



AGENDA
FLOWER MOUND PARKS BOARD
REGULAR MEETING
NOVEMBER 7, 2019
FLOWER MOUND TOWN HALL
2121 CROSS TIMBERS ROAD
FLOWER MOUND, TEXAS
6:30 P.M.

AN AGENDA INFORMATION PACKET IS AVAILABLE FOR PUBLIC INSPECTION
ONLINE AT WWW.FLOWER-MOUND.COM/AGENDA/AGENDA.PHP

All pagers and cell phones must be turned off in the Council Chambers.

A. CALL REGULAR MEETING TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND TO THE TEXAS FLAG
"Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."

D. PUBLIC COMMENTS

To speak to The Parks Board during public comment, please fill out a [comment form](#).

- Turn in form by 6:40 p.m. to Administrative Assistant
- Speakers are limited to 3 minutes, a tone will sound at 30 seconds left and when time has expired
- Please state your name and address when speaking

The purpose of this item is to allow the public an opportunity to address the Parks Board on issues that are not indicated as a "Public Hearing" on this agenda. Issues regarding daily operational or administrative matters should first be dealt with by calling Parks & Recreation at 972-874-6300 during business hours.

E. PRESENTATIONS

- As prescribed in the Youth Sports Facility Agreement, a report will be given by the Greater Lewisville Area Soccer Association (GLASA) of the association's operations in regards to youth and adult soccer.

F. DIRECTOR'S REPORT

- Update and status report related to Parks and Recreation issues.

G. CONSENT AGENDA

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

1. Consider approval of the minutes from a regular meeting of the Parks Board held on October 3, 2019.

H. REGULAR ITEMS

2. Public Hearing to consider approval of a recommendation to construct a basketball court at Lakewood Park to be funded by the Community Development Corporation in fiscal year 2019-2020 using 4B sales tax revenue.
3. Public Hearing to consider recommending for Town Council consideration, Standards of Care for Youth Recreation Programs operated by the Town, in accordance with the Texas Human Resources Code - Section 42.041 and to adopt an ordinance providing for said Standards.
4. Consider recommending approval for Town Council consideration the sale and consumption of alcoholic beverages (beer and wine) at Bakersfield Park during the 2020 Independence Fest.

I. RECESS REGULAR MEETING

J. CALL WORK SESSION TO ORDER

K. WORK SESSION ITEMS

5. Discussion and feedback related to the newly adopted Park Credit Ordinance for mixed-use developments.

L. ADJOURN – WORK SESSION

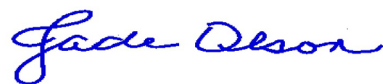
M. RECONVENE REGULAR MEETING

N. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

- The next regular meeting of the Parks Board is scheduled for December 5, 2019.

O. ADJOURN REGULAR MEETING

I do hereby certify that the Notice of Meeting was posted on the bulletin board in Town Hall of the Town of Flower Mound, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: November 1, 2019 at 3:00 P.M. at least 72 hours prior to the scheduled time of said meeting.



Jade Olson, Administrative Assistant



PARK BOARD AGENDA ITEM NO. 1

CONSENT ITEM

DATE: November 7, 2019

FROM: Jade Olson, Administrative Assistant

ITEM: Consider approval of the minutes from a regular meeting of the Parks Board held on October 3 2019.

BACKGROUND INFORMATION: The Parks Board held a regular meeting October 3, 2019.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES/OPTIONS: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: N/A

ATTACHMENTS:

1. Draft minutes from the October 3, 2019 Regular Meeting of the Park Board.

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

THE TOWN OF FLOWER MOUND PARKS BOARD REGULAR MEETING HELD ON THE 3rd DAY OF OCTOBER 2019, IN THE FLOWER MOUND TOWN HALL, LOCATED AT 2121 CROSS TIMBERS ROAD IN THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS AT 6:30 P.M.

The Parks Board met in a regular session with the following members present:

Dale Olson	Place 1
Allen Pichon	Place 2
Teresa Thomason	Place 3 – Chair
Rick Kenyon	Place 4 – Vice-Chair
Jodi Seay	Place 5
Mark Mayer	Place 6
Jennifer Romaszewski	Place 7
Holly Royer	Place 10 – Alternate

The following Board members were not in attendance:

Andrew Cummings	Place 8 – Alternate
Scott Langley	Place 9 – Alternate

The following members of Town Staff were in attendance:

Chuck Jennings	Director of Parks and Recreation
Mark Long	Recreation Superintendent
Kari Biddix	Park Development Manager
Clayton Litton	Parks Superintendent
John Habern	Parks, Trails & Landscape Specialist
Matt Chutchian	Athletic Supervisor
Jade Olson	Administrative Assistant

- A. CALL REGULAR MEETING TO ORDER – 6:30 P.M.**
- B. INVOCATION – Mike Liles**
- C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND THE TEXAS FLAG**
- D. ANNUAL ELECTION OF A CHAIR AND VICE-CHAIR FOR THE PARKS BOARD**

Board member Kenyon made a motion to nominate Teresa Thomas for Chair person. Board member Mayer seconded the motion.

VOTE ON THE MOTION

AYES: Olson, Pichon, Thomason, Kenyon, Seay, Mayer, Romaszewski
NAYS: None

Chair Thomason made a motion to nominate Rick Kenyon for Vice Chair. Board member Pichon seconded the motion.

VOTE ON THE MOTION

AYES: Romaszewski, Mayer, Seay, Kenyon, Pichon, Olson

NAYS: None

E. PUBLIC COMMENTS

N/A

F. PRESENTATIONS

Matt Chutchian, Athletic Supervisor, introduced Jeff Nelson and Tracy Black to represent the Flower Mound Youth Sports Association (FMYSA). The Board was updated with FMYSA's operations in regard to youth baseball and youth softball.

G. DIRECTOR'S REPORT

Chuck Jennings, Director of Parks and Recreation had the following announcements:

- Welcomed new Park Board Members Holly Royer and Scott Langley (not present) to the Parks Board. He also welcomed back reappointed members Jennifer Romaszewski, Jodi Seay, Teresa Thomason, and Dale Olson.
- The annual Board and Commissions Banquet will be November 19th.
- 15 participants attended the TRAPS North region Maintenance Rodeo.
- 3 staff members attended the Annual Texas Tree Conference in Waco.
- 4 staff members attended the National Recreation and Park Association Annual Conference in Baltimore.
- Wilkerson Park, Possum Park and Dixon Park received new engineered wood Fibar in the playgrounds.
- Wilkerson Park pond fountain is turned off due to low rain amounts.

Mark Long, Recreation Superintendent, had the following announcements:

- On October 19th and 20th the annual family camp out will be at Twin Coves Park.
- The annual pumpkin dive is on October 26th.
- The Veterans Day Ceremony will be on November 3rd.
- The 6th Annual Veterans Day Relay Run will be on November 8th.
- The 16th Annual Dorothy's Dash will be on November 9th.
- The Senior Center will recognize October as Breast Cancer Awareness month.
- On October 26th the Senior Center will host their Annual Craft Fair.
- Grasses were planted at Twin Coves Park by volunteers through KFMB.
- The 3rd traffic control box was art wrapped.
- All sports leagues are on schedule.

Kari Biddix, Park Development Manager gave an update on CIP Projects:

- The current CIP projects are, Canyon Falls Park, Rheudasil Park, Lakewood Park, Peter's Colony Memorial Park, and Bakersfield Park.

H. CONSENT AGENDA

1. Consider approval of minutes from a regular meeting of the Parks Board held on September 5, 2019.

Board Deliberation

Board Member Mayer moved to approve as presented in the agenda caption. Board Member Seay seconded the motion.

VOTE ON THE MOTION

AYES: Olson, Pichon, Kenyon, Seay, Mayer, Romaszewski

NAYS: None

I. REGULAR ITEMS

2. Public Hearing to consider recommendation of a conceptual master plan for Peters Colony Memorial Park, a 3.3 acre park located next to the Flower Mound Public Library

Staff Presentation

Chuck Jennings – Director of Parks and Recreation

Mesa

Fred Walters

Patrick Ptomey

The following individuals gave their suggestions of the plan presented by the consultant for Peters Colony Memorial Park Master Plan. *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.*

Sandi Marshall – 3200 Heatfield Dr

Tom Marshall – 3200 Heatfield Dr

Mike Peterson – 3104 Heatfield Dr

Albert Picardi – 1525 Lindby Dr

Board Deliberation

Vice Chair Kenyon moved to approve as presented in the agenda caption. Board Member Pichon seconded the motion.

VOTE ON THE MOTION

AYES: Romaszewski, Mayer, Thomason, Seay, Kenyon, Pichon

NAYS: None

J. RECESS REGULAR MEETING

K. CALL WORK SESSION TO ORDER

L. WORK SESSION ITEMS

3. Review and discuss conceptual plans for the possible addition of a basketball court at Lakewood Park.

Staff Presentation

Kari Biddix – Park Development Manager

The Parks Board was presented with 3 layouts for a possible basketball pad if it is approved by the Parks Board and Town Council. The layouts were of a large full size court, a small full size court, and a half court.

