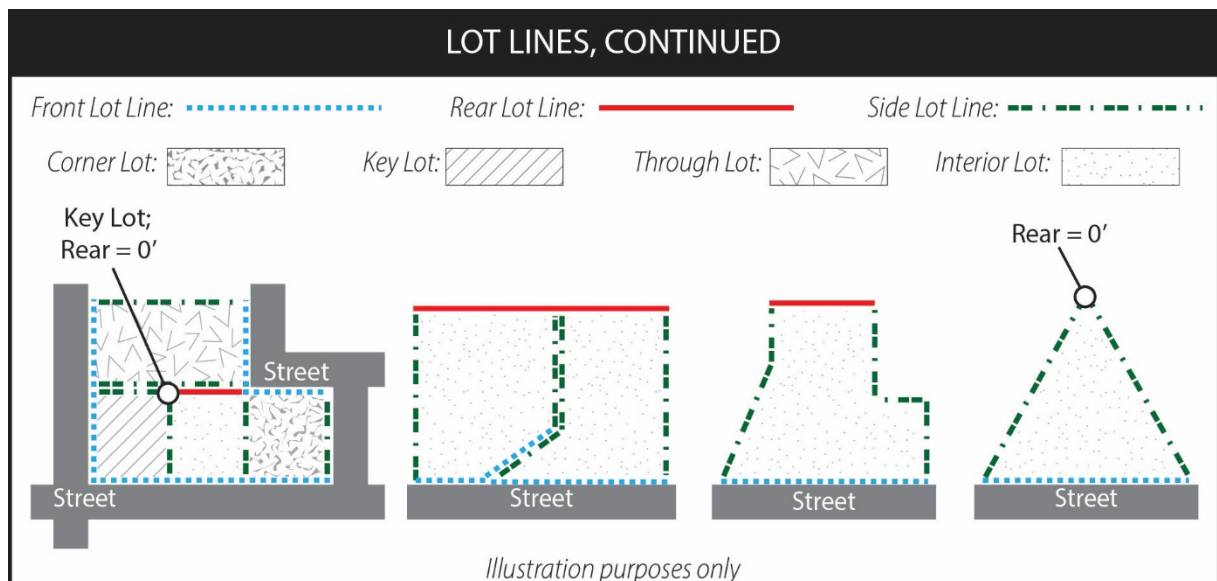
“Schedule of residential dimensional regulations,” in its entirety; and updating section 98-1026, “Minimum front yard setback,” by establishing new illustrations related to front yard setbacks, to read as follows:

“Sec. 98-1020. Illustrations.

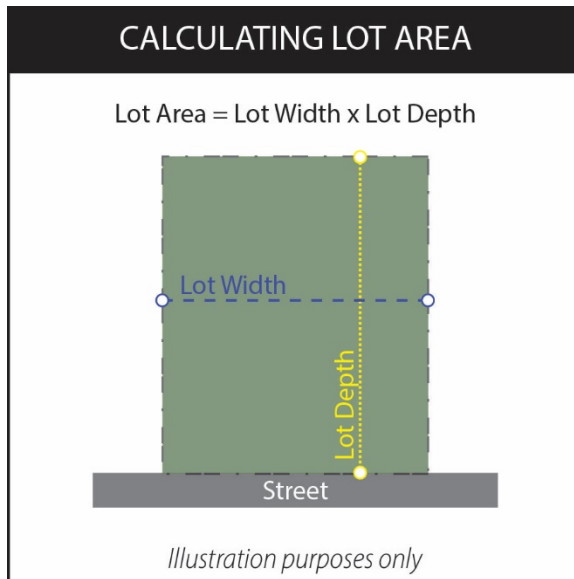
(a) Lot lines.



