ORDINANCE NO. MPC19-0002c

AN ORDINANCE OF THE CITY OF DENTON, TEXAS APPROVING A MAJOR AMENDMENT TO THE HUNTER RANCH MASTER PLANNED COMMUNITY (MPC) DISTRICT TO SUPERSEDE, REPEAL, AND REPLACE ORDINANCE NOS. 2008-286 AND 2010-160 ON APPROXIMATELY 3,167 ACRES OF LAND DESCRIBED IN EXHIBIT A, GENERALLY LOCATED ON BOTH SIDES OF I-35W, BETWEEN ROBSON RANCH ROAD AND VINTAGE BOULEVARD IN THE CITY OF DENTON, DENTON COUNTY, TEXAS; PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF $2,000.00 FOR VIOLATIONS THEREOF, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. (MPC19-0002- Hunter Ranch)

WHEREAS, Petrus Investments, LP has applied for a Major Amendment to the MPC Development Plan Map, Zoning Standards, and Development Standards, as shown on Exhibit "B" through Exhibit "F," that apply to the Hunter Ranch Master Plan Community District (Hunter Ranch MPC), on approximately 3,167 acres of land legally described on Exhibit "A" (the "Property"); and

WHEREAS, on November 4, 2008, the City Council adopted Ordinance No. 2008-286 establishing the Hunter Ranch MPC, and on June 15, 2010, the City Council adopted Ordinance 2010-160 amending the Hunter Ranch MPC; and

WHEREAS, on February 27, 2020, the Planning and Zoning Commission concluded a public hearing as required by law, and recommended approval [6 – 0] of the proposed Major Amendment to the Hunter Ranch MPC; and

WHEREAS, on April 7, 2020, the City Council concluded a public hearing as required by law, determined that the proposed Major Amendment is consistent with the Denton Plan, and voted in favor of the proposed amendment; 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. The development standards set forth on Exhibit "B," the Development Plan Map attached as Exhibit "C," the Phasing Map attached as Exhibit "D," the Park Plan attached as Exhibit "E," the ESA Map attached as Exhibit "F," and the Buffer Map attached as Exhibit "G" are approved and shall apply to the Hunter Ranch MPC and shall constitute the sole and exclusive zoning and subdivision regulations applicable to the Property. Without limiting the foregoing, from and after the date of this ordinance, the provisions of Ordinance No. 2008-286 and Ordinance No. 2010-160 shall be superseded, repealed, and replaced by this ordinance, and the provisions of the Denton Development Code, as amended from time to time, shall not apply to the Property, unless ordinance amendments are explicitly stated as being applicable to the Hunter Ranch MPC, or unless procedural provisions necessitate legal compliance. Otherwise, the Denton Code of Ordinances, as amended from time to time, shall apply to the Property.

SECTION 3. The provisions of Ordinance DCA19-0006a, as may be amended from time to time, which suspended enforcement of regulations prescribing building materials in so far as the regulations conflict with HB 2439, applies to the Hunter Ranch MPC.

SECTION 4. 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 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 5. That an offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Denton 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 JESSE DAVIS and seconded by JOHN RYAN; the Ordinance was passed and approved by the following vote [4 - 3]:

	Aye	Nay	Abstain	Absent
Chris Watts, Mayor:	✓			
Gerard Hudspeth, District 1:	✓			
Keely G. Briggs, District 2:		✓		
Jesse Davis, District 3:	✓			
John Ryan, District 4:	✓			
Deb Armintor, At Large Place 5:		✓		
Paul Meltzer, At Large Place 6:		✓		

PASSED AND APPROVED this the 7th day of April, 2020.

CHRIS WATTS, MAYOR

ATTEST:
ROSA RIOS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, CITY ATTORNEY

BY: _____

DESCRIPTION OF
THREE TRACTS OF LAND

TRACT 1

BEING a tract of land situated in the E. Pizano Survey, Abstract Number 994, the G. Pettingale Survey, Abstract Number 1041, the J. Taft Survey, Abstract Number 1269, the G. West Survey, Abstract Number 1393, the B.B.B. & C.R.R. CO. Survey, Abstract Number 158, Denton County, Texas, and being all of the remainder of that tract of land described by deed to Petrus Investment, L.P. (tract 1), recorded in Instrument Number 1998-117450, and all of that tract of land described by deed to Hillwood Investment Land, L.P., recorded in Instrument Number 2015-146192, Real Property Records, Denton County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the southwest corner of said Tract 1, being in the north right-of-way line of Robson Ranch Road;

THENCE N 00°37’44”W, 3285.00 feet, departing said north right-of-way line;

THENCE N 00°29’34”W, 3074.88 feet;

THENCE S 89°50’59”W, 1215.90 feet;

THENCE N 00°07’16”E, 3802.59 feet;

THENCE N 89°46’52”E, 5806.39 feet;

THENCE N 01°19’45”E, 92.25 feet;

THENCE N 89°29’17”E, 5406.54 feet, to the approximate center line of John Paine Road;

THENCE N 00°09’21”W, 6119.82 feet, with said approximate center line;

THENCE N 44°00’59”E, 231.30 feet, departing said approximate center line, to the south right-of-way line of FM 2449, being the beginning of a curve to the right;

THENCE with said south right-of-way line and said curve to the right, an arc distance of 215.79 feet, through a central angle of 11°16’41”, having a radius of 1096.28 feet, the long chord which bears S 66°45’34”E, 215.44 feet;

THENCE S 61°07’13”E, 2320.45 feet, continuing with said south right-of-way line, to the beginning of a curve to the left;

THENCE with said south right-of-way line and said curve to the left, an arc distance of 151.20 feet, through a central angle of 01°29’56”, having a radius of 5779.65 feet, the long chord which bears S 61°52’12”E, 151.19 feet;

THENCE S 00°27’53”E, 1963.20 feet;

THENCE S 89°55’28”E, 47.53 feet, to the west right-of-way line of Interstate Highway 35W;

THENCE with said west right-of-way line the following bearings and distances:

S 26°18’12”W, 1542.25 feet;

S 32°02’34”W, 199.99 feet;

S 26°18’12”W, 400.06 feet;

S 19°10’44”W, 201.57 feet;

S 26°18’12”W, 2962.69 feet;

N 33°34’41”W, 200.24 feet;

N 19°12’37”W, 155.68 feet;

N 00°31’13”W, 111.31 feet;

N 30°43’14”W, 44.34 feet;

N 89°58’11”W, 46.00 feet;

S 29°23’22”W, 44.72 feet;

S 00°31’13”E, 210.31 feet;

S 10°43’27”E, 103.30 feet;

S 00°31’13”E, 118.88 feet;

S 33°43’52”E, 270.79 feet;

S 26°18’12”W, 2560.86 feet;

S 27°54’47”W, 605.73 feet;

S 29°23’19”W, 2716.37 feet;

S 35°04’08”W, 202.07 feet;

S 29°23’19”W, 899.62 feet;

S 32°15’04”W, 144.34 feet;

S 89°59’41”W, 56.40 feet;

S 00°37’05”E, 92.68 feet;

S 29°23’19”W, 749.32 feet;

S 32°50’37”W, 497.80 feet;

S 29°18’00”W, 128.98 feet;

S 29°23’18”W, 922.23 feet;

THENCE S 65°32’46”W, 23.56 feet, to the north right-of-way line of Robson Ranch Road;

THENCE with said north right-of-way line the following bearings and distances:

S 89°52’13”W, 246.95 feet;

N 00°19’14”W, 5.20 feet;

S 89°53’26”W, 290.34 feet;

S 00°06’34”E, 5.00 feet;

S 89°53’26”W, 200.00 feet;

S 00°06’34”E, 5.00 feet;

S 89°53’26”W, 600.00 feet;

S 00°06’34”E, 5.00 feet;

THENCE S 89°53’26”W, 4134.86 feet to the **Point of Beginning** and containing 102,688,371 square feet or 2357.40 acres of land more or less.

TRACT 2

BEING a tract of land situated in the B.B.B. & C.R.R. Co. Survey, Abstract Number 158, the J. Taft Survey, Abstract Number 1269, the B.B.B & C.R.R. Co. Survey, Abstract Number 159, the G. Pettingale Survey, Abstract Number 1041, the B.B.B. & C.R.R. Co. Survey, Abstract Number 160, the S. Pritchett Survey, Abstract Number 1021 and the G. West Survey, Abstract Number 1393, Denton County, Texas, and being the remainder of that tract of land described by deed to Petrus investment, L.P., recorded in Instrument Number 1998-117450, Real Property Records, Denton County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at the intersection of the of John Paine Road and Johnson Lane;

THENCE S 00°30’43”E, 3045.50 feet, with the approximate centerline of said John Paine Road, to the beginning of a curve to the left;

THENCE with said approximate centerline and said curve to the left, an arc distance of 179.75 feet, through a central angle of 19°11’48”, having a radius of 536.50 feet, the long chord which bears S 09°24’16”W, 178.91 feet;

THENCE S 00°13’45”E, 426.23 feet, with said approximate centerline;

THENCE S 89°53’42”W, 2258.03 feet, departing said approximate centerline;

THENCE N 00°26’28”E, 497.90 feet;

THENCE S 89°59’41”W, 273.92 feet, to the east right-of-way line of Interstate Highway 35W;

THENCE with said east right-of-way line the following bearings and distances:

N 29°23’19”E, 847.04 feet;

N 23°44’25”E, 203.21 feet;

N 29°23’16”E, 2716.06 feet;

N 27°54’47”E, 621.79 feet;

N 26°18’12”E, 2150.05 feet;

N 89°55’52”E, 470.07 feet;

S 76°13’57”E, 71.47 feet;

N 89°37’20”E, 80.00 feet;

N 71°38’56”E, 52.97 feet;

N 16°39’41”E, 51.30 feet;

N 70°04’44”W, 229.45 feet;

N 54°35’05”W, 163.69 feet;

N 33°40’57”W, 209.99 feet;

N 26°18’12”E, 3164.78 feet;

N 36°14’02”E, 202.95 feet;

N 26°18’12”E, 399.25 feet;

N 32°45’23”E, 400.40 feet;

N 26°18’12”E, 399.87 feet;

N 14°58’58”E, 305.66 feet;

N 26°18’12”E, 833.31 feet;

THENCE N 89°32’14”E, 1998.29 feet, departing said east right-of-way line;

THENCE S 00°48’03”E, 5473.72 feet, to the approximate centerline of Allred Road;

THENCE S 89°49’27”W, 3048.35 feet, with said approximate centerline;

THENCE S 00°27’04”E, 2640.07 feet, departing said approximate centerline;

THENCE S 89°59’08”W, 2353.13 feet to the **Point of Beginning** and containing 31,246,880 square feet or 717.33 acres of land more or less.

TRACT 3

BEING a tract of land situated in the S. Pritchett Survey, Abstract Number 1004, the G. West Survey, Abstract Number 1393, the C.W. Byerly Survey, Abstract Number 1458, and the J. Dalton Survey, Abstract Number 353, Denton County, Texas, and being all of the remainder of that tract of land described by deed to Petrus Investment, L.P., (tract 3) recorded in Instrument Number 1998-117450, Real Property Records, Denton County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an ell corner in the east line of said tract 3, being the northwest corner of that tract of land described by deed to Southwest Denton Venture, recorded in Instrument Number 1994-94865, said Real Property Records;

THENCE S 00°26’39”E, 996.99 feet, with the east line of said tract 3, to the north right-of-way line of FM 2449, being the beginning of a curve to the right;

THENCE with said north right-of-way line and said curve to the right, an arc distance of 95.22 feet, through a central angle of 00°57’38”, having a radius of 5679.65 feet, the long chord which bears N 61°36’02”W, 95.22 feet;

THENCE N 61°07’13”W, 2320.45 feet, with said north right-of-way line;

THENCE N 00°16’51”W, 99.92 feet, to the approximate centerline of Underwood Road;

THENCE N 89°44’37”E, 986.31 feet, with said approximate centerline;

THENCE N 01°13’53”E, 1106.15 feet, continuing with said approximate centerline, to the southwest corner of that tract of land described by deed to W.C. Lynch, recorded in Instrument Number 1991-23744, said Real Property Records;

THENCE S 89°48’49”E, 1847.04 feet, with the south line of said Lynch tract;

THENCE S 00°25’26”E, 427.73 feet, departing said south line, to the approximate centerline of Hickory Creek;

THENCE with the approximate centerline of Hickory Creek the following bearings and distances:

S 40°20’08”E, 256.75 feet;

S 49°08’35”E, 333.56 feet;

S 44°58’00”E, 94.76 feet;

S 24°00’36”E, 123.31 feet;

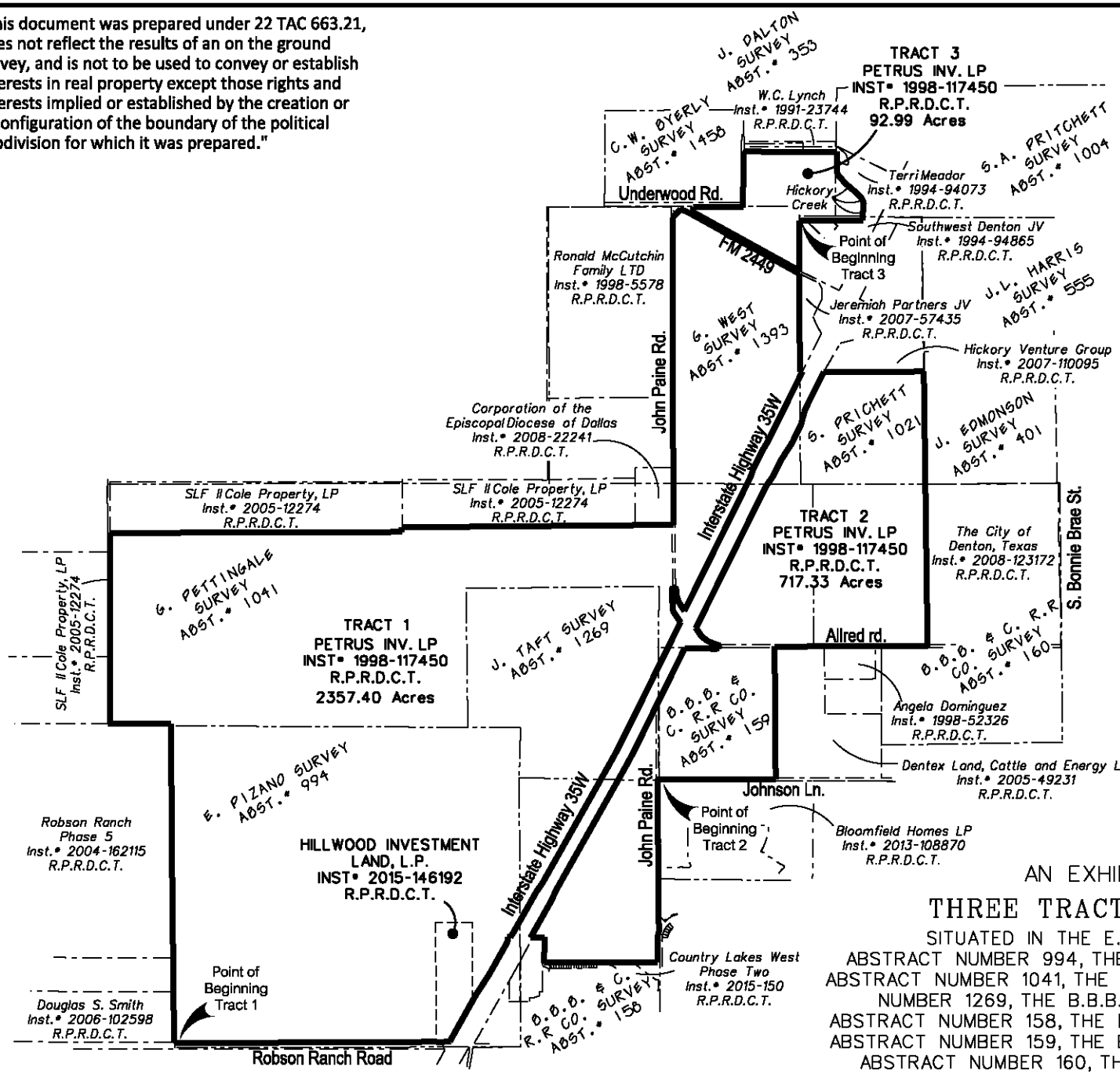
S 05°41’36”W, 211.41 feet;

THENCE S 02°18’34”E, 131.60 feet, to the north line of the aforementioned Southwest Denton JV tract;

THENCE S 89°32’45”W, 1271.86 feet, departing said Hickory Creek, to the **Point of Beginning** and containing 4,050,704 square feet or 92.99 acres of land more or less.

"This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

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1 INCH = 3000 FEET

"Intregal Parts Of this Document"
1. Description - 6 pages
2. Exhibit - 1 page

AN EXHIBIT OF

THREE TRACTS OF LAND

SITUATED IN THE E. PIZANO SURVEY, ABSTRACT NUMBER 994, THE G. PETTINGALE SURVEY, ABSTRACT NUMBER 1041, THE J. TAFT SURVEY ABSTRACT NUMBER 1269, THE B.B.B. & C.R.R. CO. SURVEY, ABSTRACT NUMBER 158, THE B.B.B. & C.R.R. CO. SURVEY, ABSTRACT NUMBER 159, THE B.B.B. & C.R.R. CO. SURVEY, ABSTRACT NUMBER 160, THE S. PRICHETT SURVEY, ABSTRACT NUMBER 1021, THE G. WEST SURVEY, ABSTRACT NUMBER 1393, THE C.W. BYERLY SURVEY, ABSTRACT NUMBER 1458 AND THE J. DALTON SURVEY, ABSTRACT NUMBER 353, DENTON COUNTY, TEXAS

ACF# 7354 | PAGE # 7 of 7 | DATE:11.27.2018 4:18:40 PM | CHECKED BY: T.Bridges 11/28/2018 | DRAWN BY: W.Blades Default | JOB # HWA18008

PELOTON LAND SOLUTIONS
9800 HILLWOOD PARKWAY, SUITE 250
FORT WORTH, TEXAS 76177 PH.# 817-562-3350

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TBPLS Firm Reg No. 10177700

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Exhibit B
Development Standards

Subchapter 1: General Standards

1.1 Title and Effective Date

1.1.1 This document is the Hunter Ranch MPC.

1.1.2 This document shall become effective on _____ ___, 2020.

1.2 Purpose

1.2.1 The purpose and intent of the Hunter Ranch MPC is to provide the regulatory framework to support the long-term development and sustainable viability of the master plan for the property including a diverse range of housing products, educational facilities, amenities, and employment opportunities, all designed to work seamlessly together to deliver the best standard of living possible for all future residents, employees, and visitors.

The goal is to provide a true master planned community that includes all the necessary daily requirements for the residents and visitors to Hunter Ranch including housing options that range from high density rental dwelling units to first time homebuyers, move up home buyers, executive homes and innovative single family clusters that work to minimize environmental impacts and preserve open space. Educational facilities within Hunter Ranch will include at least two elementary schools, a middle school and a high school making it possible for residents of Hunter Ranch to send their children to quality schools and never have to leave the neighborhood from kindergarten to high school. Employment and shopping opportunities at Hunter Ranch will also make it possible for residents to work and shop within close proximity to home. And to complete the social fabric of Hunter Ranch, there will be over 30 miles of trails, lakes, parks and neighborhood amenity centers, all designed to link each neighborhood to schools, shopping and employment centers.

Hunter Ranch is envisioned to be designed and developed with certain consistent architectural styles and materials that emphasize and enhance the natural beauty of the land. Colors will tend to be more natural tones with periodic highlights to help contrast certain colors and textures that provide a rich layered effect, both with architectural elements as well as with the associated landscape scheme. Exterior lighting and signage at Hunter Ranch will be understated and minimized to enhance the dark sky nighttime and to focus more on the landscaped beauty than the built environment. With hundreds of acres of open space and greenways with Hunter Ranch, there will be many opportunities for neighborhoods and schools to be adjacent to large greenway areas and trails which will make the neighborhoods feel more connected to nature and less dense. Add to this the unique, creative culture of Denton and its two universities and the opportunity for live music, performing arts and festival venues adds a refreshing air to social gatherings at Hunter Ranch at a scale that is unlike any other place in the area.

See Appendix A for illustrative examples of design elements to demonstrate quality development.

1.2.2 The development of Hunter Ranch provides a significant opportunity for the City of Denton and a broad range of benefits. Hunter Ranch will provide a significant boost to area businesses, shops, restaurants through it increased population and is expected to generate significant property tax, sales tax, development fees and other sources of revenue to the City that will far exceed the cost of the City for the new development. And the employment centers and job opportunities that Hunter

Ranch will provide will further enhance the positive economic impact to the City of Denton.

To begin the development of the 3,200 acre Hunter Ranch and simultaneously the adjacent 3,200 acre Cole Ranch presents an opportunity for the City of Denton to have two nationally known, master planned communities right on the City's southern gateway to the Dallas-Fort Worth Metroplex. These two projects have been master designed to work together with roadway corridors, open space corridors and complimentary land uses that together are much greater than the sum of their parts. At build out, these two properties will generate a population of over 65,000 residents, over 16,000 employees and produce a taxable value of over $5 billion dollars. On their own, the two properties would be the 60th largest city in the State of Texas.

1.3 Authority, Applicability, and Jurisdiction

1.3.1 Authority

A. This DDC is adopted pursuant to the authority in Article X of the Denton Municipal Charter, as amended, and enacted pursuant to the powers granted and limitations imposed by provisions of the State of Texas, including the statutory authority granted in Chapters 42, 43, 211, 212, and 213 of the TLGC, and all other relevant provisions of the State of Texas.

B. Whenever any provision of this DDC refers to or cites a section of the Texas state statute and that section is later amended or superseded, this DDC shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

C. Whenever a provision of this DDC requires or authorizes an officer or employee of the City to do some act or perform some duty, it shall be construed to authorize the officer or employee to designate, delegate, and authorize subordinates to perform the act or duty, unless the terms of the provision designate otherwise.

1.3.2 Applicability

A. General Applicability

Unless otherwise stated, this DDC applies to all land, buildings, structures, and uses located within the City.

B. Applicability to Public Agencies

To the extent allowed by law, the provisions of this DDC shall apply to all land, buildings, structures, and uses owned, leased, or otherwise controlled by any district, county, state, city, or federal government agencies in the City of Denton. Where the provisions of this DDC do not legally control such land, buildings, structures, and uses, such agencies are encouraged to meet the provisions of this DDC.

1.3.3 Compliance Required

No land shall be used or divided, and no structure shall be constructed, occupied, enlarged, altered, or moved until:

A. All applicable development review and approval processes have been followed in accordance with Subchapter 2: *Administration and Procedures*;

B. All applicable approvals have been obtained; and

C. All required permits or authorizations to proceed have been issued.

1.3.4 Conflicts with Other Ordinances and Criteria Manuals

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 the City of Denton including but not limited to those listed below, this DDC shall govern, as determined by the Director:

1. Administrative Criteria Manual
2. Connectivity Component - Mobility Plan
3. Construction Criteria Manuals
4. Stormwater Design Criteria Manual
5. Site Design Criteria Manual
6. Solid Waste Criteria Manual
7. Transportation Criteria Manual
8. Water and Wastewater 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 annually.

1.3.5 Private Covenants

A. This DDC is not intended to revoke or repeal any easement, covenant, or other private agreement.

B. Nothing in this DDC shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this DDC.

C. Nothing in this DDC obligates the City to enforce the provisions of any easements, covenants, or agreements between private parties.

1.3.6 Transfer of Ownership

Permits, licenses, or approvals authorizing a particular use of land or structure shall transfer with the ownership of the land or structure so long as the land or structures, or any portion of the land or structures, continue to be used for the purpose and in the manner authorized by a permit, license, or approval. No person, including a successor or assignee of the person who obtained the permit or approval, may use the land or structure except in accordance with all the terms, conditions, and requirements of the permit or approval.