The following individuals spoke in support for a basketball pad. *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.*

Harshi Ilani – 2661 Virginia Pkwy
Rajesh Asok – 2681 Virginia Pkwy
Eddie Scott – 721 Canongate Dr
Kevin Scott – 721 Canongate Dr
Neil Campbell – 713 Canongate Dr
Andy Campbell – 713 Canongate Dr
Reazul (Shawon) Huq – 2612 Bel Air Ln – emailed a letter
Kunal Shah – 2673 Virginia Pkwy – emailed a letter
Seetha Vempati – no address – emailed a letter
Meenakshi Umapathy – 2617 Virginia Pkwy – emailed a letter

The following individuals spoke in opposition for a basketball pad. *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.*

Michael Knapp – 2616 Stillwater Ct
Rebekah Knapp – 2616 Stillwater Ct – donated her time to Steve Hafer
Steve Hafer – 2612 Stillwater Ct
Mike Richter – 2604 Stillwater Ct
Jason Overstreet – 1808 Meadowbrook Ln
Misti West – 2513 Stillwater Ct
Lisa Hafer – 2612 Stillwater Ct – chose not to speak
Brad West – 2513 Stillwater Ct – chose not to speak
Ravi Vellanki – 705 Crestfield Dr – chose not to speak

4. Review and discuss topics for the October joint work session with Town Council.

Staff Presentation

Chuck Jennings – Director of Parks and Recreation

The Board reviewed and discussed a draft slideshow presentation for the joint work session meeting with Town Council scheduled for October 17, 2019.

M. ADJOURN – WORK SESSION

N. RECONVENE REGULAR MEETING

O. COORDINATION OF CALENDARS AND FUTURE AGENDAS/MEETINGS

- A joint work session with Town Council is scheduled for October 17, 2019.
- The next regular meeting is scheduled for November 7, 2019.

P. ADJOURNMENT

Vice-Chair Kenyon made a motion to adjourn the meeting. Board Member Pichon seconded the motion.

Chair Thomason adjourned the Regular Meeting at 9:30p.m.

TOWN OF FLOWER MOUND, TEXAS

Teresa Thomason, Chair

ATTEST:

Jade Olson, Administrative Assistant



PARKS BOARD MEETING AGENDA ITEM NO: 2

DATE: November 7, 2019

FROM: Kari Biddix, Park Development Manager
Chuck Jennings, Director of Parks and Recreation Services

ITEM: **Public Hearing to consider approval of a recommendation to construct a basketball court at Lakewood Park to be funded by the Community Development Corporation in fiscal year 2019-2020 using 4B sales tax revenue.**

BACKGROUND INFORMATION: At the August 5, 2019 Town Council meeting, several residents requested during public comments that the Town Council consider the addition of a basketball court at Lakewood Park. There were also a few residents that spoke against the installation of the basketball court. Staff presented information to the Town Council regarding the playground plans, possible basketball court footprint options, and aerial photos of Lakewood Park. The Town Council provided staff with direction to send the request to the Parks Board and to notify residents near the park to ensure additional public input.

At the October 3, 2019, regular Parks Board meeting, a work session item was presented to the Parks Board with respect to the possible addition of a basketball pad at Lakewood Park. Several layouts and court sizes were shown to the Board and the public was given an opportunity to comment on the item. Six residents spoke and four emailed letters in favor of a basketball pad, while nine residents submitted public comment cards in opposition with six speaking and three choosing not to speak. The Board then provided staff with their comments and feedback.

The item is being brought back to the Parks Board for their final consideration and vote. The Board can choose to move the park project forward with a recommendation for the Community Development Corporation and Town Council to use 4B sales tax revenue to construct the court. The Board also has the option to recommend denial of the project and staff will communicate the recommendation to the Town Council.

Public notification was provided by sending postcards to homes surrounding the park, emails to the HOA management and residents that corresponded with the Town about the basketball court, and meeting notification signage was placed in several locations within the park.

FISCAL IMPACT: \$65,000

LEGAL ISSUES: N/A

ATTACHMENT:

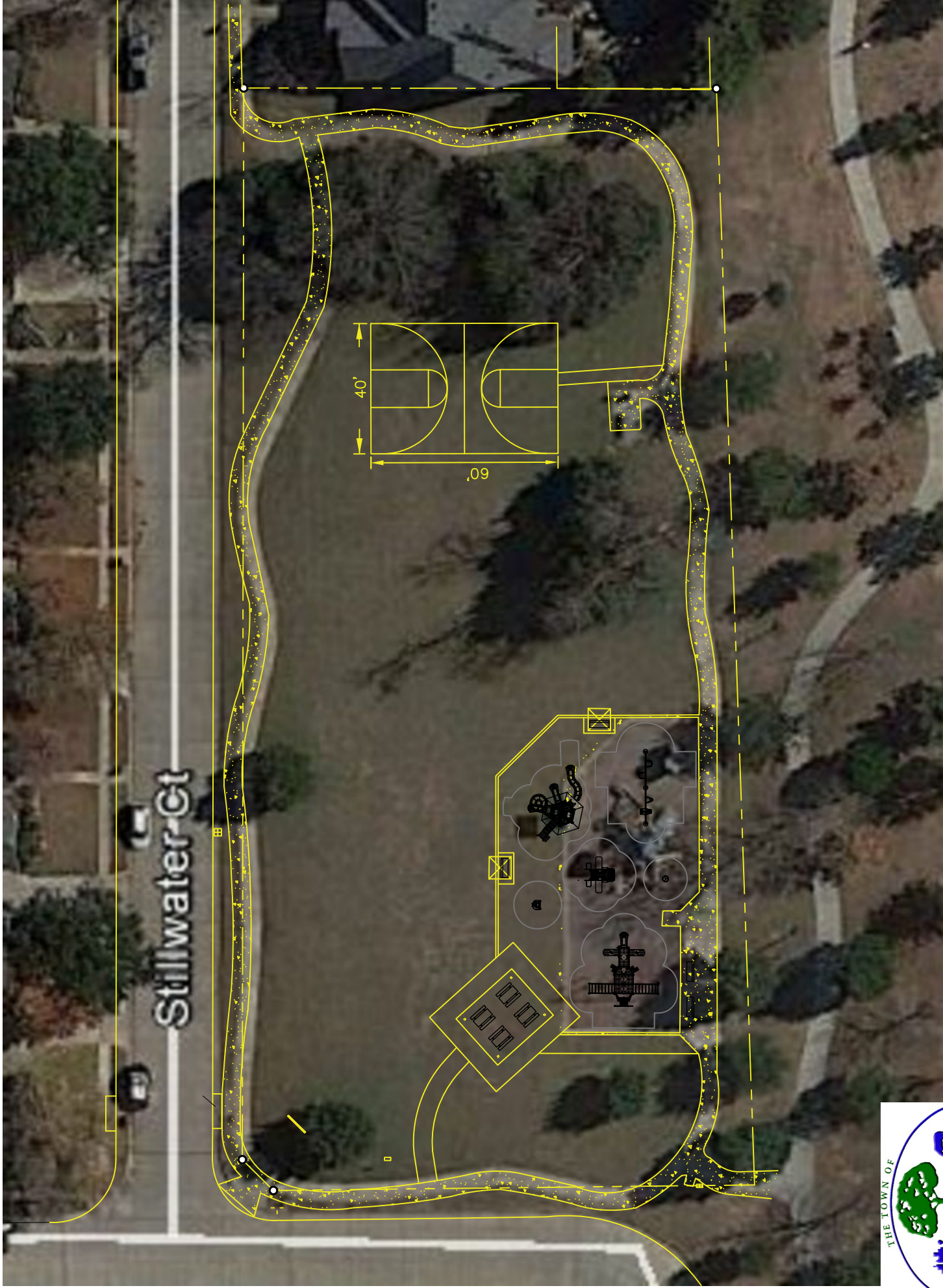
1. Smaller Full-sized Basketball Court

DRAFT MOTIONS:

Move to approve a recommendation to construct a basketball court at Lakewood Park to be funded by the Community Development Corporation in fiscal year 2019-2020 using 4B sales tax revenue.

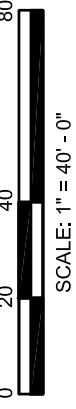
Or

Move to approve a recommendation to deny the construction of a basketball court at Lakewood Park.



LAKEWOOD PARK IMPROVEMENTS

2601 STILLWATER COURT





PARKS BOARD MEETING AGENDA ITEM NO: 3

DATE: November 7, 2019

FROM: Michael Davenport, CAC Manager

ITEM: **Public Hearing to consider recommending for Town Council consideration, Standards of Care for Youth Recreation Programs operated by the Town, in accordance with the Texas Human Resources Code - Section 42.041 and to adopt an ordinance providing for said Standards.**

Background Information: The State of Texas Department of Family and Protective Services administer state regulations and general licensing procedures for all child-care facilities. Municipalities are exempted from the licensing requirement for programs provided for elementary aged youth so long as the Town Council annually adopts standards of care by ordinance after a public hearing. Additionally, the following criteria must be met in order to receive the exemption:

- Standards of care are provided to the parents of each program participant.
- Ordinance includes at a minimum: staffing ratios; staff qualifications; facility, health, and safety standards; and mechanisms for monitoring and enforcing the adopted local standards.
- Parents are informed that the program is not operated or advertised as a licensed day care.

The request for the exemption is necessary as the Town currently offers different day camps and programs throughout the year to youth 6 – 14 years of age.

At the November 1, 2018, meeting, the Parks Board recommended for Town Council approval the proposed Standards of Care. On December 3, 2018, the Town Council enacted Ordinance No. 37-18, which adopted Standards of Care for the Town's Parks and Recreation youth recreation programs. The Town officially received exemption from the State on February 11, 2011.

As part of the State's requirement for exemption, the Town will annually hold a public hearing on the Standards of Care and the Town Council will formally adopt the standards as part of an ordinance. A representative from the Texas Department of Family and Protective Services was contacted to confirm there had not been any newly mandated Standards of Care changes that the Town needed to include in the document.

