

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO.31-14

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING SUBPART B, CHAPTER 98, "ZONING," ARTICLE II, "SMARTGROWTH PROGRAM," OF THE CODE OF ORDINANCES, BY REPEALING SECTION 98-130, "POLICE SERVICES," IN ITS ENTIRETY AND REPLACING SAID SECTION WITH A NEW SECTION 98-130, ALSO ENTITLED "POLICE SERVICES;" BY REPEALING SECTION 98-131, "FIRE SERVICES," IN ITS ENTIRETY AND REPLACING SAID SECTION WITH A NEW SECTION 98-131, ENTITLED "FIRE & EMERGENCY SERVICES;" AND BY REPEALING SECTION 98-132, "EMERGENCY MEDICAL SERVICES" IN ITS ENTIRETY; AND FURTHER AMENDING THE "SMARTGROWTH IMPLEMENTATION MANUAL" BY AMENDING SECTION C OF THE SMARTGROWTH ANALYSIS, ENTITLED "ADEQUATE PUBLIC SERVICES," BY REPEALING SUBSECTION 1, ENTITLED "POLICE SERVICES," IN ITS ENTIRETY AND REPLACING SAID SUBSECTION WITH A NEW SUBSECTION 1, ALSO ENTITLED "POLICE SERVICES;" BY REPEALING SUBSECTION 2, ENTITLED "FIRE SERVICES," IN ITS ENTIRETY AND REPLACING SAID SUBSECTION WITH A NEW SUBSECTION 2, ENTITLED "FIRE & EMERGENCY SERVICES;" AND BY REPEALING SUBSECTION 3, ENTITLED "EMERGENCY MEDICAL SERVICES," IN ITS ENTIRETY; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Planning and Zoning Commission of the Town of Flower Mound, Texas, held a public hearing on June 9, 2014, and the Town Council of the Town of Flower Mound, Texas, held a public hearing on June 16, 2014, with respect to the Land Development Regulations Amendment described herein; and,

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

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

SECTION 1

Section 98-130 of the Code of Ordinances of the Town of Flower Mound, Texas, entitled "Police Services," is hereby repealed in its entirety and is hereby replaced with a new Section 98-130, also entitled "Police Services," to read as follows:

Sec. 98-130. Police services.

- (a) *Restrictions; purpose.* No development application or project shall be approved if the Town Council determines that the department is not maintaining quality police services at a level consistent with Town growth, change, and expectations. This analysis will be made by the SMARTGrowth Commission on a yearly basis after reviewing the annual report of the police department as outlined in the SMARTGrowth Implementation Manual. The determination may consider any projected improvements to said services due to personnel and/or equipment additions programmed for acquisition within the town's annual operating budget for the then current fiscal year. The purpose of this criterion is to protect the public health, safety and welfare by ensuring the provision of adequate police services to serve the demands created by new development without degrading or diminishing service levels to existing development.
- (b) *Application.* For residential projects, subsection (a) is applicable to applications for development plans and record plats. For nonresidential projects, subsection (a) is applicable to applications for site plans.

SECTION 2

Section 98-131 of the Code of Ordinances of the Town of Flower Mound, Texas, entitled "Fire Services," is hereby repealed in its entirety and is hereby replaced with a new Section 98-131, entitled Fire & Emergency Services," to read as follows:

Sec. 98-131. Fire & Emergency services.

- (a) *Restrictions; purpose.* No development application or project shall be approved if the Town Council determines that the department is not maintaining quality fire and emergency services at a level consistent with Town growth, change, and expectations. This analysis will be made by the SMARTGrowth Commission on a yearly basis after reviewing the annual report of the fire department as outlined in the SMARTGrowth Implementation Manual. The determination may consider any projected improvements to said services due to personnel and/or equipment additions programmed for acquisition within the town's annual operating budget for the then current fiscal year. The purpose of this criterion is to protect the public health, safety and welfare by ensuring the provision of adequate fire and emergency services to serve the demands created by new development without degrading or diminishing service levels to existing development.
- (b) *Application.* For residential projects, subsection (a) is applicable to applications for development plans and record plats. For nonresidential projects, subsection (a) applicable to applications for site plans.

SECTION 3

Section 98-132 of the Code of Ordinances of the Town of Flower Mound, Texas, entitled "Emergency Medical Services," is hereby repealed in its entirety.

SECTION 4

The SMARTGrowth Implementation Manual is hereby amended through the amendment of Section C of the SMARTGrowth Analysis, entitled "Adequate Public Services," by repealing Subsection 1, entitled "Police Services," in its entirety and replacing said subsection with a new Subsection 1, also entitled "Police Services," attached as Exhibit "A" hereto and incorporated herein.

SECTION 5

The SMARTGrowth Implementation Manual is hereby amended through the amendment of Section C of the SMARTGrowth Analysis, entitled "Adequate Public Services," by repealing Subsection 2, entitled "Fire Services," in its entirety and replacing said subsection with a new Subsection 2, entitled "Fire & Emergency Services," attached as Exhibit "B" hereto and incorporated herein.

SECTION 6

The SMARTGrowth Implementation Manual is hereby amended through the amendment of Section C of the SMARTGrowth Analysis, entitled "Adequate Public Services," by repealing Subsection 3, entitled "Emergency Medical Services," in its entirety.