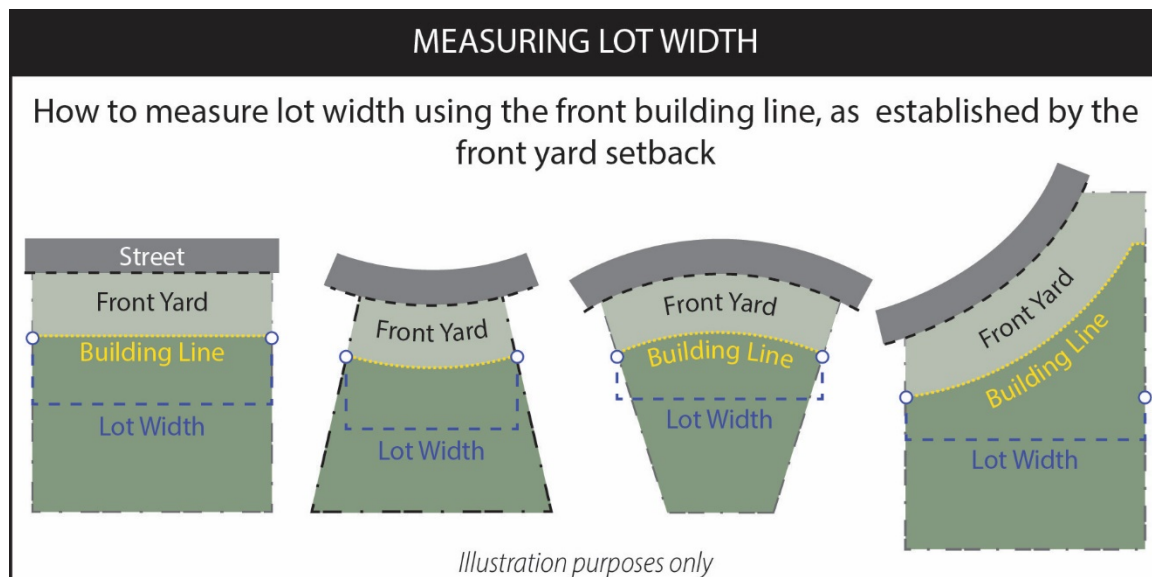
(b) Lot lines, continued.



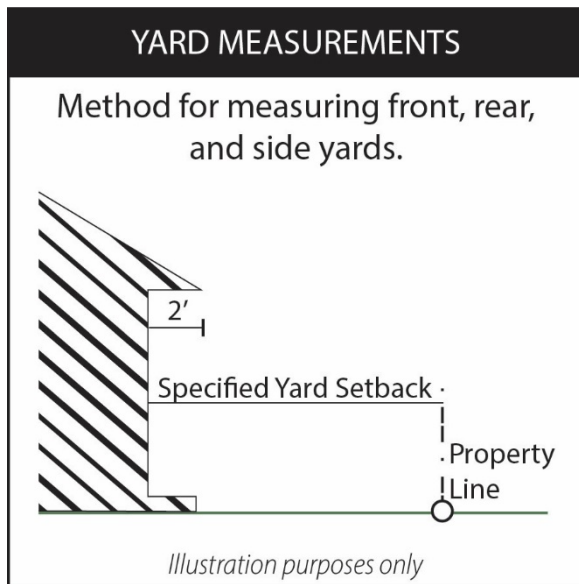
(c) Calculating lot area.



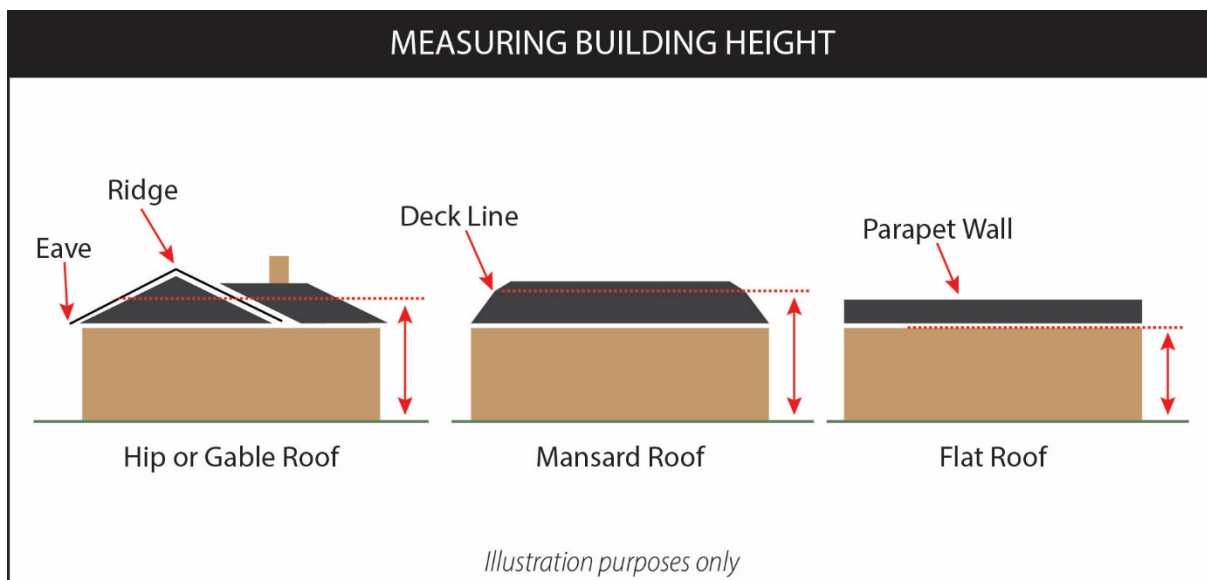
(d) Measuring lot width.



