

Planning & Zoning Commission



February 24, 2025
Town Hall
2121 Cross Timbers Road
Flower Mound, TX 75028

6:30 p.m.

(or immediately following the Capital Improvements Advisory Committee meeting)

Comments regarding any agenda item can be sent to the Planning Department at planning@flowermound.gov or by calling 972.874.6350 and leaving a message.

AGENDA

A. CALL TO ORDER

B. PUBLIC COMMENT

The purpose of this item is to allow the public an opportunity to address the Board/Commission regarding any item on this agenda that is not a "Public Hearing." Issues regarding daily operational or administrative matters should first be dealt with by calling Town Hall at 972- 874-6000 during business hours. To speak to the Board/Commission during public comment, please fill out a comment form, which is located in the lobby of Town Hall.

In accordance with the Texas Open Meetings Act, the Board/Commission is restricted from discussing or acting on items not listed on the agenda.

- Speakers are limited to 3 minutes; a tone will sound at 30 seconds left and when time has expired, and times may be adjusted by the Chair depending on the number of speakers.
- Speakers must address their comments to the Board/Commission.
- Please state your name and address when speaking.

C. COORDINATION OF CALENDARS

1. Monday, March 10, 2025 (LISD & AISD Spring Break)
2. Monday, March 24, 2025

D. FUTURE AGENDA ITEM(S)

The purpose of this item is to allow the members an opportunity to bring forward items they wish to discuss at a future meeting.

E. STAFF/DIRECTOR REPORT

1. Quarterly Development Report

F. CLOSED MEETING

The Planning & Zoning Commission to convene into closed meeting pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.071, 551.072, 551.074, and 551.087 for consultation with Town Attorney, and to discuss matters relating to real property, personnel, and economic development negotiations, as indicated below. The Planning & Zoning Commission may convene in executive session to conduct a private consultation with its attorney on any legally posted agenda item, when the Planning & Zoning Commission seeks the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of Chapter 551, including the below-referenced items.

1. Consultation with Town Attorney
 - a. Enforcement of Zoning Regulations

G. CONSENT ITEM(S)

This part of the agenda consists of non-controversial, or “housekeeping” items required by law. Items may be removed from Consent by any Commissioner by making such request prior to a motion and vote.

1. Minutes of February 10, 2025 - Consider approval of the minutes from February 10, 2025.

H. REGULAR ITEM(S)

This part of the agenda consists of discretionary items either relating to zoning or a requested variation from the Town's development standards. If a public hearing is required, it will be noted in the item caption on the agenda. Typically, the Planning & Zoning Commission will make a recommendation to Town Council on these types of projects.

1. Z25-0001 - Sunrise Circle Lot 24, Block 1 - Public Hearing to consider an ordinance amending the zoning (Z25-0001- Sunrise Circle Lot 24, Block 1) from Interim Holding (IH) uses to Single Family District-10 (SF-10) uses. The property is generally located east of Stonecrest Road and south of Sunrise Circle.
2. LDR25-0001 - Land Use Update - Public Hearing to consider an ordinance amending the Land Development Regulations (LDR25-0001 - Land Use Update) by amending Chapter 82 “Development Standards,” Chapter 90 “Subdivisions,” Chapter 98 “Zoning,” and Appendix A “Fees,” related to clarifying and adding exception provisions for setback and landscaping standards, clarifying lot width and depth standards, adding turnaround standards for gated entry of private subdivisions, amending setback standards within the Campus Commercial and Campus Industrial districts, updating accessory dwelling standards, adding standards for parking lot lights, and updating fees related to land development within the Town.

I. ADJOURN

Pursuant to Section 551.071 of the Texas Government Code, the Planning and Zoning Commission reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed on this agenda.

I do hereby certify that the Notice of Meeting was posted on the bulletin board at the Town Hall for the Town of Flower Mound, Texas, in a place convenient and readily accessible to the general public at all times and said Notice was also posted on the Town's website in accordance with GC Section 551.056 on the following date and time: February 20, 2025, at 4:45 p.m., at least 72 hours prior to the scheduled time of said meeting.

LauriAnn Cash, Staff Liaison

The Flower Mound Town Hall and Jody Smith Hall are wheelchair accessible. Requests for accommodation or interpretive services must be made 48 hours prior to this meeting by contacting Town Hall at 972.874.6000. Additional time limits will be provided for members of the public that need to address the Town Council through a translator.

Planning & Zoning Commission



February 10, 2025
Town Hall
2121 Cross Timbers Road
Flower Mound, TX 75028

6:30 p.m.

DRAFT MINUTES

A. CALL TO ORDER

Chair Gilmore called the regular meeting to order at 6:37 p.m with the following members present:

Donald Gilmore, Place 6, Chair
Gregory Schultz, Place 1
Jason Hobbs, Place 2
Todd Bayuk, Place 3
Ryan Geddie, Place 4
Scott Langley, Place 5
Scott Jostes, Place 7
Michelle Jackson, Place 8 Alternate
Clare Harris, Place 9 Alternate

with the following member(s) absent:
None

constituting a quorum with the following members of the Town Staff participating:

Rachel Raggio, Town Attorney
Poornima Kashyap, Planning Manager
Bob Pegg, Assistant Director of Engineering
Chuck Russell, Principal Planner
Codie Freeman, Planner
LauriAnn Cash, Executive Assistant

B. INVOCATION

C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

D. PUBLIC COMMENT

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- Speakers must address their comments to the Board/Commission.
- Please state your name and address when speaking.

Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.

Speaker name and address	Subject (as written on the form)
None	

** Indicates person did not wish to speak*

E. COORDINATION OF CALENDARS

1. Monday, February 24, 2025
2. Monday, March 10, 2025 (LISD & AISD Spring Break)

F. FUTURE AGENDA ITEM(S)

The purpose of this item is to allow the members an opportunity to bring forward items they wish to discuss at a future meeting.

None

G. STAFF/DIRECTOR REPORT

1. Blue Ribbon Bond Committee Update

H. CONSENT ITEM(S)

This part of the agenda consists of non-controversial, or "housekeeping" items required by law. Items may be removed from Consent by any Commissioner by making such request prior to a motion and vote.

1. Minutes of January 13, 2025 - Consider approval of the minutes from January 13, 2025.

ACTION: Vice-Chair Hobbs moved to approve H.1. as presented in the agenda caption. Commissioner Schultz seconded the motion.

AYES: Schultz, Hobbs, Bayuk, Geddie, Langley, Jostes

NAYS: None

RESULT: 6 : 0

I. REGULAR ITEM(S)

This part of the agenda consists of discretionary items either relating to zoning or a requested variation from the Town's development standards. If a public hearing is required, it will be noted in the item caption on the agenda. Typically, the Planning & Zoning Commission will make a recommendation to Town Council on these types of projects.

1. SUP24-0006 – Scrivner Ranch Helistop - Public Hearing to consider an ordinance granting Specific Use Permit No. 495 (SUP24-0006 – Scrivner Ranch Helistop) to permit a helistop. The property is generally located south of Cross Timbers Road and west of Belle Drive. (The Planning and Zoning Commission moved to table this item to the February 10, 2025, meeting by a vote of 4 to 3 at its January 13, 2025, meeting)

STAFF PRESENTATION:

Chuck Russell, Principal Planner

APPLICANT PRESENTATION:

Abe Lawrence, AV8 Management

Ken Frisby, Frisby Fine Homes

Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.