1.3.7 Emergency Powers

The Mayor may authorize any deviation from this DDC during a local state of disaster as prescribed in Chapter 418 of the TLGC.

1.4 Severability

In the event one or more of the provisions of this DDC shall for any reason be held to be illegal or invalid by a court of competent jurisdiction, it is the intention of the City Council that such illegality or invalidity shall not affect any other provision in this DDC, but this DDC shall be construed and enforced as if such illegal or invalid provision had not been contained.

1.5 Amenities

Certain private amenities, which shall include, but not be limited to, an amenity center with private use restrictions and a pool, bathrooms, cabana structure, and playground, will be constructed in phases as development of this MPC occurs and will be owned, operated and maintained by an owner association or another non-profit entity. The developer will start construction of these private amenities prior to the City issuing a building permit for the 1,000th single family detached residence in the MPC, and will complete construction of these private amenities within two years after the issuance of a building permit for the private amenities. Public improvements will meet or exceed city requirements at the time.

1.6 Enforcement

1.6.1 Purpose

This Section 1.5 establishes procedures through which the city seeks to ensure compliance with the provisions of this DDC and obtain corrections for violations of this DDC. This section also sets forth the remedies and penalties that apply to violations of this DDC.

1.6.2 Violations

A. Generally

Any person who violates any applicable provision of this DDC shall be deemed guilty of a violation punishable in accordance with Subsection 1.6.5. For purposes of this section, the term "violation" shall mean a final finding by a court of record that an ordinance has been violated.

B. Prior Violations

If a development or activity in violation of the prior development regulations fully complies with this DDC, such development or activity shall no longer be deemed a violation. Unpaid fees and/or penalties from prior enforcement of violations are still valid and shall remain the responsibility of the violator under the prior regulations.

C. Violations within the Extraterritorial Jurisdiction

Any person who violates any applicable provision of this DDC within the extraterritorial jurisdiction shall not be guilty of a misdemeanor; however, the city may institute any appropriate action or proceeding in the District Court to enjoin the violation of this DDC.

D. Activities Constituting a Violation

1. Activity Inconsistent with this DDC

Any erection, construction, reconstruction, remodeling, alteration, maintenance, expansion, movement, or use of any land, building, structure, or sign that is inconsistent with this DDC.

2. Activity Inconsistent with a Permit or Approval

Any development, use, or other activity that is in any way inconsistent with the terms or conditions of any permit or approval required to engage in such activity under this DDC.

3. Illustrative Examples of Violations

Examples of violations of this DDC include, but are not limited to:

a. Increase of the density or intensity of any use of land or structure except in accordance with the requirements of this DDC;

b. Reduction or diminishment of lot area, setbacks, buffers, open space, or other standards below the minimum requirements set forth in this DDC;

c. Creation, expansion, replacement, or change of a nonconformity inconsistent with this DDC;

d. Failure to install, improve, or maintain any public or private improvements required by the terms of any permit or approval;

e. Failure to abide by conditions of any approval or agreements executed in association with an approval;

f. Failure to comply with applicable requirements for a certificate of occupancy or building permit; or

g. Failure to obtain any required permit.

1.6.3 Continuing Violations

Any violation of this DDC shall be considered a separate offense for each day during any portion of which any violation of this DDC is continued past the date of the issuance of notice of violation, with each violation punishable in accordance with Subsection 1.6.5.

1.6.4 Enforcement Actions

A. Responsibility for Enforcement

This DDC shall be administered and enforced by the Director or such other person as may be designated by the Director.

B. Investigation

Whenever the Director receives a written, signed, third-party complaint alleging a violation of this DDC or a permit or approval issued under this DDC, the Director shall investigate the complaint and inform the complainant in writing of his or her findings and any actions that have been, or will be taken.

C. Persons Liable

The owner, tenant, manager, or occupant of any building or land, or any part thereof, and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this DDC or a permit or approval issued pursuant to this DDC, may be held responsible for the violation and be subject to the penalties and remedies provided in this section.

D. Procedures upon Discovery of Violations

1. If the Director finds that any provision of this DDC is being violated, the Director shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Director's discretion.
2. The Director shall not be required to provide notice of intent to suspend or revoke for violations of this DDC that cause imminent destruction of property or injury to persons.
3. When a delay would seriously threaten the effective enforcement of the DDC, or pose a danger to the public health, safety, and welfare, the Director may immediately issue an order for compliance by personal service, posting of the property as indicated in the current Denton Central Appraisal District records, or certified mail with return receipt required to the owner of record of the subject property, or to the homeowners association, as applicable, and seek enforcement through the municipal court as authorized below.

E. Continuation of Prior Enforcement Actions

Nothing in this DDC shall prohibit the continuation of previous enforcement actions undertaken by the city pursuant to previous regulations.

1.6.5 Penalties and Remedies

A. Fines

Any violator of this DDC pursuant to Subsection 1.6.2 shall be guilty of a misdemeanor, and upon conviction shall be subject to the penalties prescribed Subpart A, Section 1-12: *General Penalty*, of the Municipal Code of Ordinances.

B. Deny, Withhold, or Revoke Approval

Any form of approval or permit issued under this DDC may be denied, withheld, or revoked after notice and a hearing, when the Director determines that:

1. There is a departure from the approved plans, specifications, limitations, or conditions as required under the approval;
2. The approval or permit was established by false representation;
3. The approval or permit was issued in error; or
4. There is any other violation of this DDC.

C. Stop-Work Orders

1. The Building Official may issue a stop-work order whenever any building, structure, site, or portion of a building, structure, or site is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, in substantial violation of any state or local building provision, or in a manner that endangers life or property.
2. The Building Official may issue a stop-work order on any property with an uncorrected violation of this DDC or approval issued under this DDC.
3. A stop-work order shall be in writing and directed to the applicant/permit holder and/or person performing the work, and shall specify the provision of this DDC or other law in violation.
4. If a stop-work order is issued, no work shall proceed on any building, structure, site, or portion of a building, structure, or site subject to the order except to correct a violation or to comply with the order.
5. Once conditions cited in the stop-work order have been adequately addressed, the Building Official shall rescind the stop-work order.

1.6.6 Continuation of Prior Enforcement Actions

Nothing in this section shall be construed to prevent the city from pursuing any other remedies it may have for violations of this DDC.

1.7 Transition from Prior Regulations

1.7.1 Continuity of Provisions

The provisions of this DDC, insofar as they are substantially the same as previously existing regulations relating to the same subject matter, shall be construed as restatements and continuations thereof and not new enactments. Any actions, proceedings, permits, or approvals commenced or issued pursuant to any

previously existing ordinance and subject to TLGC § 245 shall not be affected by the enactment of this DDC.

1.7.2 Violations Continue

Any violation of the previous zoning and subdivision regulations will continue to be a violation under this DDC and be subject to penalties and enforcement under Section 1.5, *Amenities*

Certain private amenities, which shall include, but not be limited to, an amenity center with private use restrictions and a pool, bathrooms, cabana structure, and playground, will be constructed in phases as development of this MPC occurs and will be owned, operated and maintained by an owner association or another non-profit entity. The developer will start construction of these private amenities prior to the City issuing a building permit for the 1,000th single family detached residence in the MPC, and will complete construction of these private amenities within two years after the issuance of a building permit for the private amenities. Public improvements will meet or exceed city requirements at the time.

Enforcement, unless the use, development, construction, or other activity complies with the provisions of this DDC. The enactment of this DDC shall not abate any pending prosecution and/or lawsuit or prevent any prosecution and/or lawsuit from being commenced for any violation of a previously existing ordinance occurring before October 1, 2019.

1.7.3 Nonconformities Under Prior Regulations

Any nonconformity under the previous zoning and subdivision regulations that has been issued a Certificate of Occupancy will remain a nonconformity under this DDC, as long as the situation that resulted in the prior nonconforming status continues to exist. If a nonconformity under the previous zoning and subdivision regulations becomes conforming because of the adoption of this DDC, then the situation will no longer be a nonconformity.

1.7.4 Uses, Lots, Structures, and Sites Rendered Nonconforming

A. When a lot is used for a purpose that was a lawful use before October 1, 2019, and when a Certificate of Occupancy was issued and this DDC no longer classifies such use as either a permitted use or specific use in the zoning district in which it is located, such use shall be considered nonconforming and shall be controlled by the provisions of Section **Error! Reference source not found.**, ***Error! Reference source not found.***.

B. Where any building, structure, lot, or development site that legally existed on October 1, 2019 and does not meet all standards set forth in this DDC, such building, structure, lot, or site shall be considered nonconforming and shall be controlled by the provisions of Section **Error! Reference source not found.**, ***Error! Reference source not found.***.

1.7.5 Pending Applications

A. Any complete application subject to TLGC § 245 that has been submitted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to October 1, 2019, shall be reviewed in accordance with the regulations in effect on the date the application was deemed complete unless the applicant requests otherwise pursuant to Subsection 1.7.5B below. If the applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the requirements of this DDC. Any re-application of an expired project approval shall meet the standards in effect at the time of re-application.

B. An applicant with a complete application subject to TLGC § 245 that has been submitted for approval, but upon which no final action has been taken prior to October 1, 2019, may submit a written request for the complete application to be reviewed under this DDC.

1.7.6 Preliminary Plat Approvals

A. An application for which approval of a preliminary subdivision plat was granted prior to October 1, 2019, shall be considered as having received preliminary plat approval under this DDC.

B. Preliminary approvals granted under the previous regulations shall be valid for two years from the date of approval.

C. Failure to obtain a final plat approval, within two years of the approval of a preliminary plat, shall result in the expiration of the preliminary plat.

D. In the instance of large tracts or blocks of land contained within a recorded subdivision and intended or designed for replatting into smaller tracts, lots, or building sites, the replatting shall comply with all provisions of this DDC.

1.7.7 Approved Projects

A. Any permits or licenses subject to the standards of this DDC that are valid on October 1, 2019, shall remain valid until their expiration date. Projects with valid permits or licenses may be carried out in accordance with the zoning and subdivision regulations in effect at the time of approval, provided that the permit or license remains valid and has not lapsed.

B. No provision of this DDC shall require any change in the plans, construction, or designated use of any structure for which a building permit has been issued prior to October 1, 2019, unless the building permit has expired.

C. The Director may renew or extend the time of a previous approval of an application that was administratively approved if the required findings or criteria for approval remain valid. Any extension granted shall not exceed one year in length, and no more than one extension may be granted.

D. Non-administratively approved projects may be granted one extension not exceeding one year in length, from the reviewing body by which they were originally approved as identified in Section 2.2: *Summary Table of Review Procedures*, where such extension would be permissible under the zoning and subdivision regulations in effect at the time of approval. If those regulations are silent as to extensions then no extension may be granted.

E. Any re-application for an expired project approval shall meet the standards in effect at the time of reapplication.

Subchapter 2: Administration and Procedures

2.1 Purpose and Organization

2.1.1 Purpose

This subchapter establishes procedures for the processing of planning and zoning actions that affect the development and use of property subject to the planning jurisdiction of the city.

2.1.2 Organization of this Subchapter

A. Section 2.2, *Summary Table of Review Procedures*, includes a summary table listing the land use and development procedures in this DDC.

B. Section 2.3: *Review and Decision-Making Bodies*, describes the duties and membership of the boards, commissions, and committees that have review and decision-making responsibilities under this DDC.

C. Section 2.4: *Common Review Procedures*, describes standard procedures that are applicable to most application types.

D. Section 2.5, *Development Permits and Procedures*, describes the procedures for site-specific development provisions.

E. Section 2.6, *Subdivision Procedures*, describes the procedures for applications for subdivision and conveyance of land.

F. Section 2.7, *Plan and DDC Amendments*, describes the procedures for amending the comprehensive plan or amending this DDC.

G. Section 2.8, *Flexibility and Relief Procedures*, describes the procedures for applications to vary from strict conformance with this DDC and contains various relief provisions.

2.2 Summary Table of Review Procedures

Table 2.2-A lists the development applications authorized in this DDC. For each type of application, the table indicates the role of city review, noticing requirements, and decision-making and appeal authorities.

Table 2.2-A Summary of Development Review Procedures

R = Review/recommendation D = Decision A = Appeal [R/D/A] = Public hearing required

<R/D/A> = Public meeting required ◊ = Recommended ✓ = Required

Procedure	DDC Reference	Public Notice				Pre-Application Activities		Review and Decision-Making Bodies				
		Online	Mailed	Published	Posted Sign	Pre-Appl. Conference	Citizen Participation	Development Assistance Team	Director	Planning and Zoning Commission	City Council	Zoning Board of Adjustment
DEVELOPMENT PERMITS AND PROCEDURES												
Site Plan Review	2.5.1					✓		R	D			A
Specific Use Permit	2.5.2	✓	✓	✓	✓	✓	◊	At Director discretion	R	[R]	[D]	
Temporary Use Permit	2.5.3								D			A
Certificate of Zoning Compliance	2.5.4								D			A
Environmental Sensitive Areas (ESAs) Field Assessment	2.5.5								D		A	
Gas Well Development Site Plan	6.2.4							R	D			
Watershed Protection Permit	6.3.9						◊	R	D			A
Vested Rights	See Subsection 2.5.6*: Vested Rights*											
Exaction Proportionality Determination and Appeal	See Subsection 2.5.7: *Exaction Proportionality Determination and Appeal*											
SUBDIVISION PROCEDURES												
Administratively Approved Plat	2.6.2					✓		At Director discretion	D [1]			
Preliminary Plat	2.6.3					✓	◊	R	R	<D>	<A>	
Final Plat	2.6.4					✓	◊	R	R	<D>	<A>	
Development Plat	2.6.5					✓		R	D			A
Gas Well Development Plat	2.6.6	See TLGC § 212.041 through 212.050										
Replat [2]	2.6.7	✓	✓	✓		✓	◊	R	R/D	[D]		
Vacating Plat	2.6.8	✓	✓	✓		✓		R	R	<D>	<A>	
PLAN AND DDC AMENDMENTS												
Comprehensive Plan Amendment	2.7.1	✓	✓	✓	✓	✓	◊	R	R	[R]	[D]	
MPC Amendments, Major	2.7.3	✓		✓			◊	R	R	[R]	[D]	
MPC Amendments, Minor	2.7.3	See Section 2.7.3										
FLEXIBILITY AND RELIEF PROCEDURES												
Variance	2.8.1					✓		R	R			[D]
Minor Modification	2.8.2	Pursuant to application procedure warranting the request										

Table 2.2-A Summary of Development Review Procedures

R = Review/recommendation D = Decision A = Appeal [R/D/A] = Public hearing required

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Procedure	DDC Reference	Public Notice				Pre-Application Activities		Review and Decision-Making Bodies				
		Online	Mailed	Published	Posted Sign	Pre-Appl. Conference	Citizen Participation	Development Assistance Team	Director	Planning and Zoning Commission	City Council	Zoning Board of Adjustment
Appeal of Administrative Decision	2.8.3	✓	✓	✓					R	Appeal authority determined by original application type and in accordance with this Table 2.2-A		
Alternative ESA Plan	2.8.4	✓	✓	✓	✓	✓	◊	R	R	[R]	[D]	
Alternative Tree Preservation Plan	See paragraph 7.7.4F: *Alternative Tree Preservation/Replacement Plan*											
Watershed Protection Permit Relief	2.8.5								R		D	
Interpretations	2.8.6								D [4]			A

Notes:

[1] The Director at his discretion may refer the plat to the Planning and Zoning Commission. The Director shall not disapprove an administratively approved plat but shall refer such plat to the Planning and Zoning Commission if he recommends disapproval.

[2] Non-residential minor replats may be approved by Staff pursuant to TLGC 212.0065, as amended. The appeal authority is determined based on the original approval body (i.e., if the Planning and Zoning Commission is the approval authority then the appeal authority is the City Council; if City Staff is the approval authority then the appeal authority is Zoning Board of Appeals.

[3] Mailed notice shall not be required if the Planning and Zoning Commission or City Council initiate an application to repeal and replace the Official Zone Map for all or substantially all of the planning jurisdiction.

[4] The Director, City Engineer, or Building Official may make an interpretation based on the criteria in Subsection 2.8.6,

2.3 Review and Decision-Making Bodies

2.3.1 Purpose

This section establishes and prescribes the basic duties and operating procedures of the administrative entities responsible for administering and enforcing this DDC.

2.3.2 City Council

See Charter, Article II: *The Council*, in the Municipal Code of Ordinances.

2.3.3 Planning and Zoning Commission

A. Composition and Operational Procedures

See Charter, Article X: *Planning and Zoning*, in the Municipal Code of Ordinances.

B. Powers and Duties

1. The Planning and Zoning Commission shall have the review and decision authority as shown in Table 2.2-A, pursuant to the application-specific procedures outlined in this DDC.
2. The Planning and Zoning Commission also has the powers and duties permitted under Article X, Section 10.03 in the Municipal Code of Ordinances, and § 211.007 and § 371.042 of the TLGC.
3. The members of the Planning and Zoning Commission are held to the City of Denton's Ethics Code.

2.3.4 Zoning Board of Adjustment

A. Composition and Operational Procedures

See Charter, Article X: *Board of Adjustment*, in the Municipal Code of Ordinances.

B. Powers and Duties

1. The Zoning Board of Adjustment shall have the review and decision authority as shown in Table 2.2-A pursuant to the application-specific procedures outlined in this DDC.
2. The Zoning Board of Adjustment's jurisdiction shall extend to and include the hearing and deciding of final decisions regarding changes, the reestablishment, or termination of a nonconforming use.
3. The Zoning Board of Adjustment shall be the body responsible for hearing appeals of administrative determinations under this DDC, unless otherwise specified elsewhere in this DDC.
4. The Zoning Board of Adjustment shall also have the powers and duties permitted under TLGC § 211.009 and Subpart B, Section 33.6: *Appeal, Variances, and Special Exceptions*, of the Municipal Code of Ordinances.
5. The members of the Zoning Board of Adjustment are held to the City of Denton's Ethics Code.

2.3.5 Public Utility Board

See Charter, Article XII: *Public Utilities*, in the Municipal Code of Ordinances.

2.3.6 [intentionally left blank]

2.3.7 Economic Development Partnership Board

See Subpart A, Code of Ordinances, Chapter 2: *Administration*, Article IX: *Economic Development Partnership Board*, in the Municipal Code of Ordinances.

2.3.8 Health and Building Standards Commission

See Subpart A, Code of Ordinances, Chapter 2: *Administration*, Article X: *Health and Building Standards Commissions,* in the Municipal Code of Ordinances.

2.3.9 Park and Recreation Board

A. See Subpart A, Code of Ordinances, Chapter 22: *Parks and Recreation*, in the Municipal Code of Ordinances.

B. See Subpart A, Code of Ordinances, Chapter 22: *Parks and Recreation*, Article III: *Park Dedication,* in the Municipal Code of Ordinances for payment of fees in lieu of park land dedication and payment of park development fees.

2.3.10 City Administration

A. The Director of Development Services (referred to as "Director") shall have the responsibility for administering this DDC and shall have the review and decision-making responsibilities listed in Table 2.2-A, and elsewhere in this DDC.

B. The Director shall also coordinate other types of review not specifically addressed in this DDC, but relevant to land use and governed by other parts of the Municipal Code of Ordinances, including but not limited to: clearing and grading; fire; health; and building permits.

2.3.11 Development Assistance Team

A. Composition

1. The Development Assistance Team (DAT) is an advisory group comprised of City staff members and outside agencies (as necessary) who meet to review and comment on development proposals and applications and to discuss other matters related to the city's review and management of development.
2. The members of the DAT shall be composed of persons from various city departments, which have an interest in the development review and approval process, as designated by the Director.

B. Powers and Duties of the Development Assistance Team

The DAT shall have the review authority and responsibilities shown in Table 2.2-A, and the following additional powers and duties under this DDC:

1. To assist the Director in developing and maintaining an Administrative Criteria Manual, on request;
2. To provide expertise and technical assistance to the city's review and decision-making bodies on request; and
3. To review and comment on proposed amendments to the Comprehensive Plan.

2.4 Common Review Procedures

2.4.1 Overview

A. These common review procedures provide the foundation for specific review and approval procedures identified in Sections 2.5 through **Error! Reference source not found.**. The common review procedures are illustrated in Figure 2.4-1. Tailored versions of this illustration appear in each of the specific application types.

B. Not all common review procedures apply to every development application type. Sections 2.5 through **Error! Reference source not found.** identify how these common review procedures are applied to specific application types, and identify additional procedures and requirements beyond the common review procedures.

Figure 2.4-1: Summary of Common Review Procedures



2.4.2 Consistency with State and Federal Provisions

The notice, decision-making authority, public hearing, and other requirements for all approvals shall comply with the TLGC and other applicable state and federal provisions. This Subchapter shall be interpreted and applied in accordance with all applicable state and federal provisions. If these requirements conflict with state or federal provisions, then the state or federal provisions shall control.

2.4.3 Step 1: Pre-Application Activities

A. Pre-Application Conference

1. Purpose

Pre-application conferences are intended to provide an opportunity for a potential applicant to meet with city staff to review submittal requirements, procedures, and schedules; discuss details and potential impacts of the proposed project; and establish points of contact for the development review process.

2. Applicability

A pre-application conference is required prior to submittal of certain types of applications, as listed in Table 2.2-A, and is recommended for most other types of applications. City-initiated applications are exempt from holding a pre-application conference.

3. Procedure

a. Request

The applicant may submit a request for a pre-application conference to the Development Services Department.

b. Scheduling

The Director shall coordinate with the applicant and facilitate the meeting, including the time and location of the meeting.

c. Meeting Process

The meeting shall be conducted pursuant to the requirements in the Administrative Criteria Manual.

4. Effect

a. Any information, comments, or other material provided to the potential applicant by the city shall expire after 45 days of the pre-application conference.

b. Any information or discussions held as part of the pre-application conference shall be binding on the city or the potential applicant, up to 45 days.

c. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition to a development approval.

B. Citizen Participation

1. Purpose

The citizen participation process provides the residents of Denton with an opportunity to actively participate in the city's development review procedures to help shape the direction of the city's development, thereby enhancing the welfare of the community.

2. Applicability

The preparation and execution of a Citizen Participation Plan and submittal of a Citizen Participation Report is recommended prior to submittal of certain types of applications, as listed in Table 2.2-A Summary *of Development Review Procedures*.

3. Citizen Participation Plan

a. Director Review

The Citizen Participation Plan is recommended to be reviewed by the Director prior to its execution by the applicant.

b. Property Owner Names and Mailing Addresses

Upon request by the applicant, staff will provide to the applicant the names and mailing addresses of property owners within 200 feet of the subject property and residents within 500 feet of the subject property.

c. Neighborhood Meetings

i. Two Neighborhood Meetings

The applicant is recommended to conduct a minimum of two neighborhood meetings.

a. The first neighborhood meeting is recommended to occur prior to distribution of the city's first set of development review comments to the applicant.

b. The second neighborhood meeting is recommended to occur prior to the first public meeting/hearing in which the application is heard.

ii. Generally

a. Neighborhood meeting invitations should be sent out in advance to allow attendees time to prepare for the meeting.

b. The invitation should include the date, time, and location of the scheduled neighborhood meeting.

c. The invitation should include as much information about the project and subject request as possible to inform attendees regarding what is being proposed.

d. Neighborhood meetings should be located in the City of Denton and as close to the subject property as is practical to help minimize the distance that attendees need to travel to participate.

e. Neighborhood meetings should be schedule to avoid, as much as possible, any conflict with other publicly scheduled meetings.

f. Neighborhood meetings should take place during non-business hours to allow attendees who work during the day an opportunity to attend.

d. Staff Attendance

i. It is recommended that the applicant keep the Development Services Department informed of the status of its citizen participation efforts by informing staff regarding the details for the neighborhood meeting.

ii. Staff will attend neighborhood meetings to observe, collect information, and provide answers related to Denton Plan 2030, this DDC, and all other applicable codes and ordinances of the City.