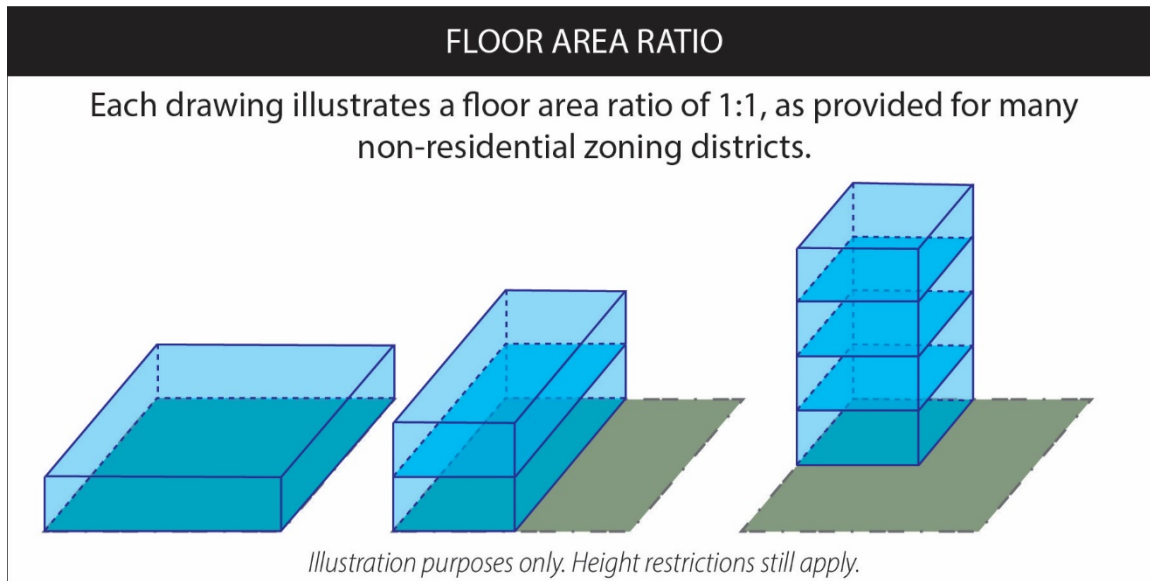
(e) Yard measurements.



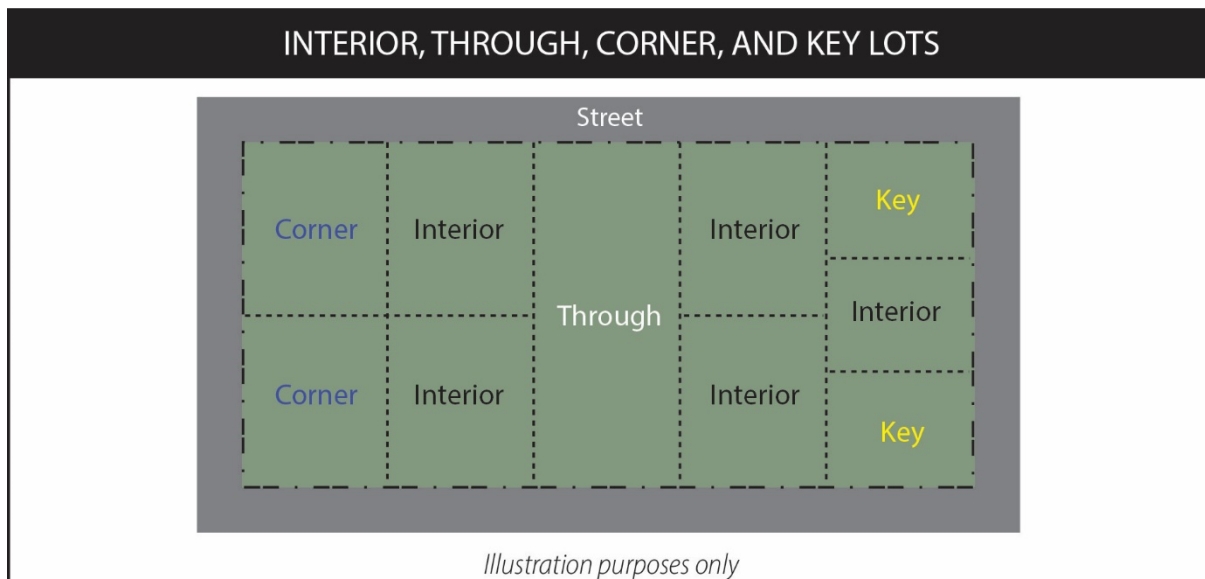
(f) Measuring building height.