The proposed Standards of Care reflect no changes from last year in accordance with Section 42.041(b)(14) of the Texas Human Resources Code, and Section 54-206 of the Code of Ordinances, Town of Flower Mound, Texas.

FISCAL IMPACT: N/A

LEGAL REVIEW: No alterations to the legal content of this ordinance, which was originally approved by Taylor, Olson, Adkins, Sralla, Elam, LLP were made.

ATTACHMENTS:

1. Proposed Ordinance

RECOMMENDATION: Move to approve as presented in the agenda caption.

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS; AMENDING CHAPTER 54, "PARKS AND RECREATION," SECTION 54-202, "ADOPTION;" ADOPTING UPDATED STANDARDS OF CARE FOR YOUTH RECREATION PROGRAMS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Flower Mound, Texas ("Town") is a home rule municipal corporation organized and existing by virtue of the Constitution and laws of the State of Texas and by its Home Rule Charter, adopted November 3, 1981; and

WHEREAS, the Town operates a recreation program for elementary age children as a service to residents of the Town, and surrounding communities; and

WHEREAS, the State of Texas has adopted licensing requirements and regulations under Chapter 42 of the Texas Human Resources Code for facilities providing care to children, with which all facilities must comply, unless an exemption under Section 42.041(b) applies; and

WHEREAS, Section 42.041(b)(14) of the Texas Human Resources Code provides an exemption from the requirements of Chapter 42 to a municipality operating a recreation program for elementary age children (5-13 years); and

WHEREAS, on February 11, 2011, the Town received an exemption from the requirements of Chapter 42 of the Texas Human Resources Code from the Texas Department of Family and Protective Services ("TDFPS"); and

WHEREAS, the TDFPS will not monitor the Town's Parks and Recreation's youth recreation programs because the exempt status has been granted, and the TDFPS will not be responsible for investigating complaints regarding the Town's Parks and Recreation's youth recreation programs, so that any complaints shall be made to the Town Parks and Recreation Department; and

WHEREAS, the Town adopted Ordinance No. 37-18 on December 3, 2018 setting forth the standards of care for the Town Parks and Recreation's youth recreation programs; and

WHEREAS, the Town's standards of care for the Town Parks and Recreation's youth recreation programs must be adopted annually by the Town of Flower Mound Town Council, after public hearing, in order to maintain the exemption under Section 42.041(b)(14) of the Texas Human Resources Code; and

WHEREAS, the Director of the Town Parks and Recreation Services Department has recommended no changes be made to the standards of care adopted on December 3, 2018, in accordance with Section 42.041(b)(14) of the Texas Human Resources Code and Section 54-206 of the Code of Ordinances, Town of Flower Mound, Texas; and

WHEREAS, a public hearing was held on November 7, 2019, by the Parks Board regarding the revised standards of care, and the adoption of such revised standards of care by

the Town Council of the Town of Flower Mound ("Town Council") has been recommended by the Parks Board; and

WHEREAS, the Town Council finds that it 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 to adopt the revised standards of care as recommended by the Parks Board.

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

SECTION 1

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

SECTION 2

The Town Council hereby adopts local standards of care for the Parks and Recreation Services Department ("Department") youth recreation programs in compliance with the requirements of Texas Human Resources Code Section 42.041(b)(14) and pursuant to Section 54-206 of the Code of Ordinances of the Town of Flower Mound. The standards of care adopted by this Ordinance are available for inspection in the office of the Town Secretary and in the Town Parks and Recreation Services Department office.

SECTION 3

That Section 54-202, "Adoption," of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended to read as follows:

"Sec. 54-202. Adoption.

The local standards of care ("Standards of Care"), as set forth in Exhibit "A" which is attached to the ordinance adopting the Standards of Care are incorporated by reference for all purposes as if written word for word herein, and are hereby adopted by the Town Council as the Standards of Care for the Parks and Recreation Services Department of the Town of Flower Mound. The Standards of Care are available for inspection in the office of the Town Secretary and in the Town Parks and Recreation Services Department office."

SECTION 4

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 5

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, and said remaining portions shall remain in full force and effect.

SECTION 6

This Ordinance shall take effect and be in full force on and after its passage.

**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF
FLOWER MOUND, TEXAS, BY A VOTE OF _____ TO _____, ON THIS THE 2ND DAY
OF DECEMBER, 2019.**

Steve Dixon, MAYOR

ATTEST:

Theresa Scott, TOWN SECRETARY

Parks & Recreation Department



Standards of Care For Youth Programs

Parks and Recreation Department
1200 Gerault Road
Flower Mound, TX 75028
972.874.6300
972.874.6471 (Fax)
www.flower-mound.com

Table of Contents

Standards of Care	
General Administration	3
Organization	3
Definitions	4
Objectives of Youth Programs	5
Inspections/Monitoring/Enforcement	5
Enrollment	6
Suspected Abuse	7
Staffing – Responsibilities and Training	7
Camp Director Qualifications	7
Camp Director Job Functions	8
Program Employees Qualifications	9
Program Employees Job Functions	9
Personnel Restriction	10
Training/Orientation	10
Service Standards	10
Appearance	10
Interaction with Parents & Participants	11
Additional Staff Responsibilities	11
Operations	11
Staff/Participant Ratio	11
Discipline	12
Programming	12
Communication	13
Transportation	13
Facility Standards	13
Safety	13
Fire	14
Health	14
Participants	16
General	16

FLOWER MOUND YOUTH PROGRAMS

STANDARDS OF CARE

The following Standards of Care have been adopted by the Town Council of the Town of Flower Mound, Texas, to comply with Chapter 42 of the Texas Human Resources Code, specifically Section 42.014(b)(14) regarding an exemption for the Town of Flower Mound's Youth Programs, as defined herein. These Standards of Care are intended to be minimum standards by which the Town of Flower Mound Parks and Recreation Department will operate the Town's youth programs. The Youth Programs are recreational in nature and are not child-care facilities or day care programs.

General Administration

1. Organization

- A. The governing body of the Town of Flower Mound youth programs is the Town of Flower Mound Town Council.
- B. Implementation of the Youth Programs Standards of Care ("Standards of Care") is the responsibility of the Director of Parks and Recreation and departmental employees.
- C. These Standards of Care apply to all Youth Programs operated by the Department, including but not limited to: the Summer Day Camp Program, Holiday Day Camp Program, and Spring Break Day Camp Program.
- D. Each Program Site will have available for public and staff review a current copy of the Standards of Care.
- E. Parents of participants may obtain a copy of the Standards of Care from the Town during the registration process or the Standards of Care can be accessed on the Town's website at: www.flower-mound.com/cac.
- F. Criminal background checks are conducted on all prospective Program Employees. If the results of a criminal background check indicate that a prospective Program Employee has been convicted of any of the following offenses, he or she will not be considered for employment:
 - (1) A felony or a misdemeanor classified as an offense against a person or family member.
 - (2) A felony or misdemeanor classified as public indecency.
 - (3) Any offense involving moral turpitude.

- (4) Any offense that, in the Director's sole opinion, would place the participants of the Youth Programs at risk.

2. Definitions

- A. Camp Director: A temporary Department employee who is assigned responsibility to implement and direct a Youth Program, and oversee the Program Employees that are assigned to the corresponding Youth Program.
- B. Community Activity Center or CAC: Town of Flower Mound Community Activity Center located at 1200 Gerault Road, Flower Mound, TX, 75028, 972.874.7275.
- C. Department: Parks and Recreation Department of the Town of Flower Mound.
- D. Employee(s): Term used to describe people who have been hired to work for the Town of Flower Mound and have been assigned responsibility for managing, administering, or implementing some portions of the Youth Programs.
- E. Parent(s): This term will be used to represent one or both parent(s) or legal guardian(s) who have legal custody and authority to enroll their child(ren) in the Youth Programs.
- F. Participant: A Youth whose parent(s) or legal guardian(s) have completed all required registration procedures and determined to be eligible for the Youth Programs.
- G. Program Coordinator or Coordinator: A full-time Department employee who has been assigned administrative responsibility for the Youth Programs and oversees the Camp Directors.
- H. Program Employee: A temporary Department employee who is assigned to work with participants of a Youth Program at a Program Site.
- I. Program Manual: Notebook of policies, procedures, required forms, and organizational and programming information relevant to Youth Programs.
- J. Program Site: The facilities and surrounding property where Youth Programs are held, consisting of, but not limited to, the Community Activity Center.
- K. Program Supervisor: A full-time Department employee who oversees the Program Coordinator and operations of all Youth Programs.
- L. Director: Town of Flower Mound Parks and Recreation Director, or his or her designee.

- M. Town: Town of Flower Mound, Texas.
- N. Town Council: Town Council of the Town of Flower Mound.
- O. Youth: A school aged person between the ages of 5 and 13 as of the enrollment date of the Youth Program.
- P. Youth Programs: The Town of Flower Mound youth programs consisting of the Summer Day Camp Programs, Holiday Day Camp Programs, and Spring Break Day Camp Program. A single camp may be referred to as a Youth Program.

3. Objectives of Youth Programs

- A. To provide Youth with the opportunity of recreational activities, which may include sports, games, arts and crafts, education, dance, drama, special events, field trips, tournaments, etc.
- B. To provide an encouraging atmosphere by emphasizing the positive development of physical skills, emotional development and growth of self-confidence.
- C. To provide a safe environment by promoting good health and welfare for all participants.
- D. To teach Youth how to spend their leisure time wisely in an effort to meet the emotional, physical and social needs of the Youth.