4. **Citizen Participation Report**

a. **Contents**

A Citizen Participation Report prepared by the applicant is recommended and should include the following:

i. Dates, times, and locations of all meetings that attendees were invited to attend to discuss the project and subject request.

ii. The names and affiliation of those that attended that represent the applicant.

iii. The names and department of staff that attended the meeting.

iv. A sign-in sheet listing the names of the attendees that participated in the process.

v. A written summary of the issues and/or concerns raised by the attendees and how the applicant proposes to resolve these issues and/or concerns. If the applicant is unable to resolve the issues and/or concerns raised by the attendees, the summary should state the reason why these issues and/or concerns cannot be resolved.

b. **Public Meeting/Hearing**

i. Prior to the public meeting/hearing, staff will prepare a summary of the neighborhood meeting and include it as part of the staff's analysis.

ii. If a Citizen Participation Report is submitted by the applicant, the report will be reviewed by staff and included as an exhibit as part of the backup that is sent to the decision-making body prior to the public meeting/hearing.

2.4.4 Step 2: Application Submittal and Processing

A. Authority to Submit Application

Unless expressly stated otherwise in this DDC, a development application shall be submitted by:

1. The property owner, contract purchaser, or any other person having a recognized property interest in the land on which development is proposed; or
2. A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land; or
3. If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter or document consenting to the application.

B. Application Content

1. The application shall be submitted to the Development Services Department.
2. The application shall be submitted on a form established by the Director.
3. The applicant bears the burden of ensuring that an application contains sufficient information to demonstrate compliance with application requirements.
4. The application shall include all required information as indicated in the Administrative Criteria Manual, and any additional information requested by the Director or other staff during a pre-application conference to help demonstrate compliance with this DDC and other applicable city codes.

C. Application Fees

1. Application fees shall be paid at the time of submittal according to the type of application. Fees shall be established by ordinance by the City Council.
2. All fees required by this DDC, the Administrative Criteria Manual, or otherwise prescribed in the Municipal Code of Ordinances shall be paid to and collected by the Development Services Department.
3. Where initial application fees are based on the estimated costs of review of the application by an outside consultant (for example, review of a project's traffic impacts by a traffic consultant), and the Director determines that additional funds are needed to complete the consultant's review, the Director may impose additional application fees to recover the city's actual costs in completing review. Prior to imposing such additional fees, the Director shall notify the applicant of the additional fees and provide the applicant with the option to move forward or withdraw the application.

D. Submittal and Review Schedule

The Director shall establish a submittal and review schedule for development applications and shall include that information in the Administrative Criteria Manual. The Director may amend the schedule to ensure effective and efficient review under this DDC.

E. Determination of Application Completeness

1. Application Materials

a. No application is complete unless all of the information required by Subchapter 2: *Administration and Procedures*, the Administrative Criteria Manual, and any application materials required by the Development Services Department, are included, and all required filing fees are paid.

b. An application is not considered filed until it is complete.

c. The applicant shall file an application in advance of any required public hearing or public meeting where the application is considered.

d. The Director may establish a schedule for filing and reviewing any application that requires action by the City Council, Planning and Zoning Commission, Zoning Board of Adjustment, Director, or Building Official. The schedule shall provide adequate time for notice and/or publication consistent with the applicable state statutes and this Subchapter.

e. Completed applications shall be filed according to any published schedule.

f. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this DDC, other Ordinances of the City of Denton, or state or federal law.

2. Review Procedure

a. No later than 10 business days after an application is submitted, the Director shall determine whether the application is complete and shall transmit a written determination to the applicant. If the written determination is not made within this time period, the application is deemed complete. Failure to complete this review within the specified time does not constitute approval and does not give rise to any cause of action against the City.

b. If the application is determined not to be complete, the Director shall provide written notice to the applicant of the failure. The notice shall specify the necessary documents or other information and the date the application will expire if the documents or other information is not provided. The Director shall provide this notice no later than the 10th business day after the date the application is filed.

c. Pursuant to TLGC 245.002(e), the application shall expire on or after the 45th day after the date the application is filed if:

   i. The applicant fails to provide documents or other information required by Subsection 2.4.4B above; or

   ii. The Director provides the notice described in paragraph 2.4.4E.2.b, above; and

   iii. The applicant fails to provide the specified documents or other information within the time provided in the notice.

d. If an application expires, the city shall not process the application. The applicant shall file a new application and pay the required fees to obtain the requested approval.

3. **Notice of Application Acceptance**

When the Director determines that an application is filed in proper form and is ready to be formally accepted, the Director shall notify the applicant in writing. The application is then processed according to the remainder of this subchapter and the Administrative Criteria Manual, including referrals to outside agencies and scheduling for public hearing and/or meetings, as applicable.

4. **Time Limits Triggered by Complete Application**

Whenever this subchapter establishes a time period for processing an application, the time period does not begin until the Director has reviewed the application for completeness and the applicant has corrected all deficiencies in the application.

5. **Appeal**

If the application is determined to be incomplete, the applicant may appeal that decision in writing to the Zoning Board of Adjustment pursuant to Subsection 2.8.3, *Appeal of Administrative Decision*.

F. Minor Application Revisions

1. An applicant may revise an application after receiving notice of deficiencies following staff review according to Subsection 2.4.5, or on requesting and receiving permission from an advisory or decision-making body after that body has reviewed, but not yet taken action on, the application.

2. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by staff or the advisory or decision-making body, as long as they constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the development proposed in the application or do not increase the intensity of land use, as determined by the Director.

3. Whenever this subchapter establishes a time period for processing an application, minor application revisions may warrant restarting the time period, as determined by the Director.

4. All other application revisions shall be processed as a new application per this Subsection 2.4.4.

G. Application Withdrawal

1. After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a letter of withdrawal to the Director.
2. An applicant is not entitled to a refund of application fees for withdrawn applications; however, the Director may refund fees not expended if the application is withdrawn.
3. If an applicant fails to respond to staff comments within 45 days, or an application is otherwise determined by the Director to be inactive for a period of 45 days, then the application is no longer valid.

H. Concurrent Review

1. Where possible, without creating an undue administrative burden on the city's decision-making bodies and staff, this subchapter intends to accommodate the simultaneous processing of applications for different permits and approvals that may be required for the same development project in order to expedite the overall review process.
2. Review and decision-making bodies considering concurrent applications shall render separate reports, recommendations, and decisions on each application based on the specific standards applicable to each request.
3. Some forms of approval depend on the applicant having previously received another form of approval, or require the applicant to take particular action within some time period following the approval in order to avoid having the approval lapse. Therefore, even though this subchapter intends to accommodate simultaneous processing, applicants should note that each of the permits and approvals set forth in this subchapter has its own timing and review sequence.

2.4.5 Step 3: Staff Review and Action

A. Refer Application to Staff and Review Agencies

The Director shall distribute the complete application to appropriate staff and appropriate internal and external review agencies per the Administrative Criteria Manual.

B. Staff Review and Application Revisions

Staff shall review the application and submit recommendations and comments to the applicant in a form established by the Director. The application shall not move forward for further review until the Director determines that the applicant has adequately responded to staff recommendations and comments, or the applicant requests that the application move forward with a staff recommendation of denial.

C. Applications Subject to Staff Recommendation

1. Staff Report

The Director shall submit a written report to the recommending or decision-making body. The Director's report should include the reports and recommendations of other city departments, if applicable, and should state whether or not the application complies with all applicable DDC requirements. The staff report may also include a recommendation for a decision by the authorized recommending or decision-making body and recommend how noted deficiencies may be corrected and negative impacts mitigated.

2. Distribution and Availability of Application and Staff Report

The Director must submit a copy of the staff report to the applicant and advisory or decision-making body and must make the staff report and all related materials available for public review pursuant to the Administrative Criteria Manual.

3. Forwarding Applications for Review

A recommending- or decision-making body may remand the application back to the Director for further consideration, and the City Council may remand the application back to a recommending body for further consideration.

D. Applications Subject to Staff Decision

If an application is subject to staff review and a final decision by the Director pursuant to Table 2.2-A, the Director shall make a decision based on the review standards applicable to the application type. The decision shall be in writing and shall clearly state reasons for a denial or for conditions of approval. The Director may, at his or her discretion, require that the application be forwarded to the Planning and Zoning Commission for review.

E. Approval Criteria Applicable to all Applications

1. Generally

a. Unless otherwise specified in this DDC, City review and decision-making bodies must review all development applications submitted pursuant to this subchapter for compliance with the general review criteria stated below.

b. The application may also be subject to additional review criteria specific to the type of application, as set forth in sections 2.5 through **Error! Reference source not found.**.

c. If there is a conflict between the general review criteria in this section and the specific review criteria in sections 2.5 through **Error! Reference source not found.**, the applicable review criteria in sections 2.5 through **Error! Reference source not found.** controls.

2. Prior Approvals

The proposed development shall be consistent with the terms and conditions of any prior land use approval, plan, development agreement, or plat approval that is in effect and not proposed to be changed. This includes an approved phasing plan for development and installation of public improvements and amenities.

3. Consistent with Comprehensive Plan and Other Applicable Plans

The proposed development shall be consistent with the Comprehensive Plan and any applicable plans. The decision-making authority:

a. Shall weigh competing plan goals, policies, and strategies; and

b. May approve an application that furthers the overall goals of the Comprehensive Plan even if the development does not match the future land use designation in the Comprehensive Plan.

4. Compliance with this DDC

a. The proposed development shall comply with all applicable standards in this DDC, unless the standard is to be lawfully modified.

b. Compliance with these standards is applied at the level of detail required for the subject submittal.

5. **Compliance with Other Applicable Regulations**
The proposed development shall comply with all other city regulations and with all applicable regulations, standards, requirements, or plans of the federal or state governments and other relevant jurisdictions. This includes, but is not limited to, wetlands, water quality, erosion control, and wastewater regulations.

6. **Consistent with Interlocal and Development Agreements**
The proposed development shall be consistent with any adopted interlocal and applicable development agreements, and comply with the terms and conditions of any such agreements incorporated by reference into this DDC.

7. **Minimizes Adverse Environmental Impacts**
The proposed development should be designed to minimize negative environmental impacts, and should not cause significant adverse impacts on the natural environment. Examples of the natural environment include water, air, noise, stormwater management, scenic resources, wildlife habitat, soils, and native vegetation.

8. **Minimizes Adverse Impacts on Surrounding Property**
The proposed development should not cause significant adverse impacts on surrounding properties. The results of the citizen participation process may be appropriately considered under this section.

9. **Minimizes Adverse Fiscal Impacts**
The proposed development should not result in significant adverse fiscal impacts on the city.

10. **Compliance with Utility, Service, and Improvement Standards**
As applicable, the proposed development shall comply with federal, state, county, service district, city and other regulatory authority standards, and design/construction specifications for roads, access, drainage, water, sewer, schools, emergency/fire protection, and similar standards.

11. **Provides Adequate Road Systems**
Adequate road capacity shall exist to serve the uses permitted under the proposed development, and the proposed uses shall be designed to ensure safe ingress and egress onto the site and safe road conditions around the site, including adequate access onto the site for fire, public safety, and EMS services.

12. **Provides Adequate Public Services and Facilities**
Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, roads, domestic water, sewer, schools, public safety, fire protection, utilities, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

13. **Rational Phasing Plan**
If the application involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required for that phase, and may not defer those improvements to subsequent phases.

F. Conditions of Approval

1. Except for zoning map amendments, or where otherwise prohibited by law, where this DDC authorizes a review body to approve or deny an application subject to applicable criteria, the review body may approve the application with conditions necessary to bring the proposed development into compliance with this DDC or other regulations, or to mitigate the impacts of that development on the surrounding properties and streets.
2. All conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the city. Such conditions may include those necessary to carry out the purpose and intent of the City's Comprehensive Plan, development agreements, other adopted city plans, and this DDC.
3. No conditions of approval shall be less restrictive than the requirements of this DDC, except where the DDC expressly allows deviations.
4. Any condition of approval that requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.
5. During its consideration, the decision-making body may consider alternative potential conditions; however, no discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate the federal or state constitutions, statutes, or regulations. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body unless and until the decision-making body takes formal action to attach that condition to a development approval.
6. Unless otherwise provided in this DDC, any representations of the applicant in submittal materials or during public hearings shall be binding as conditions of approval.
7. Failure to meet any condition of approval prior to the issuance of any type of permit shall negate the approval and the application shall be deemed denied.

2.4.6 Step 4: Scheduling and Notice of Public Meetings/Hearings

A. Scheduling

1. If an application is subject to a public hearing pursuant to *Table 2.2-A Summary of Development Review Procedures*, the Director shall schedule the public hearing for either a regularly scheduled meeting or special meeting of the appropriate decision-making body following submission of a completed application.
2. Unless otherwise specified, notice for public hearings shall meet or exceed TLGC requirements.

B. Public Notice Requirements

1. All public hearings required by this DDC shall be preceded by the notices identified in Table 2.2-A Summary *of Development Review Procedures*, all such notices shall meet the content, timing, and other specifications in the Administrative Criteria Manual.
2. Applicants are responsible for any additional notice beyond the requirements in this DDC, other city ordinances, or state law.

C. Constructive Notice

1. Minor Defects in Notice Shall Not Invalidate Proceedings

Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed.

2. Failure to Receive Notice Shall Not Invalidate Action

Failure of a party to receive written notice shall not invalidate subsequent action.

3. Re-Noticing

A new notice is required if there is an increase in land use intensity, as determined by the Director, between the action described in the original notice and the final action.

2.4.7 Step 5: Review and Decision

The application shall be subject to review, hearings, recommendations, and decisions as indicated in Table 2.2-A and the following:

A. Generally

1. If the application is subject to a public hearing, the applicable review body shall hold a public hearing on the application in accordance with Subsection 2.4.6.
2. The applicable review body shall consider the application, relevant support materials, staff report, and any evidence and public comments from the public hearing (if required).
3. The applicable review body shall approve, approve with conditions, or deny the application based on the applicable approval criteria, including the general criteria in Subsection 2.4.5E, *Approval Criteria Applicable to all Applications*, and the specific standards in sections 2.5 through **Error! Reference source not found.**.
4. If the review involves a quasi-judicial hearing, the recommendation or decision (as applicable) shall be based only on the record of the public hearing and shall:
   a. Be made in writing;
   b. Include findings of fact based on competent, material, and substantial evidence presented at the hearing;
   c. Reflect the determination of contested facts; and
   d. State how the findings support compliance with applicable review standards.

B. Conditional Approvals

The decision-making body may incorporate or require, as part of a condition of approval, a written agreement between the applicant and the city that enforces the conditions. All conditions shall comply with the limitations in Subsection 2.4.5F, *Conditions of Approval*.

C. Postponement of Public Hearings at Applicant's Request

An applicant may request one postponement of the scheduled public hearing at least five business days prior to the scheduled public hearing. If any publication or notice is provided by the city, the applicant is responsible for any costs or fees associated with the postponement. If the request is submitted less than five days prior to the scheduled public hearing, the decision-making body may, in its discretion, either hold or continue the public hearing.

D. Continuances

The decision-making body may continue a public hearing to a specified date, time, and place. The date of continuance shall be made part of the motion and publicly announced at the public hearing. Publication or property owner notification of the continued date is not required, unless required by state law or recommended by the hearing body or the Director.

E. Postpone a Decision

A decision-making body may close a public hearing and postpone the decision. The request shall appear on the next subsequent agenda unless the decision is deferred to a specific date.

F. Other Rules to Govern

Other matters pertaining to the public hearing shall be governed by other provisions of these regulations applicable to the body conducting the hearing and its adopted rules of procedure.

2.4.8 Step 6: Post-Decision Actions and Limitations

A. Notice of Decision

1. Within 10 days after a final decision on an application, the Director shall provide written notification of the decision, unless the applicant was present at the meeting where the decision was made or required by law.
2. If the review involves a quasi-judicial hearing, the Director shall, within 10 days after a final decision on the application, provide a written notification of the decision to the owner(s) of the subject site (unless the applicant was present at the meeting where the decision was made or required by law), and any other person that submitted a written request for a copy of the decision before its effective date.

B. Appeal

1. A party aggrieved or adversely affected by any decision by the City Council or Zoning Board of Adjustment may seek review of the decision in the courts in accordance with applicable state law.
2. A party aggrieved by other final decisions may appeal the decision in accordance with the procedures and standards in Subsection 2.8.3 and as set forth in sections 2.5 through **Error! Reference source not found.**, as applicable.

C. Expiration of Approval

1. An application approval under this subchapter expires if no progress is made towards completion of the project within the established expiration dates provided in sections 2.5 through **Error! Reference source not found.**.
2. A change in ownership of the land shall not affect the established expiration time period of an approval.
3. For purposes of this subsection, progress towards completion of the project is as defined in TLGC § 245.005.

D. Extensions of Approval Period

1. The original approval body may grant one extension of an approval period of up to one year for good cause.
2. All requests for extensions shall be submitted in writing to the Director at least 30 calendar days prior to the expiration of approval.
3. An extension request shall include:

a. A narrative stating the reasons for the applicant's inability to comply with the specified deadlines; and

b. A narrative describing any changes in the character of the neighborhood, the Comprehensive Plan, or this DDC that have occurred since approval of the permit/plan, and how any such changes affect the permit/plan; and

c. The anticipated time schedule for completing the review project and/or the specific project.

4. Additional review of the permit/plan may result in additional conditions, as applicable.

E. Modification or Amendment of Approval

Unless otherwise provided in this DDC, any modification of an approved plan, permit, or condition of approval shall require a new application that is submitted and reviewed in accordance with the full procedure and fee requirements applicable to the particular type of the original application.

F. Limitation on Subsequent Similar Applications

1. Except at City Council's request, following denial of an application, no application that is the same or substantially similar will be accepted within one year of the previous denial. For purposes of this provision, "substantially similar" shall mean any application that is not materially different in terms of proposed development or activities relative to the reasons for denial of a previously submitted application, as determined by the Director.

2. This waiting period may be waived by the decision-making body provided that:

a. There is a substantial change to circumstances, or new information available, relevant to the issues or facts considered during the previous application review; or

b. The new application is materially different from the previous application, as determined by the Director.

2.5 Development Permits and Procedures

2.5.1 Site Plan Review

A. Purpose

The site plan review procedure is intended to ensure compliance with the development and design standards of this DDC and to encourage quality development reflective of the adopted goals and objectives of the city. The site plan review procedure ensures that proposed development applications address and mitigate potential adverse impacts associated with the proposal.

B. Applicability

Site plan review is required for the following types of activities. All other activities are exempted.

1. Residential

a. New construction of multifamily buildings.

b. Expansion of multifamily buildings by more than 10 dwelling units or 10 percent of the number of existing units, whichever is less.

c. Reconstruction of a multifamily building after voluntary demolition.

2. Mixed-Use and Nonresidential

a. New construction of mixed-use or nonresidential buildings.

b. Expansion of a mixed-use building by more than 2,000 square feet of nonresidential space or the lesser of more than 10 dwelling units or 10 percent of the number of dwelling units.

c. Expansion of a nonresidential building by the greater of either 2,000 square feet or more or 20 percent of the total square footage of the building.

d. Reconstruction of a mixed-use or nonresidential building after voluntary demolition.

C. Site Plan Procedure

Figure 2.5-1 identifies the applicable steps from the common review procedures in Section 2.4 that apply to the review of site plans. Additions or modifications to the common review procedures are noted below.

Figure 2.5-1: Summary of Site Plan Procedure



1. **Step 1: Pre-Application Activities**

   a. **Pre-Application Conference**

      A pre-application conference is required in accordance with Subsection 2.4.3.

   b. **Citizen Participation**

      Not required.

2. **Step 2: Application Submittal and Processing**

   a. **Generally**

      i. The site plan application shall be submitted and accepted, and may be revised or withdrawn, in accordance with Subsection 2.4.4.

      ii. The Director may require at any stage of review of any site plan, submission of any plan, study, survey or other information, in addition to that specified in this DDC, or the Administrative Criteria Manual, and at the applicant's expense, as determined necessary to enable review, recommendation, and/or approval of the site plan.

   b. **Concurrent Review**

      i. **Civil Engineering Plans**

         For properties that have already been platted, the Director may require submittal of civil engineering plans for proposed streets, sidewalks, drainage, utility, or other public improvements associated with the site plan review. If required, such civil engineering plans may be submitted and reviewed concurrently with the site plan application.

      ii. **Environmental Sensitive Areas ESAs Compliance Review**

         ESA Compliance Review shall be reviewed concurrently with an application for a site plan in accordance with Subsection 7.4.4: *ESAs Procedures*.

      iii. **Other Applications**

         An application for a site plan approval may be submitted and reviewed concurrently with rezonings, specific use permits, subdivision applications, and variance applications, provided that the Director shall not decide the site plan approval application until after an official decision is made on the rezoning, subdivision, and/or variance application.

3. **Step 3: Staff Review and Action**

   The Director shall review the site plan application and approve, approve with conditions, or deny the application in accordance with the approval criteria in Subsection 2.5.1D, below.

4. **Step 4: Scheduling and Notice of Public Meetings/Hearings**

   Not required.

5. **Step 5: Review and Decision**

   Not applicable. Review and decision is by the Director under Step 3.

6. **Step 6: Post-Decision Actions and Limitations**

a. **No Building Permit without Approval**

No building permit shall be issued until the site plan and any associated development plans have been approved, and all conditions of approval have been met.

b. **Lapse of Approval**

Unless otherwise provided in the conditions of approval, site plans shall expire after 24 months if the use or construction has not obtained all necessary permits. Extensions may be granted by the Director for good cause shown due to unforeseen circumstances, such as an application for amendments to the approved site plan. Such extensions may only be granted if a written request is made to the Director prior to expiration.

c. **Amendments**

During construction, the Director may authorize minor adjustments without requiring resubmittal of a site plan application provided such adjustments:

i. Comply with the standards of this DDC;

ii. Are necessary to meet provisions of the building code or other life safety code;

iii. Are necessary to meet conditions of approval by other city, county, or state departments and/or agencies; or

iv. Would not significantly alter the function, form, intensity, character, demand on public facilities, or impact on adjacent properties as approved with the site plan.

d. **Appeal to the Zoning Board of Adjustment**

The applicant may appeal the denial, revocation, or suspension of a site plan to the Zoning Board of Adjustment in accordance with Subsection 2.8.3.

D. Site Plan Review Approval Criteria

In reviewing a proposed site plan application, the Director shall consider the general approval criteria in Subsection 2.4.5 and whether:

1. The lot on which the development is proposed has been legally platted or is otherwise exempt from platting requirements;
2. The site plan complies with all site specifications adopted by the city; and
3. The site plan complies with applicable standards in this DDC, including Subchapter 3: *Zoning Sub-Districts*; **Error! Reference source not found.** ***Error! Reference source not found.****;* Subchapter 4: *Overlay Districts*

2.6 Highway Buffer Zone

No single family detached platted lot line in the MR sub-district shall be located within the buffer area shown on the Development Plan Map attached as Exhibit C (the Highway Buffer Zone). The 600-foot Highway Buffer Zone shall be measured from the edge of the future Loop 288 and I-35W rights-of-way, as shown on the Texas Department of Transportation construction plans in effect on the date of the adoption of this Ordinance, and identified as CSJ No. 2250-02-013 and CSJ No. 2250-02-014 (for Loop 288) and CSJ No. 0081-13-050 (for I-35W). The purpose of the Highway Buffer Zone is to prohibit single family detached development in close proximity to highways.