	SUPPORT	OPPOSITION	QUESTIONS OR COMMENTS ONLY
1.	*Keith Goeke, 4413 Crown Knoll Circle	John Kurilecz, 7705 Emerson Lane	
		Lockwood Scoggin Jr., 6500 Hillcrest Road	
3.		Fred Vincent, 3933 Bordeaux Circle	
4.		Sam Huniu, 3414 Ridgecrest (time donated by Nancy Procter, 3414 Ridgecrest; and Adam Althouse, 6610 Raintree Place)	
5.		Ed Pete, 6901 Raintree	

6.		Scott Kulle, 7008 Raintree Place	
7.		Chris Torley, 6618 Raintree Place	
8.		Marsha Gavitt, 6501 Meadowcrest Lane	
9.		Carrie Hicks, 6700 Raintree Place	
10.		Stacia Drewes, 3724 Raintree Drive	
11.		Ryan Plant, 6860 Raintree	
12.		Marty James, 6504 Oakview	
13.		Abigayle Ferrier, 6604 Sunset Trail	
14.		*George Tetterton, 3704 Sarah Springs Trail	
15.		*Charles Horton, 2701 Lake Flower Drive	
16.		*Laura Horton, 2701 Lake Flower Drive	
17.		*Suellyn Martin, 6604 Oakview Drive	
18.		*Alex Legere, 6900 Raintree Place	
19.		*Shelagh Legere, 6900 Raintree Place	
20.		*Beth Derrick, 6501 Oakview Drive	
21.		*Tabitha Wilson, 6404 Hillcrest Road	
22.		*Shirley Tarvin, 4028 Raintree Drive	
23.		*Joella Collier, 3928 Raintree Drive	
24.		*Allen Olson, 6708 Raintree Place	

25.		*Dian Olson, 6708 Raintree Place	
26.		*Tim Runte, 3480 High Road	
27.		*Gabrielle Schweikart, 3915 Raintree Drive	
28.		*Thomas Brown, 6600 Oakview Drive	
29.		*Jean Brown, 6600 Oakview Drive	
30.		*Lucille Del Vecchio, 7003 Woodridge Drive	
31.		*Phil Del Vecchio, 7003 Woodridge Drive	
32.		*Cara Hall, 3503 Raintree Drive	
33.		*Jeannie Farrier, 6604 Sunset Trail	
34.		*Cindy Bell, 6516 Frontier Drive	
35.		*Eddie Baldocchi, 6409 Hillcrest Road	
36.		*Carol Baldocchi, 6409 Hillcrest Road	
37.		*Real Musgrave, 3726 Valley View Lane	
38.		*Muff Musgrave, 3726 Valley View Lane	
39.		*Cindy Clark, 8704 Baltusrol	
40.		*Corwin Snow, 3822 Raintree Drive	
41.		*Michael Torley, 6618 Raintree Place	
42.		*Kristina Payne, 3828 Valley View Lane	
43.		*Kim Snow, 3822 Raintree Drive	

44.		*Cindy Brodie, 6405 Oakview Drive	
45.		*Steve Brodie, 6405 Oakview Drive	
46.		*Mike Aghyarian, 4305 Belle Drive	
47.		*Timothy M. Smith, 6808 Raintree Place	
48.		*Regina Fuentez, 3618 Ridgecrest Drive	

** Indicates person did not wish to speak*

ACTION: Commissioner Langley moved to recommend denial of item I.1. as presented in the agenda caption. Commissioner Bayuk seconded the motion.

AYES: Schultz, Hobbs, Bayuk, Geddie, Langley, Jostes

NAYS: None

RESULT: 6 : 0

J. ADJOURN

Chair Gilmore adjourned the meeting at 8:30 p.m.

TOWN OF FLOWER MOUND, TEXAS

DON GILMORE, CHAIR

ATTEST:

LAURIANN CASH, EXECUTIVE ASSISTANT



PLANNING & ZONING COMMISSION AGENDA H.1. REGULAR ITEM(S)

DATE: February 24, 2025
FROM: Claire Barnes, Planner
ITEM: **Public Hearing to consider an ordinance amending the zoning (Z25-0001- Sunrise Circle Lot 24, Block 1) from Interim Holding (IH) uses to Single Family District-10 (SF-10) uses. The property is generally located east of Stonecrest Road and south of Sunrise Circle.**

BACKGROUND:

I. ITEM SUMMARY

This application has been reviewed by DRC and determined to be ready for consideration by the Planning and Zoning Commission. There are no outstanding issues.

This application will require final action by the Town Council.

II. APPLICATION ANALYSIS

The purpose of this application is to zone approximately 0.44 acres of land, going from Interim Holding (IH) uses to Single Family District-10 (SF-10) uses to allow for the development of a single-family residence. The subject property is currently undeveloped and is a platted lot within the Sunrise Circle Estates subdivision.

The subject property is currently designated Interim Holding (IH). This is the default zoning automatically attributed to property at the time that property had been annexed into the Town. This property is not considered to be “zoned” in accordance with state law. As a result, strictly speaking, this is not an application for “rezoning” but instead an application for original zoning. The references to “rezoning” in the legal notices and caption are for convenience purposes only and are not intended to serve as a legal characterization of the application. However, this fact alone does not change the Planning and Zoning Commission’s purview over this application and the Commission’s procedural consideration of this application is identical to an application for rezoning.

The Sunrise Circle Estates Addition was platted in 1984 and was annexed into the Town in 1999 under Ordinance No. 58-99.

In 2023, there was a larger discussion regarding this area consisting of Sunrise Circle and Stonecrest South subdivisions with the Town Council, and one of the action items from the discussion was the direction from Council to bring forward Town-initiated zoning of the properties in compliance with the Master Plan designation for this area upon receiving request from the property owner(s). Please follow the link to [‘Sunrise Circle’](#) for additional zoning-related FAQs.

Based on this direction from Town Council, the Town has received a request from the property owner for the zoning of the 0.44 acres of land designated as Lot 24, Block 1 of the Sunrise Circle Estates

Addition to replace temporary zoning of Interim Holding (IH) with a permanent Single-Family District-10 (SF-10) zoning district. The proposed zoning change will allow the lot to legally conform with the Town's regulations.

The Town's Master Plan designation for the subject property is Office or Medium Density Residential Uses. The applicant's request is in compliance with the Medium Density Residential land use designation, which is defined as "residential development, typically being single family detached residential development with minimum 10,000 square foot lots (nominally 1/4 acre) or greater".

BOARD REVIEW/CITIZEN FEEDBACK: The Town Code requires both public notice in a newspaper of general circulation (Denton Record Chronicle) and notification of the property owners within 200ft of the subject property for all zoning application requests. Z25-0001 had a total of 14 Property Owner Notifications mailed. At the time this report was written, staff had not received any correspondence regarding this item.

