

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. 57-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY AMENDING SUBPART B, CHAPTER 90 OF THE CODE OF ORDINANCES, ENTITLED "SUBDIVISIONS" THROUGH THE AMENDMENT OF ARTICLE VI ENTITLED "STANDARDS" THROUGH THE AMENDMENT OF DIVISION 3 "STREETS" BY AMENDING SECTION 90-311, ENTITLED "STREET DESIGN STANDARDS" BY AMENDING SUBPARAGRAPH A BY DELETING "GATED (PRIVATE) SMALL SCALE GREEN RESIDENTIAL" STREETS FROM THE EMBEDDED TABLE, BY DELETING SUBPARAGRAPH C REGARDING "GATED (PRIVATE) SMALL SCALE GREEN RESIDENTIAL" STREETS AND BY RE-LETTERING EXISTING SUBPARAGRAPH D AS SUBPARAGRAPH C, AND BY AMENDING THE TOWN'S "ENGINEERING DESIGN CRITERIA AND CONSTRUCTION STANDARDS" THROUGH SUBPART A, CHAPTER 32 OF THE CODE OF ORDINANCES, BY AND THROUGH SECTION 32-3, ENTITLED "ENGINEERING DESIGN CRITERIA AND CONSTRUCTION STANDARDS--AMENDMENTS," BY THE AMENDMENT OF VOLUME 1 ENTITLED "DESIGN CRITERIA" AND VOLUME II ENTITLED "CONSTRUCTION STANDARDS" OF THE TOWN'S "ENGINEERING DESIGN CRITERIA AND CONSTRUCTION STANDARDS" TO DELETE AND REMOVE ALL REFERENCES TO AND DRAWINGS RELATED TO "GATED (PRIVATE) SMALL SCALE GREEN RESIDENTIAL," STREETS AS MORE PARTICULARLY DESCRIBED AND DETAILED HEREIN BELOW; REPEALING ALL CONFLICTING ORDINANCES, ORDERS, AND RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the Town of Flower Mound, Texas, has recommended the amendment of Chapter 90 of Subpart B of the Code of Ordinances, entitled "Subdivisions" through the amendment of Section 90-311, entitled "Street Design Standards" by amending Subparagraph A, deleting Subparagraph (c) regarding "Gated (Private) Small Scale Green Residential" streets and re-lettering of current Subparagraph (d) as Subparagraph (c) and recommended the amendment of Volume I, "Design Criteria," and Volume II, "Construction Standards," of the Town's "Engineering Design Criteria And Construction Standards" through Chapter 32 of Subpart A of the Code of Ordinances, entitled "Engineering Design Criteria And Construction Standards," by and through Section 32-3, entitled "Engineering Design Criteria And Construction Standards--Amendments," to delete and remove all references to and drawings related to "Gated (Private) Small Scale Green Residential," streets as more particularly described and detailed herein below; and

WHEREAS, after public notice and public hearing as required by law, and upon due deliberation and consideration of the recommendation of said Planning and Zoning Commission and of all testimony and information submitted during said public hearing,

the Town Council of the Town of Flower Mound, Texas, has determined that it is in the public's best interest and in furtherance of the health, safety, morals, and general welfare of the citizens of the Town to amend the Town Code of Ordinances and Engineering Design Criteria And Construction Standards as set forth herein.

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

SECTION 1

All of the above premises are hereby found to be true and correct legislative and factual determinations of the Town of Flower Mound and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2

From and after the effective date of this Ordinance, Chapter 90 of Subpart B of the Code of Ordinances, entitled "Subdivision" is hereby amended through the amendment of Article VI entitled "Standards" through the amendment of Division 3 "Streets," by amending Section 90-311, entitled "Street Design Standards" by the amendment of Subparagraph (a) to delete the criteria for "Gated (Private) Small Scale Green Residential" streets in the table such that said table shall hereafter be and read as follows:

Design Feature	Major (Principal) Arterial	Greenway Urban Arterial	Greenway Rural Arterial	Urban Minor Arterial Divided	Urban Minor Arterial Undivided	Urban Collector	Rural Collector	Local Res. Urban	Local Res. Estate	Local Commercial	Local Conservation	Alley
Number of Lanes	6	4	4	4	4	2-3	2	2	2	2-3	2	2
Lane Width	12'	12'	11'	12'	12'	12'	12'	15'	12'	12'	12'	Varies
Pavement Width	72'	48'	44'	48'	48'	36'	24'	30'	24'	36'	24'	Varies
Right-of-way Width	120'	90'	100'	90'	70'	60'	80'	50'	24'	60'	26'	Varies
Design Speed (mph)	45	45	40	40	35	40	40	30	30	40	30	15
Maximum Grade	5%	5%	7½%	7½%	7½%	7½%	7½%	8%	8%	7½%	8%	8%
Min. Centerline Radius	800'	800'	640'	640'	475'	640'	640'	275'	275'	640'	275'	50'

Median Width	20'	42'	40'	16'	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Median Break	530'	530'	530'	320'	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Drive Spacing	360'	360'	360'	250'	250'	200'	200'	n/a	n/a	200'	n/a	n/a

SECTION 3

From and after the effective date of this Ordinance, Chapter 90 of Subpart B of the Code of Ordinances, entitled "Subdivision" is hereby further amended through the amendment of Article VI entitled "Standards" through the amendment of Division 3 "Streets," by amending Section 90-311, entitled "Street Design Standards" by the deletion of Subparagraph (c) regarding "Gated (private) small scale green residential" streets in its entirety.

SECTION 4

From and after the effective date of this Ordinance, Chapter 90 of Subpart B of the Code of Ordinances, entitled "Subdivision" is hereby also amended through the amendment of Article VI entitled "Standards" through the amendment of Division 3 "Streets," by amending Section 90-311, entitled "Street Design Standards" by the re-lettering of existing Subparagraph (d) as Subparagraph (c) to read as follows:

"(c) The spacing of median breaks and drive approaches shall be as set forth in subsection (a) of this section, unless otherwise approved by the town engineer. The criteria for the spacing of median breaks shall not apply in specific plan areas of the town's comprehensive master plan, as amended. In addition to the above criteria, no residential drive shall be closer than 35 feet from any intersection. All drive spacing measurements shall be as measured from the edge of the pavement."

SECTION 5

From and after the effective date of this Ordinance, Volume I, entitled "Design Criteria," of the "Engineering Design Criteria And Construction Standards" is hereby amended through the amendment of Part B "Technical Standards" by amending Section I "Street Improvements" by amending Subsection A "Street Classification" by amending Paragraph 1 entitled "Definitions" to delete Paragraph k entitled "Gated (Private) Small Scale Green Residential" in its entirety.

SECTION 6

From and after the effective date of this Ordinance, Volume I, entitled “Design Criteria,” of the “Engineering Design Criteria And Construction Standards” is hereby also amended through the amendment of Part B “Technical Standards” by amending Section I “Street Improvements” by amending Subsection A “Street Classification” by amending Paragraph 2 entitled “Standard Design Criteria” by deleting the criteria for “Gated (Private) Small Scale Green Residential” streets in the embedded table such that said table shall hereafter be and read as follows:

Street Classification	Minimum ROW	No. of Lanes and Width	Pavement Width	Median Width	Parkway Width
Major (Principal) Arterial	120'	6-12' lanes	(2) 36'	18'	13'
Greenway Urban Arterial	120'	4 - 12' lanes	(2) 24'	42'	13'
Greenway Rural Arterial	120'	4 – 11' lanes	(2) 29'	40'	11'
Urban Minor Arterial Divided	90'	4 – 12' lanes	(2) 24'	16'	11'
Urban Minor Arterial Undivided	70	4-12'	48	None	10'
Urban Collector	60'	2 – 12' lanes	36'	None	12'
Rural Collector	80'	2 – 12' lanes	34'	None	23'
Local Residential Urban	50'	2 – 15' lanes	30'	None	10'
Local Residential Estate	*26'	2 – 12' lanes	24'	None	None
Local Commercial	60'	2 – 12' lanes	36'	None	12'
Local Conservation or Rural Development	*26'	2 - 12' lanes	24'	None	None
Alley	Varies	Varies	Varies	None	2.5'

*With a fire hydrant minimum is 26' wide, with 2-13' lanes.