2.7 Adjacency to Robson Ranch

A. Robson Ranch Adjacency – Special Conditions

The following conditions from Ordinance No. 2008-286 are carried forward and shall continue to apply:

1. Along the common property line between the Hunter Ranch MPC and Robson Ranch, adjacent to the Common Open Space identified as Lot 22X, Block F, Robson Ranch 2, Phase 1 and Lot 16X Robson Ranch 5-:

    a. The HOA shall construct and maintain either: (1) an eight foot (8') wood frame fence, finished on both sides with a decorative weather-resistant fiber-cement siding material, compliant with ASTM Standard Specifications C1186 Grade II, Type A, and supported by steel support posts, or (2) an eight foot (8') high masonry wall with masonry support columns. In either case, spans shall not exceed thirty-four feet (34') between supports. The fence or wall is not required in areas designated as Environmentally Sensitive Areas (ESAs). The fence or wall must be constructed upon plat approval of each Inspiration subdivision abutting this area.

    b. The HOA shall construct and maintain an open space buffer twenty-eight feet (28') or greater in width, as depicted in Exhibit G, attached hereto and incorporated herein by reference

    c. Single-family lots adjacent to the new twenty-eight (28') foot wide buffer shall have a minimum width of sixty-two feet (62') and a minimum depth of one hundred feet (100').

    d. All of the single-family houses constructed adjacent to the new twenty-eight foot (28') wide buffer shall be single story

2. Schools shall not be located adjacent to the Robson Ranch property

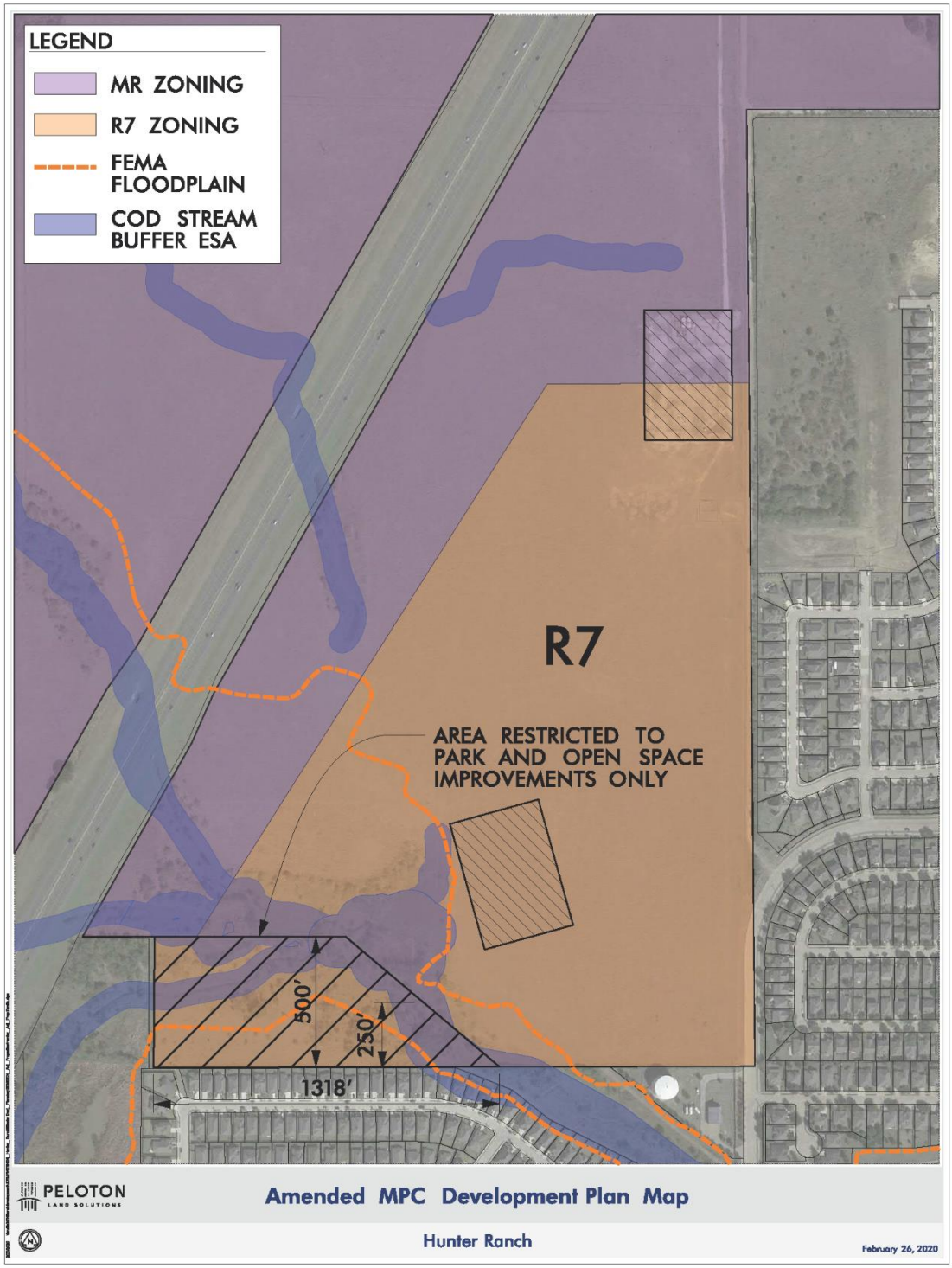
3. Private Parks shall not be located adjacent to the Robson Ranch property

4. There shall not be any multi-family development abutting Robson Ranch Road or the Robson Ranch Development.

5. Residential lots adjacent to the Robson Ranch property shall have the same or larger square footage as the minimum allowable lot size under applicable zoning in effect on the date of this Ordinance on abutting lots within Robson Ranch, unless the approved MPC development standards or these conditions specify or necessitate a larger square footage requirement.

2.8 Area Restricted to Park and Open Space Improvements

Development shall be restricted to park and open space improvements for the hatched area adjacent to Country Lakes as noted and shown on the following graphic:


LEGEND
MR ZONING
R7 ZONING
FEMA FLOODPLAIN
COD STREAM BUFFER ESA
R7
AREA RESTRICTED TO PARK AND OPEN SPACE IMPROVEMENTS ONLY
500'
250'
1318'
PELOTON
LAND SOLUTIONS
Amended MPC Development Plan Map
Hunter Ranch
February 26, 2020

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2.10 MAO – Municipal Airport Overlay District

2.10.1 Purpose and Applicability

The Municipal Airport Overlay (MAO) district is intended to regulate and restrict the height of structures and objects of natural growth and the use of property in the vicinity of the Denton Enterprise Airport to prevent the creation or establishment of obstructions that are a hazard to air navigation. Application of this district will help prevent the encroachment of noise sensitive or otherwise incompatible land uses which may endanger the health, safety, and welfare of the owners, occupants, or users of the land. This district is also intended to implement state and federal rules associated with land uses in the vicinity of airports. Such state and federal rules shall apply within the MAO district.

The Municipal Airport Overlay (MAO) district applies to the portions of this MPC located within the Municipal Airport Overlay Zoning District.

2.10.2 Municipal Airport Overlay District Established

A. Generally

The MAO district is the area generally located outside the airport boundaries and within a rectangle bounded by lines located no farther than one and one-half statute miles from the centerline of an instrument or primary runway and no farther than five statute miles from each end of the paved surface of precision instrument runways. Where only a portion of a lot or parcel is within the boundaries explained above, the entire parcel shall be subject to the MAO regulations.

B. Subdistricts Established

The MAO district imposes two types of overlay zoning districts that combine with existing and future zoning district regulations:

1. **Airport Height Hazard District (AHHD)**
   The Airport Height Hazard District (AHHD), as established in Subsection 4.5.8, establishes height limitations on structures and natural objects within an area generally traversed by the flight tracks of aircraft using the Denton Enterprise Airport.

2. **Airport Compatibility Land Use District (ACLUD)**
   The Airport Compatibility Land Use District (ACLUD), as established in Subsection 4.5.9, establishes land use compatibility regulations that prohibit certain types of land uses and that impose performance standards on other land uses that potentially are subject to noise impacts from aircraft operation in the vicinity of the airport.

2.10.3 Applicability

A. The requirements of this Section 4.1, shall apply to all lands lying within city boundaries.

B. Nothing contained in Subsection 4.5.4, shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any natural object in excess of any of the height limits established in Subsection 4.5.8C.

C. When a parcel of land lies within more than one airport zoning subdistrict, or only a portion of a parcel lies within an airport zoning district, the provisions of the most restrictive regulations shall apply to the use of land and structures for the entire parcel, except when:

1. It is determined by the Director that a structure is located within a single airport zoning subdistrict, then the provisions of that subdistrict shall apply to such structure; or
2. It is determined by the Director that a structure is located outside any airport zoning district, then the provisions of the standard zoning sub-district in which the structure is located shall apply.

2.10.4 Conflicts with Other Provisions

A. Where there exists a conflict between any standard, restriction, limitation, requirement, or regulation prescribed by this section and any other applicable regulation, the provisions of this section shall govern and prevail; provided that the more stringent limitation or requirement shall control in the event of a conflict, with respect to the height of a structure or object of natural growth.

B. In the event of a conflict between the requirements of this DDC and any provision of state law, state law requirements shall prevail.

C. Consistent with TLGC, § 241.012, it is the intent of this section that federal laws or rules controlling the use of land located adjacent to or in the immediate vicinity of an airport, as they may be amended from time to time, that impose more stringent limitations than are imposed under provisions herein set forth, shall be applied to any application submitted under this section until such time as the city is able to conform its airport zoning regulations to such law or rules.

2.10.5 Exemptions

Unless otherwise provided in this DDC, the following shall be exempt from the provisions of this section:

A. Areas in the Horizontal Zone and Conical Zone

Any natural object(s) or structure(s) less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such object(s) or structure(s) would extend above the height limits established in Subsection 4.5.8C.

B. Areas in the Approach Zone

Any natural object(s) or structure(s) less than 75 feet of vertical height above the ground at a horizontal distance more than 4,200 feet from each end of the runway, except when such object or structure would extend above the height limit established in Subsection 4.5.8C.

2.10.6 Nonconformities

A. Generally

Whenever the Director determines that a nonconforming structure or natural object within the area subject to this section has been abandoned or more than 50 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or natural object to exceed the applicable height limit or otherwise deviate from the zoning regulations of this DDC. In all other cases, the continuation, repair, reconstruction, or remodeling of non-conforming uses or structures shall be governed by Section **Error! Reference source not found.**, ***Error! Reference source not found.***; provided, however, the Director shall apply the standards in this section.

B. Regulations Not Retroactive

The regulations prescribed by this section shall not be construed to require the removal, lowering, or other change or alteration of any structure or natural object not conforming to the regulations of this section, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, for which a complete application was accepted for filing prior to the effective date of this section, which is consistent with existing regulations and for which construction is diligently pursued.

C. Marking and Lighting

Notwithstanding Subsection 4.5.6B, the owner of any nonconforming structure or area is hereby required to permit the installation, operation, and maintenance hereon of such markers and lights as shall be deemed necessary by the Director, in order to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the city or the Federal Aviation Administration (FAA).

2.10.7 General Prohibition on Airport Hazards

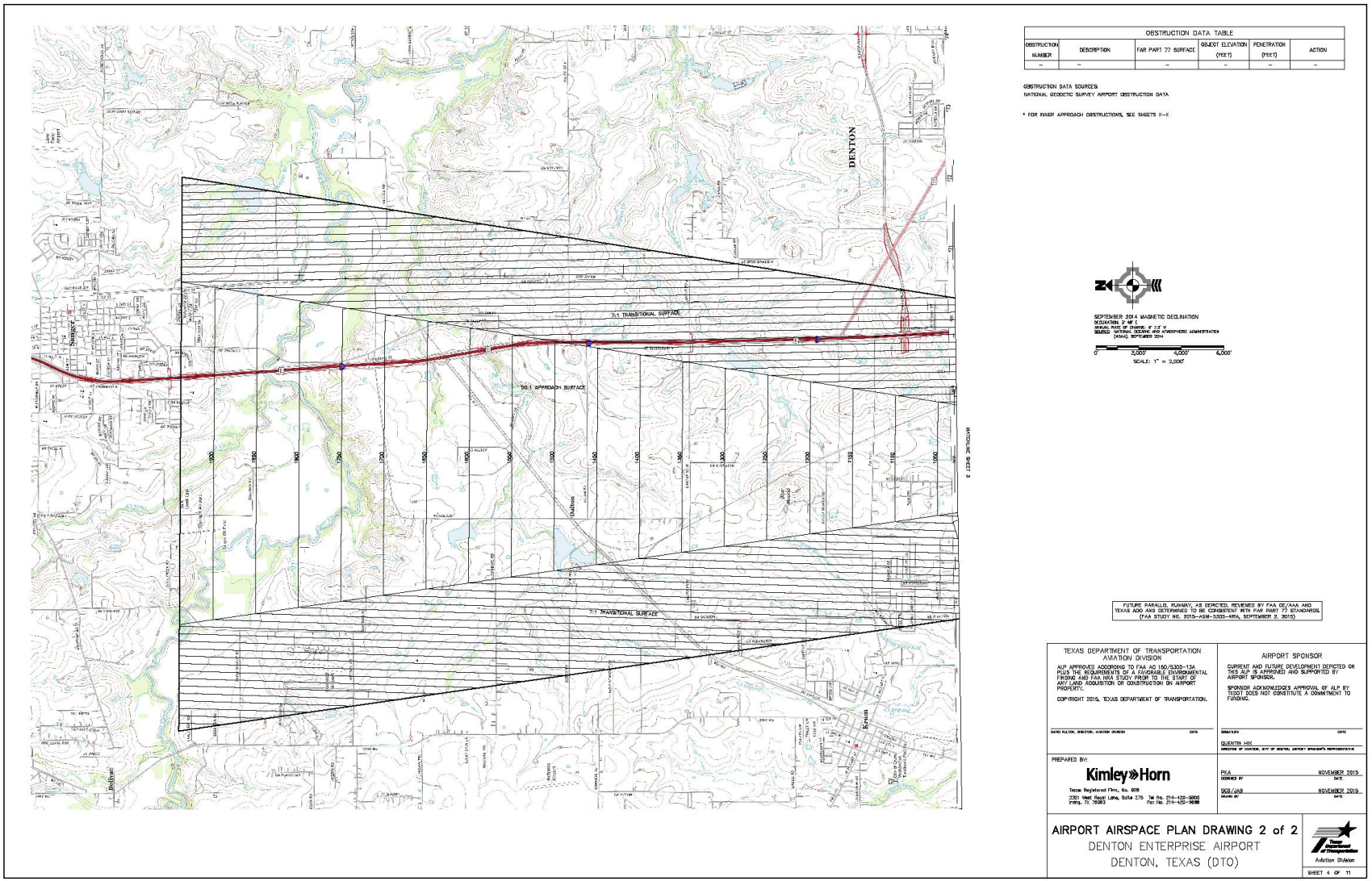
Notwithstanding any other provisions of this section, no person shall use land or water within any zone established by this DDC in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft; make it difficult for pilots to distinguish between airport lights and other lighting; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; create bird strike hazards; or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the airport.

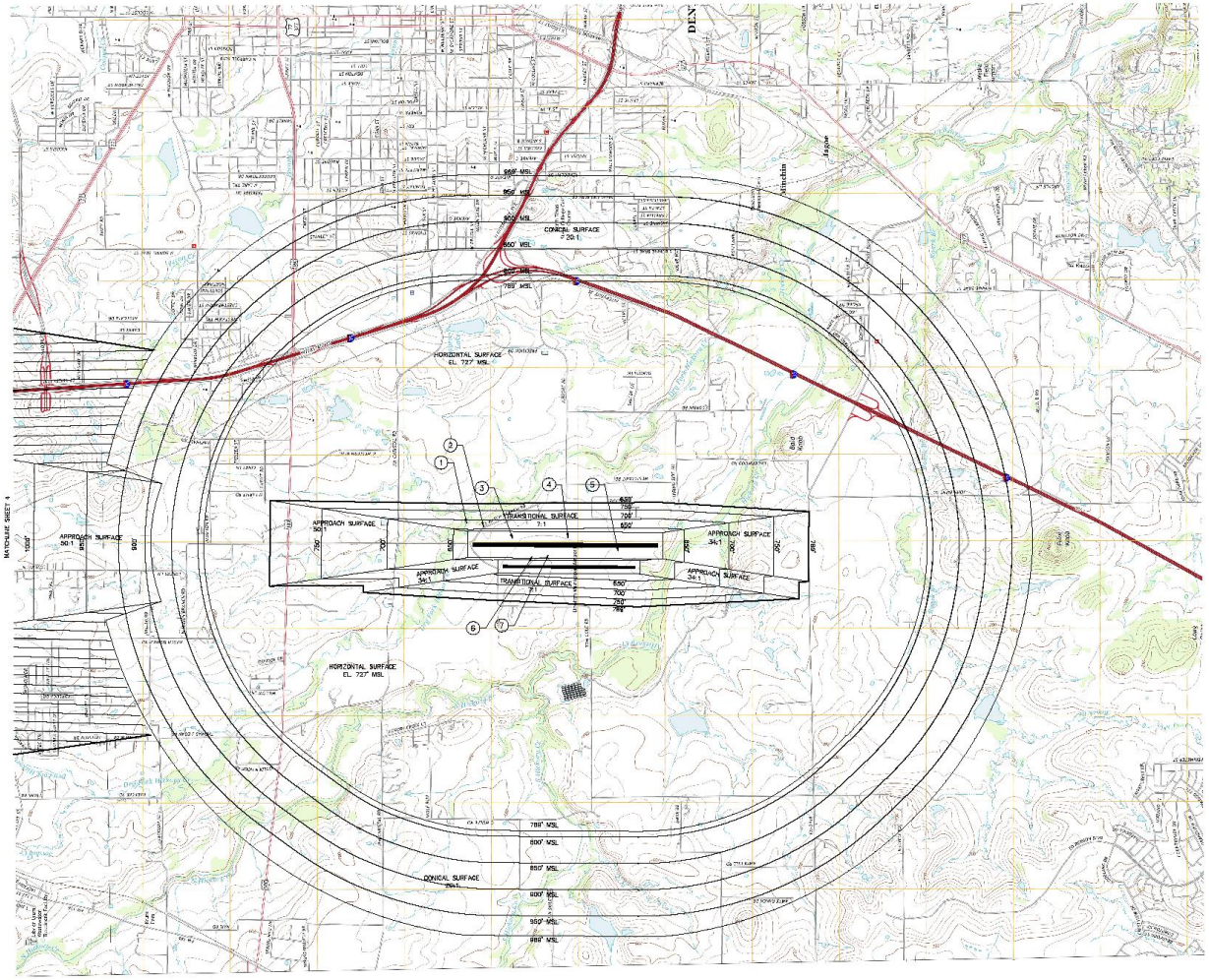
2.10.8 AHHD - Airport Height Hazard District

A. District Established

There is hereby established an Airport Height Hazard District (AHHD) within that area lying beneath the Approach Surfaces, Transitional Surfaces, Horizontal Surface and Conical Surface of the Denton Enterprise Airport. The AHHD consists of the following subdistricts, which are depicted in Figure 4.5-1: *Airport Height Hazard District Map*, and which constitutes the zoning map for the district.

Figure 4.5-1: Airport Height Hazard District Map




DEN
Aubrey
Justin
Haslet
Roanoke
Northlake
Argyle
Krum
Sanger
Pilot Point
Bolivar
Ponder
Denton
Lewisville
Lake Dallas
Corinth
Shady Shores
Hickory Creek
Lake Cities
Copper Canyon
Double Oak
Flower Mound
Highland Village
Carrollton
Farmers Branch
Addison
Coppell
Grapevine
Southlake
Keller
Roanoke
Trophy Club
Westlake
Colleyville
Bedford
Euless
Hurst
Grapevine
Dallas
Fort Worth
Arlington
Irving
Las Colinas
Las Colinas Urban Center
Las Colinas Urban Center Dr
Las Colinas Blvd
Las Colinas Blvd E
Las Colinas Blvd W
Las Colinas Blvd N
Las Colinas Blvd S

B. Subdistrict Descriptions

The AHHD consists of the following subdistricts that are described by reference to definitions, rules, restrictions, and regulations, as may be amended from time to time, by the FAA, as follows:

1. Approach Zones

Approach zones for runways 18L-36R and 18R-36L hereby are established beneath the approach surfaces at each runway end on the Denton Municipal Precision Instrument Airport for landings and takeoffs. The inner edge of the approach zone shall have a width of 1,000 feet which coincides with the width of the primary surface at a distance of 200 feet beyond each end of each runway, widening thereafter uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet beyond each end of the primary surface, its centerline being the continuation of the centerline of the runway.

2. Transitional Zones

Transition zones hereby are established beneath the transition surface adjacent to runways 18L-36R and 18R-36L, and to each approach surface as indicated on the zoning map. Transition surfaces symmetrically located on either side of runways, have variable widths as shown in Figure 4.5-1: *Airport Height Hazard District Map*.

3. Horizontal Zone

The horizontal zone hereby is established at the area beneath the horizontal surface of the airport.

4. Conical Zone

The conical zone hereby is established as the area beneath the conical surface of the airport.

C. Height Limitations

Except as otherwise provided in this section, no person shall erect, alter, or maintain a structure, and no person shall allow a tree or other natural object to grow in excess of the applicable height limitations established herein for each airport height hazard subdistrict as follows:

1. Approach Zones

For runways 18L-36R and 18R-36L:

a. Beginning at the end of and at the elevation of the primary surface, one foot in height for each 50 feet in horizontal distance; and

b. Beginning at a point 10,000 feet from the end of the primary surface and extending an additional 40,000 feet along the extended runway centerline, one foot in height for each 40 feet in horizontal distance.

2. Transitional Zones

a. Beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation (660 feet above mean sea level), one foot in height for every seven feet in horizontal distance;

b. Beginning at the sides of and at the same elevation as the approach surfaces, and extending to where they intersect the conical surface, one foot in height for every seven feet in horizontal distance; and

c. Where the precision instrument runway approach zone projects beyond the conical zone, and beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline, one foot in height for every seven feet in horizontal distance.

3. Horizontal Zone

Within the horizontal zone, 150 feet in height above the airport elevation, or a height of 810 feet above mean sea level.

4. Conical Zone

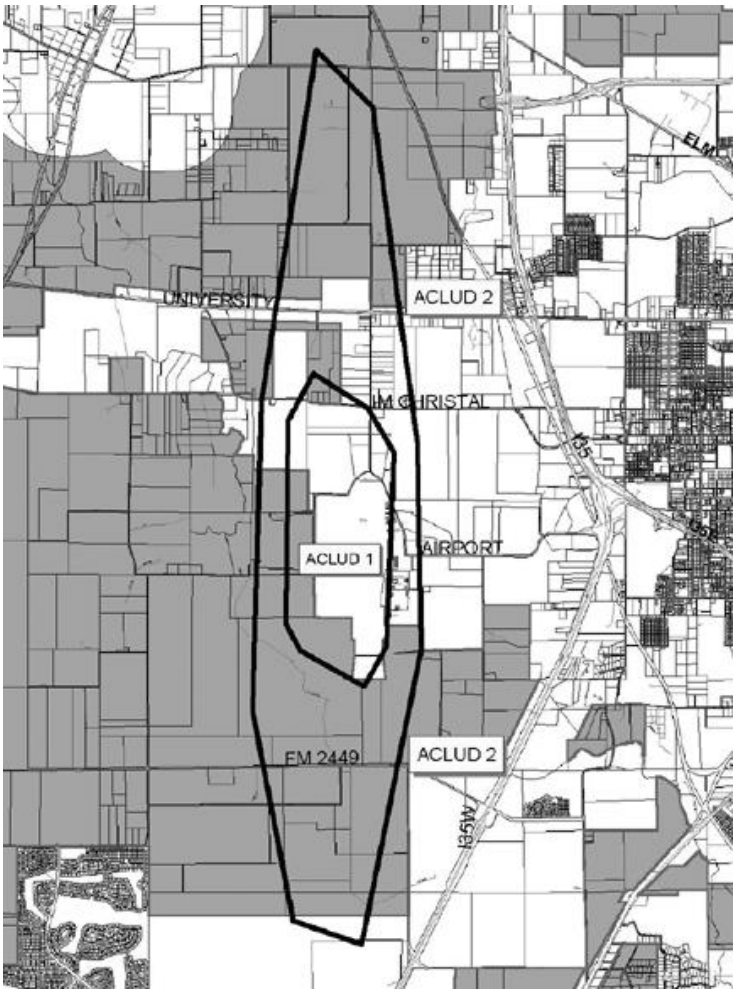
From the periphery of the horizontal zone and at heights between 150 and 350 feet above the airport elevation, one foot in height for every 20 feet in horizontal distance.