ALTERNATIVES: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: Rachel Raggio, of Taylor, Olson, Adkins, Sralla, & Elam L.L.P., will review the ordinance as to form and legality.

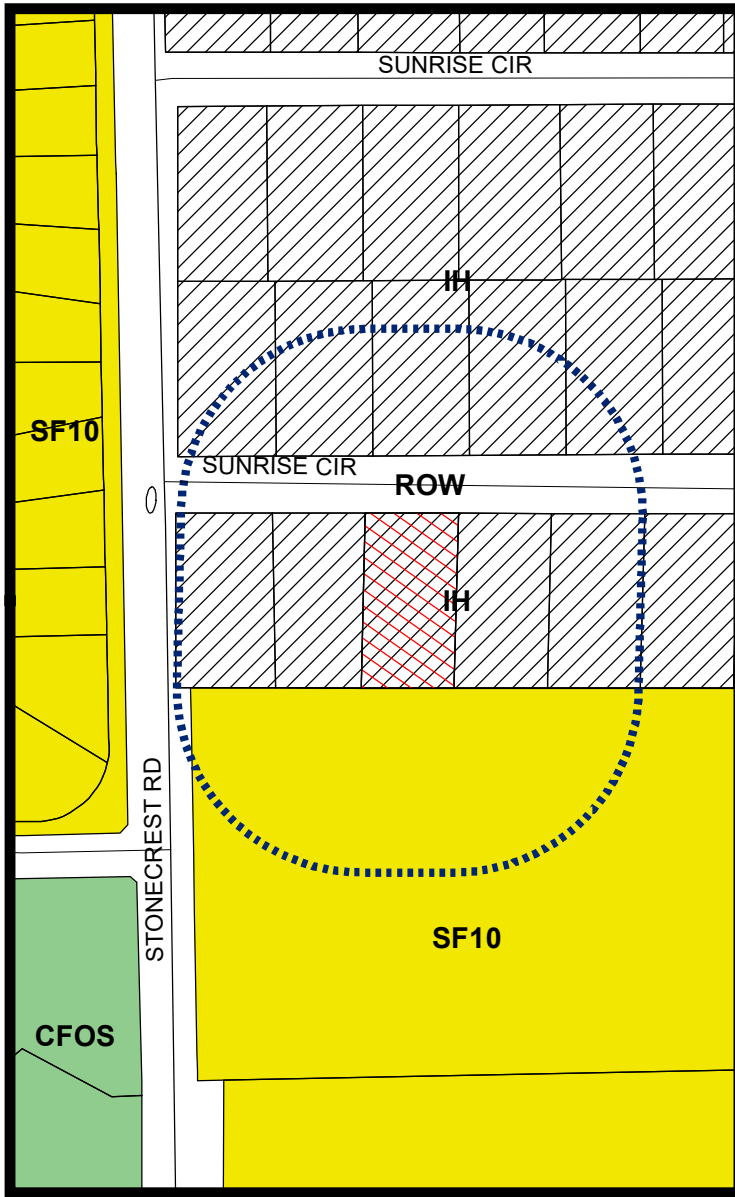
ATTACHMENTS:

1. Zoning & Aerial Map
2. Letter of Intent
3. Recorded Plat - Sunrise Circle Estates

DRAFT MOTION: Move to approve as presented in the agenda caption.

Vicinity Map

Z25-0001: Sunrise Circle Lot 24, Block 1



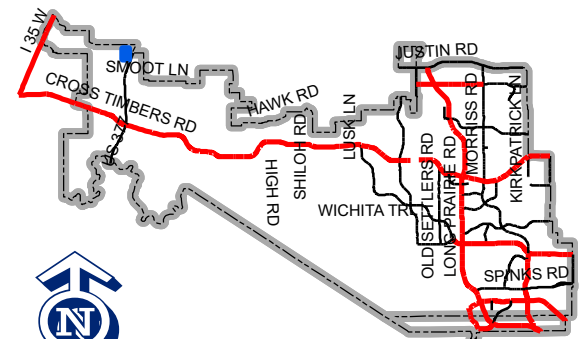
LEGEND

- Canyon Falls Open Space
- Interim Holding
- Single Family 10

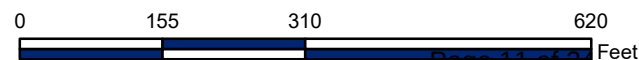
- Subject Property
- 200 ft Notification Buffer around Property

Visit www.fmdevmap.com to learn more about this project.

Visit <https://www.flowermound.gov/notifyme> to sign up for text message and/or email alerts for future projects.



Map Location



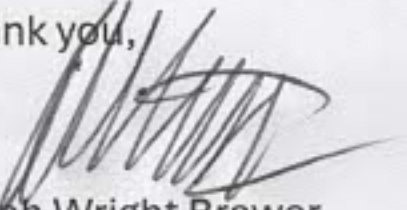
January 13, 2025

Flower Mound in the Town of Flower Mound

Re: Rezoning request for property ID R101528

This is a request to change the zoning from agriculture to SF-10 for the property located at 10308 Sunrise Circle, Argyle TX 76226. The current setbacks only allows a 50 foot wide structure which creates a hardship. This letter is a request for the zoning to be changed in the Town of Flower Mound.

Thank you,



Ralph Wright Brewer
B & B Vineyards, LLC
1900 Champagne Blvd
Grapevine, TX 76051
817-235-4172

52122
FILED FOR RECORD

84 OCT 1 AM 4:2

MARY J. HILL, CO. CLERK
DENTON COUNTY, TEXAS

67 DEPUTY

OWNER'S ACKNOWLEDGEMENT AND DEDICATION

WHEREAS, THE OWNERS (as listed separately below), are the sole owners of their respective following described tracts of land.

Lots 1 thru 26, Block 1, and Lots 1 thru 16, Block 2, Sunrise Circle Estates, a proposed subdivision in Denton County, Texas.

AND WHEREAS, THE OWNERS, are the sole owners of their respective portions of the following described tract of land situated in the F. W. Thornton Survey, Abstract No. 1244, and the Thomas Burress Survey, Abstract No. 33, Denton County, Texas, being a part of a certain (called) 69.560 acre tract described in a deed from Ernest A. Tinnerello to Phyllis Elaine Tinnerello on the 21st day of April, 1960 and recorded in Volume 1013, Page 631, Deed Records, Denton County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCE at a found steel pin at the Northwest corner of said 69.560 acre tract in a public road, said corner being also the Northwest corner of Stonecrest South Addition to said Thornton Survey, of record in Volume 5, Page 23, Plat Records, Denton County, Texas, thence S. 1° - 49' - 39" W. with the West boundary line of said 69.560 acre tract in said road, a distance of 708.03 feet to a corner in said road at the Southwest corner of Stonecrest South Addition for the POINT OF BEGINNING of the herein described tract;

THENCE S. 86° - 56' - 15" E. with the South boundary line of said Addition pass at 25.0 feet a steel pin on the East boundary line of said road and in all a distance of 1261.40 feet to a steel pin at a fence on the Westerly right-of-way of the Texas & Pacific Railroad and the Easterly boundary line of said 69.650 acre tract;

THENCE S. 24° - 13' - 00" W. with said fence and said Railroad right-of-way pass the South boundary line of said Thornton Survey which is the North boundary line of said Burress Survey, a distance of 949.49 feet to a steel pin;

THENCE N. 86° - 56' - 15" W. a distance of 919.66 feet to a corner in a public road on the West boundary line of said 69.650 acre tract and on the West boundary line of said Burress Survey;

THENCE N. 1° - 49' - 39" E. in said road pass the Northwest corner of said Burress Survey on the South boundary line of said Thornton Survey, a distance of 885.71 feet to the POINT OF BEGINNING and containing 22.372 acres.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT, the undersigned owners of Lot 1, Block 1.