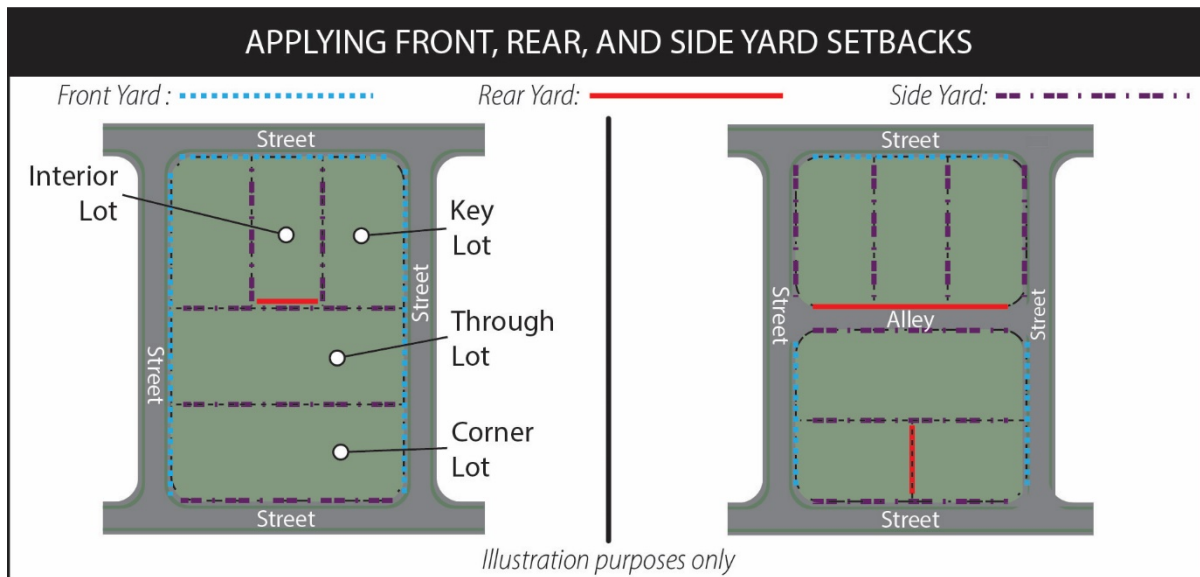
- (g) Floor area ratio.



- (h) Interior, through, corner, and key lots.



- (i) Apply front, rear, and side yard setbacks.



Sec. 98-1021. Schedule of residential dimensional regulations.

The residential dimensional regulations schedule included in this section summarizes the regulations of this chapter with regard to minimum lot size, minimum yards, maximum lot coverage, minimum floor area per dwelling unit and maximum building height of residential uses in the various zoning districts. For standards in the planned development district, see division 21 of article III of this chapter. The standards shown in the following schedule may be modified by additional provisions contained in this division or in the individual district regulations. In the event of any conflict between the text of this chapter and the schedule of residential dimensional regulations, the text shall control.

RESIDENTIAL DIMENSIONAL REGULATIONS

Development Standard	Zoning District											
	A	SF-E	SF-5	SF-30	SF-15	SF-10	SF-A	2F	MF	MH	WR	CBD
Min. lot area (sq. ft.)	2AC	1AC	5,000	30,000	15,000	10,000	5,000	5,000	2,800	7,500	8,500	*
Min. lot width (ft.)	200	150	50	100	80	70	20	60	60	60	65	*
Min. front yard (ft.)	40	40	20	25	25	25	25	25	25	25	30	*
Min. side yard (ft.)	25	20	5	15	12	10	0	8	10+	10	8	*
Min. rear yard (ft.)	20	20	20	30	30	25	10	10	20+	10	20	*
Max. lot cover (percent)	25	25	55**	35	35	40	40	40	40	30	40	*
Min. area/unit (sq. ft.)	1,800	2,400	1,500	2,100	1,800	1,800	1,100	1,100	700		1,450	*

	Zoning District											
Development Standard	A	SF-E	SF-5	SF-30	SF-15	SF-10	SF-A	2F	MF	MH	WR	CBD
Max. height (stories/ft.)	3/35	3/35	3/35	3/35	3/35	3/35	3/35	3/35	3/35	2/25	3/35	*

- + The minimum side and rear yard in the MF multifamily district for all uses shall be subject to section 98-485.
- * The uses allowed in the CBD shall conform to this development standard save and except to the extent, only, that the zoning ordinance establishing a CBD on a particular land area specifically provides a different development standard approved by the town council. A list of specific development standards that have been altered by such a zoning ordinance shall be maintained by the executive director of development services for each CBD approved by the town council.
- ** The maximum lot coverage in the SF-5 single family residential district shall be 55 percent, subject to section 98-1029, except that the 50 percent limitation set forth in section 98-1029(b) does not apply to single family detached dwellings.

Sec. 98-1022. Schedule of nonresidential dimensional regulations.