4. Inspections/Monitoring/Enforcement

- A. The Town has established these Standards of Care in order to obtain an exemption from the State regarding the Youth Programs. Once the exemption is established, the State will not monitor the Youth Programs. These Standards of Care will be reviewed annually and brought before the Town Council for consideration, regarding any amendments recommended by the Director, and approval after a public hearing regarding the Standards of Care is held, pursuant to Texas Human Resources Code § 42.041(b)(14).
- B. A monthly inspection report will be prepared and submitted to the Program Supervisor by the Coordinator to confirm the Standards of Care are being adhered to.
 - (1) Monthly inspection reports will be sent to the Director or his/her designee for review and maintained by the Town in accordance with applicable record retention policies.

- (2) The Director or his/her designee will review the monthly inspection report and shall establish deadlines and criteria for compliance with the Standards of Care where failure to comply is noted.
- C. The Director or his/her designee will make visual inspections of the Youth Programs based on the following schedule.
 1. Youth Programs operating during the summer will be inspected no less than twice during the Youth Program's summer schedule.
 2. Youth Programs, which operate during the regular Lewisville Independent School District school year, for two (2) weeks or less, will be inspected at least once during the Youth Program's schedule.
- D. Complaints regarding enforcement of the Standards of Care will be directed to the Coordinator. The Coordinator will be responsible to take the necessary steps to address the complaint and resolve the problem, if any. Complaints regarding enforcement of the Standards of Care and resolution of complaints arising under the Standards of Care will be recorded by the Coordinator. All complaints regarding enforcement of the Standards of Care where a deficiency is noted will be forwarded to the Director with the complaint and the resolution noted.

5. Enrollment

Before a child may be enrolled in a Youth Program, the parents must sign registration forms that contain the following information about the child:

- (1) Name, home address, home telephone number;
- (2) Name and address of parent(s) and contact telephone number(s) during Youth Program hours;
- (3) The names and telephone numbers of people to whom the child can be released;
- (4) If requested, a statement of the child's physical health, including a physician's signed statement detailing any special needs the child may have;
- (5) Emergency medical authorization, current shot records, and valid insurance information;
- (6) Proof of CAC Membership or Non-Membership, when appropriate; and

- (7) A signed liability waiver.

6. Suspected Abuse

Program Employees will report suspected child abuse or neglect in accordance with the Texas Family Code. In a situation where an Employee is involved in an incident with a child that could be considered to be child abuse, the incident shall be immediately reported to the Program Supervisor. The Program Supervisor will immediately notify the Police Department and any other agency, as may be appropriate.

Texas State law requires the Employees of the Youth Programs to report any suspected abuse or neglect of a child to the Texas Department of Family and Protective Services or a law enforcement agency. Failure to report suspected abuse is punishable by fines up to \$1000 and/or confinement up to one hundred eighty (180) days. Confidential reports may be made by calling 1.800.252.5400.

A complete copy of the Texas Family Code regulations regarding child abuse can be found at www.statutes.legis.state.tx.us/docs/FA/htm/FA.261.htm.

Staffing - Responsibilities and Training

1. Camp Director

A. Qualifications. A Camp Director must:

- (1) Consistently exhibit competency, good judgment, and self-control when working with Youth and other Town employees.
- (2) Interact with Youth with courtesy, respect, tolerance, and patience.
- (3) Successfully complete a course in first aid, CPR, and AED, in compliance with American Red Cross standards.
- (4) Pass a background investigation and testing for illegal substances.
- (5) Be mature, responsible, and able to complete duties with minimal supervision.
- (6) Communicate effectively with the public.
- (7) Possess a valid Texas driver's license.

- (8) Have previous experience in supervising Youth of varying age levels in a group setting and possess knowledge of recreational games, crafts, and activities.
- (9) Complete Town-mandated training.
- (10) Be at least eighteen (18) years of age.

B. Job Functions. A Camp Director shall endeavor to:

- (1) Direct and supervise Program Employees. Hiring and training of staff shall be the responsibility of the Coordinator with assistance from the Camp Director.
- (2) Complete and submit proper records, including Youth Program schedules, Program Employee schedules, accident/incident reports, and participant attendance.
- (3) Schedule appropriate activities in accordance with the philosophy of the Youth Program and coordinate with Coordinator to ensure appropriate reservations and transportation are secured in order to complete activities.
- (4) Maintain an orderly, clean and safe environment for the Youth while promoting a non-competitive program directed toward accentuating positive behaviors, physical development, and emotional growth.
- (5) Maintain supplies, equipment and all necessary documentation for the operation of the Youth Program.
- (6) Communicate with Parent(s) as necessary.
- (7) Conduct on-going evaluations regarding the Youth Program and implement approved recommendations as needed.
- (8) Provide reports to Coordinator on a weekly basis regarding Youth Program activities.
- (9) Know and follow all Town, Department, and Program Manual standards, policies, and procedures that apply to Youth Programs.
- (10) Ensure that participants are released only to a Parent or an adult designated by the Parent. All Program Sites will have a copy of the

Department approved plan to verify the identity of a person authorized to pick-up a participant if that person is not known to the Camp Director.

2. Program Employees

A. Qualifications. A Program Employee must:

- (1) Consistently exhibit competency, good judgment, and self-control when working with Youth.
- (2) Interact with Youth with courtesy, respect, tolerance, and patience.
- (3) Successfully complete a course in first aid, CPR, and AED, in compliance with American Red Cross standards.
- (4) Pass a background investigation and testing for illegal substances.
- (5) Be mature, responsible, and able to complete duties with minimal supervision.
- (6) Possess a valid Texas driver's license.
- (7) Have previous experience in working with Youth of varying age levels in a group setting and possess knowledge of recreational games, crafts, and activities.
- (8) Complete Town-mandated training.
- (9) Be at least sixteen (16) years of age.

B. Essential Job Functions. A Program Employee shall endeavor to:

- (1) Promote a non-competitive, positive, image-enhancing environment for each participant through the direction of fun, varied, and well-organized activities.
- (2) Directly lead activities using a method that will provide opportunities for the involvement of all participants on an equal basis.
- (3) Exhibit enthusiasm for the activity to impart a feeling of excitement in the participants.
- (4) Follow procedures for Youth Programs drop off and pick-up and preparation of accident/incident reports.

- (5) Follow guidelines for safety and storage of equipment and notify Camp Director regarding supply inventories.
- (6) Ensure safety of Youth at Program Site and on field trips.
- (7) Provide and adhere to Standards of Care.

3. Personnel Restriction

A person will not be employed as an Employee in a Youth Program if:

- (1) The person would be permanently barred from being present at a child care operation while children are in care under the Texas Administrative Code Title 40, Part 19, Chapter 745 (Licensing); or
- (2) The Director determines that, based on the criminal history and other relevant and credible information, the person poses a risk to the safety or health of participants.

4. Training/Orientation

- A. The Department is responsible to provide training and orientation to all Youth Programs employees who work with children regarding their specific job responsibilities. Coordinators will provide each Camp Director with a staff program manual specific to each Youth Program.
- B. Employees must be familiar with these Standards of Care for Youth Programs.
- C. Employees will be trained in appropriate procedures to handle emergencies.
- D. Employees will be trained in Town, Department, and Program Manual policies and procedures applicable to Youth Programs.
- E. Employees will be required to sign an acknowledgment that they received the required training.

Service Standards

1. Appearance

- A. Youth Programs shirts and name badges will be worn and clearly visible.

- B. The Town's dress code policy shall be adhered to at all times. Failure to comply with the dress code will result in an Employee being sent home.
2. Interaction with Parents and Participants
- A. Participants and Parents will be treated with respect at all times.
 - B. Program Employees and Camp Directors will keep Parents continuously informed of activities and schedules. A weekly schedule will be distributed and copies will be kept with the daily sign in sheets.
 - C. Staff will note details of behavior of participants (accomplishments, discipline problems, general activities, etc.) and update Parents as much as possible.
 - D. The Camp Director will listen to complaints and forward to Coordinator as appropriate. All complaints will be followed up on within 24 hours, if they are not resolved on site. All complaints must be recorded, including resolution, and forwarded to Coordinator.
3. Additional Staff Responsibilities
- A. Program Employees will monitor the sign in/out log at all times.
 - B. Program Employees will spend 100% of their time actively involved with Participants and/or Parents.
 - C. Program Employees will pick-up the area used by their group after each activity.
 - D. Prior to beginning work each day, all staff will check in at the appointed location for any messages, instructions, or information.

Operations

1. Staff/Participant Ratio
- A. Pursuant to Texas mandated standards, the maximum ratio of Participants to Program Employees will be 12 to 1. In the event an employee is unable to report to the Program Site, a replacement will be assigned.
 - B. Each Participant shall have a Program Employee who is responsible for him or her and who is aware of the Participant's habits, interests, and any special needs, as identified by the Participant's parent(s) during the registration process.

2. Discipline

- A. Program Employees will implement discipline and guidance in a consistent manner based on the best interests of the program participants.
- B. There must be no cruel, harsh or corporal punishment used as a method of discipline.
- C. Program Employees may use brief, supervised separation from the group if necessary. Participants will be informed of Youth Program rules.
- D. As necessary, Program Employees will initiate discipline reports to the Parent(s) of Participants. Parents will be asked to sign discipline reports to indicate they have been advised about specific problems or incidents.
- E. A sufficient number and/or severe nature of discipline reports as detailed in the program manual may result in a Participant being suspended or removed from the Youth Programs. Parents will be contacted to pick up their Youth immediately.
- F. In instances where there is a danger to Participants or Employees, offending Participants will be removed from the Program Site immediately.
- G. Any person(s) creating a nuisance, causing a disturbance, or creating an unsafe environment at any Program Site will be subject to ejection from the site and possible arrest and legal action.