2.10.9 ACLUD - Airport Compatibility Land Use District

A. District Established

There is hereby established an Airport Compatibility Land Use District (ACLUD), consisting of two subdistricts (ACLUD-1 and ACLUD-2), the boundaries of which are shown in Figure 4.5-2: *Airport Compatibility Land Use District Map*, and which constitutes the zoning map for the district.

Figure 4.5-2: Airport Compatibility Land Use District Map



B. Prohibited Uses

The following uses shall be prohibited within the ACLUD:

1. Educational Facilities

All educational uses, including but not limited to, business or trade schools, college or universities, public schools, and private schools are prohibited in the ACLUD; provided, however, that the following educational facilities are permitted within the district:

a. Schools for flight instruction or for vocations associated with the airport, airplanes, or aviation related activities; and

b. Facilities for employee or client training or instruction related to services or products associated with the business of the entity providing such training or instruction and which is not the primary business of such entity.

2. Healthcare Facilities

Healthcare facilities, including specifically hospital services, elderly housing, group homes, and group homes for the disabled are prohibited within the ACLUD.

C. Subdistrict ACLUD-1

The following regulations apply within the ACLUD-1 subdistrict:

1. Compatible Land Uses

All land uses allowed within the underlying zoning district, except for new residential uses, which are expressly prohibited.

2. Noise Mitigation

Any residential structure that was established prior to the effective date of this DDC and that is permitted to be repaired, rebuilt, or remodeled in accordance with the provisions of Section **Error! Reference source not found.**, ***Error! Reference source not found.***, shall be repaired, rebuilt, or remodeled in compliance with the noise mitigation standards established in Subsection 4.5.10, *Noise Mitigation*.

D. Subdistrict ACLUD-2

1. Compatible Land Uses

All land uses allowed within the underlying zoning district.

2. Performance Standards for Residential Uses

Property owners that propose to construct a new residential building, or who propose to repair, rebuild, or remodel an existing residential structure within the boundaries of the district, shall do one of the following:

a. Noise Mitigation Standards

Construct, repair, rebuild, or remodel the residential structure in accordance with the noise mitigation standards in Subsection 4.5.10, *Noise Mitigation*; or

b. Avigation Easement

Execute an avigation easement, approved as to form by the City Attorney, conveying to the City of Denton an unobstructed right-of-way for the passage of all aircraft and rights to cause within such easement such noise, vibration, fumes, dust, fuel particles and all other effects that may be caused by the operating or aircraft landing at, taking off from, or operating at, the Denton Enterprise Airport.

2.10.10 Noise Mitigation

A. Noise mitigation shall be required in accordance with FAA requirements.

B. The Building Official may approve alternative standards upon the submission of plans signed by a qualified acoustical engineer certifying that the alternative standard will reduce outside noise levels to the day-night average sound level (Ldn) of 45 decibels (dB) or less inside the building.

1. Use Regulations*;* Subchapter 7: *Development Standards;* and any other applicable standards of this DDC.

2.10.11 Specific Use Permit (SUP)

A. Purpose

The specific use permit (SUP) procedure provides a mechanism for the city to evaluate proposed development and land uses that have unique or widely varying operating characteristics or unusual features. This procedure is intended to ensure compatibility with surrounding areas and that adequate mitigation is provided for anticipated impacts.

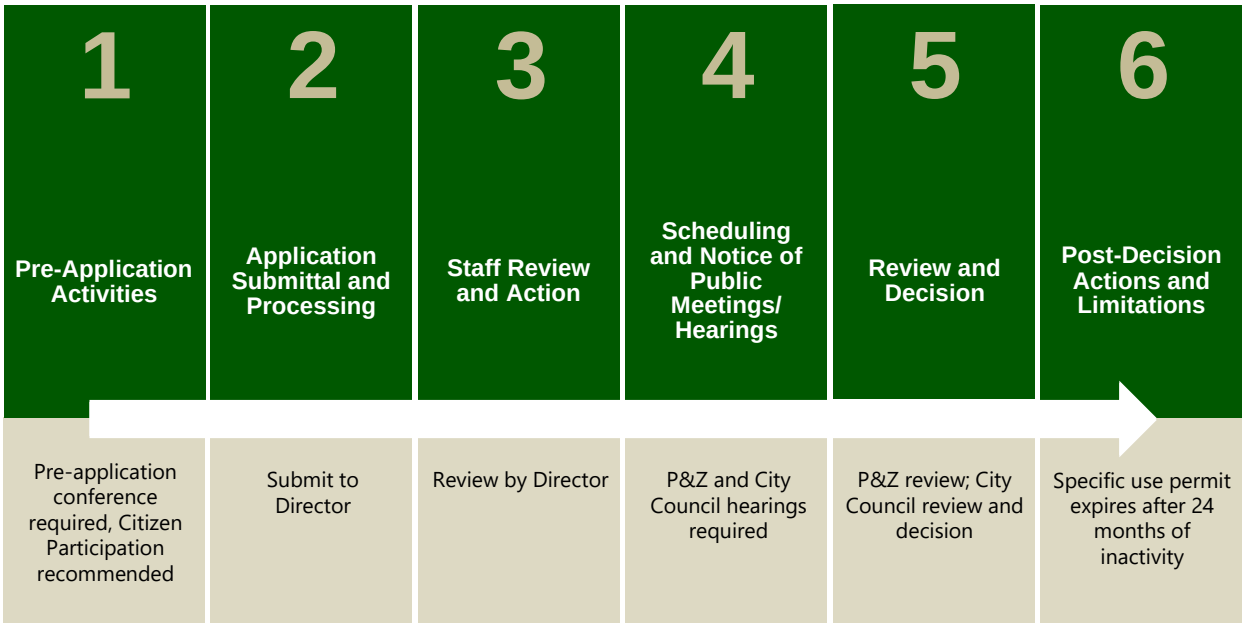
B. Applicability

1. The SUP procedure shall apply to uses identified in Table 5.2-A: *Table of Allowed Uses*, as requiring a SUP. No such use may be established, enlarged, or altered without approval of a SUP.
2. The City Council may grant, repeal, and amend SUPs for certain uses, but only where specified in this DDC.

C. Specific Use Permit Procedure

Figure 2.10-1 identifies the applicable steps from the common review procedures in Section 2.4 that apply to the review of SUPs. Additions or modifications to the common review procedures are noted below.

Figure 2.10-1: Summary of Specific Use Permit Procedure



1. **Step 1: Pre-Application Activities**

   a. **Pre-Application Conference**

      A pre-application conference is required in accordance with Subsection 2.4.3.

   b. **Citizen Participation**

      Citizen Participation is recommended in accordance with Subsection 2.4.3B: *Citizen Participation*.

2. **Step 2: Application Submittal and Processing**

   The SUP application shall be submitted and accepted, and may be revised or withdrawn, in accordance with Subsection 2.4.4.

3. **Step 3: Staff Review and Action**

   The Director shall review the SUP application and prepare a staff report and recommendation in accordance with the approval criteria in Subsection 2.10.11D below.

4. **Step 4: Scheduling and Notice of Public Meetings/Hearings**

   The SUP application shall be scheduled for public hearings before the Planning and Zoning Commission and the City Council and shall be noticed pursuant to Table 2.2-A Summary *of Development Review Procedures* and Subsection 2.4.6.

5. **Step 5: Review and Decision**

   a. **Planning and Zoning Commission Review and Recommendation**

      The Planning and Zoning Commission shall review the SUP application in accordance with the approval criteria in Subsection 2.10.11D below, and shall forward its recommendation to the City Council.

   b. **City Council Review and Decision**

      i. The City Council may review and approve, approve with conditions, or deny the SUP application in accordance with the approval criteria in Subsection 2.10.11D below.

      ii. If the Planning and Zoning Commission recommends denial of the SUP, the SUP shall become effective only by a three-fourths vote of all members of the City Council.

   c. **Concurrent Review**

      An applicant may request a SUP approval concurrent with a rezoning.

6. **Step 6: Post-Decision Actions and Limitations**

   Post-decision actions and limitations in Subsection 2.4.8 shall apply with the following modifications:

   a. **Expiration of a Specific Use Permit**

      If the authorized use or construction is not substantially underway within 24 months after the date of SUP approval, or an extension is granted pursuant to Subsection 2.4.8C, the SUP shall expire.

   b. **Expansion or Enlargement**

      i. Expansion or enlargement of a SUP shall require a new application, unless the Director determines that the expansion or enlargement:

a. Is not expected to increase potential negative impacts to surrounding property or the city; and

b. Will not require adjustments to any standards greater than allowed through the minor modification procedures in Subsection 2.13.2.

ii. Any expansion or enlargement of a SUP that does not meet the criteria for Director approval established above shall require review and recommendation by the Planning and Zoning Commission and review and approval by the City Council.

c. Denial or Revocation of Permit

i. A SUP may be revoked or modified after notice to the property owner and a hearing before the City Council, for any of the following reasons:

a. The SUP was obtained or extended by fraud or deception; or

b. One or more of the conditions of approval imposed on the SUP has not been met or has been violated; or

c. At the time of change of ownership or condition indicated in the original approval.

ii. If a SUP is denied or revoked in accordance with this section, then the subject property shall not be eligible for resubmittal for 12 months unless the applicant can show a substantial change in circumstances to justify a resubmittal.

d. Recording

All approved SUPs shall be referenced on the Official Zoning Map of City as "SUP."

D. Specific Use Permit Approval Criteria

In reviewing a proposed SUP, the Planning and Zoning Commission and City Council shall consider the general approval criteria in Subsection 2.4.5 and whether:

1. The specific use proposed is compatible with the surrounding area;
2. The specific use proposed has minimal impacts on future development of the area;
3. The specific use proposed meets all other standards of this DDC and all other applicable city codes;
4. Any impacts associated with access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, and odor have been adequately mitigated;
5. The use is in conformance with the Comprehensive Plan and any other applicable adopted plans; and
6. The use adversely impacts the health, safety, and welfare of the inhabitants of the area and the City of Denton.

2.10.12 Temporary Use Permit

A. Purpose

The temporary use permit procedure provides a mechanism for the city to evaluate prospective uses and/or structures on private property of limited duration to ensure compliance with applicable standards of this DDC, including Section 5.5: *Temporary Uses and Structures*.

B. Applicability

A temporary use permit is required before establishing, constructing, or installing any temporary use or structure designated as requiring a temporary use permit in Section 5.5: *Temporary Uses and Structures*.

C. Temporary Use Permit Procedure

Figure 2.10-2 identifies the applicable steps from the common review procedures in Section 2.4 that apply to the review of temporary use permits. Additions or modifications to the common review procedures are noted below.

Figure 2.10-2: Summary of Temporary Use Permit Procedure



1. **Step 1: Pre-Application Activities**

   a. **Pre-Application Conference**

      A pre-application conference is optional in accordance with Subsection 2.4.3.

   b. **Citizen Participation**

      Not required.

2. **Step 2: Application Submittal and Processing**

   The temporary use permit application shall be submitted and accepted, and may be revised or withdrawn, in accordance with Subsection 2.4.4.

3. **Step 3: Staff Review and Action**

   The Director shall review and approve, approve with conditions, or deny the temporary use permit application in accordance with the approval criteria in Subsection 2.10.12D below.

4. **Step 4: Scheduling and Notice of Public Meetings/Hearings**

   Not required.

5. **Step 5: Review and Decision**

   Not applicable. Review and decision is by the Director under Step 3.

6. **Step 6: Post-Decision Actions and Limitations**

   Post-decision actions and limitations in Subsection 2.4.8 shall apply, with the following modifications:

   a. **Effect of Approval**

      A temporary use permit authorizes establishment, construction, or installation of the approved temporary use or structure in accordance with the terms and conditions of the permit.

   b. **Expiration of Approval**

      i. A temporary use permit shall be valid beginning on the date specified on the permit and shall remain valid for the time period indicated on the permit, but in no event, longer than 12 months.

      ii. Upon request, the Director may grant a one-year extension; however, in no case shall a temporary use permit be valid for more than one year after its original expiration date. This one-year extension period may not be further extended.

      iii. Any temporary use permit requesting an approval period beyond one year shall require a specific use permit approval pursuant to Subsection 2.10.11.

   c. **Removal and Restoration**

      Before the expiration of a temporary use permit, the permittee shall disconnect all temporary uses and structures, and associated property and equipment, and free the temporary use site from all trash, litter, and debris to the satisfaction of the Director.

   d. **Appeal to the Zoning Board of Adjustment**

      The applicant may appeal the denial, revocation, or suspension of a temporary use permit to the Zoning Board of Adjustment in accordance with Subsection 2.13.3.

D. Temporary Use Permit Approval Criteria

In reviewing a temporary use or structure, the Director shall consider the general approval criteria in Subsection 2.4.5 and whether the proposed use or structure:

1. Complies with applicable temporary use standards in Section 5.5: *Temporary Uses and Structures,* as well as all other applicable standards in this DDC;
2. Adequately mitigates any impacts associated with access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, and odor; and
3. Complies with all requirements and conditions of approval of any prior development permit or approval.

2.10.13 Certificate of Zoning Compliance

A. Purpose

The certificate of zoning compliance procedure provides a mechanism for the city to evaluate new and/or changes in use of any building, structure, or land to ensure compliance with applicable standards of this DDC. A certificate of zoning compliance may also be obtained by a property owner to demonstrate the existence of a nonconformity subject to Section **Error! Reference source not found.**, ***Error! Reference source not found.***.

B. Applicability

A certificate of zoning compliance shall be required prior to the use of any building, structure, or land, except that temporary uses and structures approved in accordance with Section 5.5, *Temporary Uses and Structures*, shall be exempt from certificate of zoning compliance requirements.

C. Certificate of Zoning Compliance Procedure

Figure 2.10-3 identifies the applicable steps from the common review procedures in Section 2.4 that apply to the review of a certificate of zoning compliance. Additions or modifications to the common review procedures are noted below.

Figure 2.10-3: Summary of Certificate of Zoning Compliance Procedure



1. **Step 1: Pre-Application Activities**

   a. **Pre-Application Conference**

      A pre-application conference is optional in accordance with Subsection 2.4.3.

   b. **Citizen Participation**

      Not required.

2. **Step 2: Application Submittal and Processing**

   The certificate of zoning compliance application shall be submitted and accepted, and may be revised or withdrawn, in accordance with Subsection 2.4.4.

3. **Step 3: Staff Review and Action**

   The Director shall issue a certificate of zoning compliance when, after examination of the building, structure, landscaping, and/or other improvements or changes to the property, the Department finds that the building and site complies with the applicable provisions of this DDC and other applicable ordinances and construction codes of the city. This review shall include, but is not limited to: off-street parking, landscaping, and other development standards listed in Subchapter 7: *Development Standards*.

4. **Step 4: Scheduling and Notice of Public Meetings/Hearings**

   Not required.

5. **Step 5: Review and Decision**

   Review and decision is subject to Subsection 2.4.7.

6. **Step 6: Post-Decision Actions and Limitations**

   Post-decision actions and limitations in Subsection 2.4.8 shall apply, with the following modifications:

   a. **Effect of Approval**

      i. A certificate of zoning compliance authorizes establishment of a new use and/or change of occupancy of an existing property or building with any additional terms and conditions of the permit and shall be valid as long as the conditions of the building or land use permit remain in effect.

      ii. The certificate of zoning compliance shall clearly state that the proposed use of a building or property complies with the provisions of this DDC.

      iii. For any proposed certificate of zoning compliance requiring a building permit, a certificate of zoning compliance shall be issued at the time of permitting.

   b. **Revocation of a Certificate of Use Permit**

      i. A certificate of zoning compliance may be revoked by the Director if the use of the property or building is inconsistent with the authorized use of the certificate of zoning compliance.

      ii. The Director shall notify the permit holder in writing and provide 30 days from the date of the letter for the permit holder to bring the use of the property into compliance with the certificate of zoning compliance, or the permit shall be revoked.

c. Appeal to the Zoning Board of Adjustment

The applicant may appeal the denial, revocation, or suspension of a certificate of zoning compliance to the Zoning Board of Adjustment in accordance with Subsection 2.13.3.

2.10.14 Environmental Sensitive Areas (ESAs) Field Assessments

A. Purpose

The environmentally sensitive areas (ESAs) field assessment procedure provides a mechanism for the city to confirm the presence of ESAs protected habitats and to correct any errors on the Official ESA Map.

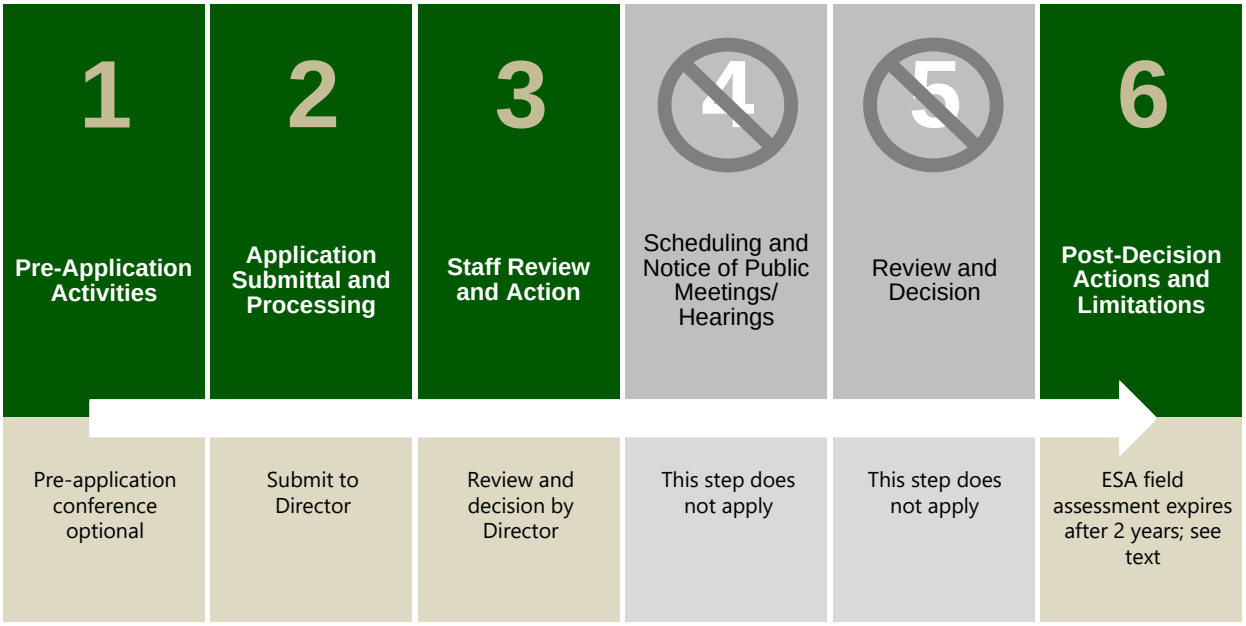
B. Applicability

Field assessments are required when there is reasonable evidence that ESAs, as depicted on the Official ESA Map, may not be accurate. ESA field assessments that require map adjustment shall supersede the Official ESA Map in determining what areas of a proposed development are subject to the requirements of Section 7.4: *Environmentally Sensitive Areas*.

C. ESA Field Assessment Procedure

Figure 2.10-4 identifies the applicable steps from the common review procedures in Section 2.4 that apply to the review of ESA field assessments. Additions or modifications to the common review procedures are noted below.

Figure 2.10-4: Summary of ESA Field Assessment Procedure



1. **Step 1: Pre-Application Activities**

   a. **Pre-Application Conference**

   A pre-application conference is optional in accordance with Subsection 2.4.3.

   b. **Citizen Participation**

   Not required.

2. **Step 2: Application Submittal and Processing**

   a. **Generally**

      i. The ESA field assessment application shall be submitted and accepted, and may be revised or withdrawn, in accordance with Subsection 2.4.4.

      ii. The Director may require additional information deemed appropriate and necessary to process the application.

      iii. An application for an ESA field assessment must be submitted and reviewed prior to or concurrently with the platting of property.

3. **Step 3: Staff Review and Action**

   The Director shall review an ESA field assessment application and approve, approve with conditions, or deny the application in accordance with the general approval criteria in Subsection 2.4.5, and any specific biological, hydrological, and soil identification standards included on the ESA field assessment forms provided by the city.

4. **Step 4: Scheduling and Notice of Public Meetings/Hearings**

   Not required.

5. **Step 5: Review and Decision**

   Not applicable. Review and decision is by the Director under Step 3.

6. **Step 6: Post-Decision Actions and Limitations**

   a. An ESA field assessment application shall not expire; however, in the event conditions have significantly changed causing an environmentally sensitive area (ESA) to disappear, become established, or change the quality or quantity of the habitat, a new field assessment must be conducted.

   b. A change in ownership of the land shall not affect the established expiration time period of an approval.

   c. For purposes of this section, progress towards completion of the project is as defined in TLGC § 245.005.

   d. Appeals to staff determinations shall follow the procedure in Section 2.13.3.

2.10.15 Vested Rights

A. Introduction and Purpose

TLGC, Chapter 245, commonly referred to as the state's "vested rights law," provides an opportunity for persons to "freeze" or "vest" governmental regulations by filing a permit application. Other laws, such as TLGC, § 211.016, also provide certain vesting to:

1. Ensure that the city recognizes and protects all vested rights created by TLGC, Chapter 245, and other applicable laws;

2. Ensure that all vested rights are made by the city only after the city is in receipt of all information necessary to allow the city to determine whether vested rights are present; and
3. Provide a method of administrative review of vested rights.

B. Vested Rights

For purposes of this DDC, any person who believes that they have obtained a vested right under TLGC, Chapter 245, or other applicable vested rights law, shall submit to the Director a petition explaining the factual and legal bases upon which the person relies to support their contention that they have a particular vested right and, consequently, is exempt or not subject to a particular city order, regulation, ordinance, rule, expiration date, or other properly adopted requirement otherwise applicable to development of the petitioner's property (hereinafter referred to collectively as "regulations"). The petition shall be accompanied by an unconditional waiver of any statutory time periods or time periods established by ordinance for review of any filed applications which are the subject of the petition. The petition shall include, at a minimum, the following:

1. The name, mailing address, phone number, and fax number of the person (or the person's duly authorized agent);
2. Identification of the property for which the person claims a vested right;
3. Identification of the permit applications for which the applicant seeks relief under this DDC;
4. Identification of the "project," as that term is defined in TLGC, Chapter 245 at § 245.001(3), and the permit application, permit or development plan giving rise to the project;
5. Identification of the original application for the first permit in the series of permits required for the project, as described in TLGC, Chapter 245 at § 245.001(1) and § 245.002(a) and (b), and each subsequent permit application or permit constituting the series of permits, by type of permit and dates filed or approved by the city;
6. Identification of any exemptions under this DDC or city ordinances to which the petitioner believes are applicable to the project defined;
7. Identification of all pertinent city regulations in effect at the time the original application for the permit was filed that:
    a. The Petitioner contends control the approval, disapproval, or conditional approval of the application(s) for a permit for which relief is sought, pursuant to TLGC, Chapter 245 at § 245.002(a); and
    b. Identification of all current city regulations that the petitioner contends do not apply to the project due to the vested rights provided the person by TLGC, Chapter 245, or other applicable vested rights laws. Global references to a particular ordinance, statute or set of criteria, may be deemed insufficient and the city may consider the request for a vested rights to be incomplete and, hence, not subject to a staff determination at that time.
8. Identification of all current city regulations that the petitioner accepts as applicable to the project.