NONRESIDENTIAL DIMENSIONAL REGULATIONS

	Residential Zoning District									
<i>Development Standard</i>	A	SF-E	SF-5	SF-30	SF-15	SF-10	SF-A	2F	MF	MH
Min. front yard (ft.)	40	40	20	35	35	30	25	25	25	25
Min. side yard (ft.)	25	20	5	15	12	10	8	8	8+	
Min. Rear yard (ft.)	20	20	20	20	20	20	20	20	20+	20
Max. lot cover (percent)	25	25	55**	35	35	40	40	40	40	30
Max. floor area ratio										
Max. height (stories/ft.)	3/35	3/35	3/35	3/35	3/35	3/35	3/35	3/35	3/35	2/25

- + The minimum side and rear yard in the MF multifamily district for all uses shall be subject to section 98-485.

Sec. 98-1027. Minimum side yard setback.

- (4) Notwithstanding the foregoing, side yard setbacks must be equivalent to a rear yard setback when abutting a rear yard of a platted residence, unless an exception is approved by Town Council.
- (f) *Residential compatibility standards.* The location of buildings shall comply with Division 4, "Residential compatibility standards," contained within this Code.

Sec. 98-1028. Minimum rear yard setback.

- (g) *Residential compatibility standards.* The location of buildings shall comply with Division 4, "Residential compatibility standards," contained within this Code."

SECTION 11

Division 6, "Outdoor lighting," of Article IV, "Supplementary district regulations," of Chapter 98, "Zoning," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended by creating a new section 98-1101, "Outdoor lighting," and section 98-1102, "Illustrations"; updating section 98-1125, "Prohibited lighting," and section 98-1127, "Building -mounted lighting," for the purpose of providing comparable lumens intensity and updating referenced sections; updating section 98-1131, "Spacing," to clarify spaces internal to an enclosed parking garage shall not counted toward minimum spacing of lighting pole standards; and renaming section 98-1134, "Variance" to section 98-1134, "Waiver," to read as follows:

"Sec. 98-1101. Outdoor lighting.

- (a) All outdoor lighting shall not produce a disability glare or a nuisance or create light intrusion as defined in section 74-3.
- (b) Luminaires or lighting standards installed for the purpose of illuminating a private outdoor recreational activity shall be subject to the following standards:
 - (1) No building permit shall be issued for the installation of lighting standards for the purpose of illuminating private outdoor recreational activities until outdoor lighting plans have been submitted, as required in section 78-124(a), "Procedures," and have been approved by the town.

Exception. The plan design requirements in sections 78-124(a)(3) and 78-124(a)(5) are not required to issue a building permit to illuminate a private sport court that is accessory to a single-family dwelling.
 - (2) Permanent or temporary luminaries [luminaires] or lighting standards installed for the purpose of illuminating private outdoor recreational activities shall:
 - i. Use full cutoff fixtures, as defined in section 74-3;
 - ii. Not exceed a height of 30 feet;
 - iii. Not be closer than 40 feet from a property line; and

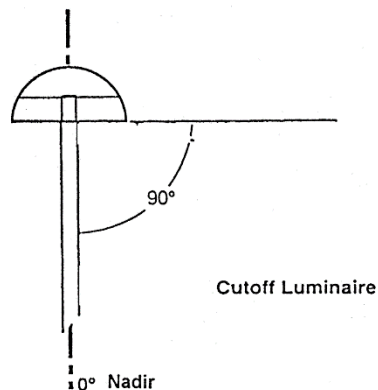
- iv. The maximum measurable foot-candle illumination in the horizontal plane shall not exceed 20 foot-candles.
- (3) When permanent or temporary luminaires or lighting standards are installed for the purpose of illuminating private outdoor recreational activities and do not comply with subsection (b)(2), a waiver will be required, as set forth herein, prior to installation.
 - i. A waiver as to the requirements set forth in subsection (b)(2) may be permitted by the town council after recommendation by the planning and zoning commission.
 - ii. A waiver is permissible as to the requirements set forth in subsection (b)(2) only where application by the property owner or their designee has been submitted to the town. Upon recommendation by the planning and zoning commission, the town council may grant a waiver if the town council determines that the permanent or temporary luminaires or lighting standards would not:
 - a. Create a nuisance as defined in section 74-3;
 - b. Create disability glare as defined in section 74-3;
 - c. Create a light intrusion as defined in section 74-3;
 - d. Be aesthetically inconsistent with the surrounding development, considering the following factors:
 - 1. The location of the permanent or temporary luminaire or lighting standard;
 - 2. The type of construction material used for the permanent or temporary luminaire or lighting standard;
 - 3. The location of the subject property; and
 - 4. The outdoor lighting used on adjacent or surrounding property.
 - iii. Any applicant requesting an outdoor lighting waiver shall place an informational sign on such lot or tract of land or property in accordance with section 78-152 of this Code.
 - iv. The procedures set forth in section 78-153 and section 78-154 of this Code must be followed before any action is taken on a request for an outdoor lighting waiver.
- (c) Architectural lighting of fences, signs, and structures in residential open space common areas shall be installed so that the axis of illumination is adjusted to minimize the amount of light escaping above, below, and to the side of the illuminated object.
- (d) Architectural lighting of landscaping in open space common areas shall be installed according to the following requirements:

- (1) Any lighting that is to be placed in the canopy of a tree shall be directed in a downward position to simulate natural light received by the area.
 - (2) The fixture shall be shielded so that all of the light is directed downward and shall not be directed toward neighboring properties, to reduce light intrusion.
 - (3) All proposed lighting that is to be placed in a tree shall be affixed to the trunk or branch through the use of an adjustable bracketing system that will allow for the continued growth of the tree.
 - (4) The mounting height of landscape lighting shall not exceed 25 feet.
 - (5) No lighting shall be bolted, nailed, or glued to the trunk or any appendages of the tree, and such unauthorized attachment will be treated as a violation of chapter 94, Vegetation, of the town's Code of Ordinances.
- (e) Street lighting in agriculture and single family estate zoned areas shall be installed as follows:
- (1) Street lighting specifications shall be included in the approved construction plans for the development.
 - (2) Street lighting shall use full cutoff fixtures, as defined in section 74-3, and shall not exceed a height of 25 feet.

Sec. 98-1102. Illustrations.

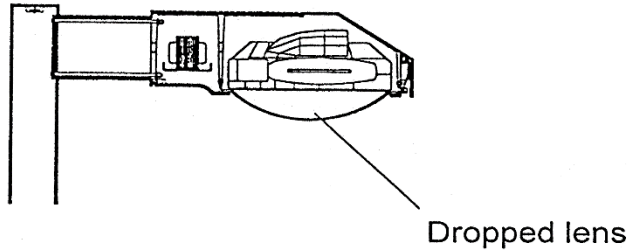
- (a) Illustration of cutoff angle depicts nadir and required degree of cutoff

ILLUSTRATION OF CUTOFF ANGLE
DEPICTS NADIR AND REQUIRED DEGREE OF CUTOFF



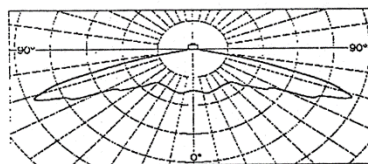
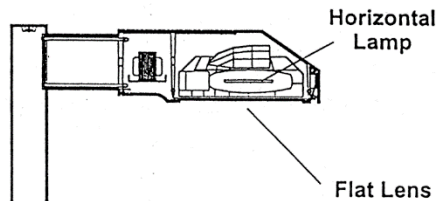
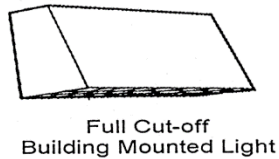
(b) Prohibited drop lens

PROHIBITED DROP LENS



(c) Examples of permitted full cutoff fixtures

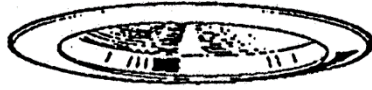
EXAMPLES OF PERMITTED FULL CUTOFF FIXTURES



Photometric Of A Full Cut-off Luminaire

- (d) Recessed luminaire

RECESSED LUMINAIRE



Sec. 98-1125. Prohibited lighting.

The following lighting is prohibited. No owner or occupant of land shall permit any of the following conditions to exist:

- (1) An unshielded light source, including bare bulbs, above 15 watts or 225 lumens, whichever is less, except for temporary seasonal lighting;

- (9) Any lighting installed to illuminate an unimproved surface or private outdoor recreational activities that exceeds requirements set forth in subsection 98-1101(b)(2) without an approved waiver, as set forth in subsection 98-1101(b)(3).

Sec. 98-1127. Building mounted lighting.

All building mounted luminaires exceeding 15 watts or 225 lumens, whichever is less, shall be directed down with a full cutoff fixture.

Sec. 98-1131. Spacing

- (a) In parking areas containing zero to 150 parking spaces, excluding those spaces internal to an enclosed parking garage, minimum spacing of lighting pole standards shall be no less than two times the height of the standard.
- (b) In parking areas containing 151 or more parking spaces, excluding those spaces internal to an enclosed parking garage, minimum spacing of lighting pole standards shall be no less than four times the height of the light standard, a ratio of 4 to 1.

Sec. 98-1134. Waiver.