CARLOS RAY SHELTON, the undersigned owner of Lot 2, Block 1.

JEANIE O'SHIELD, the undersigned owner of Lot 3, Block 1.

STEVE A. HORN et ux RHONDA B., the undersigned owners of Lot 4, Block 1.

STEVE YEARY et ux MARLENE, the undersigned owners of Lot 5, Block 1.

EDWIN W. QUINTON et ux PATRICIA G., the undersigned owners of Lot 7, Block 1.

JERRY W. WOOD et ux LULA M., the undersigned owners of Lot 8, Block 1.

ROBERT BRADLEY PRICE et ux RHONDA JUNE, the undersigned owners of Lot 9, Block 1.

JEANETTE W. DUTTON et vir LARRY, the undersigned owners of Lot 23, Block 1.

GARY KIEITH HESTER et ux MEREDITH ANN, the undersigned owners of Lot 3, Block 2.

ROBERT CRAIG SMITH et ux LAURA LOUISE, the undersigned owners of Lot 4, Block 2.

LOWELL DUNCAN et ux GERALDINE, the undersigned owners of Lot 5, Block 2.

SUNRISE VENTURES, INC., the undersigned owner of the remaining portion of said tract do hereby adopt this plat designating the hereinabove described real property as Lots 1 thru 26, Block 1 and Lots 1 thru 16, Block 2, Sunrise Circle Estates, Denton County, Texas, and does hereby dedicate to the use of the public all streets and easements as shown thereon.

WITNESS OUR HAND, this 19th day of March, 1984.

<i>Ricky A. Whitte</i> Lot 1, Block 1	<i>Kim Webster</i> Lot 1, Block 1
<i>Carlos Ray Shelton</i> Lot 2, Block 1	<i>Ruby Jean O'Shield</i> Lot 3, Block 1
<i>Steve A. Horn</i> Lot 4, Block 1	<i>Rhonda B. Horn</i> Lot 4, Block 1
<i>Steve Yeary</i> Lot 5, Block 1	<i>Marlene Yeary</i> Lot 5, Block 1
<i>Edwin W. Quinton</i> Lot 7, Block 1	<i>Patricia G. Quinton</i> Lot 7, Block 1

STATE OF TEXAS
COUNTY OF

BEFORE ME, the undersigned authority, on this day personally appeared K. WAYNE LEE, Carlos Ray Shelton, Jeanie O'Shield, Steve A. Horn, Rhonda B. Horn, Steve Yeary, Marlene Yeary, Edwin W. Quinton, Patricia G. Quinton, Jerry W. Wood, Lula M. Wood, Robert Bradley Price, Rhonda June Price, Jeanette W. Dutton, Larry Dutton, Gary Keith Hester, Meredith Ann Hester, Robert Craig Smith, Laura Louise Smith, Lowell Duncan, Geraldine Duncan, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein stated.

GIVEN UNDER my hand and seal of office this 19th day of March, 1984.

Walter W. Ward
Notary Public

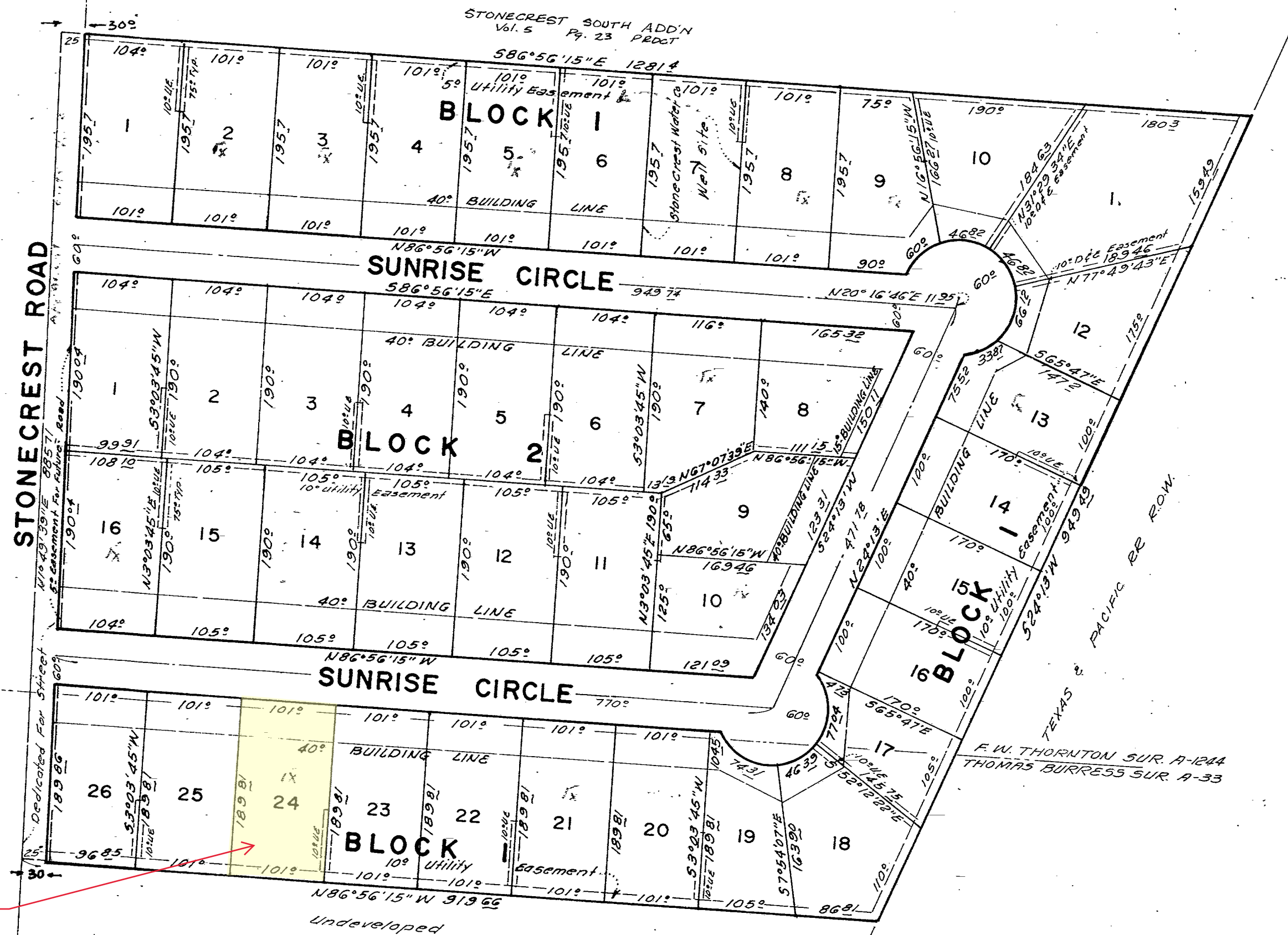
CERTIFICATE OF SURVEYOR

I, Walter W. Ward, the undersigned, a registered public surveyor in the State of Texas, hereby certify that this plat is a true and correct representation of a survey made on the ground.