C. Vested Rights

The Director shall first determine whether the application is complete pursuant to Subsection 2.4.4: *Step 2: Application Submittal and Processing*. Once the application has been determined or deemed complete, the Director shall forward the vested rights petition, together with the required supporting information or documentation, to the City Manager and City Attorney for their respective reviews. Prior to rendering a final determination, the City Manager may request a pre-

determination conference with the person to discuss the person's vested rights and to ensure that the nature of the claim is fully and completely understood by the City Manager. The City Manager, after consultation with the City Attorney, shall render a final administrative determination that grants the relief requested in the petition in whole or in part, or denies the requested relief in whole or in part within 30 days of the date the petition is complete. The City Manager's determination shall include a statement of the nature and scope of the project and the reasons for the decision, and shall identify those current regulations that are applicable to the project, if any, and prior existing regulations that are applicable to the project, if any.

D. Board of Adjustment Appeal

If the petitioner believes that the City Manager's vested rights determination is in error, the petitioner shall have the right to appeal such determination to the City's Board of Adjustment pursuant to Subsection 2.13.1: *Variance*, which board shall have jurisdiction to hear and decide the appeal pursuant to Subsection 2.3.4: *Zoning Board of Adjustment* and TLGC, Chapter 211.

E. Criteria for Deciding Petition

The City Manager, or the Board of Adjustment on appeal, shall decide the vested rights petition based upon the following factors:

1. Whether the city received fair notice of the project and the nature of the permit sought;
2. Whether the nature and scope of the project prevents the city from applying one or more current regulations to the proposed or pending applications;
3. Whether any prior approved applications for the property have expired or have been terminated in accordance with law;
4. Whether any statutory exception to a right asserted pursuant to TLGC, Chapter 245, is applicable to one or more current regulations;
5. Whether any exemption from one or more regulations under the DDC or city ordinances is applicable to the project; and
6. Whether the project is dormant.

F. Binding Determination

The City Manager's final determination, if not timely appealed to the Board of Adjustment within 15 days after the decision is rendered by the City Manager, shall be immediately filed in the city's files related to the project and the determination shall be considered binding upon the city and the petitioner for the duration of the project. If an appeal is taken to the Board of Adjustment, the Board of Adjustment's decision shall be so filed and shall supersede the decision of the City Manager. Similarly, any decision by the Board of Adjustment regarding a vested rights petition, shall be filed in the city's files related to the project and the determination shall be considered binding upon the city and the petitioner for the life of the project. The City Manager's decision, or the Board of Adjustment's decision on appeal, shall be deemed filed on the first business day following the date on which action was taken by the City Manager or Board of Adjustment. Notwithstanding the binding nature of the city's final determination, the city and petitioner may, at any time, enter into an agreement that, to the extent authorized by law, modifies the final determination and the applicable regulations to be applied to the project.

G. Judicial Review

Should the petitioner or city be aggrieved by or dissatisfied with the decision of the Board of Adjustment, the petitioner or city may pursue all legal remedies to appeal the decision to a court of competent jurisdiction pursuant to TLGC, Chapter 211.

2.10.16 Exaction Proportionality Determination and Appeal

A. Definitions

For purposes of this section:

1. Permit shall carry the meaning defined for that term by TLGC, Chapter 245, as amended.
2. Public facilities system means the collection of public infrastructure facilities owned or operated by or in behalf of the city for the purpose of providing services to the public, including existing and new developments.
3. Public infrastructure improvement means an improvement to a component part of the above-defined public facilities system, required in whole or in part as a consequence of development, excluding those public infrastructure improvements funded by development impact fees under procedures authorized by TLGC, Chapter 395.

B. Purpose, Applicability, and Designation

1. Purpose

The purpose of a proportionality appeal is to assure that a requirement to dedicate, construct or pay a fee for a public infrastructure improvement imposed on a proposed plat or development permit as a condition of approval does not result in a disproportionate cost burden on the property owner, taking into consideration the nature and extent of the demands created by the proposed development on the city's public facilities systems.

2. Applicability

An appeal under this section may be filed by a property owner to contest any requirement to dedicate land, to construct improvements, or to pay development fees, other than impact fees, for a public infrastructure improvement, which requirement is imposed under the city's subdivision regulations to a plat application pursuant to this DDC, whether the requirement is applicable under uniform standards or is imposed pursuant to an individual evaluation of the proposed subdivision.

3. Designation

The City Manager may designate and retain another licensed professional engineer to perform the duties assigned to the City Engineer by this section, as needed to adjust workflow or to provide specific expertise.

C. Proportionality Determination by City Engineer

Prior to consideration and approval of a final plat application or other requested permit requiring dedication or construction of a public infrastructure improvement, and upon receipt of a written request by applicant or platting entity, the City Engineer shall prepare a report affirming that each public infrastructure improvement to be imposed as a condition of plat or permit approval is roughly proportionate to the demand created by the development on the city's public facilities systems, taking into consideration the nature and extent of the development proposed.

1. In making his proportionality determination, the City Engineer may rely upon data submitted by the developer pursuant to the Administrative Criteria Manual, as well as: findings pertaining to on-site improvements; the proposed or potential use of the land; the timing and sequence of development in relation to availability of adequate levels of public facilities; impact fee studies or other studies that measure the demand for services created by the development and the impact on the city's public facilities systems; the function of the public infrastructure improvements in serving the proposed development; the degree to which public infrastructure improvements to serve the subdivision are supplied by other developments; the anticipated participation by the city in the costs of such improvements;

any reimbursements for the costs of public infrastructure improvements for which the proposed development is eligible; or any other information relating to the mitigating effects of the public infrastructure improvements on the impacts created by the development on the city's public facilities systems.

2. The proportionality assessment must be based upon an individualized determination, related both in nature and extent to the impact of the proposed development, but no precise mathematical calculation is required. Wherever feasible and appropriate, the determination may incorporate or consider: applicable federal, state, local or regional data, statistics, guidelines, standards, methodologies or studies; or generally accepted best practices of the profession.
3. Based upon his proportionality determination, the City Engineer shall affirm that the developer's portion of the costs required for infrastructure improvements does not exceed the amount that is roughly proportionate to the impacts of the proposed development.
4. The City Engineer may promulgate any application requirements that may assist in making the proportionality determination required by this subsection.

D. Commission Determination

The City Planning and Zoning Commission or other permitting authority shall take into account the City Engineer's report concerning the proportionality of public infrastructure improvement requirements to be applied to a proposed final plat application or permit approval, as the case may be, in making its decision on the plat application or permit approval, and shall identify any variation to the requirements that are to be included as conditions to plat or permit approval.

E. Appeals

1. Who May Appeal

An appeal to the City Council under this section may be filed by a property owner or the applicant for a final plat or permit, in which a requirement to dedicate land for, construct or pay a fee (other than an impact fee) for a public infrastructure improvement has been applied or attached as a condition of approval by the decision-making body, or as grounds for recommending denial of the pending plat application.

2. Time for Filing and Request for Extension of Time

The appeal shall be filed in writing within 10 days of the date the applicant receives the City Engineer's proportionality determination. The appeal shall be filed with the City Engineer, who shall place the item for consideration at an upcoming meeting of the City Council. Upon filing an appeal, the applicant is thereby requesting the postponement of consideration of a pending plat application by the Planning and Zoning Commission, or permit, as discussed under Subsection 2.10.16C, pending preparation of the study required by subsection (4) below, and completion of the appeal process, in which case the applicant shall also waive the statutory period for deciding plats for the time needed to decide the appeal by the City Council.

3. Form of Appeal

An appeal under this subsection shall allege that application of the standard or the imposition of conditions relating to the dedication, construction or fee requirement is not roughly proportional to the nature and extent of the impacts created by the proposed development on the city's public facilities systems, or does not reasonably benefit the proposed development.

4. Study Required

The appellant shall provide a study in support of the appeal that includes the following information, within 30 days of the date of appeal, unless a longer time is requested in writing, not to exceed 60 days total:

a. Total capacity of the city's roadway, drainage or park system to be used by the proposed development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the development. If the proposed development is to be developed in phases, such information also shall be provided for the entire development proposed, including any phases already developed.

b. Total capacity to be supplied to the city's roadway, drainage or park facilities system by the dedication of an interest in land, construction of improvements or fee contribution. If the plat application is proposed as a phased development, the information shall include any capacity supplied by prior dedication, construction or fee payments.

c. Comparison of the capacity of the city's public facilities system(s) to be consumed by the proposed development with the capacity to be supplied to such system(s) by the proposed dedication of an interest in land, construction of improvements, or fee payment. In making this comparison, the impacts on the city's public facilities system(s) from the entire development shall be considered.

d. The amount of any city participation in the costs of oversizing the public infrastructure improvement to be constructed in accordance with the city's requirements.

e. Any other information that shows the alleged disproportionality between the impacts created by the proposed development and the dedication, construction or fee requirement imposed by the city.

F. Processing Application

1. Responsible Official

The City Engineer is the responsible official for evaluation and processing of an appeal under this subsection.

2. Evaluation Recommendation

The City Engineer shall evaluate the appeal and supporting study and shall make a recommendation to the City Council based upon the information contained in the study, and the City Engineer's analysis based upon the same factors considered in making his original proportionality determination.

G. Decision

The City Council shall decide the appeal based on the criteria listed in Subsection 2.10.16H, and may take one of the following actions:

1. Deny the appeal, and impose the standard or condition on the plat or permit application in accordance with the City Engineer's recommendation or the Planning and Zoning Commission's decision on the plat;

2. Deny the appeal, upon finding that the proposed dedication, construction or fee requirements are inadequate to offset the impacts of the subdivision on the public facilities system for water, wastewater, roadway, drainage or park improvements, and either deny the plat or permit application, or require that additional public infrastructure improvements be made as a condition of approval of the application;

3. Grant the appeal, and waive in whole or in part any dedication, construction or fee requirement for public infrastructure improvements to the extent necessary to achieve proportionality; or
4. Grant the appeal, and direct that the city participate in the costs of acquiring land for or constructing the public infrastructure improvement under standard participation policies.

H. Criteria for Approval

In deciding an appeal under this section, the City Council shall determine whether the application of the standard or condition requiring dedication of an interest in land for, construction of, or payment of a fee for public infrastructure improvements is roughly proportional to the nature and extent of the impacts created by the proposed subdivision on the city's public facilities systems for water, wastewater, roadway, drainage or park facilities, and reasonably benefits the development. In making such determination, the City Council shall consider the evidence submitted by the appellant, the City Engineer's report and recommendation, considering in particular the factors identified in Subsection 2.10.16C.

I. Action Following Decision

If the relief requested under the proportionality appeal is granted in whole or in part by the City Council, the dedication, construction or fee requirement initially recommended by the decision-making body as a condition of plat or permit approval shall be modified accordingly, and the standards applied or the conditions attached to approval of the plat or permit application shall be conformed to the relief granted.

J. New Study Following Modification

If the plat or permit application is modified to increase the number of residential units or the intensity of non-residential uses, the responsible official may require a new study to validate the relief granted by the City Council.

K. Expiration of Relief

If an applicant for plat or permit approval prevails on a proportionality appeal but fails to conform the plat or permit application to the relief granted by the City Council within the 90-day period provided, the relief granted by the City Council on the appeal shall expire.

1. The Council may extend the time for filing the revised plat or permit application for good cause shown, but in any event, the expiration date for the relief granted shall not be extended beyond one year from the date relief was granted on the appeal.
2. If the plat application for which relief was granted is denied on other grounds, a new petition for relief shall be required on any subsequent application.

2.11 Subdivision Procedures

2.11.1 General

The following provisions apply to all subdivision procedures in this section:

A. Timing of City Action Following Completeness Determination

When a plat application is considered complete, the city shall take final action on such application within 30 days unless the applicant signs a waiver.

B. Finding of Proportionality

Any payment of fees or construction costs or required easement, dedication, and/or reservation of land included on any plat application required in this section shall meet the requirements of TLGC, § 212.904.

2.11.2 Administratively Approved Plat

A. Purpose

The administratively approved platting procedure is used to evaluate proposed plats that will create few lots and/or involve minimal adjustments to approved final plats. The administratively approved platting procedure also provides a mechanism for administrative platting decisions, to address plat errors, to apply minor adjustments to property boundaries, and for conveyance plats.

B. Applicability

The administratively approved platting procedure shall apply to:

1. Subdivisions of properties creating four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities;
2. An amending plat as permitted by TLGC § 212.016, as amended or superseded;
3. A replat that does not require the creation of any new street or the extension of municipal facilities, as permitted by TLGC § 212.0065, as amended or superseded; and
4. A conveyance plat, which is an interim plat recording the subdivision of property, or defining the remainder of a property created by the approval of a final plat, and that creates four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities. A conveyance plat may be used solely for the purpose of subdividing land and the recording of same, or recording a single existing lot or parcel created by other means. A conveyance plat allows the recording of a subdivision without requiring the construction or design of public improvements or collection of development fees. Easements, dedications, and reservations may be recorded on a conveyance plat.

C. Administratively Approved Plat Procedure

Figure 2.11-1 identifies the applicable steps from the common review procedures in Section 2.4 that apply to the review of administratively approved plats. Additions or modifications to the common review procedures are noted below.

Figure 2.11-1: Summary of Administratively Approved Plat Procedure



1. **Step 1: Pre-Application Activities**

   a. **Pre-Application Conference**

      A pre-application conference is required in accordance with Subsection 2.4.3.

   b. **Citizen Participation**

      Not required.

2. **Step 2: Application Submittal and Handling**

   The administratively approved plat application shall be submitted and accepted, and may be revised or withdrawn, in accordance with Subsection 2.4.4.

3. **Step 3: Staff Review and Action**

   a. **Director Review and Decision**

      The Director shall review and approve, approve with conditions, or deny the administratively approved plat application in accordance with the approval criteria in Subsection 2.11.2D below.

   b. **Referral to Planning and Zoning Commission**

      i. The Director, at his discretion, may refer the plat to the Planning and Zoning Commission.

      ii. Any plat that involves a dedication, reservation, or easement shall be referred to the Planning and Zoning Commission for findings pursuant to TLGC, § 212.904.

      iii. The Director shall not disapprove an administratively approved plat but shall refer such plat to the Planning and Zoning Commission if he recommends disapproval.

4. **Step 4: Scheduling and Notice of Public Meetings/Hearings**

   Not required.

5. **Step 5: Review and Decision**

   Review and decision is subject to Subsection 2.4.7.

6. **Step 6: Post-Decision Actions and Limitations**

   Post-decision actions and limitations in Subsection 2.4.8 shall apply with the following modifications:

   a. **Signing and Filing**

      i. After the approval of the plat, the applicant shall submit filing fees and the required number of copies to the city for filing with the county. Having submitted all copies and fees, the applicant may request a delay of filing for up to 180 days from the date of approval.

      ii. Prior to filing, the Director shall certify the plat and it shall be recorded with the Denton County Clerk and Recorder.

      iii. The Director shall forward one copy of the recorded plat to the property owner.

   b. **Effect of Approval**

      i. Plat approval and acceptance by the city does not relieve the owner from obligations, including fees, required by other sections of this DDC or any other

chapter of the Municipal Code of Ordinances pertaining to the improvement of the property or extension of services as required to make the property suitable for development.

ii. Neither reservation nor dedication of right-of-way shall relieve the property owner from any obligation for street construction or assessments associated with public street improvement programs. Easements for access, utilities, and drainage shall be recorded on plats.

iii. No building permits shall be issued, nor development begun, nor permanent utility service provided, for land that has only received approval of a conveyance plat. This information shall be set forth in bold type on the plat.

iv. A conveyance plat may be vacated, replatted, or superseded in total or in part by compliance with the procedures and requirements of this DDC.

c. Lapse of Approval

i. Any plat that has not been filed with the county within 180 days of the date of approval shall be void.

ii. Any plat withdrawn or voided must be resubmitted under current regulations and procedures and reapproved by the Planning and Zoning Commission or the Director and filed with the county.

d. Reservation of Rights-Of-Way

i. Conveyance plats shall identify any future rights-of-way for public thoroughfares and streets specified on the City's thoroughfare plan;

ii. The identification of the right-of-way does not grant any right or interest in the property to the City or other entity; and

iii. The final alignment may be adjusted upon final platting in order to meet engineering design standards.

e. Dedication of Rights-of-Way

i. Dedication of right-of-way shall be required where a plat is used to record the remainder of a tract created by the final platting of a portion of the property; and

ii. The required right-of-way dedication shall be limited to that which is necessary to provide access to the property proposed for final plat approval and to complete turn lanes, intersections, and transitions in road pavement width resulting from development of property proposed for final plat approval.

D. Administratively Approved Plat Approval Criteria

In reviewing an administratively approved plat application, the Director shall consider the general approval criteria in Subsection 2.4.5 and whether the application:

1. Is consistent with the intent of the underlying zoning sub-district;
2. Complies with applicable dimensional and development standards in this DDC;
3. Does not affect a recorded easement without approval from the easement holder;
4. Will not result in adverse impacts to surrounding property;
5. Will not limit the city's ability to provide adequate and sufficient facilities or services; and
6. Complies with all other ordinances and plans and regulations adopted by the city, including the Comprehensive Plan and other long-range or special area planning documents.

2.11.3 Preliminary Plat

A. Purpose

The preliminary plat procedure provides a mechanism for the city to review an overall plan for a proposed subdivision to ensure compliance with this DDC, the Comprehensive Plan, other applicable city plans and regulations, and the adequate provision of facilities and services in the city.

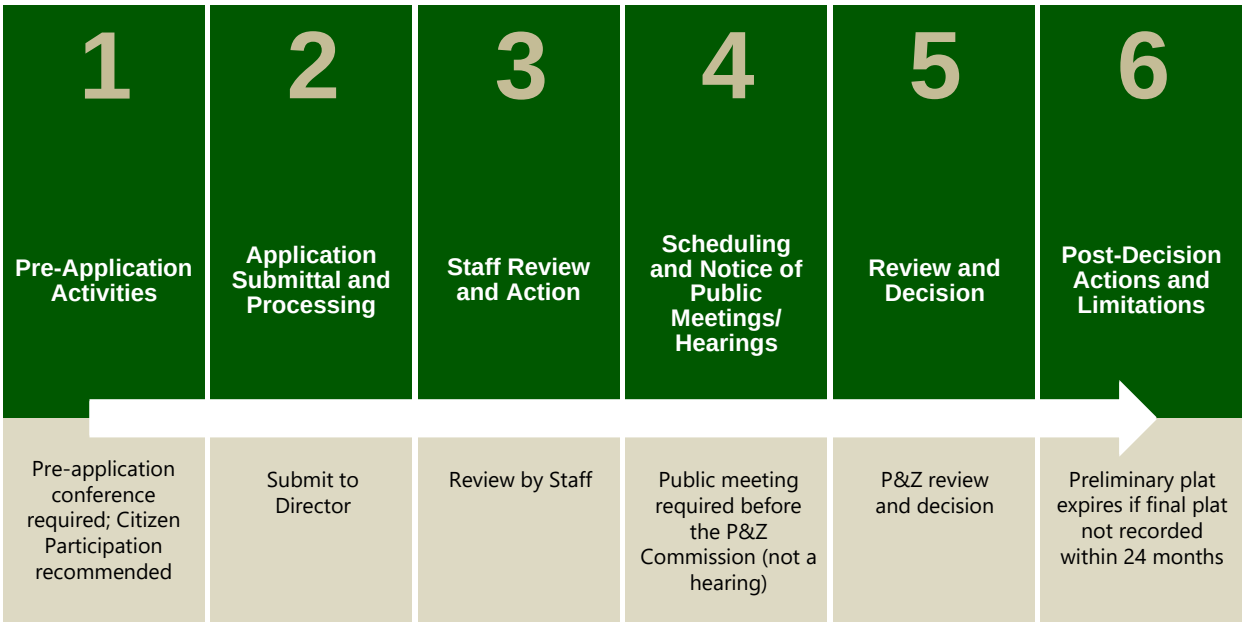
B. Applicability

1. A preliminary plat is required if the proposed subdivision is within the city limits and:
   a. Is on land that has not been platted;
   b. Is on land that will be developed in phases;
   c. Will include the dedication of public right-of-way, other public tracts, or public improvements not determined to be eligible for minor subdivision processing; or
   d. Is not eligible to be processed as an administratively approved plat, pursuant to Subsection 2.11.2.

C. Preliminary Plat Procedure

Figure 2.11-2 identifies the applicable steps from the common review procedures in Section 2.4 that apply to the review of preliminary plats. Additions or modifications to the common review procedures are noted below.

Figure 2.11-2: Summary of Preliminary Plat Procedure



1. **Step 1: Pre-Application Activities**

   a. **Pre-Application Conference**

      A pre-application conference is required in accordance with Subsection 2.4.3.

   b. **Citizen Participation**

      Citizen Participation is recommended in accordance with Subsection 2.4.3B: *Citizen Participation*.

2. **Step 2: Application Submittal and Processing**

   The preliminary plat application shall be submitted and accepted, and may be revised or withdrawn, in accordance with Subsection 2.4.4. At least 30 days prior to the submittal of the first application for a preliminary plat for any property within the boundaries of this MPC, the applicant shall submit a master drainage study that complies with the requirements of the Drainage Criteria Manual and all applicable federal, state, regional, and local requirements including water quality requirements.

3. **Step 3: Staff Review and Action**

   The Director shall review the preliminary plat application and prepare a staff report and recommendation that includes the City Engineer's findings when required by TLGC, § 212.904, in accordance with the approval criteria in Subsection 2.11.3D below.

4. **Step 4: Scheduling of Public Meetings**

   The preliminary plat application shall be scheduled for public meetings before the Planning and Zoning Commission.

5. **Step 5: Review and Decision**

   The Planning and Zoning Commission shall review and approve, approve with conditions, or deny the preliminary plat application in accordance with the approval criteria in Subsection 2.11.3D below.