SECTION 7

From and after the effective date of this Ordinance, Volume I, entitled “Design Criteria,” of the “Engineering Design Criteria And Construction Standards” is hereby further amended through the amendment of Part B “Technical Standards” by amending Section I “Street Improvements” by amending Subsection C “Geometric Design Urban Collector” by amending Paragraph 1 entitled “Roadway Design Parameters” by deleting the criteria for “Gated (Private) Small Scale Green Residential” streets in the embedded table such that said table shall hereafter be and read as follows:

Design Feature	Major (Principal) Arterial	Greenway Urban Arterial	Greenway Rural Arterial	Urban Minor Arterial Divided	Urban Minor Arterial Undivided	Urban Collector	Rural Collector	Local Res. Urban	Local Res. Estate	Local Commercial	Local Conservation	Alley
Minimum Design Speed	45	45	40	40	35	40	40	30	30	40	30	15
Minimum Stopping Sight	360	360	305	305	250	305	305	200	200	305	200	80
Minimum Centerline Radius	800	800	640	640	475	640	640	275	275	640	275	50
Minimum Grade	0.7%	0.7%	0.7%	0.7%	0.7%	0.7%	0.7%	0.7%*	0.7%*	0.7%	0.7%*	0.7%
Maximum Grade	5%	5%	7.5%	7.5%	7.5%	7.5%	7.5%	8%	8%	7.5%	8%	8%

*0.5% is acceptable for residential streets for a distance less than 200'

SECTION 8

From and after the effective date of this Ordinance, Volume I, entitled "Design Criteria," of the "Engineering Design Criteria And Construction Standards" is hereby further amended through the amendment of Part B "Technical Standards" by amending Section I "Street Improvements" by amending Subsection G "Pavement Design" by deleting Subparagraph 5 regarding the design of "Gated (Private) Small Scale Green Residential" streets in its entirety and by re-numbering existing Subparagraphs 6, 7, 8, and 9 as subparagraphs 5, 6, 7, and 8, respectively, to read as follows.

- "5. For fire lanes, the minimum pavement and subgrade requirements is 6" of reinforced concrete pavement on 6" of lime or cement stabilized subgrade as recommended by a geotechnical engineer, or 8" of reinforced concrete pavement on 6" of untreated subgrade compacted to 95 percent density. Fire lanes must support a vehicle load of 85,000 pounds.
6. Pavement designs should be included for all streets & fire lanes. All pavement subgrade shall be treated so that the treated soil liquid limit does not exceed 35 and the plasticity index does not exceed 15.
7. Driveway approaches shall be of the same thickness as the road it abuts to.

8. All concrete pavement that is to be installed abutting existing concrete pavement, shall require headers."

SECTION 9

From and after the effective date of this Ordinance, Volume I, entitled "Design Criteria," of the "Engineering Design Criteria and Construction Standards" is hereby further amended through the amendment of Part B "Technical Standards" by amending the index of standard pavement details entitled "Streets Construction Standards" immediately following the conclusion of Subsection H "Pavement Construction" to delete and remove the reference to the sheet reflecting the standard paving detail for the "Gated (Private) Small Scale Green Residential" street section.

SECTION 10

From and after the effective date of this Ordinance, Volume II, entitled "Construction Standards," of the "Engineering Design Criteria and Construction Standards" is hereby amended by amending the index of standard pavement details entitled "Streets Construction Standards" to delete and remove the reference to the sheet reflecting the standard paving detail for the "Gated (Private) Small Scale Green Residential" street section, and by further amending said Volume II, "Construction Standards," by deleting and removing therefrom the street section for a "Gated (Private) Small Scale Green Residential" street that is designated as Detail No. 1, Sheet No. 12, with a revision date of October 2008, in its entirety.

SECTION 11

This Ordinance shall be cumulative of all provisions of ordinances of the Town of Flower Mound, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 12

It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 13

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 14

This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the Town of Flower Mound, Texas.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF 5 TO 0, ON THIS THE 7TH DAY OF NOVEMBER, 2011.

APPROVED:

Melissa D. Northern, MAYOR

ATTEST:

Theresa Scott, TOWN SECRETARY

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, TOWN ATTORNEY