Date 12-7-83
12/7/83

Walter W. Ward
Walter W. Ward, Registered Public Surveyor

WARD SURVEYING COMPANY
P. O. BOX 12213
FORT WORTH, TEXAS 76118
PHONE AC (817) 281-5411



Subject Property
Lot 24, Block 1

PLAT SHOWING

SUNRISE CIRCLE ESTATES

A SUBDIVISION OF A PORTION OF THE

F. W. THORNTON SURVEY, A-1244

and the

THOMAS BURRESS SURVEY, A-38

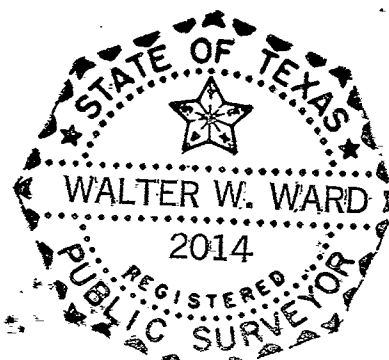
Situated in

DENTON COUNTY, TEXAS

22.37 Acres

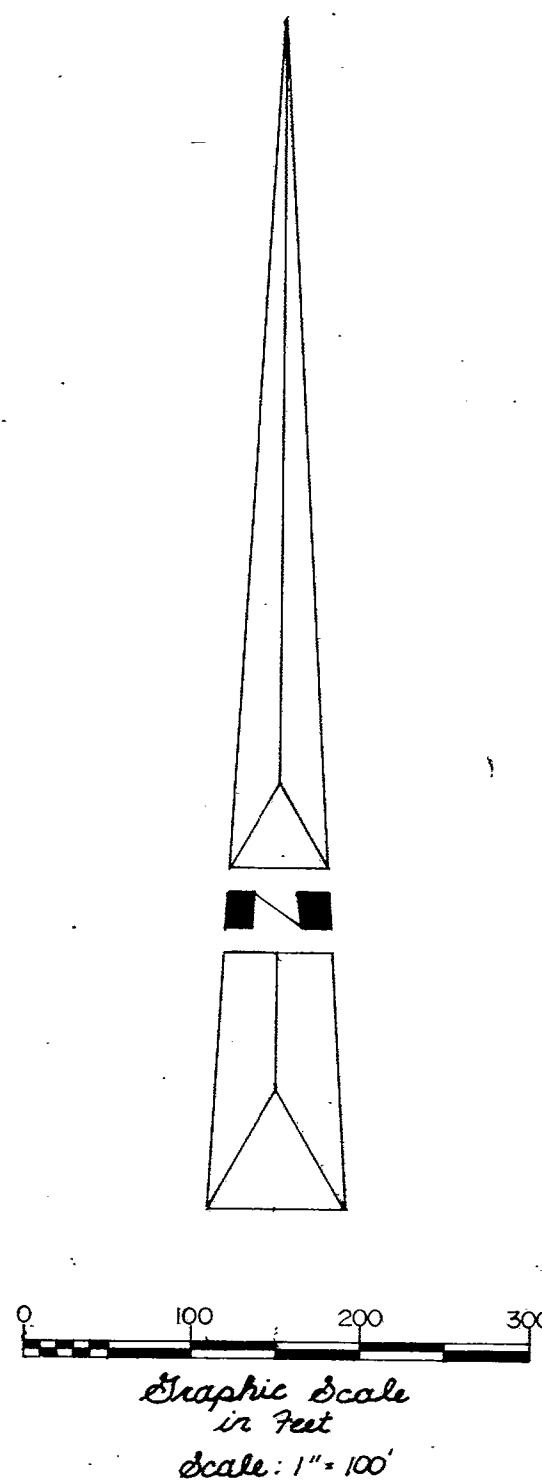
RESIDENTIAL MODULAR MOBILE

OWNER & DEVELOPER:
SUNRISE VENTURES, INC.
K. WAYNE LEE, PRES.

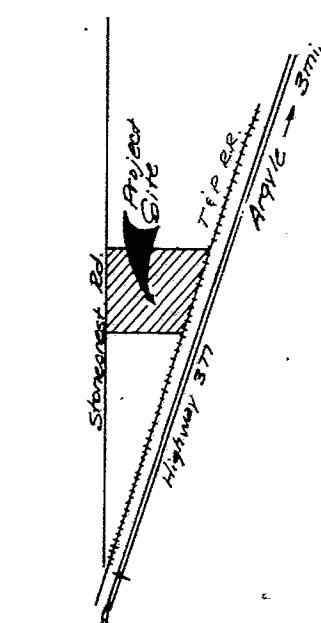


Average Lot = 0.86 Acres

John Robert
DENTON COUNTY PLAT DEPT.
P. O. Box 1249
Denton, Texas 76201



Note: Iron Pins will be set at all corners upon approval of plat.



LOCATION MAP

PERCOLATION TEST RESULTS

LOT & BLOCK	PERCOLATION RATE
BLOCK 1, LOT 1	43
" LOT 2	47
" LOT 3	39
" LOT 4	20
" LOT 5	20
" LOT 6	36
" LOT 7	40
" LOT 8	45
" LOT 9	38
" LOT 10	34
BLOCK 2, LOT 11	38
" LOT 12	34
" LOT 13	44

Note: Groundwater Absent On All Tests

APPROVED:

COMMISSIONERS COURT
DENTON COUNTY, TEXAS

BY: COUNTY JUDGE



PLANNING & ZONING COMMISSION AGENDA H.2. REGULAR ITEM(S)

DATE: February 24, 2025
FROM: Lexin Murphy, Director of Development Services
ITEM: **Public Hearing to consider an ordinance amending the Land Development Regulations (LDR25-0001 - Land Use Update) by amending Chapter 82 “Development Standards,” Chapter 90 “Subdivisions,” Chapter 98 “Zoning,” and Appendix A “Fees,” related to clarifying and adding exception provisions for setback and landscaping standards, clarifying lot width and depth standards, adding turnaround standards for gated entry of private subdivisions, amending setback standards within the Campus Commercial and Campus Industrial districts, updating accessory dwelling standards, adding standards for parking lot lights, and updating fees related to land development within the Town.**

BACKGROUND:

This Town-initiated item is proposed to amend the Town’s Land Development Regulations by updating language related to development standards and fees for the purpose of clarity and consistency, incorporating feedback from Town Council.