6. **Step 6: Post-Decision Actions and Limitations**

   Post-decision actions and limitations in Subsection 2.4.8 shall apply with the following modifications:

   a. **Expiration of Approval**

      A preliminary plat shall become null and void 24 months from the date of approval by the Planning and Zoning Commission, unless a final plat is filed and approved for all or part of the preliminary plat within that time or within the time provided by a phasing schedule approved for the preliminary plat.

   b. **Effect of Approval**

      i. Within 24 months of approval of the final plat for the first phase of the development, or within such other period as may be provided in a phasing schedule approved by the Planning and Zoning Commission, a complete application for a final plat must be approved for the next phase of the development, continuing with each successive phase, until final plats have been approved for all the land subject to the original preliminary plat in accordance with this section or a phasing schedule approved by the Planning and Zoning Commission.

ii. If the applicant fails to receive approval for a final plat for any phase of the development within the prescribed period, or within any extension granted pursuant to Subsection 2.11.3C.6.c, below, the original preliminary plat shall expire for that phase and for all other phases for which a final plat has not been approved or no longer remains in effect on the date of expiration.

iii. If an approved final plat expires, the preliminary plat for that phase shall also expire, and all other phases for which a final plat has not been approved or is not pending approval, or has lapsed subsequent to approval, on the date of expiration.

c. Extension of Preliminary Plat Approval

i. The Planning and Zoning Commission may extend a preliminary plat or any phase thereof pursuant to Subsection 2.4.8D: *Extensions of Approval Period*, and the following criteria:

a. The request must be considered by the Planning and Zoning Commission before the preliminary plat or phase expires and must document the reasons for the extension.

b. In determining whether to grant a request, the Planning and Zoning Commission shall take into account:

1. The reasons for the requested extension;

2. The ability of the applicant to comply with any conditions attached to the original approval;

3. Whether the extension is likely to result in timely completion of the project; and

4. The extent to which any newly adopted regulations should be applied to the proposed development.

c. In granting an extension, the Planning and Zoning Commission may impose such conditions as are needed to assure that the land will be developed in a timely fashion and that the public interest is served, including compliance with one or more new adopted development standards.

d. Civil Engineering Construction Plan Review.

i. Within 18 months of the approval of a preliminary plat, the required construction drawings for the installation of all required improvements for all or any portion of the area within the approved preliminary plat shall be submitted to the City Engineer.

ii. Construction drawings shall be prepared and certified for all required improvements by a Texas Registered Professional Engineer in a format and manner as required by the City Engineer.

iii. Construction standards shall conform to the requirements of this Code, the City's Technical Standards and Procedures Manual, standard engineering practice, and all other applicable building and construction codes.

iv. Construction drawings shall conform to the preliminary plat, including any conditions of approval required by the Planning and Zoning Commission or Development Assistance Team.

v. The fee for construction drawing review shall be established by City Council.

vi. The review of construction drawings shall be an administrative process and approved by the City Engineer.

vii. Upon approval of the construction drawings by the City Engineer, permits for site development and installation of required improvements may be requested.

viii. Construction drawings shall be valid for a period of 12 months from the date of approval by the City Engineer, and shall not expire as long as construction has been commenced within such 12-month period.

D. Preliminary Plat Approval Criteria

In reviewing a preliminary plat application, the Planning and Zoning Commission shall consider the general approval criteria in Subsection 2.4.5 and whether the preliminary plat:

1. Provides a layout of lots, roads, driveways, utilities, drainage, and other public facilities and services designed to minimize the amount of disturbance to sensitive natural areas or other community resources;
2. Provides evidence of public water and sewer system connections;
3. Identifies and adequately mitigates known natural hazard areas; and
4. Proposes reasonable project phasing in terms of infrastructure capacity.

2.11.4 Final Plat

A. Purpose

The final plat procedure completes the subdivision process and ensures compliance with the approved preliminary plat and applicable standards in this DDC.

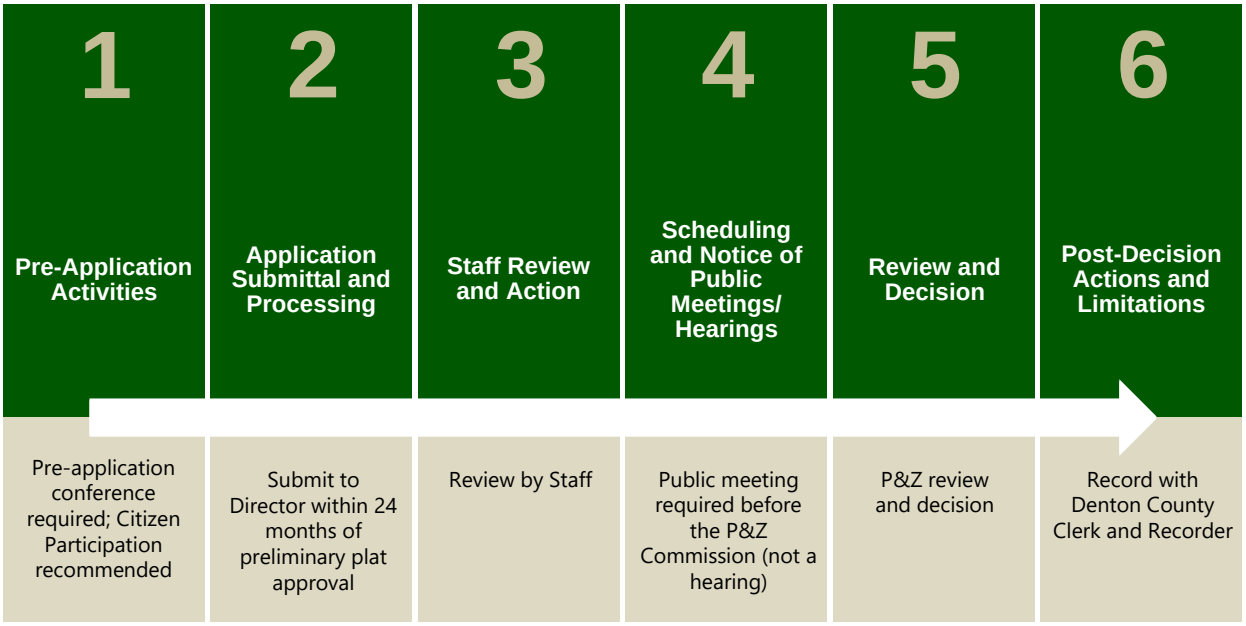
B. Applicability

The final plat procedure applies to all subdivisions in the city, unless otherwise stated in this DDC.

C. Final Plat Procedure

Figure 2.11-3 identifies the applicable steps from the common review procedures in Section 2.4 that apply to the review of final plats. Additions or modifications to the common review procedures are noted below.

Figure 2.11-3: Summary of Final Plat Procedure



1. **Step 1: Pre-Application Activities**

   a. **Pre-Application Conference**

      A pre-application conference is required in accordance with Subsection 2.4.3.

   b. **Citizen Participation**

      Citizen Participation is recommended in accordance with Subsection 2.4.3B: *Citizen Participation*.

2. **Step 2: Application Submittal and Processing**

   The final plat application shall be submitted and accepted, and may be revised or withdrawn, in accordance with Subsection 2.4.4, and subject to the following modifications:

   a. The final plat application shall be submitted within 24 months of preliminary plat approval, or within six months as established in Subsection 2.11.3C.6;

   b. The final plat may reflect the entire area covered by a preliminary plat or any part thereof; and

   c. ESA Compliance Review shall be reviewed concurrently with an application for a final plat in accordance with Subsection 7.4.4: *ESAs Procedures*.

   d. The Director may require submittal of civil engineering plans for proposed streets, sidewalks, drainage, utility, or other public improvements associated with the final plat review. If required, such civil engineering plans may be submitted and reviewed concurrently with the site plan application.

3. **Step 3: Staff Review and Action**

   The Director shall review the final plat application and prepare a staff report and recommendation that includes the City Engineer's findings when required by TLGC, § 212.904, in accordance with the approval criteria in Subsection 2.11.4D below.

4. **Step 4: Scheduling and Notice of Public Meetings/Hearings**

   The final plat application shall be scheduled for public meetings before the Planning and Zoning Commission.

5. **Step 5: Review and Decision**

   The Planning and Zoning Commission shall review and approve, approve with conditions, or deny the final plat application in accordance with the approval criteria in Subsection 2.11.4D below.

6. **Step 6: Post-Decision Actions and Limitations**

   Post-decision actions and limitations in Subsection 2.4.8 shall apply and the Director shall record the approved final plat with the Denton County Clerk and Recorder upon acceptance of any public improvements or dedications.

7. **Concurrent Review**

   Final plat applications may be submitted and reviewed concurrently with an application for a site plan pursuant to Subsection 2.5.1.

D. Final Plat Approval Criteria

In reviewing a final plat application, the Planning and Zoning Commission shall consider the general approval criteria applicable to all applications in Subsection 2.4.5 and whether:

1. The final plat conforms to the approved preliminary plat, including any conditions of approval;

2. The development will substantially comply with all requirements of this DDC; and
3. The development will comply with the applicable technical standards and specifications adopted by the city.

2.11.5 Development Plat

A. Purpose

The development plat procedure provides a mechanism for any person who proposes development of a tract of land located within the corporate limits or within the city's extraterritorial jurisdiction that is not required by this DDC to prepare a preliminary or final plat.

B. Applicability

Any person who proposes the development of a tract of land located within the corporate limits or within the city's extraterritorial jurisdiction that is not required by this DDC to prepare a preliminary or final plat, shall prepare a development plat in accordance with the elements required for preliminary and final plats by this subchapter unless:

1. The development is excepted under Section 8.2.3: *Exemptions*; or
2. The development is an addition or alteration to existing development which, after development, would result in development no less compliant with the DDC than before the development.

C. Development Plat Procedure

Figure 2.11-4 identifies the applicable steps from the common review procedures in Section 2.4 that apply to the review of development plats. Additions or modifications to the common review procedures are noted below.

Figure 2.11-4: Summary of Development Plat Procedure



1. **Step 1: Pre-Application Activities**

   a. **Pre-Application Conference**

      A pre-application conference is required in accordance with Subsection 2.4.3.

   b. **Citizen Participation**

      Not required.

2. **Step 2: Application Submittal and Processing**

   The development plat application shall be submitted and accepted, and may be revised or withdrawn, in accordance with Subsection 2.4.4.

3. **Step 3: Staff Review and Action**

   The Director shall review the development plat application and approve, approve with conditions, or deny the application in accordance with Subsection 2.4.5 and TLGC, § 212.041 through 212.050, as amended. No new development may begin on the subject property until the development plat is filed and approved by the City.

4. **Step 4: Scheduling and Notice of Public Meetings/Hearings**

   Not required.

5. **Step 5: Review and Decision**

   Review and decision is subject to Subsection 2.11.5C.3.

6. **Step 6: Post-Decision Actions and Limitations**

   A development plat shall become null and void two years from the date of approval by the Director if no progress toward completion has been made per TLGC, § 245.005(c), as amended.

2.11.6 Gas Well Development Plat

A. Plats Required

Any person who proposes gas drilling or production on a tract of land located within the city's extraterritorial jurisdiction, shall submit a gas well development plat for review and approval by the city. If any portion of the proposed area to be platted lies within a floodplain, an ESA or within 1,200 feet of the flood pool elevation of Lake Ray Roberts or Lake Lewisville, a watershed protection permit application for such area(s) shall be submitted with the development plat application, and shall be decided before any decision on the plat.

B. Gas Well Development Plats in Areas Subject to Flooding

No gas well development plat shall be approved for land located within a floodplain, an ESA or within 1,200 feet of the flood pool elevation of Lake Ray Roberts or Lake Lewisville until a watershed protection permit and, where applicable, a specific use permit or application for relief pursuant to Subsection 2.13.5, have been first approved. Denial or conditional approval of the applicable watershed protection permit or petition for review shall constitute grounds for denial or conditional approval of the gas well development plat for such land.

C. Gas Well Development Plat Procedures

Gas well development plats shall be processed and approved in accordance with TLGC, § 212.041 through 212.050, as amended, and no new natural gas development may begin on property until the gas well development plat is filed and approved by the city in accordance with this DDC.

D. Gas Well Development Plat Standards for Approval

Gas well development plats shall conform to the following standards:

1. All proposed gas well development shall be in compliance with the Roadway Component of the Mobility Plan.
2. Erosion control is required and shall comply with all local, state, and federal requirements or as required by the watershed protection permit or gas well development plat. The operator shall file a copy of the stormwater pollution plan if required by the EPA.
3. Reserve pits within 200 feet of a body of water, creek or floodplain shall be lined to prevent water pollution.
4. With the exception of vehicular access, no gas well development or activity is allowed in the FEMA designated 100-year floodway. Drilling within a flood fringe or other ESA shown on the map adopted by the city is allowed under the restrictions set forth in Subsection 6.3.9D: *Watershed Protection Permit Standards*.
5. Where tree mitigation is required, pursuant to a watershed protection permit, any funds due shall be paid prior to final approval of a gas well development plat.
6. No gas well development plat shall be approved until the applicant has entered into a road damage remediation agreement with the city in substantially the same form as the agreement on file in the City's Development Services Department, and has paid all road damage remediation fees provided for in the agreement based in the road damage remediation calculations set forth in the attachments to the agreement. A road damage remediation agreement is not required if access to the well site is through roadways not maintained by the city.
7. The gas well development plat shall provide for adequate required public facilities, which may include water supply, access roads, drainage, erosion control and other necessary supporting facilities identified on the plat. The design, location, and arrangement of all driveways and required parking spaces shall provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments.
8. In addition to the requirements of Subsection 2.11.3: *Preliminary Plat*, if applicable, a gas well development plat shall:
    a. Identify truck routes and access points.
    b. Identify environmentally sensitive areas (ESA's) including floodplains and any proposed floodplain, creek and stream crossings.
        i. All floodplain, creek and stream crossings requiring the use of a culvert shall be designed to a 10-year storm frequency.
        ii. All floodplain crossings shall have no negative effects on surrounding property.
        iii. A drainage study sufficient to substantiate subsections (i) and (ii) above will be required as part of the submittal if crossings are proposed.
    c. Show the location and use of all structures within 1,000 feet of the wellhead.
    d. Identify the proposed source of water and any other public utilities required.
    e. Identify and show proposed method of erosion control.
    f. Identify the location of proposed lease lines and well locations.
        i. Label distance between wells and property lines.

ii. Label distance between wells and structures within 500 feet of wells as measured from the property line.

iii. Label distance between temporary holding ponds and floodplains.

g. Provide typical well site schematics showing layout during drilling and upon completion of drilling.

h. Show location of all proposed underground pipelines. As built drawings shall be filed with the city. All pipelines proposed in public rights-of-way shall require a right-of-way use agreement. The City Manager shall have the authority to enter into a right-of-way use agreement.

i. Identify if pipelines connect with a gas distribution system.

j. Clearly delineate the boundaries of the gas well drilling or production area with metes and bounds. All gas well drilling and production activities shall be limited to this area.

k. A gas well development plat shall only contain one drilling or production area, and the area shall not be greater than five acres.

E. Expiration of Gas Well Development Plat

1. Gas well development plats approved as of the date of this Ordinance shall not expire. For gas well development plats approved after the date of this Ordinance, if gas well drilling activities have not commenced within one year from the date of approval, the gas well development plat shall expire.
2. A gas well development plat may not be extended.
3. If the gas well development plat expires, then so too shall all associated watershed protection permits.
4. Upon expiration of a gas well development plat, the applicant may reapply for a new gas well development plat, subject to all requirements of the DDC, as amended. If a watershed protection permit is required in conjunction with the gas well development plat, the applicant must also apply for a new watershed protection permit, subject to all requirements of the DDC, as amended.
5. If gas well drilling or production has commenced, the gas well drilling and production area shall be subject to inspections by the city.

2.11.7 Replat

A. Purpose

The intent of the replat procedure is to outline the process for replatting any portion of an approved final plat, other than to amend or vacate the plat.

B. Applicability

A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

1. Is signed and acknowledged by the owners of the property being replatted;
2. Is approved after a public hearing; and
3. Does not attempt to amend or remove any covenants or restrictions.

C. Replat Procedure

1. Replats are subject to the procedures established for administratively approved plats in Subsection 2.11.2, and shall conform to the requirements of TLGC, § 212.0065, if:

a. The replat involves four or fewer lots fronting an existing street that does not require the creation of any new street or the extension of municipal facilities; or

b. The replat is for part of a subdivision without vacation of the preceding plat as provided in TLGC, § 212.0145; or

c. The amending plat is signed by the applicants only and is solely for one or more of the purposes identified in TLGC, § 212.016.

2. Residential replats without vacation of the preceding plat are subject to the procedures established for administratively approved plats in Subsection 2.11.2, and shall conform to the requirements of TLGC, § 212.015 if:

a. During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or

b. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

3. All other replats that do not include the vacation of the preceding plat and that do not qualify for administrative approval pursuant to Subsection 2.11.2, are subject to the approval procedures established for preliminary plats (see Subsection 2.11.3). Such replats shall require a public hearing before the Planning and Zoning Commission; however, notification shall not be required.

2.11.8 Vacating Plat

A. Purpose

The intent of the vacating plat procedure is to outline the process for vacation of all or a portion of a prior-approved plat.

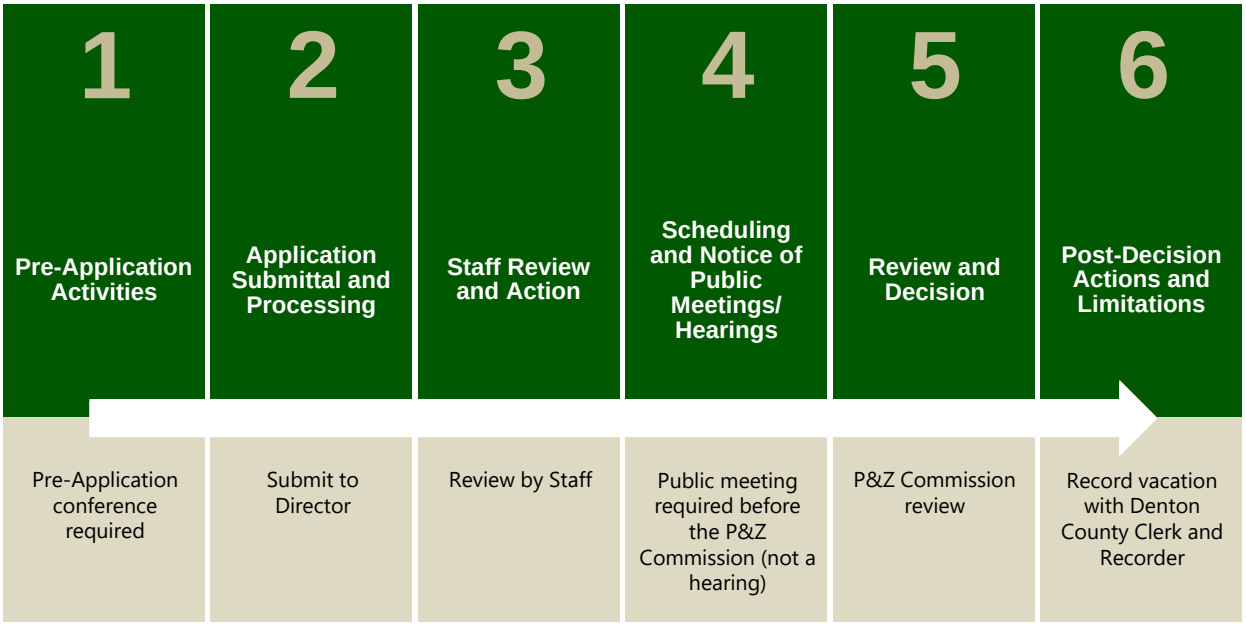
B. Applicability

The property owner of the tract covered by a plat may vacate the plat pursuant to TLGC, § 212.013, as amended. If dedicated by an instrument other than a plat, then the applicant shall follow the procedure established in Charter, Article XII: *Public Utilities*.

C. Vacating Plat Procedure

Figure 2.11-5 identifies the applicable steps from the common review procedures in Section 2.4 that apply to the review of vacating plats. Additions or modifications to the common review procedures are noted below.

Figure 2.11-5: Summary of Vacating Plat Procedure



1. **Step 1: Pre-Application Activities**

   a. **Pre-Application Conference**

      A pre-application conference shall be held in accordance with Subsection 2.4.3.

   b. **Citizen Participation**

      Not required.

2. **Step 2: Application Submittal and Processing**

   The vacating plat application shall be submitted and accepted, and may be revised or withdrawn, in accordance with Subsection 2.4.4.

3. **Step 3: Staff Review and Action**

   The Director shall review the vacating plat application and prepare a staff report and recommendation in accordance with the general approval criteria applicable to all applications in Subsection 2.4.5.

4. **Step 4: Scheduling and Notice of Public Meetings/Hearings**

   The vacating plat application shall be scheduled for a public meeting before the Planning and Zoning Commission and shall be noticed pursuant to Table 2.2-A Summary *of Development Review Procedures* and Subsection 2.4.6.

5. **Step 5: Review and Decision**

   a. The Planning and Zoning Commission shall review and approve, approve with conditions, or deny the vacating plat application in accordance with the general approval criteria applicable to all applications in Subsection 2.4.5.

   b. As a condition of approval, the Planning and Zoning Commission may require the applicant to prepare a revised final plat in accordance with Subsection 2.11.4: *Final Plat*.

6. **Step 6: Post-Decision Actions and Limitations**

   Post-decision actions and limitations in Subsection 2.4.8 shall apply with the following modifications:

   a. The Director shall record the vacating plat with the Denton County Clerk and Recorder prior to the recordation of a new plat.

   b. Regardless of the Planning and Zoning Commission's action on the application, the applicant will have no right to a refund of any monies, fees, or charges paid to the city nor to the return of any property or consideration dedicated or delivered to the city except as may have previously been agreed to by the Planning and Zoning Commission.

2.12 Plan and DDC Amendments

2.12.1 Comprehensive Plan Amendment

A. Purpose

The purpose of this section is to provide standards for amending the text and or maps of the Comprehensive Plan or for adoption of a new Comprehensive Plan. The amendment process is established to provide flexibility in response to changing circumstances and to reflect changes in public policy, and to advance the general welfare of the city.

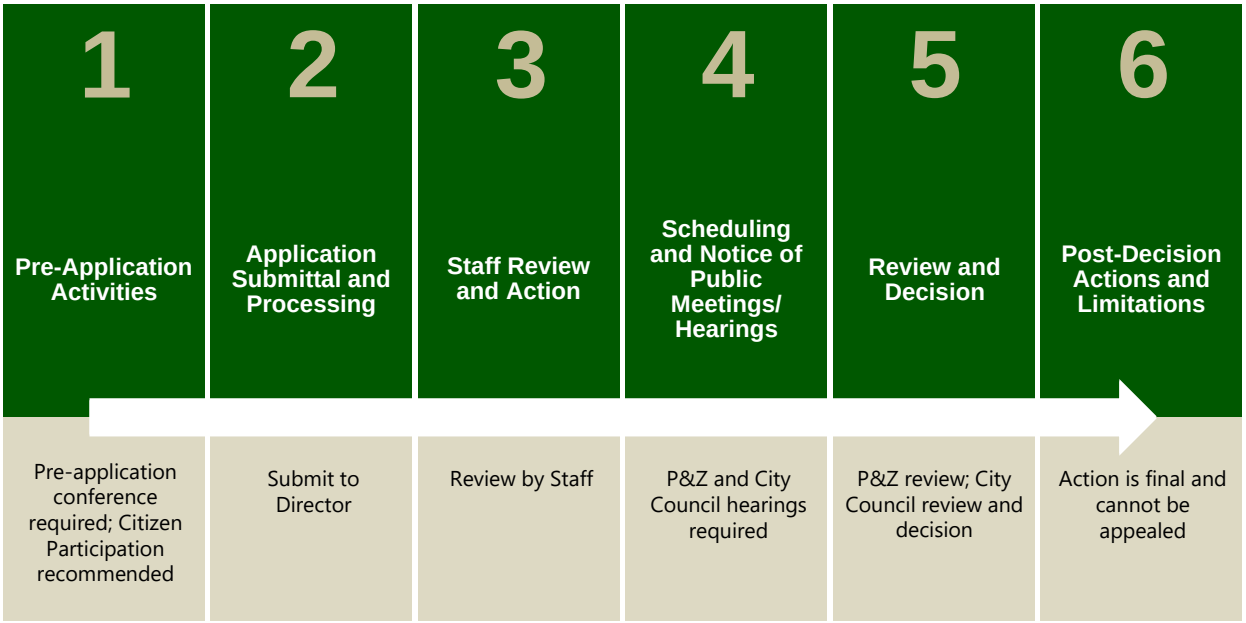
B. Applicability

An amendment to the Comprehensive Plan may be initiated by the City Council, the Planning and Zoning Commission, the Director, or the property owner(s) with an application executed by all property owners, or their authorized agents.

C. Comprehensive Plan Amendment Procedure

Figure 2.12-1 identifies the applicable steps from the common review procedures in Section 2.4 that apply to the review of Comprehensive Plan amendments. Additions or modifications to the common review procedures are noted below.