3. Programming

- A. Program Employees will attempt to provide activities for each group according to the Participant's age, interests, and abilities. The activities must be appropriate to Participants' health, safety, and well-being. The activities also must be flexible and promote the Participants' emotional, social, and mental growth.
- B. Program Employees will attempt to provide indoor and outdoor time periods, weather permitting, that include:
 - (1) Alternating active and passive activities; and
 - (2) Opportunity for individual and group activities.
- C. Program Employees will be attentive and considerate of the Participants' safety on field trips and during any transportation provided by the Youth Programs. Participants must be counted before leaving the Program Site and before boarding the transportation to return to the Program Site.

- (1) During trips, Program Employees supervising Participants must have immediate access to Participant forms and emergency contact information for each Participant;
- (2) Program Employees must have a written list of the Participants in the group and must check the attendance frequently; and
- (3) Program Employees must have First Aid supplies, a guide to First Aid and emergency care available on field trips.

4. Communication

The Program Site will have a telephone to allow the Program Employees to be contacted by Parks and Recreation personnel or for making emergency calls.

5. Transportation

- A. First Aid supplies and a First Aid and emergency care guide will be available in all Youth Program vehicles that transport Youth.
- B. All Program vehicles used for transporting Participants must have available a 6-BC portable fire extinguisher in the vehicle, which must be accessible to the adult occupants.

Facility Standards

1. Safety

- A. Program Employees will inspect the Program Site daily to detect sanitation and safety concerns that might affect the health and safety of the Participants. A daily inspection report will be completed by Camp Director and kept on file by the Program Coordinator.
- B. Buildings, grounds, and equipment on the Program Site will be inspected, cleaned, repaired, and maintained to protect the health of the Participants.
- C. Program equipment and supplies must be safe for Participants use.
- D. Program Employees must have First Aid supplies available at the Program Site, during transportation, and for the duration of any off-site activity.
- E. Program Employees must have First Aid supplies and a guide to First Aid and emergency care readily available in a designated location.

2. Fire

- A. In case of fire, danger of fire, explosion, or other emergency, Program Employee's first priority is to evacuate the Participants to a designated safe area. Emergency evacuation and relocation plans will be posted within the Program Site.
- B. The Program Site will have an annual fire inspection by the local Fire Marshal, and the resulting report will detail any safety concerns observed. The report will be forwarded to the Director or his/her designee who will review and establish deadlines and criteria for compliance.
- C. Each Program Site must have at least one (1) fire extinguisher approved by the Fire Marshal readily available to all Program Employees. The fire extinguisher is to be inspected monthly by the Program Coordinator, and a monthly report will be forwarded to the Program Supervisor who will keep the report on file for a minimum of two (2) years. All Employees will be trained in the proper use of a fire extinguisher.
- D. Fire drills shall be conducted monthly.

3. Health

- A. Illness or Injury
 - (1) Participants shall have and maintain immunizations in accordance with those required by the Texas Department of Health for public school attendance according to age.
 - (2) Illnesses and injuries will be handled in a manner to protect the health of all participants and employees. Parents will be notified in cases of illness or injury. Paramedics will be notified in the event of an injury that cannot be remedied through basic first aid. An accident report shall be completed for all injuries and forwarded to the Camp Director.
 - (3) An ill Youth will not be allowed to attend or participate if the Youth is suspected of having a temperature and/or accompanied by behavior changes or other signs or symptoms until a medical evaluation indicating that the Youth can return to the Youth Program.
 - (4) Employees will follow the recommendation of the Texas Department of Health concerning the admission or readmission of any Participant after a communicable disease.

B. Program Employees will administer medication only if:

- (1) Parent(s) complete and sign a Medicine Dispensation Form that provides authorization for Employees to dispense medication with details as to time(s) and dosage(s).
- (2) Prescription medications are in original containers labeled with the Youth's name, a date, directions, and the prescribing physician's name. Employees will administer the medication only as stated on the label. Employees will not administer medication after the expiration date.
- (3) Non-prescription medications are labeled with the Youth's name and the date the medication was brought to the Youth Program. Non-prescription medication must be in the original container. The Employees will administer non-prescription medications only according to label direction.
- (4) Medications dispensed will be limited to routine oral ingestion not requiring special knowledge or skills on the part of Program Employees.
- (5) Program Employees must ensure medications are inaccessible to Participants.

C. Toilet Facilities

- (1) The Program Site will have adequate indoor toilets and lavatories located and equipped so Youth can use them independently and Program Employees can supervise as needed.
- (2) There must be one (1) flush toilet for every thirty (30) participants. Urinals may be counted in the ratio of toilets to participants, but must not exceed fifty percent (50%) of the total number of toilets.

D. Sanitation

- (1) The Program Site must have adequate light, ventilation, and heat.
- (2) The Program Site must have an adequate supply of water meeting the standards of the Texas Department of Health for drinking water and ensure that it will be supplied to the Participants in a safe and sanitary manner.
- (3) Program Employees must see that garbage is removed from buildings daily.

Participants

1. General

- A. All Participants must wear tennis shoes daily. Sandals or thongs are not permitted unless approved by Program Employees on certain occasions.
- B. Shoes must be worn at all times, unless the Youth is in the swimming pool or participating in an activity that requires shoes to not be worn.
- C. Youth must respect the Employees, the Program Site, Program Rules, and each other.
- D. Youth may not use the Youth Programs telephone unless it is an emergency with the permission of a Program Employee.



PARKS BOARD MEETING AGENDA ITEM NO: 4

DATE: November 7, 2018

FROM: Mark Long, Recreation Superintendent

ITEM: **Consider recommending approval for Town Council consideration the sale and consumption of alcoholic beverages (beer and wine) at Bakersfield Park during the 2020 Independence Fest.**

Background Information: Staff is requesting approval of the sale of alcoholic beverages (beer and wine) at the 2020 Independence Fest that will be held on Saturday, July 4 at Bakersfield Park. On December 3, 2018, the Town Council unanimously approved alcohol sales for the festival that was held on July 4, 2019. There were no issues or concerns related to the sale of alcoholic beverages during the previous nine Independence Fest events.

The sale of beer and wine on park property requires Parks Board consideration and the Town Council's approval since the event will be held at Bakersfield Park. An excerpt from the Code of Ordinances states:

- It shall be unlawful to possess alcoholic beverages in any portion of a public park or recreation facility, with the exception that the use of alcoholic beverages may be permitted during designated activities upon recommendation of the Town's Parks Board and with approval of the Town Council.

Similar to what was planned for last year's event, Promoter Line, Inc., will secure a third party retailer to handle the sale of alcoholic beverages. The retailer will take on the risk and liability of selling alcohol at the festival. Additionally, the retailer will acquire all appropriate licenses and permits from the Texas Alcoholic Beverage Commission and name the Town as an additional insured on their liability insurance. The Town will be paid a 25% commission of the total beverage sales.

Alcohol consumption at city festivals and Independence Day celebrations is not uncommon in the Dallas-Fort Worth area. Examples of area festivals include: Lewisville's Western Days Festival, Grapevine's GrapeFest and Main Street Days, Addison's Kaboom Town, and Southlake's Oktoberfest. The Town has allowed the sale of alcoholic beverages for the Wild About Flower Mound Festival and the Independence Fest since 2009.

If approved for the event, alcohol would be prohibited from being taken out of the fenced in festival area. Similar to last year, this would be controlled by fencing, signage, police officers, and festival security staff. With the festival taking place on Independence Day, the Town has instructed the Flower Mound Youth Sports Association to not schedule their AAYBA World Series baseball tournament the week leading up to July 4th.

If the sale of alcohol is not approved for the event, the Town could lose significant sponsorship opportunities and the revenue stream created by the sale of alcoholic beverages. For the 2019 festival, Budweiser sponsored the festival by contributing \$3,000,

donating the backdrops for the stage, and producing event signage. In addition, the Town received \$9,591.50 in commissions from the sale of beverages.

FISCAL IMPACT: N/A

LEGAL REVIEW: N/A

ATTACHMENTS: N/A

RECOMMENDATION: Move to approve as presented in the agenda caption.



Parks Board AGENDA ITEM NO. 5

DATE: November 7, 2019

FROM: John Habern, Parks, Trails and Landscape Specialist

WORK SESSION ITEM: **Discussion and feedback related to the newly adopted Park Credit Ordinance for mixed-use developments.**

Background Information: Staff would like to briefly present and discuss the recently adopted Park Credit Ordinance, its applicability, and answer any questions the Parks Board may have. As future mixed-use projects make their way forward for recommendation to the Planning and Zoning Commission and Town Council, many applicants will choose to utilize this ordinance in order to design their developments around potential credit receiving open space.

Fiscal Impact: N/A

Legal Review: N/A

Attachments:

1. Ordinance NO. 13-19

Recommendation: This item is for discussion purposes only.