The focus of this update includes the following topics:

1. Clarifying various development standards for consistency purposes.
2. Creating a landscape buffer exception process based on the direction staff received following FloMo Convos for the development community.
3. Modifying residential compatibility exception language to better accommodate resident feedback.
4. Modifying the lot depth exception to reflect the intent of limiting flag lots.
5. Codifying standards for rejection areas at the entrances to gated subdivisions.
6. Adopting a maximum Kelvins standard for parking lot lighting in line with the Town’s goal of limiting light pollution.
7. Updating fee explanations within Appendix A to match current practices.

This application will require final action by the Town Council.

PRIOR DISCUSSIONS

Several topics have been discussed with Town Council in recent years.

1. TC Work Session on FloMo Convos Development Community Edition – [April 18, 2024, Meeting Link](#)
2. TC Work Session on lighting – [October 17, 2024, Meeting Link](#)
3. Town Council Future Agenda Items – [January 6, 2025, Meeting Link](#)

ANALYSIS

Town staff will provide a presentation to discuss the following recommendations:

1. Incorporating an exception to allow for the waiver or modification of landscape buffer requirements when special circumstances limit the width of the proposed buffer, provided all required trees are still planted somewhere on site.
2. Modifying residential compatibility standards in the following ways:
 - Restrict the location of detention/retention ponds or drainage areas within compatibility buffers.
 - Add a requirement for a public hearing when compatibility exceptions are requested.
3. Modifying the lot depth-to-width exception language in the following ways:
 - Clarify that the exception applies to flag lots.
 - Providing a definition and illustration of a flag lot.
4. Documenting the requirement for gated subdivisions to include a rejection area at their entrance large enough to accommodate a full-sized box truck.
5. Adding language noting that the maximum kelvins of light pole standards in parking areas shall not exceed 3000.
6. Updating fee language in Appendix A to reflect the following:
 - Inspection fees for public infrastructure and drainage are now based on actual inspection costs, as calculated by a third-party consultant. This change addresses recent legislative restrictions prohibiting municipalities from charging inspection fees as a percentage of cost.
 - A deposit fee of \$300 for Site Development Permits, which will be applied toward the total cost of the permit.
 - The \$250 application fee for a sewer connection exception. This fee was previously only located in Chapter 90.

BOARD REVIEW/CITIZEN FEEDBACK: The Town Code requires public notice in a newspaper of general circulation (Denton Record Chronicle). At the time this report was written, staff had not received any correspondence regarding this item.

ALTERNATIVES: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: Rachel Raggio, of Taylor, Olson, Adkins, Sralla, & Elam L.L.P., will review the ordinance as to form and legality.

ATTACHMENTS:

1. Draft Redline Ordinance

DRAFT MOTION: Move to approve as presented in the agenda caption.

Chapter 82 – DEVELOPMENT STANDARDS

ARTICLE V. LANDSCAPING AND SCREENING

DIVISION 1. - GENERALLY

Sec. 82-213. Approving bodies.

The approval of a landscape plan shall be considered a part of the respective application's approval process.

- (1) *Nonresidential developments.* A landscape plan must be submitted and considered in conjunction with any ~~subdivision site plan~~, site plan, planned development, or specific use permit application.
- (2) *Residential developments.* A landscape plan must be submitted and considered in conjunction with any ~~development plan-subdivision site plan~~ or planned development containing more than four lots.

(Code 1989, ch. 12, § 5.03(c)(2); Ord. No. 06-12, § 11, 2-20-2012; Ord. No. 51-22, § 3, 10-17-2022)

Sec. 82-214. Landscape plan.

- (a) *Landscape plan required.* Any proposed building or use shall be shown on a landscape plan and shall include the location of buildings to remain, proposed buildings, parking areas, street improvements, locations and types of landscaped areas, walls, and screening devices. The appropriate method of submitting the landscape plan to the town for a ~~development plan, record plat, subdivision site plan~~, planned development, specific use permit, or site plan is outlined on the town's website.
- (b) *Licensed landscape architect.* All landscape plans accompanying a site plan must be signed and sealed by a licensed landscape architect.

(Code 1989, ch. 12, § 5.03(c)(1); Ord. No. 06-12, § 12, 2-20-2012; Ord. No. 51-22, § 3, 10-17-2022)

DIVISION 2. - LANDSCAPING

Sec. 82-242. Street buffer landscaping.

- (a) *Generally.* Street buffer landscaping shall count toward the street yard landscaping requirement and is located adjacent to the street right-of-way line.
 - (1) *Principal streets.* The minimum width of the street buffer landscaping shall be 25 feet for all residential and nonresidential development.
- (b) *Residential subdivisions.*
 - (1) *Streets.* The minimum width of the street buffer landscaping area is 15 feet. Streets located within a residential subdivision, not considered a principal, collector, scenic, or country roadway, are exempt from this requirement.
 - (2) *X-lots.* Street buffer landscaping areas must be placed within an x-lot and must be maintained by a homeowners' association.
 - (3) *Subdivision entry.* Access into a residential subdivision may be located within a street buffer landscaping area; private residential driveways may not.

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- (c) *Nonresidential development.* Nonresidential development includes multifamily for landscaping purposes.
 - (1) *Streets.* The minimum width of the street buffer landscaping area is 15 feet.
 - (2) *Necessary driveways.* Necessary driveways may be located within a street buffer landscaping area.
 - (d) *Cross Timbers Conservation Development District ("CTCDD").*
 - (1) *Cross Timbers Road (FM 1171).* The minimum width of the street buffer landscaping area is 50 feet, which shall count toward satisfying scenic buffer requirements.
 - (2) *Rural collectors.* The minimum width of the street buffer landscaping area is 25 feet, which shall count toward satisfying scenic buffer requirements.
 - (e) *Trees.* Street buffer landscaping areas must comply with section 94-62.
 - (f) *Waiver or modification of buffer requirement.* Town Council may authorize a waiver or modification, upon recommendation by the Planning and Zoning Commission, to the street buffer width requirement in instances where there exists irregular or jogged right-of-way lines or other such special circumstances, provided that any trees affected by a compressed buffer shall be relocated and installed elsewhere on the site in accordance with an approved landscape plan.

(Code 1989, ch. 12, § 5.03(d)(2); Ord. No. 51-22, § 5, 10-17-2022)

DIVISION 4. – RESIDENTIAL COMPATIBILITY STANDARDS

Sec. 82-302. Compatibility buffer.

A landscaped buffer shall be located on the site of the nonresidential or multifamily use along all property lines adjacent to the existing or proposed residential uses, subject to the following standards:

- (1) A brick wall or masonry wall with stucco or mortar wash finish, both exterior finishes being the same, shall be constructed along the property line. Such walls shall have no vehicular access point into or from an alley and shall be a minimum of six feet in height, except that the first 25 feet in from the street line may be stepped down to a minimum height of four feet. However, notwithstanding the foregoing, religious institutions and/or schools shall be exempt from the requirements of this division.
- (2) For nonresidential development, except those provided below, the landscaped setback shall consist of a minimum 25-foot landscaped buffer. Understory plants of species included in section 82-277, "Screening plant selection list," shall be provided in order to achieve a continuous dense six-foot screen. Native shade trees, a minimum of 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 400 square feet of buffer area.
- (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.
- (4) For religious institutions, the landscape setback shall consist of a minimum 25-foot landscape buffer, with native shade trees, a minimum three-inch caliper and of species included in section 94-68 of this Code, "Approved tree lists," provided at a ratio of one tree per 500 square feet of buffer area. Additionally, religious institutions shall be exempt from the requirements of subsection (1) of this section, requiring the construction of a brick wall or masonry wall with stucco or mortar wash finish.

