

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. 22-20

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 78, "ADMINISTRATION," OF THE TOWN'S CODE OF ORDINANCES, SECTION 78-1, "APPLICATION FEES," TO CREATE STANDARDS FOR THE PAYMENT OF FEES IN RELATION TO DEVELOPMENT PROJECTS; AMENDING SECTION 78-152 "INFORMATIONAL SIGNS," TO UPDATE THE PROVISIONS GOVERNING THE CONTENT AND POSTING OF INFORMATIONAL SIGNS; AMENDING CHAPTER 94, "TREES," OF THE TOWN'S CODE OF ORDINANCES, SECTION 94-34, "TREE REMOVAL PERMITS," TO UPDATE THE PROVISIONS GOVERNING THE CONTENT AND POSTING OF TREE REMOVAL PERMIT SIGNS; AMENDING APPENDIX A, "FEE SCHEDULE," TO PROVIDE A FEE OF \$200.00 FOR A PUBLIC NOTICE SIGN; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Town Council of the Town of Flower Mound previously adopted Chapter 78, "Administration," of Subpart B, "Land Development Regulations," of the Town of Flower Mound Code of Ordinances, as amended, establishing provisions for the consideration of development projects in the Town; and

WHEREAS, the Town Council of the Town of Flower Mound previously adopted Chapter 94, "Trees," of Subpart B, "Land Development Regulations," of the Town of Flower Mound Code of Ordinances, as amended, establishing guidelines for the consideration of tree removal permits within the Town; and

WHEREAS, the Town Council finds and determines that there should be more uniformity across the different types of public notice signs and the regulations related to this signage should be updated to reflect this; and

WHEREAS, the Planning and Zoning Commission of the Town of Flower Mound, Texas held a public hearing on August 10, 2020, and the Town Council of the Town of Flower Mound, Texas, held a public hearing on August 17, 2020, with respect to the amendments described herein; and

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

WHEREAS, the Town Council finds that the amendments to Chapters 78 and 94 as outlined herein are in the best interest of the Town of Flower Mound and will promote the health, safety, and general welfare of the citizens of the Town of Flower Mound and the general public.

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

SECTION 1

Section 78-1, "Application fees," of Chapter 78, "Administration," of Subpart B – "Land Development Regulations," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby added to read as follows:

"Sec. 78-1. – Application fees.

- (a) All fees due to the Town in relation to project application, review, or processing are set forth in the fee schedule contained within Appendix A of this Code. There may be additional fees charged by third-party reviewers, but paid to the Town by the applicant, as documented in the relevant sections of the Code.
- (b) Second round project review comments shall not be provided to the applicant until all outstanding applicable fees have been paid.
- (c) No project shall be deemed approved until the applicant has paid all required fees.

Secs. 78-2 – 78-30. – Reserved."

SECTION 2

Section 78-152, "Informational signs," of Chapter 78, "Administration," of Subpart B – "Land Development Regulations," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended to read as follows:

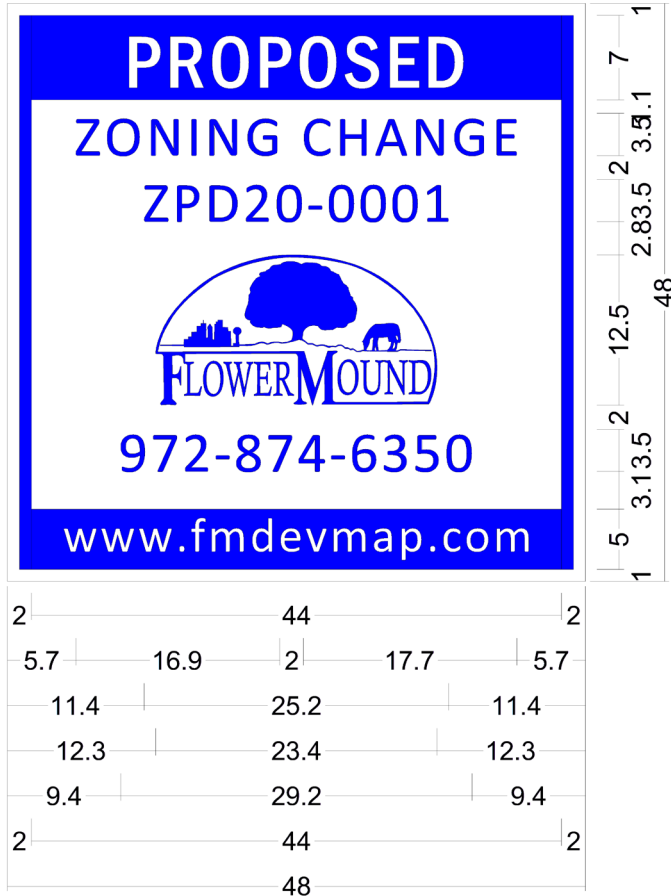
"Sec. 78-152. – Informational signs.

Upon the filing of an application to amend the comprehensive master plan land use category or the zoning on a lot or tract of land or property, or for the issuance of a specific use permit relative thereto, or the issuance of an outdoor lighting waiver, the owner/developer/applicant shall be required to place an informational sign on such lot or tract of land. Second round project review comments will not be provided to the applicant until the sign is posted (and the posting is documented) as follows:

- (1) The size of the sign shall be four feet by four feet and be made out of aluminum or 10 mm thick fluted polypropylene corrugated plastic material. If using plastic, the sheets shall be extruded comprising of two skins separated by vertical ribs.
- (2) The sign shall be double-sided, mounted on two stakes/poles, and the bottom of the sign shall be at least one foot above grade.
- (3) The sign shall be visible from and placed perpendicular to the street.