- (a) A waiver as to the height restriction may be permitted by the town council for the replacement of luminaries installed prior to the adoption of the ordinance from which this subdivision is derived if such luminaires are damaged, destroyed, or otherwise become inoperable.
- (b) A waiver is permissible for such replacement luminaries only in those situations where more than one luminaire existed prior to the adoption of the ordinance from which this subdivision is derived. The town council may grant a waiver, upon application by the property owner or his designee, if the town council determines that the replacement of a damaged, destroyed, or otherwise inoperable luminaire with a luminaire conforming to the height requirement set forth in this subdivision would:

***"

SECTION 12

Division 7, "Fences and walls," of Article IV, "Supplementary district regulations," of Chapter 98, "Zoning," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended by updating section 98-1142, "Fence height and visibility," to require developers send letters to adjacent residential property owners with information about proposed fencing; and by updating section 98-1143, "Perimeter and open space walls and fences," to clarify the type of walls and fences to be required adjacent to trails to read as follows:

"Sec. 98-1142. Fence height and visibility.

- (d) Fences and walls shall be erected in accordance with the requirements of section 82-161 of this Code, clear visibility standards.
- (e) No fence or wall within the established front yard for key lots shall exceed four feet in height above the adjacent grade. Fences constructed within the additional required front yard shall not exceed eight feet in height, but must be setback a minimum of ten feet from the property line. Fences constructed within the first ten feet of the additional required front yard shall not exceed four feet in height.
- (f) Notice required. Upon the filing of an application to amend the zoning on a lot, tract of land, or property, and before second round project review comments are provided to the applicant, the owner/developer/application must send notices by certified mail to adjacent residential property owners under the following circumstances:
 - (1) Newly proposed residential development containing 4 or more buildable lots, and

- (2) Proposes to construct new fencing along shared property lines with existing residential property owners.

Notices must contain details regarding any proposed new fencing, including location, height, materials, and the applicant/developer's contact information. Such notices shall be sent using forms prepared by the town.

- (g) Exception. Town council may grant an exception for maximum fence height or fencing materials for individual lots in situations where a new subdivision perimeter fence caused compatibility concerns with an existing residential fence due to topography and/or location.

Sec. 98-1143. Perimeter and open space walls and fences.

- (a) Generally. The following standards shall apply to development not contained within the Cross Timbers Conservation Development District (CTCDD).

- (2) Fences constructed adjacent and parallel to dedicated park, trail, or open space areas shall consist of wrought-iron or tubular steel. Such fences shall be a minimum of four feet in height and shall be of consistent color throughout a development. Vertical or horizontal spacing of members of wrought-iron or tubular steel fencing shall not allow passage of a four-inch sphere. Parallel privacy screening of masonry construction, not exceeding 50 percent of the lot width, shall be allowed between the wrought-iron or tubular steel fencing and parallel foundation lines on abutting lots. Approved plantings from section 82-276, screening plant selection list, shall be placed three feet on center along the entire length of that side of the masonry screening facing the wrought-iron or tubular steel fencing. Such masonry screening shall be located a minimum distance of ten feet from the wrought-iron or tubular steel fencing. Fences of wood shall not be allowed between such perimeter fencing and parallel foundation lines on adjacent or contiguous lots.

- a. In the event a trail is located within a landscape buffer adjacent or parallel to an arterial or collector street, the subdivision perimeter fencing must comply with subsection (a), above, or otherwise required.

***"

SECTION 13

Article V, "Obsolete zoning regulations," of Chapter 98, "Zoning," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended by updating section 98-1207, "Obsolete planned development standards," by replacing it in its entirety to read as follows:

"Sec. 98-1207. - Obsolete planned development standards.

- (a) Generally. For planned development districts approved before June 6, 1994, ordinance 24-94, from which this section is derived, that contained no references to the development standards of other districts for uses other than single-family detached (medium density) dwellings, the following standards shall apply to areas designated for such uses, except as otherwise provided in the planned development approval ordinance.
- (b) Minimum lot area per dwelling. The minimum lot area per dwelling unit in the PD planned development district shall be as follows, subject to section 98-1023:
 - (1) Eight thousand five hundred square feet per single-family detached dwelling unit;
 - (2) Five thousand square feet per duplex dwelling unit; and
 - (3) Two thousand eight hundred square feet per single-family attached or multifamily dwelling unit.
- (c) Minimum lot width. The minimum lot width for residential uses in the PD planned development district shall be as follows, subject to section 98-1024:
 - (1) Sixty-five feet for single-family detached dwellings;
 - (2) Sixty feet for duplex and multifamily dwellings; and
 - (3) Twenty feet for single-family attached dwellings.
- (d) Minimum floor area per unit. The minimum floor area per dwelling unit in the PD planned development district shall be as follows, subject to section 98-1025:
 - (1) One thousand four hundred fifty square feet per single-family detached dwelling unit;
 - (2) One thousand one hundred square feet per single-family attached or duplex dwelling unit; and
 - (3) Seven hundred square feet per multifamily dwelling unit.
- (e) Minimum front yard. The minimum front yard for all uses in the PD planned development district shall be as established by the approved site plan. Where the front yard is not specified on the site plan, the minimum front yard shall be 25 feet with the following exceptions, subject to section 98-1026. The minimum front yard for shopping center or retail development shall be 60 feet, except