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(Supp. No. 36)

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- (5) For schools, the landscape setback shall consist of a minimum 25-foot landscape buffer, with native shade trees, a minimum three-inch caliper and of species included in section 94-68 of this Code, "approved tree lists", provided at a ratio of one tree per 800 square feet of buffer area. A six-foot tubular steel fence with masonry columns, spaced a minimum 40-foot on center, shall be constructed along school property lines adjacent to vacant residential property. A school constructed adjacent to an existing residential neighborhood shall comply with the requirements of subsection (1) of this section, requiring the construction of a brick wall or masonry wall with stucco or mortar wash finish.
- (6) Detention/retention ponds and drainage easements shall not be located within the required 25-foot compatibility buffer.
- (7) Waiver or modification of buffer requirements. The town council, after a public hearing and upon receiving a recommendation by the planning and zoning commission, may grant an exception to allow for the waiver or modification of the required compatibility buffer. Written notification to all adjacent property owners and adjacent homeowners' associations shall be provided no less than ten days prior to the consideration of a site plan or subdivision site plan containing a modification or waiver of the compatibility buffer requirements.

(Code 1989, ch. 12, § 5.03(g)(2); Ord. No. 10-01, § 1, 2-5-2001; Ord. No. 71-07, §§ 2, 3, 9-4-2007; Ord. No. 46-09, § 2, 11-2-2009; Ord. No. 06-12, § 17, 2-20-2012; Ord. No. 51-22, § 7, 10-17-2022; Ord. No. 13-24, § 4, 4-1-2024)

Sec. 82-303. Compatibility setback.

- (a) One-story, nonresidential or multifamily buildings, main or accessory, shall be set back from the property adjacent to an existing or proposed residential use 60 feet.
- (b) Nonresidential or multifamily buildings, more than one story, main or accessory, shall be set back from the property line adjacent to an existing or proposed residential use five feet for every one foot of building height.
- (c) Schools shall be set back from the property adjacent to an existing or proposed residential use 60 feet.
- (d) *Waiver or modification of setback requirement.* The town council, after a public hearing and upon receiving a recommendation by the planning and zoning commission, may grant an exception to allow for the waiver or modification of the required compatibility setback. Written notification to all adjacent property owners and adjacent homeowners' associations shall be provided no less than ten days prior to the consideration of a site plan or subdivision site plan containing a modification or waiver of the compatibility setback requirements.

(Code 1989, ch. 12, § 5.03(g)(3); Ord. No. 69-08, § 2, 11-3-2008)

Chapter 90 – SUBDIVISIONS

ARTICLE VI. STANDARDS

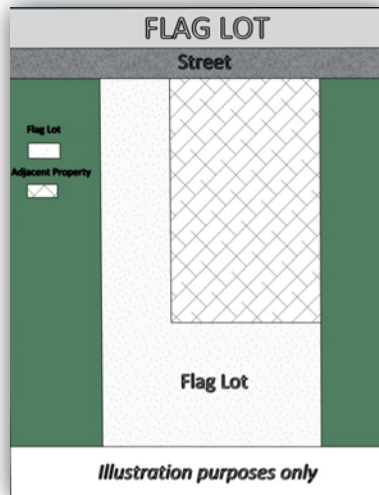
DIVISION 2. – LOTS AND BLOCKS

Sec. 90-272. Lot depth, lines and frontage.

- (a) *Depth.* ~~Lot depth shall not exceed two and one-half times the lot width.~~ Flag lots are prohibited unless an exception is approved by the town council after receiving a recommendation from the planning and zoning commission. For the purposes of this section a flag lot means a lot that is predominantly situated

behind another lot and has access to a street by means of a narrow portion of the lot generally having a depth greater than its frontage.

Figure 1. Flag Lot



- (b) *Side lot lines.* Side lot lines shall be substantially at right angles or radial to street lines, unless otherwise approved by the planning and zoning commission.
- (c) *Street frontage required.* Each lot or building tract shall front upon a public street or an approved alternate means of access.

(Code 1989, ch. 12, § 4.03(b)—(d); Ord. No. 12-20, § 8, 6-1-2020)

DIVISION 5. – PRIVATE STREETS AND ALLEYS

Sec. 90-373. Specifications.

The specifications for private streets and private alleys, including construction standards, widths, all geometric standards, grades and alignments, shall be same as required for public streets and public alleys. The width of the easement required for private streets and private alleys shall be the same as required for the right-of-way of a public street or public alley of a similar projected carrying capacity. **In addition to this requirement, for any gated subdivision, the private street easement must include a rejection area at the entrance to the subdivision large enough to accommodate a full-sized box truck. The designated area must provide rejected vehicles with adequate space to turnaround without backing into the adjacent street right-of-way.**

(Code 1989, ch. 12, § 4.06(c))

Chapter 98 – ZONING

ARTICLE I. – IN GENERAL

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:

...

Short-term rental means the rental for compensation of any residence or residential structure, or a portion of a residence or residential structure, located within a zoning district where residential uses are lawful, for the purpose of overnight lodging for a period not more than thirty (30) days. A short-term rental is also known as a tourist home or tourist house, but shall not include a hotel, motel, extended stay hotel/motel, boardinghouse, or roominghouse.

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ARTICLE III. DISTRICT REGULATIONS

DIVISION 22. – CC CAMPUS COMMERCIAL DISTRICT

Sec. 98-845. Minimum and maximum dimensions.

- (a) *Minimum lot area.* There shall be no minimum lot area requirement in the CC campus commercial district.
- (b) *Minimum lot width.* There shall be no minimum lot width requirement in the CC campus commercial district.
- (c) *Minimum floor area per unit.* There shall be no minimum floor area per dwelling unit requirement in the CC campus commercial district.
- (d) *Minimum front yard.* ~~The minimum front yard along major thoroughfares in the CC campus commercial district shall be 60 feet for all uses with no parking allowed within the front yard. The minimum front yard requirement along all other roadways in the CC campus commercial district shall be subject to section 98-1026.~~ There shall be no minimum front yard requirement in the CC campus commercial district, subject to section 98-1026.
- (e) *Minimum side yard.* There shall be no minimum side yard requirement in the CC campus commercial district, subject to section 98-1027.
- (f) *Minimum rear yard.* The minimum rear yard in the CC campus commercial district shall be 15 feet for all uses, subject to section 98-1028.
- (g) *Maximum lot coverage.* The maximum building lot coverage in the CC campus commercial district shall be 50 percent for all uses, subject to section 98-1029.
- (h) *Maximum floor area ratio.* The maximum floor area ratio in the CC campus commercial district shall be 1:1.
- (i) *Maximum height.* The maximum height of buildings and structures in the CC campus commercial district shall be ten stories above grade or 120 feet for all uses, subject to section 98-1031 and meet compatibility setback requirements subject to section 82-303 of this Code.