SECTION 7

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

SECTION 8

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

SECTION 9

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

SECTION 10

This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF 4 TO 0, ON THIS THE 16TH DAY OF JUNE, 2014.

APPROVED:

Thomas E. Hayden, MAYOR

ATTEST:

Theresa Scott, TOWN SECRETARY

APPROVED AS TO FORM AND LEGALITY:

Bryn Meredith, TOWN ATTORNEY

EXHIBIT "A"
SMARTGrowth Implementation Manual

a) Police Services

A. PURPOSE: The purpose of this criterion is to safeguard the public health, safety and welfare by maintaining quality police services at a level consistent with Town growth, change, and expectations.

B. CRITERION: Police Services. In order to ensure adequate staffing, resources, and service levels, the department head, or his designee, will provide the SMARTGrowth Commission with an annual report. The report will be made to the commission no later than 90 days after the end of the previous calendar year. This report will be based on previous calendar year data, inclusive of criteria that demonstrate the department's service levels as related to equity, effectiveness, and efficiency.

- Equity
 - i. Data regarding customer service and external complaints
 - ii. Documentation of accreditation
 - iii. Documentation of Texas Commission on Law Enforcement (TCOLE) training standards compliance
- Effectiveness
 - i. Review of response times by priority
 - ii. Review of case clearance rates
 - iii. Review of crime rates
 - iv. Review of traffic crash data
 - v. Review of community programs
 - vi. Review of annual employee survey
 - vii. Review of available citizen survey results
- Efficiency
 - i. Report pertaining to staffing levels and deployment, organizational structure, budget, and use of technology

C. METHODOLOGY:

- Equity
 - i. Racial profiling and internal affairs complaints/findings are recorded in departmental software
 - ii. Certificate or accreditation or reaccreditation is provided by the accrediting body
 - iii. Training data is recorded in departmental software for submission to TCOLE
- Effectiveness
 - i. Response times are recorded in communication center software
 - ii. Criminal case clearance rates are recorded in departmental software
 - iii. Crime rates are recorded in departmental software and submitted to the FBI for the Uniform Crime Report
 - iv. Vehicle crash data is recorded in departmental software
 - v. Active community programs are recorded and managed by the community services section of the department
 - vi. Data from an anonymous department employee survey is recorded and held by the office of the Chief of Police

- vii. Citizen survey results are recorded and held by the Town Manager
- Efficiency
 - i. Information regarding staffing levels and deployment, organizational structure, budget, and use of technology, are compiled and held by the office of the Chief of Police

D. INFORMATION NEEDED FOR ANALYSIS:

- The information needed for the report is listed in Item B.

E. APPLICATION:

- The Commission will hear the report, have the ability to clarify any questions, based on information held within the report, and provide input to assist the department in maintaining service levels consistent with Town goals and objectives.

EXHIBIT “B”
SMARTGrowth Implementation Manual

b) Fire & Emergency Services

A. PURPOSE: The purpose of this criterion is to safeguard the public health, safety, and welfare by maintaining quality fire and emergency services at a level consistent with Town growth, change, and expectations.

B. CRITERION: Fire and Emergency Services. In order to ensure adequate staffing, resources, and service levels, the department head, or his designee, will provide the SMARTGrowth Commission with an annual report. The report will be made to the commission no later than 90 days after the end of the previous calendar year. This report will be based on previous calendar year data, inclusive of criteria that demonstrate the department's service levels as related to equity, effectiveness, and efficiency.

- Equity
 - i. Data regarding customer service comments
 - ii. Documentation of compliance with National Fire Protection Association (NFPA), Texas Commission on Fire Protection (TCFP), the Texas Division of Emergency Management (DEM), the Texas Department of State Health Services (DSHS), and the Insurance Services Office (ISO) standards
- Effectiveness
 - i. Review of response times by priority for fire and EMS
 - ii. Review of unit availability
 - iii. Review of total calls for service
 - iv. Review of fire prevention and inspection efforts
 - v. Review of emergency management
 - vi. Review of community programs
 - vii. Review of annual employee survey
 - viii. Review of available citizen survey results
- Efficiency
 - i. Report pertaining to staffing levels and deployment, organizational structure, budget, and use of technology

C. METHODOLOGY:

- Equity
 - i. Certificates or compliance is provided by the governing entity
 - ii. Training data is recorded in departmental software for submission to state
- Effectiveness
 - i. Response times are recorded in departmental software
 - ii. Unit availability statistics are recorded in departmental software
 - iii. Statistics for total calls for service are recorded in departmental software
 - iv. Statistics for fire prevention and inspection efforts are recorded in departmental software
 - v. Statistics for Emergency Management are recorded in departmental software
 - vi. Statistics for community programs are recorded in departmental software
 - vii. Statistics for annual employee survey are recorded in departmental software

- viii. Citizen survey results are recorded and held by the Town Manager
- Efficiency
 - i. Information regarding staffing levels and deployment, organizational structure, budget, and use of technology, are compiled and held by the office of the Fire Chief

D. INFORMATION NEEDED FOR ANALYSIS:

- The information needed for the report is listed in Item B.

E. APPLICATION:

- The Commission will hear the report, have the ability to clarify any questions, based on information held within the report, and provide input to assist the department in maintaining service levels consistent with Town goals and objectives.