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. 13-19

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SECTION 90-443(d) "CHARACTER AND MINIMUM DEDICATION" OF DIVISION 9, "PARK AND RECREATIONAL AREAS," OF ARTICLE VI, "STANDARDS," OF CHAPTER 90 OF THE TOWN'S CODE OF ORDINANCES BY ADDING MINIMUM PARK LAND DEDICATION REQUIREMENTS FOR MULTI-FAMILY AND SENIOR HOUSING USES; BY AMENDING SECTION 90-446(b) "PARK DEVELOPMENT FEES" OF DIVISION 9, "PARK AND RECREATIONAL AREAS," OF ARTICLE VI, "STANDARDS," OF CHAPTER 90 OF THE TOWN'S CODE OF ORDINANCES BY CLARIFYING THE PARK DEVELOPMENT FEE REQUIREMENT; BY ADDING A NEW SECTION 90-449 "PARK CREDIT OPTION" OF DIVISION 9, "PARK AND RECREATIONAL AREAS," OF ARTICLE VI, "STANDARDS," OF CHAPTER 90 OF THE TOWN'S CODE OF ORDINANCES TO PROVIDE OPTIONS FOR PRIVATELY MAINTAINED AND PUBLICLY ACCESSIBLE PARKS AND OPEN SPACE; BY AMENDING SECTION 98-902(c) "DEVELOPMENT STANDARDS" OF DIVISION 25, "MU MIXED USE DISTRICT," OF ARTICLE III, "DISTRICT REGULATIONS," OF CHAPTER 98 OF THE TOWN'S CODE OF ORDINANCES BY AMENDING THE NOTE CONTAINED IN SECTION 3.0 OF TABLE 3; BY AMENDING SECTION 98-905(b) "MODIFICATIONS" OF DIVISION 25, "MU MIXED USE DISTRICT," OF ARTICLE III, "DISTRICT REGULATIONS," OF CHAPTER 98 OF THE TOWN'S CODE OF ORDINANCES BY CLARIFYING THE PARK LAND DEDICATION AND PARK DEVELOPMENT FEE REQUIREMENTS FOR THE MU MIXED USE DISTRICT; BY AMENDING SECTION 98-905(b), SUBSECTIONS 1-3 "MODIFICATIONS" OF DIVISION 25, "MU MIXED USE DISTRICT," OF ARTICLE III, "DISTRICT REGULATIONS," OF CHAPTER 98 OF THE TOWN'S CODE OF ORDINANCES BY DELETING SAID SUBSECTIONS; BY ADDING A NEW SECTION 98-815, "PARK DEDICATION AND PARK DEVELOPMENT FEES" OF DIVISION 21, "PD PLANNED DEVELOPMENT DISTRICT," OF ARTICLE III, "DISTRICT REGULATIONS," OF CHAPTER 98 OF THE TOWN'S CODE OF ORDINANCES BY CLARIFYING THE PARK STANDARDS FOR PD PLANNED DEVELOPMENT DISTRICTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Flower Mound, Texas 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 previously adopted Chapters 90 and 98 to the Code of Ordinances establishing comprehensive regulations for the subdivision and zoning of land with the development of real property within the Town; and

WHEREAS, the Town Council finds and determines that park and open space regulations related to multi-family and senior housing should be established to allow options for privately maintained and publicly accessible open space; 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 90 and 98 as outlined herein is in the best interest of the Town of Flower Mound, Texas, and will promote the health, safety, and general welfare of the citizens of the Town of Flower Mound, Texas 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 90-443(d) "Character and minimum dedication" of Chapter 90 of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended by to read as follows:

Sec. 90-443. - Character and minimum dedication.

- (d) The minimum amount of park and recreational area that shall be dedicated pursuant to this division shall be: 3.36 acres per 100 dwelling units for single-family detached, and single-family attached uses; 2.78 acres per 100 dwelling units for multi-family uses, and; 2.4 acres per unit for age-restricted residential uses meeting the provisions of the Federal Housing for Older Persons Act. Land within floodplain and floodway designated areas shall not be counted toward meeting the requirement of this subsection, subject to Section 90-449.

SECTION 2

That Section 90-446(b) "Park development fees" of Chapter 90 of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended by to read as follows:

Sec. 90-446. - Character and minimum dedication.

- (b) *Fee.* Park development fees shall be \$1,388.00 per unit as listed in Appendix A of this Code.

SECTION 3

That Section 90-449 "Park dedication credit option" of Chapter 90 of the Code of Ordinances, Town of Flower Mound, Texas, is added to read as follows:

Sec. 90-449. – Park credit option.

- a) *Purpose and Intent*: The Town finds that publically accessible open space is necessary to create a place of recreation and relaxation for its residents. An opportunity exists between the Town, property owners, and developers to enhance the residents' quality of life by providing options for privately maintained and publicly accessible open space. This open space will ensure that new residential development augments and complements the Town's public parks and facilities.
- b) *Definitions*: In addition to the definitions contained in Subpart B of the Town's Code of Ordinances, the following definitions shall also apply to development electing to pursue the Credit Option:
- *Credit Option* means the alternative option of providing privately maintained and publically accessible open space under this section in lieu of dedicating park land or payment in lieu thereof, in accordance with Sections 90-444 and 90-445, hereof.
 - *Director of Planning Services* means the Town's Director of Planning Services or the Director's designee.
 - *Enhanced paving* means a paving treatment that consists of stamped concrete, stained concrete, brick or stone paving, or any combination of said treatments. *Open space associated with and integral to, specific buildings* means open space that cannot otherwise be constructed without also constructing an associated building. Examples include courtyards that are integrated into the design of a building or set of buildings, or a square that cannot remain open and accessible, or undamaged during the construction of an adjacent building.
 - *Open Space Plan* means a detailed, scaled drawing meeting all of the submittal requirements of this Section.
 - *Open Space Types* means courtyards, natural areas, greens or lawns, natural preserves, plazas, squares, detention/retention facilities, and general open space.
 - *Structured recreation* means larger recreational facilities such as playground equipment, sport courts, splash pads, adult and youth fitness stations, natural and interactive playgrounds, and outdoor classrooms.
 - *Mixed-use development* means development that proposes vertical mixed use that combines different uses in the same building.
 - *Multi-use development* means development that proposes a horizontal mix of uses that combines single-use buildings on distinct parcels in a range of land uses within a block.
- c) *Applicability*: The Credit Option may only be applied to residential uses within the following zoning districts:

- 1) A PD Planned Development District that permits residential uses in a Mixed-use development or a Multi-use development, approved by the Town Council after April 15, 2019.
- 2) An MU Mixed Use District, approved by the Town Council after April 15, 2019.
- d) *Required Park Land Dedication Options:* Applicants eligible for the Credit Option under this Section 90-449 may request that the Town Council consider accepting privately maintained and publically accessible open space to fully or partially offset the otherwise required public park land dedication, or fees in lieu thereof.
- e) *Submittal Requirements for the Credit Option:* The following is required for eligible applicants seeking the Credit Option alternative:
 - 1) **Open Space Plan:** Eligible applicants shall submit an Open Space Plan with the zoning application for the subject property. The Open Space Plan shall include all of the following detail:
 - a) Conceptual landscaping associated with the applicant's zoning application that complies with the Town's Concept Landscape Plan requirements.
 - b) Location, description, Open Space Type, and minimum area of all open spaces.
 - c) Location and description of natural features listed in Section 90-449(f) as well as any such features identified in the Environmentally Sensitive Area Survey required by the Town's SMARTGrowth Program. This information may be provided on a separate plan sheet for clarity purposes.
 - d) Location and area of all proposed publically accessible open spaces within the development.
 - e) Location, dimension, and type of pedestrian connections between open space amenities.
 - f) Location and preliminary design details of all proposed open space amenities.
 - g) A summary of the perpetual maintenance proposed for each open space area, which maintenance must be feasible and appropriate for each Open Space Type.
 - h) Phasing and location of the open space associated with the overall development and the open space associated with, and integral to, specific buildings.
 - i) A checklist of all required information to be depicted on an Open Space Plan shall be maintained by the Director of Planning Services.
 - 2) **Open Space Easement:** All publically accessible open space accepted by the Town in lieu of otherwise required park land dedication, or the payment of fees in lieu thereof, shall be dedicated to the public as a permanent public access easement, reflected on the face of a plat. All such open space shall be maintained by the property owner(s) or the property owners' association. Changes to a dedicated open space access easement are permitted only after Town Council approval following a recommendation by the Town Parks Board. Changes to an open space access easement may not reduce the amount of Council-approved open space, the amount of land that is publically accessible, or the accessibility standards outlined in the easement.
- f) *Open Space Types and Credit Calculation:* Each area of open space that meets the requirements of this Section shall be eligible to receive a Town Council approved reduction in

the amount of park land dedication, or fee payment in lieu thereof, otherwise required. The amount of credit that may be granted for eligible open space shall be dependent on whether additional or enhanced amenities are provided, as described herein. Each proposed open space shall be subject to the following Open Space Type-specific criteria and maximum credit eligibility limitations. The Planning Department shall maintain representative examples of each Open Space Type to provide illustrative guidance, the Guide to Open Space Types, on the design, development, character, activation, and location for each Open Space Type.

- 1) *Courtyard*. A courtyard is an unoccupied space, open to the sky, which is bound on two (2) or more sides by the exterior walls of the building or by two (2) or more exterior walls, lot lines or yards. Courtyards may be totally enclosed on all sides by the exterior walls of a building provided that an open pedestrian connection to a public sidewalk, public street, or platted public access easement is included.
 - a) A courtyard must, at a minimum, incorporate the following amenities:
 - 1) Enhanced paving.
 - 2) Seating and associated shade.
 - 3) A focal point in the form of a fountain, sculpture, art installation, or landscape feature.
 - b) Lighting: Accent lighting is required.
 - c) Signage: None if open to a public street. Alternatively, appropriate directional signage if the courtyard is not open to a public street.
 - d) Landscape Design: A coordinated planting scheme shall be installed.
 - e) Credit Option: If the development satisfies the standards above, the Town Council may approve a credit towards the required park land dedication, or fees in lieu thereof, on a per acre basis, at a ratio of one and three quarter (1.75) acres of required park land for every one (1) acre of courtyard open space provided. In the event additional or enhanced amenities are provided, the Town Council may increase the credit to a ratio of no more than two and one half (2.5) acres of required park land for every one (1) acre of courtyard open space provided.
- 2) *Natural Area*. A natural area is open space which consists of areas in the flood plain, upland habitat, creeks, water bodies, topographical slopes, and other environmentally sensitive areas. Amenities within the natural area shall be limited to nature trails, paths, and equestrian trails. The size of a natural area may vary depending upon the environmental element being preserved. Natural areas may also be subject to a conservation easement.
 - a) A natural area must, at a minimum, incorporate the following amenities:
 - 1) A natural area must connect to any trail identified on the Town's Parks and Trails Master Plan, if the planned trail is present within the development (or contiguous with the development) and is located within three hundred feet (300') of the natural area. The natural area must also be accessible from the development's planned commercial or residential areas through the installation of an interconnected system of sidewalks or trails.
 - 2) Paved and/or natural trails that traverse the natural area must be provided, including a defined entrance and signage.
 - 3) Wildlife viewing areas, mountain biking, disc golf, interpretation and education facilities, where conditions permit, are optional but are encouraged.

