

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS AMENDING THE DENTON DEVELOPMENT CODE SUBCHAPTER 1; AMENDMENTS INCLUDE BUT ARE NOT LIMITED TO: SUBSECTION 1.3.4: CONFLICTS WITH OTHER ORDINANCES AND CRITERIA MANUALS; PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000.00 FOR VIOLATIONS THEREOF; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. (DCA24-0003a)

WHEREAS, pursuant to Ordinance No. DCA18-0009q, the City Council of the City of Denton adopted the newly revised 2019 Denton Development Code, the (“DDC”); and

WHEREAS, on June 4, 2024, the City Council adopted the Denton Design Criteria Manual, which consolidates the Solid Waste Design Criteria Manual, Stormwater Design Criteria Manual, Transportation Design Criteria Manual, Water and Wastewater Design Criteria Manual, and Streetlight Design Criteria Manual into one manual; and

WHEREAS, the City desires to amend the DDC to amend Subchapter 1 – General Standards to clarify the use of criteria manuals in the development review process and to align regulations and requirements among the City’s development related standards and criteria; and

WHEREAS, the amendments include the following:

1. Subsection 1.3.4: Conflicts with other Ordinances and Criteria Manuals – address the creation of the Denton Design Criteria Manual and align requirements among the Denton Development Code and the Denton Design Criteria Manual; and

WHEREAS, on June 12, 2024, the Planning and Zoning Commission, in compliance with the laws of the State of Texas, gave the requisite notices by publication, held due hearings and recommended approval [6-0] of the amendment to the Denton Development Code; and

WHEREAS, on July 23, 2024, the City Council likewise conducted a public hearing in accordance with local and state law and the City Council hereby finds that the Code amendments are consistent with the City’s comprehensive plan, and the federal, state, and local law are in the best interests of the City of Denton; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference and found to be true.

SECTION 2. Subsection 1.3.4 Conflicts with other Ordinances and Criteria Manuals of the DDC are amended as set forth in **“Exhibit A”** which is attached and fully incorporated herein by reference.

SECTION 3. Any person, firm, partnership, or corporation violating any provision of this ordinance shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by a

fine in a sum not exceeding \$2,000.00 for each offense. Each day that a provision of this ordinance is violated, shall constitute a separate and distinct offense.

SECTION 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall not affect the validity of the provisions or applications, and to this end the provisions of this ordinance are severable.

SECTION 5. That an offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Denton Development Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. In compliance with Section 2.09(c) of the Denton Charter, this ordinance shall become effective fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record Chronicle, a daily newspaper published in the City of Denton, Texas, within ten (10) days of the date of its passage.

The motion to approve this ordinance was made by _____ and seconded by _____, the ordinance was passed and approved by the following vote [____ - ____]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Paul Meltzer, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Jill Jester, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2024.

GERARD HUDSPETH, MAYOR

ATTEST:
LAUREN THODEN, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY:  _____

Exhibit A

Amend DDC Subsection 1.3.4 Conflicts with other Ordinances and Criteria Manuals to read as follows:

- A. Whenever any provision of this DDC conflicts with other provisions of the Municipal Code of Ordinances, the stricter provision, as determined by the Director following the interpretation procedure in Subsection 2.8.6, Interpretations, shall govern.
- B. Whenever any provision of this DDC conflicts with a Criteria Manual adopted by ordinance by the City of Denton as established in Section 2.11, including but not limited to those listed below, the Denton Development Code shall govern, as determined by the Director:
 - 1. Connectivity Component - Mobility Plan
 - 2. Construction Criteria Manual
 - 3. Environmentally Sensitive Areas Primer
 - 4. Denton Design Criteria Manual, which includes:
 - a. Solid Waste Criteria Manual
 - b. Stormwater Design Criteria Manual
 - c. Transportation Criteria Manual
 - d. Water and Wastewater Criteria Manual
 - e. Streetlight Design Criteria Manual
- C. All Criteria Manuals are available online on the City's website and housed in the Development Services Department. Criteria Manuals are maintained and updated by the Department when amendments are necessary as determined by the Director.