(Code 1989, ch. 12, § 3.27; Ord. No. 32-00, § 4(3.27(e)–(m)), 4-3-2000)

DIVISION 23. – CI CAMPUS INDUSTRIAL DISTRICT

Sec. 98-875. Minimum and maximum dimensions.

- (a) *Minimum lot area.* There shall be no minimum lot area requirement in the CI campus industrial district.
- (b) *Minimum lot width.* There shall be no minimum lot width requirement in the CI campus industrial district.

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- (c) *Minimum floor area per unit.* There shall be no minimum floor area per dwelling unit requirement in the CI campus industrial district.
- (d) *Minimum front yard.* ~~The minimum front yard along major thoroughfares in the CI campus industrial district shall be 60 feet for all uses with no parking allowed within the front yard. The minimum front yard requirement along all other roadways in the CI campus industrial district shall be subject to section 98-1026. There shall be no minimum front yard requirement in the CI campus industrial district, subject to section 98-1026.~~
- (e) *Minimum side yard.* There shall be no minimum side yard requirement in the CI campus industrial district, subject to section 98-1027.
- (f) *Minimum rear yard.* The minimum rear yard in the CI campus industrial district shall be 15 feet for all uses, subject to section 98-1028.
- (g) *Maximum lot coverage.* The maximum building lot coverage in the CI campus industrial district shall be 50 percent for all uses, subject to section 98-1029.
- (h) *Maximum floor area ratio.* The maximum floor area ratio in the CI campus industrial district shall be 1:1.
- (i) *Maximum height.* The maximum height of buildings and structures in the CI campus industrial district shall be three stories or 45 feet for all uses, subject to section 98-1031.
- (Code 1989, ch. 12, § 3.28; Ord. No. 32-00, § 4(3.28(e)–(m)), 4-3-2000)

ARTICLE IV. SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 2. – USES

SUBDIVISION III. SPECIAL USE CONDITIONS

Sec. 98-983. Accessory dwelling.

The issuance of permits for construction and occupancy of an accessory dwelling shall be subject to compliance with the following conditions:

- (1) The accessory dwelling shall be located on the same lot/tract as the existing primary dwelling and located in a separate structure.
- (2) An accessory dwelling shall not be located on any lot/tract of less than two acres.
- (3) No more than one accessory dwelling per tract or lot shall be allowed.
- (4) Accessory dwellings shall not be used as rental units, **including short-term rentals.**
- (5) The accessory dwelling shall be serviced by the same utility meter as the primary dwelling, and the building materials and architecture will be similar to or in concert with the primary dwelling.
- (6) The habitable floor area of the accessory dwelling shall not exceed 50 percent of the habitable floor area of the primary dwelling. The maximum habitable floor area shall not exceed 2,000 square feet.
- (7) An accessory dwelling shall conform to the same side and rear yard setbacks as provided for the primary dwelling in the zoning district in which it is located.
- (8) The front building line for an accessory dwelling shall be behind the primary structure at a point not closer than ten feet from the rear wall line of the primary dwelling.

- (9) In no case shall the combined area of the primary dwelling, accessory dwelling and/or other accessory buildings exceed the maximum percentage of lot coverage allowed for the zoning district in which the structures are located.

(Ord. No. 08-01, § 3, 2-5-2001)

DIVISION 6. – OUTDOOR LIGHTING

SUBDIVISION II. NONRESIDENTIAL USES AND MULTIFAMILY USES

Sec. 98-1132. Parking area lighting.

- (a) Parking area lighting shall not exceed a measurement of 15 footcandles at any point in the parking area.
- (b) The average projected footcandle reading as determined by the point method photometrics shall not exceed two footcandles **within the parking area**.
- (c) **The maximum kelvins of light pole standards in parking areas shall not exceed 3000.**

(Ord. No. 09-02, § 3(m), 2-5-2002)

APPENDIX A FEE SCHEDULE

- (a) A site development permit is required prior to mobilization, grading, utility and paving construction, and site landscape installation, and subject to the following fees:

	Permit Type:	Fee:
(a)	Site Development Permit (DEV)*	\$2,165.00
(b)	Grading Permit*	1,405.00
(c)	Right-of-Way Permit (ROW)	260.00
(d)	Small Cell Permit	260.00
(e)	Batch Plant	235.00
(f)	Geotechnical Permit	Included with DEV permit
(g)	Development or construction re-inspection	85.00
(h)	Landscape plan inspection	195.00
(i)	Landscape plan re-inspection**	45.00
(j)	Inspection of public infrastructure and Drainage***	3.15% Based on actual inspection cost.
(k)	Development contractor registration	35.00
*	A non-refundable deposit fee of \$300 is due at time of Site Development Permit (DEV) and Grading permit submittal and will be applied toward the total cost of the permit.	
**	A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which the inspection is requested is not in compliance with all local codes or when requested corrections are not made. In instances where reinspection have been assessed, no additional inspection of the work will be performed until the required fees have been paid.	
** *	Section 90-221 — Inspection fee: Prior to the issuance of the development permit by the town for the construction of a subdivision, the subdivider shall pay a design review and inspection fee equal to 3.15% of the estimated construction costs of the water and sewer utilities, drainage facilities, fire lanes and streets in each subdivision. If deemed necessary by staff, the subdivider shall provide certified copies of the executed construction contracts to the town manager for verification of the actual amount of the fee to be assessed against the subdivider prior to acceptance of the subdivision. Engineering Inspection fees are now calculated by a Town consultant based on what they would charge to perform the inspection work. The consultant reviews the approved construction plans and the quality summary sheet, then provides the Town with a scope and fee to determine their proposed inspection fee aligned with the Town's inspection requirements. The Town will	

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Subpart B - LAND DEVELOPMENT REGULATIONS
APPENDIX A FEE SCHEDULE

	use the consultant's proposed fee as the Engineering Inspection Fee. All associated fees are the responsibility of the applicant.
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(Ord. No. 07-21, § 5, 2-1-2021; Ord. No. 63-22, § 3, 12-19-2022; Ord. No. 03-23, § 2, 2-6-2023)

Chapter 90. Subdivisions.	
Code Section Number	Description
90-31 et seq.	Development plan fees:
90-91 et seq.	Platting fees:
90-422	Mandatory sanitary sewer connection exception fee
90-446	Park Development fee:

(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 Nonresidential	\$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.

- d. Minor plats:
 - 1. Single-family residential: \$300.00
 - 2. Multi-family and nonresidential: \$350.00

- e. Amended plats:
 - 1. Single-family residential: \$300.00
 - 2. Multi-family and nonresidential: \$350.00

- f. Vacating plats:
 - 1. All types: \$1,960.00

g. Mandatory Sanitary Sewer Connection Exception Request

Subpart B - LAND DEVELOPMENT REGULATIONS
APPENDIX A FEE SCHEDULE

1. All types: \$250

h. Park development fee: \$1,388.00 per unit.

(Ord. No. 59-07, § 3, 8-6-2007; Ord. No. 07-21, § 8, 2-1-2021; Ord. No. 63-22, § 7, 12-19-2022; Ord. No. 03-23, § 4, 2-6-2023; Ord. No. 13-24, § 13, 4-1-2024)