- b) Lighting: Exterior lighting is prohibited except in limited circumstances where low voltage accent lighting may be appropriate.
 - c) Signage: A natural area may include interpretive kiosks, as deemed appropriate.
 - d) Landscape Design: Natural areas shall incorporate landscaping at entryways or around structures where appropriate. In these situations, sustainable design is preferred.
 - e) Credit Option: If the development satisfies the standards above, the Town Council may approve a credit towards the required park land dedication, or fees in lieu thereof, on a per acre basis, at a ratio of one and one half (1.5) acres of required park land for every one (1) acre of natural area open space provided. In the event additional or enhanced amenities are provided, the Town Council may increase the credit to a ratio of no more than two and one quarter (2.25) acres of required park land for every one (1) acre of natural area open space provided.
- 3) *Green or Lawn.* A green or lawn is an open space available for unstructured recreation and as a gathering place. A green or lawn may be bordered by landscaping rather than buildings and should be adjacent to active uses such as retail and restaurant uses. Its landscape shall consist of land and trees in a coordinated arrangement, requiring minimal maintenance. The size of a green or lawn shall not be less than one half (0.5) acre and shall not exceed two (2) acres in size.
- a) A green or lawn must, at a minimum, incorporate the following amenities:
 - 1) Seating and associated shade.
 - b) Lighting: Street lighting, or ambient accent and bollard lighting, shall be installed, as appropriate.
 - c) Signage: No signage shall be permitted if the green or lawn is open to a public street. Appropriate directional signage shall be installed if not open to a public street.
 - d) Landscape Design: A green or lawn shall be predominately turf with a coordinated planting scheme.
 - e) Credit Option: If the development satisfies the standards above, the Town Council may approve a credit towards the required park land dedication, or fees in lieu thereof, on a per acre basis, at a ratio of one and three quarter (1.75) acres of required park land for every one (1) acre of green or lawn open space provided. In the event additional or enhanced amenities are provided, the Town Council may increase the credit to a ratio of no more than two and half (2.5) acres of required park land for every one (1) acre of green or lawn open space provided.
- 4) *Natural Preserve.* A natural preserve is intended primarily to provide unstructured recreation. Any structured recreation within a natural preserve shall be limited to less than ten percent of the area. A natural preserve is usually independent of surrounding building frontages. Its landscape consists of natural paths, trails, meadows, woodlands, and open shelters. A natural preserve must be greater than one (1) acre in size.
- a) A natural preserve must, at a minimum, incorporate the following amenities:
 - 1) A natural preserve must connect to any trail identified on the Town's Parks and Trails Master Plan, if the planned trail is present within the development (or contiguous with the development) and is located within three hundred feet (300') of the natural preserve. The natural preserve must also be accessible

from the development's planned commercial or residential areas through the installation of an interconnected system of sidewalks or trails.

- 2) Seating and associated shade.
 - 3) Structured Recreation; playground, splash pad, or other type of recreational use as recommended by the Director of Parks and Recreation.
 - b) Lighting: Exterior lighting is prohibited except in limited circumstances where low voltage accent lighting may be appropriate.
 - c) Signage: Signage shall be placed adjacent to all entrances, as well as appropriate directional signage if the park is not open to a public street.
 - d) Landscape Design: A coordinated planting scheme must be implemented.
 - e) Credit Option: If the development satisfies the standards above, the Town Council may approve a credit towards the required park land dedication, or fees in lieu thereof, on a per acre basis, at a ratio of one and one half (1.5) acres of required park land for every one (1) acre of natural preserve open space provided. In the event additional or enhanced amenities are provided, the Town Council may increase the credit to a ratio of no more than two and one quarter (2.25) acres of required park land for every one (1) acre of natural preserve open space provided.
- 5) *Plaza*. A plaza is an open space available for civic purposes and limited commercial activities. A plaza is spatially defined by buildings and its landscape shall consist primarily of enhanced pavement with trees being optional. Plazas are to be located in the core or transition areas of the development and shall be no larger than one (1) acre in size. Plazas can be wider sidewalks or extensions of sidewalks for the purpose of providing outdoor seating for restaurants and cafes.
- a) A plaza must, at a minimum, incorporate the following amenities:
 - 1) Enhanced Paving that defines the space and includes a change in material or colors.
 - 2) Seating and associated shade. Adjacent buildings may satisfy the requirement for necessary shade if the plaza is designed to benefit from building shade during the summer months.
 - b) Lighting: Exterior lighting is prohibited except in limited circumstances where low voltage accent lighting may be appropriate.
 - c) Signage: No signage shall be required if the plaza is open to a public street. Appropriate directional signage shall be required if the plaza is not open to a public street.
 - d) Landscape Design: A coordinated planting scheme must be implemented. Planters that incorporate seating are encouraged and appropriate.
 - e) Credit Option: If the development satisfies the standards above, the Town Council may approve a credit towards the required park land dedication, or fees in lieu thereof, on a per acre basis, at a ratio of one and three quarter (1.75) acres of required park land for every one (1) acre of plaza open space provided. In the event additional or enhanced amenities are provided, the Town Council may increase the credit to a ratio of no more than two and one half (2.5) acres of required park land for every one (1) acre of plaza open space provided.
- 6) *Square*. A square is generally a geometrically symmetrical open space, typically one half (0.5) to two (2) acres in size, available for unstructured recreation and civic purposes. A square is spatially defined by streets and buildings on at least three (3) sides. Its landscape consists of paths, lawns, and trees, all formally arranged.

- a) A square must, at a minimum, incorporate the following amenities:
 - 1) Enhanced Paving that defines the space and includes a change in materials or colors.
 - 2) Seating and associated shade. Adjacent buildings may satisfy the requirement for necessary shade if the square is designed to benefit from building shade during the summer months.
 - 3) A primary focal point in the form of a fountain, sculpture, art installation, or landscape feature.
 - b) Lighting: Perimeter lighting and accent lighting shall be permitted, where appropriate.
 - c) Signage: No signage is permitted if the square is open to a public street. Appropriate directional signage shall be installed if the square is not open to a public street.
 - d) Landscape Design: Turf, trees, and coordinated planting scheme shall be implemented within the square. Planters that incorporate seating are encouraged, where appropriate.
 - e) Credit Option: If the development satisfies the standards above, the Town Council may approve a credit towards the required park land dedication, or fees in lieu thereof, on a per acre basis, at a ratio of one and three quarter (1.75) acres of required park land for every one (1) acre of square open space provided. In the event additional or enhanced amenities are provided, the Town Council may increase the credit to a ratio of no more than two and one half (2.5) acres of required park land for every one (1) acre of square open space provided.
- 7) *Retention/Detention Facilities.* Retention/detention facilities are storm water management basins designed to collect storm water and slowly release it at a controlled rate so that downstream areas are not flooded or eroded. These facilities must be designed for multiple uses, and must incorporate include low impact design principals in order to qualify for the Credit Option.
- a) Retention/detention facilities must, at a minimum, incorporate the following amenities:
 - 1) Natural stone or brick veneer complementary to the development is required on headwalls, bridges, culverts, retaining walls, and like structures.
 - 2) A minimum eight-foot (8') trail is required around the retention/detention facility except where site conditions such as excessive slopes or outfall structures render construction of the trail infeasible. The trail shall connect to internal trails proposed within the development. The trail shall also connect to any trail identified on the Town's Parks and Trails Master Plan, if the trail required by this subsection (f)(7)(a)(2) of this section is located within three hundred feet (300') of the trail identified on the Town's Parks and Trails Master Plan and the latter is located within the development or is contiguous to the development.
 - 3) Seating and associated shade.
 - b) Retention/detention facilities must, at a minimum, incorporate the following facility-specific amenities:
 - 1) Detention basins must be designed to achieve a multi-purpose use that provides access to the basin for active and passive recreation activities.