- drive-in service buildings may have a minimum 30-foot front yard and gasoline service station pump islands may not be located nearer than 18 feet to the front property line.
- (f) Minimum side yard. The minimum side yard requirements in a planned development shall be one of the following, subject to section 98-1027:
 - (1) Ten percent of the width of the lot but not less than six feet between property line and foundation line for single-family detached and multifamily dwellings.
 - (2) No side yard requirement for single-family attached dwellings, provided that no building complex shall exceed 300 feet in length and provided that a minimum side yard of five feet shall be provided at the end of building complexes to maintain a minimum ten-foot separation between buildings.
 - (g) Minimum rear yard. The minimum rear yard in a PD planned development district shall be established on the site plan, which shall be made a part of the amending ordinance. In no case shall the required rear yard for the main building be less than ten feet, except as provided in section 98-1028.
 - (h) Maximum lot coverage. The maximum lot coverage in the PD planned development district shall be 50 percent for all uses, subject to section 98-1029.
 - (i) Maximum floor area ratio. The maximum floor area ratio in the PD planned development district shall be 1:1, provided that floor area ratios up to 2:1 may be approved in a planned development district when plans illustrating how such structures relate to the overall community are submitted to and approved by the planning and zoning commission.
 - (j) Maximum height. The maximum height of buildings and structures in the PD planned development district shall be three stories or 35 feet for all uses, subject to section 98-1031."

SECTION 13

Appendix A, "Fee schedule," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended by updating fees related to Chapter 82, "Development standards," to establish fees for the Subdivision Site Plan application, and Chapter 90, "Subdivisions," to remove the fees pertaining to "Development plans" and incorporate a lower flat fee, and by reducing other platting fees to be commensurate with staff time to read as follows:

Chapter 82. Development Standards.	
<i>Code Section Number</i>	<i>Description</i>
82-31	Site plan or Subdivision Site Plan required:
98-1101	Outdoor Lighting Waiver

(1) *Site plan fees:*

- a. All except multi-family: \$2,115.00 + \$210.00 per additional building + property owner notice fees (PON), if applicable, of \$2.50 per PON.*
- b. Multi-family: \$2,455.00 + \$105.00 per additional building + property owner notice fees, if applicable, of \$2.50 per PON.*

* There are property owner notification requirements for site plans with certain exceptions. Please contact planning services for further explanation.

(2) *Subdivision site plan fees:*

	Subdivision Site Plan type:	Fee:
(1)	Single Family Residential (1—4 lots)	\$300.00
(2)	Single Family Residential (0—50 acres)	\$1,140.00 + \$10.00/acre
(3)	Single Family Residential (50+ acres)	\$1,735.00 + \$10.00/acre over 50
(4)	Multi-Family and Non-Residential	\$1,535.00

- a. Deposit fees shall be equivalent to platting deposit fees.

(3) *Outdoor lighting waiver:* Same as zoning variance request.

(1) *Platting fees:*

- a. Development plans:

1. All types: \$300.00.

b. Record plats:

	Record plat type:	Fee:
(1)	Single Family Residential (0—50 acres)	\$300.00 + \$10.00/acre
(2)	Single Family Residential (50+ acres)	\$300.00 + \$10.00/acre over 50
(3)	Multi-Family and Non-Residential	\$300.00

c. Replats:

1. All types: \$300.00 + property owner notice (PON) fees, if applicable, of \$2.50 per PON.*

*Residential replats are subject to property owner notification requirements. Please contact planning services for further explanation.

***"

SECTION 14

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances, Town of Flower Mound, Texas, as amended, except where 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 15

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 16

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, Town of Flower Mound, Texas. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

SECTION 17

All rights and remedies of the Town are expressly saved as to any and all violations of the provisions of the Code of Ordinances, Town of Flower Mound, Texas, as amended or revised herein, or any other ordinances affecting the matters regulated herein that 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 18

The Town Secretary of the Town is hereby directed to publish the caption in the official newspaper of the Town as required by Section 3.07 of the Charter of the Town.

SECTION 19

This Ordinance shall be in full force and effect from and after the date of its passage and publication, and it is so ordained.

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 1st DAY OF APRIL, 2024.

APPROVED:

Derek France, **MAYOR**

ATTEST:

Theresa Scott, **TOWN SECRETARY**