- (4) There shall be one sign for each 500 feet of street frontage.
- (5) The sign shall have a white background, with the letters and borders being blue in color. The sign shall include the following information, as applicable: The type of request, the case number, the Town's logo, planning services' contact number, and the web address for the development map.

Example:



3.0" Radius, 1.0" Border, 1.0" Indent, Blue on, White;
 "ZONING CHANGE", Calibri 150% spacing;
 "ZPD20-0001", Calibri 150% spacing; LOGO;
 "972-874-6350", Calibri 150% spacing;

- (6) The owner/developer/applicant shall be required to remove informational signs from the lot or tract of land within ten days after the date of the final action of the requested change or amendment. The owner/developer/applicant shall also be required to replace missing informational signs within two weeks of staff notifying them of the absence."

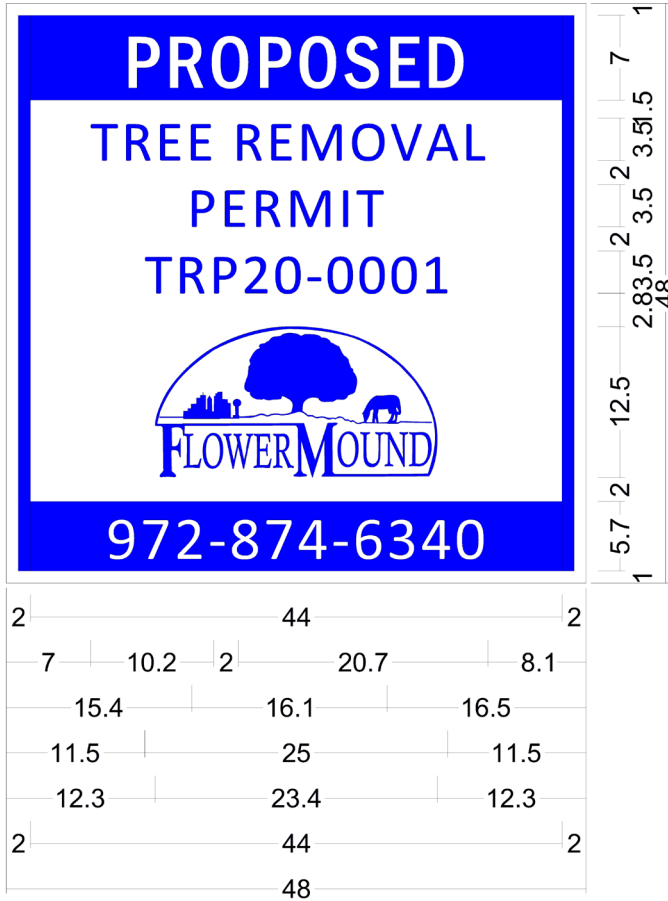
SECTION 3

Section 94-34, "Tree removal permit," of Chapter 94, "Trees," of Subpart B – "Land Development Regulations," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended to read as follows:

"Sec. 94-34. – Tree removal permit.

- (c) A sign shall be placed on each separate lot or tract for which a tree removal permit is requested to inform the general public that an application for a tree removal permit has been filed relative to a protected, specimen, or historic tree.
- (1) The size of the sign shall be four feet by four feet.
 - (2) The sign shall be made out of aluminum or 10 mm thick fluted polypropylene corrugated plastic material. If using plastic, the sheets shall be extruded comprising of two skins separated by vertical ribs.
 - (3) The sign shall be double-sided, mounted on two stakes/poles, and the bottom of the sign shall be at least one foot above grade.
 - (4) The sign shall be posted at least 15 days prior to a scheduled public hearing with the Environmental Conservation Commission.
 - (5) The sign shall be visible from and placed perpendicular to the street.
 - (6) There shall be one sign for each 500 feet of street frontage.
 - (7) The sign shall have a white background, with letters and borders being blue in color. The sign shall include the following information: The type of request, the case number, the Town's logo, and environmental services' contact number.

Example:



- 3.0" Radius, 1.0" Border, 1.0" Indent, Blue on, White;
- "TREE REMOVAL ", Calibri 150% spacing;
- "PERMIT ", Calibri 150% spacing;
- "TRP20-0001", Calibri 150% spacing; LOGO;

(8) The owner/developer/applicant shall be required to remove informational signs from the lot or tract of land within ten days after the date of the final action on the tree removal permit. The owner/developer/applicant shall also be required to replace missing informational signs within two weeks of staff notifying them of the absence."

SECTION 4

Appendix A, "Fee Schedule," of Subpart B – "Land Development Regulations," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended to add a fee of \$200.00 for a public notice sign, between the fee tables for "Chapter 94. Vegetation." and "Chapter 98. Zoning." to read as follows:

“Appendix A. – Fee Schedule

Chapter 78. Administration. and Chapter 94. Trees.	
<i>Code Section Number</i>	<i>Description</i>
78-152 and 94-34	Public Notice Sign
	\$200

***”

SECTION 7

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

SECTION 8

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

SECTION 9

Any person, firm, or corporation who violates any provision of this Ordinance as adopted by the Town Council of the Town of Flower Mound shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-13 of the Code of Ordinances of the Town of Flower Mound. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

SECTION 10

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

SECTION 11

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

SECTION 12

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

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF 5 TO 0, ON THIS THE 17TH DAY OF AUGUST, 2020.

APPROVED:

Steve Dixon, **MAYOR**

ATTEST:

Theresa Scott, **TOWN SECRETARY**