- 2) Retention basins must provide at least one (1) overlook with at least one (1) bench, one (1) trash receptacle, and a minimum of three (3) shade trees.
 - c) Lighting: Perimeter lighting and accent lighting shall be permitted where appropriate.
 - d) Signage: No signage is permitted if the retention/detention facility is open to a public street. Appropriate directional signage shall be installed if the retention/detention facility is not open to a public street.
 - e) Landscape Design: Shade trees, planted a minimum of thirty-feet (30') on center, staggered on each side of the trail surrounding the retention/detention facility, shall be planted.
 - f) The following engineering standards shall apply to the design of a retention/detention facility:
 - 1) The retention/detention facility must comply with the provisions of Chapter 32, the Town's Engineering Design Criteria and Construction Standards.
 - 2) The slope of a retention pond shall not exceed three twenty five percent (25%); provided, however, any slope that exceeds three percent (3%) shall incorporate stone terracing. Terracing or the cutting of a sloped plane into a series of successively receding flat surfaces or platforms, must have a maximum shelf depth of three feet (3') with a maximum six inch (6") risers, and shall not negatively impact Environmentally Sensitive Areas regulated by the Town's SMARTGrowth Program.
 - g) Credit Option: If the development satisfies the standards above, the Town Council may approve a credit towards the required park land dedication, or fees in lieu thereof, on a per acre basis, at a ratio of one (1) acre of required park land for every one (1) acre of retention/detention facility open space provided. In the event additional or enhanced amenities are provided, the Town Council may increase the credit to a ratio of no more than one and one half (1.5) acres of required park land for every one (1) acre of retention/detention facility open space provided.
- 8) *General Open Space.* Open spaces that do not fit into any of the Open Space Types identified above may be considered by the Park Board for eligibility for the Credit Option. General open space may be accepted by the Town Council, following a recommendation by the Parks Board, if the Town Council finds that the general open space satisfies the purpose and intent of this section, as set forth in subsection (a) of this section.
- a) Credit Option: If the development satisfies the standards above, the Town Council may approve a credit towards the required park land dedication, or fees in lieu thereof, on a per acre basis, at a ratio of one and three quarter (1.75) acres of required park land for every one (1) acre of general open space provided. In the event additional or enhanced amenities are provided, the Town Council may increase the credit to a ratio of no more than one and one half (1.5) acres of required park land for every one (1) acre of general open space provided.
- 9) *Calculation.* Calculation of the open space eligible for credit shall be in accordance with the following:
- a) Eligible open space shall exclude all rights-of-way or easements for streets or alleys, required street buffers and setbacks, required screening and landscaping for parking, storage and refuse areas, parking, parking lot tree islands, utility yards,

town trail extensions as outlined in the Town Parks and Trails Master Plan, and all Area Plan requirements as set out in the Master Plan.

- b) Floodplain or water impoundments, as identified in Section 98-148, shall only be eligible for credit in the natural area Open Space Type. The maximum amount of floodplain or water impoundment that may be counted toward open space credit shall not exceed fifty percent (50%) of the total area of open space credit applied to the development. Any amount of floodplain or water impoundment that exceeds this limitation shall be excluded from the credit calculation.
 - c) Areas of proposed natural area and natural preserve open space: 1) containing grades subject to Section 98-147, governing topographical slope protection, 2) located outside of the floodplain, and 3) which prohibit public access, may be counted toward up to fifty percent (50%) of the allowable open space credit. The remaining fifty percent (50%) of the proposed natural area or natural preserve open space must not be subject to the protections set forth in Section 98-147 and must be publicly accessible.
- g) *Review and Approval Process for the Credit Option:*
- 1) The Open Space Plan shall be reviewed by the Director of Planning Services in conjunction with a zoning application for conformance with the standards contained in this Section. An Open Space Plan shall be considered a component of the zoning application for the development. The Park Board shall evaluate the recommendations of the Director of Planning Services on all matters related to this Section and shall render a recommendation to the Planning and Zoning Commission and Town Council regarding the application for the Credit Option, prior to the Planning and Zoning Commission's consideration of the zoning case.
 - 2) Where Open Space Type requirements and amenities are required based on their appropriateness, the Director of Planning Services, shall make a recommendation to the Park Board about the appropriateness of the Open Space Type requirements and amenities, based on the plans and details submitted with the application. All questions regarding the appropriateness of amenities and compliance with the requirements for each Open Space Type shall be finally decided by the Town Council.
 - 3) The Open Space Plan shall be attached to and shall be an integral component of the approved zoning ordinance for the development.
 - 4) All questions regarding the calculation of eligible open space acreage to be considered for park land dedication credit, or credit for fees in lieu thereof, shall be finally decided by the Town Council. Any otherwise eligible open space acreage omitted from the above calculation by the Town Council shall be deemed to have been rejected by the Town Council. Credit for one hundred percent (100%) of the otherwise required park land dedication, or fees in lieu thereof, shall be reserved only for developments offering Open Space Types and amenities of exceptional character and extraordinary quality.
 - 5) All questions regarding the classification of areas as to Open Space Type, shall be finally decided by the Town Council.

h) *Park Development Fee:*

- 1) Applicability. Applicants applying for the Credit Option shall pay park development fees in accordance with Section 90-446, except as provided below:
 - a. Credit for amenities constructed within approved open space. Amenities constructed within approved open space shall be eligible for credit towards park development fees in accordance with Section 90-446(c). Only structured recreation, internal extensions of the Town's required trail system, and pedestrian bridges may be eligible for credit towards park development fees that are otherwise required.

i) *Phasing and Timing:*

- 1) A phasing plan shall be submitted with the zoning application, as part of the development's development standards. The phasing plan shall include the following:
 - a. Phasing of each open space associated with the overall development.
 - b. Phasing of open space proposed to be associated with, and integral to, specific buildings within the development.
 - c. Phasing of all perimeter landscaping and trails.
 - d. Phasing of trails and sidewalks that provide pedestrian connectivity between open space amenities.
 - e. Proposed compliance with the requirements of Section 90-448.
 - f. Any maps or other graphic depictions necessary to illustrate the proposed phasing plan, as required by the Director of Planning Services.
- 2) A completion schedule for the open spaces proposed by the applicant shall be submitted at the time of site plan application for the development and be consistent with the approved phasing.
- 3) Detention/Retention open space credit types and associated amenities shall be completed prior to the acceptance of the subdivision. If the development requires more than one (1) detention/retention pond, then the ponds associated with the phase under construction must be completed prior to the acceptance of that phase of the subdivision.
- 4) Construction/installation of open space and enhancements associated with and integral to specific buildings shall be completed prior to issuance of a Certificate of Occupancy or Building Final of that building.

j) *Amendments to approved plans or regulations associated with developments containing approved open space:*

- 1) The concept plans, Open Space Plan, and development standards establish the regulatory framework of land uses, building location and design, Open Space Type, locations and amenities, access, parking, and trail and sidewalk connectivity, as established by the applicant in conjunction with the zoning application. Any changes to the Open Space Plan that are beyond the range of flexibility provided in the ordinance establishing the zoning district, or as provided in subsection (j)(4) below, shall constitute

a major change and shall necessitate a formal amendment of the zoning ordinance governing the development.

- 2) The Director of Planning Services may approve minor changes to and deviations from the Open Space Plan, based upon the applicant's written justification for such changes. Upon approval, a revised Open Space Plan shall be filed with the Town. The Director of Planning Services may deny a minor change or deviation from the Open Space Plan regardless of the applicant's written justification. In the event of such denial, an applicant may instead seek approval of the change or deviation by filing an application to amend the zoning ordinance governing the development.
- 3) Any requested minor change or deviation shall be reviewed in the context of prior and pending minor changes. If a pending request for a minor change or deviation, when taken together with the development's prior minor changes, would constitute a major change in the opinion of the Director of Planning Services, the requested minor change or deviation shall be processed as a major change necessitating an amendment to the zoning ordinance governing the development.
- 4) Major changes to the approved Open Space Plan include any of the following:
 - a. Elimination of trail connectivity shown on the approved plans.
 - b. Any changes to the development standards for open space that were approved with the ordinance establishing the zoning district.
 - c. Any reductions in excess of ten percent (10%) in any one of the open space type areas in any phase of the development that was approved as part of the Open Space Plan.

SECTION 4

That Section 98-902(c) "Development Standards" of Chapter 98 of the Code of Ordinances, Town of Flower Mound, Texas, specifically the note contained in Section 3.0 of Table 3 is hereby amended by to read as follows:

*Overall open/civic space allocations in the MU District shall be a minimum of 5 percent (5%) of the gross area of the entire site included in the MU concept plan and shall be distributed appropriately between the MU components. Higher open space allocations may be eligible for height bonuses outlined in Section 7(i). The location and design of appropriate open spaces shall be based on Section 7(g) of this Chapter.

SECTION 5

That Subsection (b) of Section 98-905 of Chapter 98 of the Code of Ordinances, Town of Flower Mound, Texas, is hereby deleted in its entirety and replaced with the following:

Sec. 98-905. - Modifications.

- (b) *Park land dedication and park development fees requirements.* The park land dedication and park development fee requirements set forth in Division VIII of Article 6, Chapter 90 shall apply and exclusively govern MU Mixed Use zoning districts. This Division 25 of Article III, Chapter 98 does not authorize park land dedication or park development fee standards that deviate from the requirements of Division VIII of Article 6, Chapter 90.

SECTION 6

That Chapter 98 of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended by adding a new Section 98-815 "Park dedication and park development fees," which shall read as follows:

Sec. 98-815. – Park dedication and park development fees.

The park land dedication and park development fee requirements set forth in Division VIII of Article 6, Chapter 90 shall apply and exclusively govern PD Planned Development zoning districts. This Division 21 of Article III, Chapter 98 does not authorize park land dedication or park development fee standards that deviate from the requirements of Division VIII of Article 6, Chapter 90.

SECTION 7

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 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, and said remaining portions shall remain in full force and effect.

SECTION 8

All rights and remedies of the Town of Flower Mound, Texas, 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 9

All ordinances, orders or resolutions heretofore passed the adopted by the Town Council of the Town of Flower Mound, Texas, are hereby repealed to the extent that said ordinances, resolutions, or parts thereof, are in conflict herewith.

SECTION 10

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

SECTION 11

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

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 15TH DAY OF APRIL, 2019.

APPROVED:

Steve Dixon

STEVE DIXON, MAYOR

ATTEST:

Theresa Scott

THERESA SCOTT, TOWN SECRETARY