

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. 61-19

AN ORDINANCE OF TOWN COUNCIL THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 98, "ZONING" OF THE TOWN'S CODE OF ORDINANCES, THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN, SECTION 98-2, "DEFINITIONS" TO EXPAND THE DEFINITION FOR HOTEL OR MOTEL AND ADD A DEFINITION FOR EXTENDED STAY HOTEL; ADDING A NEW SECTION 98-1003, "HOTEL OR MOTEL" PROVIDING REGULATIONS RELATED TO HOTEL OR MOTEL DEVELOPMENTS; ADDING A NEW SECTION 98-1004, "EXTENDED STAY HOTEL" PROVIDING ADDITIONAL REQUIREMENTS FOR EXTENDED STAY HOTEL DEVELOPMENTS; ADDING A NEW SECTION 98-954, "AUTOMATIC RENEWALS" PROVIDING FOR THE AUTOMATIC RENEWAL OF SPECIFIC USE PERMITS; AMENDING ARTICLE III, "DISTRICT REGULATIONS" TO ADD "EXTENDED STAY HOTEL" AS A USE ALLOWED WITH THE APPROVAL OF A SPECIFIC USE PERMIT IN THE FOLLOWING DISTRICTS: O, C-2, I-1, I-2, WR, REC, CC, AND CI; AMENDING SECTION 98-952 "USE CLASSIFICATION" ADDING "EXTENDED STAY HOTEL" TO THE SCHEDULE OF USE REGULATIONS CHART AS A USE ALLOWED WITH THE APPROVAL OF A SPECIFIC USE PERMIT IN CERTAIN DISTRICTS AND ALLOWED BY RIGHT IN A PD PLANNED DEVELOPMENT DISTRICT; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Flower Mound is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

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

WHEREAS, the Town Council finds and determines that the regulations related to hotel and motel uses should be amended as set out herein to provide clarification and development standards applicable to such uses; and,

WHEREAS, the Town Council finds and determines that regulations related to extended stay hotel uses should be added to define and establish development standards applicable to such uses; and,

WHEREAS, the Town Council finds and determines that the regulations related to specific use permits should be modified to create an automatic renewal process that could be applied to specific uses in certain circumstances to allow Town Council the ability to review specific use permits at designated time periods if the site is not in compliance with or has record of being out of compliance with zoning standards; and,

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

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

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

SECTION 1

That Section 98-2, "Definitions," of Article I, "In General," of Chapter 98 of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended to add a definition of "*Extended Stay Hotel*" and to modify the definition of "*Hotel or Motel*" to be added and inserted alphabetically to read as follows:

"Sec. 98-2. – Definitions

Extended Stay Hotel means a type of Hotel or Motel establishment designed to accommodate extended stays by the business traveler or extended vacation traveler, with financial consideration being calculated on a nightly or weekly basis.

Hotel or motel means a building or group of buildings designed and occupied as a temporary abiding place of individuals, with the location of accommodations limited to one primary structure. To be classified as a hotel or motel, an establishment shall contain a minimum of 12 individual guestrooms or units and shall furnish customary hotel services, such as linen and housekeeping.

SECTION 2

That Section 98-1003, "Hotel or Motel," and Section 98-1004, "Extended Stay Hotel," of Subdivision III, "Special Use Conditions," of Division 2, "Uses," of Article IV, "Supplementary District Regulations," of Chapter 98 of the Code of Ordinances, Town of Flower Mound, Texas, is hereby added to read as follows:

"Sec. 98-1003 – Hotel or Motel

Hotel or Motel developments shall be subject to the following conditions:

(1) Shall provide at least three amenities from the list below:

- (a) Pool
- (b) Spa/sauna
- (c) Weight room/fitness center
- (d) Playground
- (e) Sports court
- (f) Plaza/atrium
- (g) Game room
- (h) Conference room (one thousand (1,000) square foot minimum in size)
- (i) Full-service restaurant (with a minimum seating capacity of thirty-five (35) patrons)

- (2) Shall maintain ten (10) percent of the lot area as open space, exclusive of required setbacks, buffers, and parking areas, but including amenities from the above list, except for Conference room and Full-service restaurant.
- (3) Shall provide staff on-site twenty-four (24) hours a day, seven days a week.
- (4) The entrance to each room shall be gained from an interior corridor, which shall be climate controlled. First floor units may have secondary access from an interior courtyard or swimming pool area in addition to hallway access.
- (5) A porte-cochere or covered area must be provided immediately adjacent to the entrance with a registration desk. The porte-cochere or covered area must be sufficient to accommodate the temporary parking of at least two (2) vehicles parked side by side for guests checking in and out.

Sec. 98-1004 – Extended Stay Hotel

Extended Stay Hotels must comply with the Hotel or Motel development standards set forth in Section 98-1003 hereof and shall also be subject to the following conditions:

- (1) Shall be restricted to a maximum density of forty (40) units per acre.
- (2) Shall maintain laundry facilities on-site for guest use.
- (3) Shall maintain booking records for a minimum of sixty (60) days.
- (4) Each guest room shall have a minimum area of four hundred twenty-five (425) square feet, including sleeping area, kitchen, bathroom, and closet space.
- (5) The kitchen in each guest room shall include a sink with running water and at least three major kitchen appliances (i.e. refrigerator, dishwasher, stove top or oven).
- (6) The Extended Stay Hotel shall install and maintain, in proper operating order, surveillance cameras in each interior hallway and lobby area, in the parking lots, and at each exterior door. The cameras shall be placed to provide visibility to the front and rear exteriors of the building. Monitors shall be provided for security and other hotel personnel so that on-site activities may be viewed at all times. Surveillance cameras shall be in operation 24 hours a day and records of images recorded shall be kept a minimum of 30 days.
- (7) Extended stay hotels are required to operate in compliance with all zoning, building code, fire safety code, health code, and other ordinances and laws of the Town and the state.

The advertising of a specific property or proposed hotel brand as an extended stay hotel, whether it be online or in print, shall be considered prima facie evidence that the subject property constitutes an extended stay hotel, and shall comply with all of the Town's associated standards and regulations.

A Specific Use Permit for an Extended Stay Hotel shall expire five years from the passage of the approved ordinance, but is eligible for automatic renewal for additional five-year periods. For automatic renewal to occur, the property owner must file a complete application for automatic renewal with the Director of Planning Services, as outlined in Sec. 98-954, before the expiration of the current period.

In the event of a change in ownership/rebranding of the hotel on the property, the new property owner shall be required to notify the Director of Planning Services within ninety (90) days from the date of closing. This will allow the Town to send the new property owner a copy of the Town's regulations and standards for extended stay hotels. A form acknowledging the receipt of the Extended Stay Hotel Regulations and agreeing to comply with said regulations must be returned to the Director of Planning Services within 30 days of the mail or email date that the materials were

sent by the Town.

Permanent residency is prohibited and no occupant of an Extended Stay Hotel shall be deemed to be a resident of the Extended Stay Hotel.”

SECTION 3

That Section 98-954, "Automatic Renewals," of Subdivision II, "Regulations," of Division 2, "Uses," of Article IV, "Supplementary District Regulations" of Chapter 98 of the Code of Ordinances, Town of Flower Mound, Texas, is hereby added to read as follows:

“Sec. 98-954 – Expiration or Automatic Renewal of SUPs

- (1) Except for uses where a mandatory expiration and automatic renewal option is otherwise required, a specific use permit granted in accordance with section 98-953 may include an expiration date or a provision providing eligibility for automatic renewal upon submission of a complete application package with automatic renewal requirements.
- (2) Failure to timely file a complete renewal application will render a specific use permit ineligible for automatic renewal. The Town Council may, however, reinstate a SUP's eligibility for future automatic renewals as part of a new SUP ordinance or ordinance amendment.
- (3) Automatic renewal does not result in an amendment to the SUP ordinance. An applicant seeking to change the SUP conditions or to otherwise amend the SUP ordinance must submit a new SUP application, as outlined in section 98-953. As part of the application for automatic renewal, the property owner shall state that all existing SUP conditions have been complied with, and that no changes to the conditions or other SUP ordinance provisions are being requested.
- (4) Upon the filing of a complete application for automatic renewal, the Director of Development Services, shall send written notice to all owners of real property lying within 200 feet of the area governed by the SUP. The notice must state that the SUP is eligible for automatic renewal and may be automatically renewed without further notice.
- (5) If the owners of 20 percent or more of the land within 200 feet of the area governed by the SUP file a written protest against the automatic renewal in accordance with section 78-154, the application shall be forwarded to the Planning and Zoning Commission for consideration, as outlined in section 78-154. In addition, if the Director of Development Services determines that the conditions of the SUP have not been met, the Director of Development Services may forward the application to the Planning and Zoning Commission for consideration, as outlined in section 78-154.
- (6) If forwarded for consideration, the Planning and Zoning Commission shall make a recommendation to Town Council regarding the proposed renewal based on staff reports, field inspections, and the evidence presented at its public hearing.
- (7) If forwarded for consideration, Town Council may: repeal the SUP's eligibility for automatic renewal; supplement, remove, or amend any of the conditions or provisions of the subject SUP ordinance; or take no action and allow the SUP to automatically renew. No renewal or expiration of a SUP may occur while the application is pending consideration.
- (8) This subsection does not impair the ability of the Town Council to call a public hearing on its own motion for the purpose of passing an amending ordinance to repeal a SUP's eligibility for automatic renewal, or to supplement, remove, or amend any of the conditions or other provisions in a SUP ordinance.”

SECTION 4

That Sections 98-543, "Specific Uses," 98-663, "Specific Uses," 98-693, "Specific Uses," 98-723, "Specific Uses," 98-753, "Specific Uses," 98-783, "Specific Uses," 98-843, "Specific Uses," 98-873, "Specific Uses," of Article III, "District Regulations" of Chapter 98 of the Code of Ordinances, Town of Flower Mound, Texas, are hereby amended to add "Extended Stay Hotel" to be inserted alphabetically to read as follows:

"Sec. 98-543 – Specific uses

Extended Stay Hotel

Sec. 98-663 – Specific uses

Extended Stay Hotel

Sec. 98-693 – Specific uses

Extended Stay Hotel

Sec. 98-723 – Specific uses

Extended Stay Hotel

Sec. 98-753 – Specific uses

Extended Stay Hotel

Sec. 98-783 – Specific uses

Extended Stay Hotel

Sec. 98-843 – Specific uses

Extended Stay Hotel

Sec. 98-873 – Specific uses

Extended Stay Hotel

SECTION 5

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

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

Personal Service Uses	A	S F E	SF- 5	SF 30	SF 15	SF 10	S F A	2F	M F	MH	O	R 1	R 2	C 1	C 2	C C	C I	I 1	I 2	W R	R E C	P D	C B D
Extended Stay Hotel											S				S	S	S	S	S	S	S	P	*

SECTION 6

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the Town of Flower Mound, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 7

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 8

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 9

All rights and remedies of the Town of Flower Mound are expressly saved as to any and all violations of the provisions of the Code of Ordinances as amended or revised herein, or any other ordinances affecting the matters regulated herein which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 10

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

SECTION 11

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

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF 5 TO 0, ON THIS THE 7TH DAY OF OCTOBER, 2019.

APPROVED:

ATTEST:

Theresa Scott, **TOWN SECRETARY**