Figure 2.12-1: Summary of Comprehensive Plan Amendment Procedure



1. **Step 1: Pre-Application Activities**

   a. **Pre-Application Conference**

      A pre-application conference is required in accordance with Subsection 2.4.3.

   b. **Citizen Participation**

      Citizen Participation is recommended in accordance with Subsection2.4.3B: *Citizen Participation*.

2. **Step 2: Application Submittal and Processing**

   The comprehensive plan amendment application shall be submitted and accepted, and may be revised or withdrawn, in accordance with Subsection 2.4.4.

3. **Step 3: Staff Review and Action**

   a. **Director Review and Recommendation**

      The Director shall review the comprehensive plan amendment application and prepare a staff report and recommendation in accordance with the approval criteria in Subsection 2.12.1D below.

4. **Step 4: Scheduling and Notice of Public Meetings/Hearings**

   The comprehensive plan amendment application shall be scheduled for public hearings before the Planning and Zoning Commission and the City Council and shall be noticed pursuant to Table 2.2-A Summary *of Development Review Procedures*, and Subsection 2.4.6.

5. **Step 5: Review and Decision**

   a. **Planning and Zoning Commission Review and Recommendation**

      The Planning and Zoning Commission shall review the comprehensive plan amendment application in accordance with the approval criteria in Subsection 2.12.1D below, and shall forward its recommendation to the City Council.

   b. **City Council Review and Decision**

      The City Council may approve, approve with conditions, or deny the comprehensive plan amendment application in accordance with the approval criteria in Subsection 2.12.1D below. The adoption or amendment of a new comprehensive plan shall become effective by a simple majority vote of all members of the City Council.

6. **Step 6: Post-Decision Actions and Limitations**

   The City Council decision is a final action and may not be appealed.

D. Comprehensive Plan Amendment Approval Criteria

1. Comprehensive plan amendments may be approved by the City Council only following a determination that the proposed amendment is consistent with the overall purpose and intent of the Comprehensive Plan and that any one of the following criteria has been met:

   a. There was an error in the original Comprehensive Plan adoption;

   b. The City Council failed to take into account then-existing facts, projections, or trends that were reasonably foreseeable to exist in the future;

   c. Events, trends, or facts after adoption of the Comprehensive Plan have changed the City Council's original findings made upon plan adoption; or

   d. Events, trends, or facts after adoption of the Comprehensive Plan have changed the character or condition of an area so as to make the proposed amendment necessary.

2. In addition to the above-listed criteria, any proposed amendment is subject to the following additional review standards:
    a. That the amendment is not in conflict with any portion of the goals and policies of the plan.
    b. That the amendment constitutes a substantial benefit to the city and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.
    c. The extent to which the proposed amendment and other amendments in the general area are compatible with the land use goals of the plan and that they avoid creation of isolated uses that will cause incompatible community form and a burden on public services and facilities.
    d. That the development pattern contained in the existing plan does not provide adequate and appropriate optional sites for the use or change being proposed in the amendment.
    e. That the impact of the amendment, when considered cumulatively with other applications and development in the general area, will not adversely impact the city or a portion of the city by:
        i. Significantly altering acceptable existing land use patterns;
        ii. Having significant adverse impacts on public services and facilities that are needed to support the current land use and that cannot be mitigated to the maximum extent feasible;
        iii. Adversely impacting environmentally sensitive areas or resources; or
        iv. Adversely impacting existing uses because of increased traffic on existing systems.
    f. That site conditions, including but not limited to topography, utility corridors/easements, drainage patterns, noise, odors, or environmental contamination, would make development under the current plan designation inappropriate.

2.12.2 MPC Phasing

A. Phasing Map.

1. Any phase shown on the Phasing Map may be platted in whole or in part.

B. Phasing Schedule.

1. The following schedule submitted with the application for a MPC District shall including a schedule indicating, to the best of the applicant's knowledge, the approximate timeframe in which construction or development is expected to begin, the duration of time required for completion of the development; and proposed phasing if the project will not be developed as one (1) unit, including a plan for the interim use and management of the undeveloped phase or phases. Phasing shall reflect that multi-family development shall follow other land uses in the phasing; multi-family housing shall not be the first land use or the primary land use in any phase or unit of the proposed development.

C. Review of phasing schedule.

1. In cases where the build out schedule of the proposed project exceeds five (5) years, the detail for phases proposed for building beyond five years can be less than the detail provided for phases to be constructed in the first five years. For all phases proposed to be constructed five or more years hence, then a five (5) year, ten (10) year, and fifteen (15) year review by the Council and the Planning and Zoning Commission shall take place on the Development Plan Map, the infrastructure studies as well the MPC Development Standards Document. The Council may establish a review cycle for the project based on the complexity of the proposed project the length of the build out time and the types and costs of public infrastructure requirements. The outcome of the reviews set forth above may include an initiation by the Council of a major or a minor amendment to the approved MPC Zoning Document (including the Development Plan Map) and/or the Development Standards Document, and/or an initiation of rezoning.

2.12.3 MPC Amendments

A. Amendments to an approved MPC Zoning Document or MPC Development Standards Document.

1. Applicant or its successors may request amendments to the MPC Zoning Document and or MPC Development Standards Document. Amendments to the approved MPC documents shall be delineated as major or minor amendments, according to the criteria set forth herein. Amendments to the approved MPC documents will not affect development units not included in the proposed amendment.
2. Upon receipt of an amendment application, the Director shall determine if the proposed amendment constitutes a major or minor amendment.
3. Major Amendments. If the Director determines the amendment to be major, the amendment request shall be processed in accordance with the zoning amendment procedures set forth in Chapter 211, Texas Local Government Code.
4. An amendment will be deemed major if it involves any one of the following: a change in the overall MPC District Boundary; or a significant change to the approximate boundary of one or more development unit(s) from that approved in the MPC District, as determined by the Director. A change to an individual development unit generally shall be deemed to be significant if it represents a ten percent (10%) increase to the approximate gross area of the

development unit as approved in the MPC District without a corresponding decrease to a different development unit; or an increase of ten percent (10%) or more of the approved number of projected dwelling units or gross leasable area (GLA) for an individual development unit without a corresponding decrease to a different development unit; or any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the Director; or any change in land use or density that is likely to negatively impact or burden mobility adjacent to the MPC District or to the overall major street system as determined by the Director; or any other proposed change to the Development Plan Map, which substantively alters one or more components of the MPC District, as determined by the Director.

5. Minor Amendments. Amendments not meeting one or more of the criteria listed in subsection (D) shall be considered minor. Notwithstanding the prior paragraph, if a change is a development unit boundary change necessitated by the adjustment of a roadway alignment at the time of final engineering and design of roadways, the change shall be considered minor, unless it represents at least a ten percent (10%) increase to the approximate gross area of the development unit as approved in the MPC District without a corresponding decrease to a different development unit, in which case the change shall be considered significant. Changes to the ESA Map attached as Exhibit F that result from a field assessment shall be considered minor amendments, and shall be approved administratively. Updates to the Phasing Map attached as Exhibit D shall be considered minor amendments, and shall be approved administratively, unless the change represents a ten percent (10%) increase to the approximate gross area of a phase on the original Phasing Map attached as Exhibit D to this Ordinance without a corresponding decrease to a different phase. Changes to the order of phasing shown on the Phasing Exhibit attached as Exhibit D shall be processed as minor amendments. If the Director determines the amendment to be minor, the Director may administratively act on the amendment and attach stipulations or conditions of approval thereto, to protect the public health, safety and welfare.

6. At least fifteen (15) days prior to consideration of a requested Minor Amendment by the Director, other than a change to the Cross Timber ESA Illustration or Phasing Map, notice of the proposed minor amendment shall be mailed to each owner of property wholly or partly within two hundred (200) feet of the affected development unit(s) to which the amendment relates. The procedures in subsections 7 through 9 below shall not apply to a change to the Cross Timber ESA Illustration or Phasing Map.

7. If written protest to any minor amendment is received from a majority of the notified property owners within ten (10) days of the notification mailing date and such protest cannot be resolved, then the Minor Amendment shall be reclassified as a Major Amendment. No additional application shall be required, however, all provisions governing Major Amendments shall then apply.

8. If written protest is not received as described above, the Director shall render a decision on the minor amendment request. The Director's decision shall be final unless appealed to the Planning and Zoning Commission.

9. The applicant or a property owner within two hundred feet may appeal an action or decision by the Director on minor amendments to the Planning and Zoning Commission within seven (7) days from the date of the Director's decision. Appeals shall be in writing on a form provided by the Development Services Department and shall include only the specific items being appealed.

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2.13 Flexibility and Relief Procedures

2.13.1 Variance

A. Purpose

1. This section describes the process for gaining relief from the strict application of the DDC, where literal enforcement of the DDC will result in an unnecessary hardship and where the variance is necessary to develop a specific parcel of land which cannot otherwise be developed in the same manner allowed for other similar parcels due to unique conditions on the property.
2. The variance procedure may not allow a use in a zoning sub-district where it is not currently permitted, or alleviate inconveniences or financial burdens imposed on landowners.

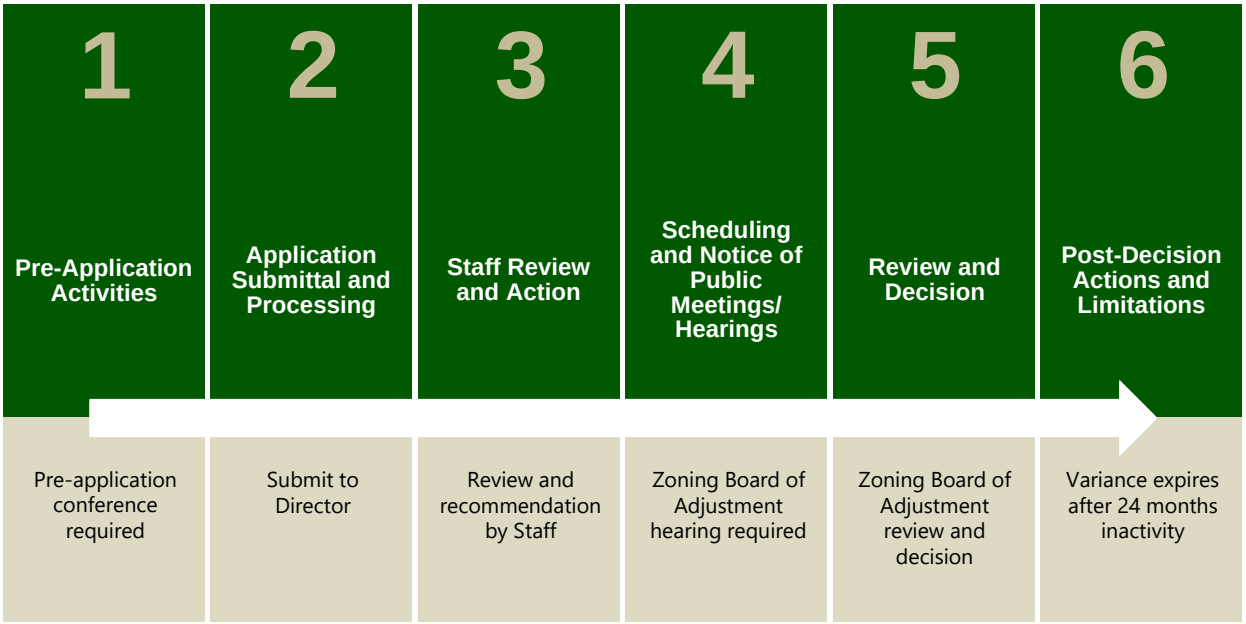
B. Applicability

1. Any property owner seeking relief from this DDC may request a variance when the strict application of the DDC would meet the approval criteria listed in Subsection 2.13.1D. The Zoning Board of Adjustment shall decide all requests for variances.
2. Any property owner seeking relief from Subpart B, Chapter 33: *Signs and Advertising Devices*, of the Code of Ordinances, may request a variance when the strict application of the standards in Subpart B, Chapter 33, of the Code of Ordinances would meet the approval criteria listed in Subsection 2.13.1D.

C. Variance Procedure

The following variance procedure is established to comply with TLGC, § 211.008 and 211.009. Figure 2.13-1 identifies the applicable steps from the common review procedures in Section 2.4 that apply to the review of variances. Additions or modifications to the common review procedures are noted below.

Figure 2.13-1: Summary of Variance Procedure



1. **Step 1: Pre-Application Activities**

   a. **Pre-Application Conference**

      A pre-application conference is required in accordance with Subsection 2.4.3.

   b. **Citizen Participation**

      Not required.

2. **Step 2: Application Submittal and Processing**

   a. The variance application shall be submitted and accepted, and may be revised or withdrawn, in accordance with Subsection 2.4.4.

   b. Initiation of a variance application may be made by recommendation of the Director or application by the property owner or their authorized agent.

3. **Step 3: Staff Review and Action**

   The Director shall review the variance application and prepare a staff report and recommendation to the Board of Adjustment in accordance with the approval criteria in Subsection 2.13.1D, below.

4. **Step 4: Scheduling and Notice of Public Meetings/Hearings**

   Variance applications shall be scheduled for a public hearing before the Zoning Board of Adjustment.

5. **Review and Decision**

   a. The Zoning Board of Adjustment shall review and approve or deny the variance application in accordance with the approval criteria in Subsection 2.13.1D below.

   b. After closing the public hearing, the Zoning Board of Adjustment shall take action consistent with this DDC and state law. A concurring vote of 75 percent of the members of the Zoning Board of Adjustment shall be required to approve a variance application.

   c. The Zoning Board of Adjustment shall make written findings of fact and conclusions of law stating the facts upon which it relied when making its legal conclusions in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provision of this DDC.

6. **Post-Decision Actions and Limitations**

   a. **Notice of Decision**

      The Director shall provide written notification of the Zoning Board of Adjustment's decision to the applicant.

   b. **Expiration of Variance**

      If the property owner has not commenced development or obtained the required permits to carry out the approved variance within 24 months of the variance approval, the variance shall automatically expire.

   c. **Non-Transferable**

      An approved variance shall apply only to the property or structure described in the approval and shall not be transferable to any other property or structure.

d. **Appeals**

The decision of the Zoning Board of Adjustment is final and may be appealed to a district court or county court of law within 10 days after the date the decision is filed, in accordance with the procedures contained in TLGC, Chapter 211.

e. **Suspension and Revocation of a Variance**

i. When the City determines there is a failure to comply with any term, condition, or requirement made as a condition of approval of the variance, the City Council may direct the Building Official or Director, as appropriate, to suspend the variance pending compliance with the terms, conditions, or requirements under which the variance was approved.

ii. Notice of suspension or revocation of a variance shall be sent by certified mail with return receipt requested.

iii. The Zoning Board of Adjustment shall hold a public hearing no later than 45 days after notification. If the Zoning Board of Adjustment determines there is a failure to comply with any term, condition, or requirement made as a condition of the variance, the Zoning Board of Appeals may revoke the variance or take such action as it considers necessary to ensure compliance.

iv. A decision to revoke a variance is effective immediately. Notice of the decision by the Zoning Board of Adjustment shall be sent by certified mail.

D. Variance Approval Criteria

1. In reviewing a variance application, the Zoning Board of Adjustment shall find that all of the following exist:

   a. Special circumstances or conditions apply to the parcel for which the variance is sought, which circumstances or conditions are peculiar to such parcel and do not apply generally to other parcels in the same district or neighborhood and that said circumstances or conditions are such that the strict application of the provisions of this DDC would deprive the applicant of the reasonable use of such parcel;

   b. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the district or neighborhood in which the parcel is located;

   c. The variance granted is the minimum variance that will accomplish this purpose;

   d. The literal enforcement and strict application of the provisions of this DDC will result in an unnecessary hardship inconsistent with the general provisions and intent of this DDC and that in granting such variance the spirit of the DDC will be preserved and substantial justice done;

   e. The granting of a variance is not solely for the purpose of mitigating a financial hardship; and

   f. The condition or feature that creates the need for the variance did not result from the owner's actions.

2. Any person desiring to erect or increase the height of any structure, or permit the growth of any natural object, or use their property, in violation of the airport zoning regulations prescribed Section 4.1, *Highway Buffer Zone*

3. *No single family* detached platted lot line in the MR sub-district shall be located within the buffer area shown on the Development Plan Map attached as Exhibit C (the Highway

Buffer Zone). The 600-foot Highway Buffer Zone shall be measured from the edge of the future Loop 288 and I-35W rights-of-way, as shown on the Texas Department of Transportation construction plans in effect on the date of the adoption of this Ordinance, and identified as CSJ No. 2250-02-013 and CSJ No. 2250-02-014 (for Loop 288) and CSJ No. 0081-13-050 (for I-35W). The purpose of the Highway Buffer Zone is to prohibit single family detached development in close proximity to highways.

2.14 Adjacency to Robson Ranch

A. Robson Ranch Adjacency – Special Conditions

The following conditions from Ordinance No. 2008-286 are carried forward and shall continue to apply:

1. Along the common property line between the Hunter Ranch MPC and Robson Ranch, adjacent to the Common Open Space identified as Lot 22X, Block F, Robson Ranch 2, Phase 1 and Lot 16X Robson Ranch 5-:

    a. The HOA shall construct and maintain either: (1) an eight foot (8') wood frame fence, finished on both sides with a decorative weather-resistant fiber-cement siding material, compliant with ASTM Standard Specifications C1186 Grade II, Type A, and supported by steel support posts, or (2) an eight foot (8') high masonry wall with masonry support columns. In either case, spans shall not exceed thirty-four feet (34') between supports. The fence or wall is not required in areas designated as Environmentally Sensitive Areas (ESAs). The fence or wall must be constructed upon plat approval of each Inspiration subdivision abutting this area.

    b. The HOA shall construct and maintain an open space buffer twenty-eight feet (28') or greater in width, as depicted in Exhibit G, attached hereto and incorporated herein by reference

    c. Single-family lots adjacent to the new twenty-eight (28') foot wide buffer shall have a minimum width of sixty-two feet (62') and a minimum depth of one hundred feet (100').

    d. All of the single-family houses constructed adjacent to the new twenty-eight foot (28') wide buffer shall be single story

2. Schools shall not be located adjacent to the Robson Ranch property

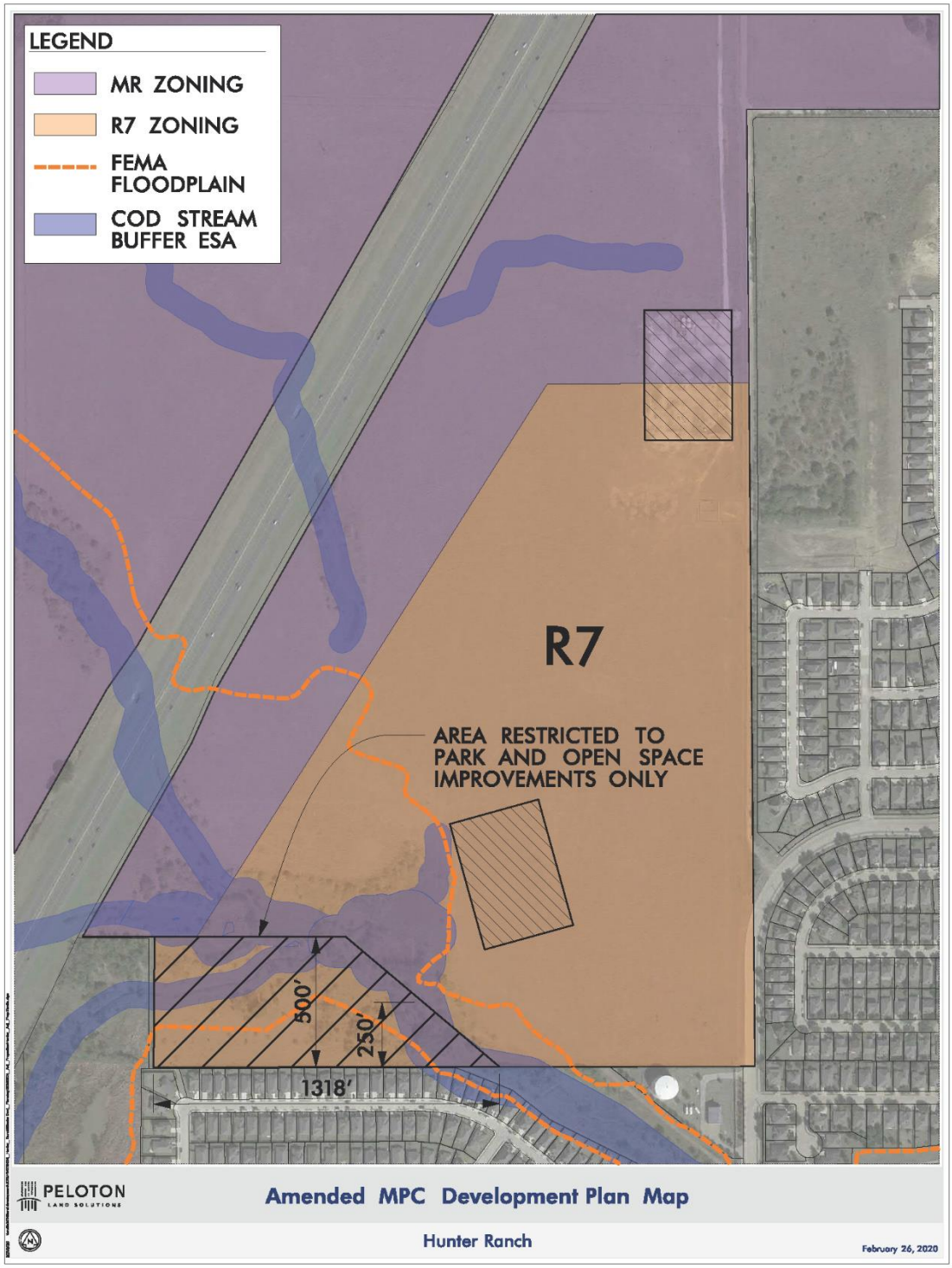
3. Private Parks shall not be located adjacent to the Robson Ranch property

4. There shall not be any multi-family development abutting Robson Ranch Road or the Robson Ranch Development.

5. Residential lots adjacent to the Robson Ranch property shall have the same or larger square footage as the minimum allowable lot size under applicable zoning in effect on the date of this Ordinance on abutting lots within Robson Ranch, unless the approved MPC development standards or these conditions specify or necessitate a larger square footage requirement.

2.15 Area Restricted to Park and Open Space Improvements

Development shall be restricted to park and open space improvements for the hatched area adjacent to Country Lakes as noted and shown on the following graphic:


LEGEND
MR ZONING
R7 ZONING
FEMA FLOODPLAIN
COD STREAM BUFFER ESA
R7
AREA RESTRICTED TO PARK AND OPEN SPACE IMPROVEMENTS ONLY
500'
250'
1318'
PELOTON
LAND SOLUTIONS
Amended MPC Development Plan Map
Hunter Ranch
February 26, 2020

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1. MAO – Municipal Airport Overlay District, shall provide a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

2.16.2 Minor Modification

A. Purpose

1. The minor modification procedure is intended to allow minor modifications or deviations from the dimensional or numeric standards of this DDC.
2. Administrative adjustments are intended to provide greater flexibility when necessary, without requiring a formal zoning amendment.
3. The minor modification procedure is not a waiver of current standards of this DDC and shall not be used to circumvent the variance procedure.

B. Applicability

1. **Allowed Modifications and Deviations**
   The minor modification procedures shall apply to the standards and limitations established in Table 2.16-A: *Allowable Minor Modifications*.
2. **Prohibited Modifications and Deviations**
   The minor modification procedure shall not apply to any proposed modification or deviation that result in:
   a. A change in permitted uses or mix of uses;
   b. A deviation from the use-specific standards in Section 5.3: *Use-Specific Standards*;
   c. A deviation from sensitive area protection standards in Section 7.4, *Environmentally Sensitive Areas*;
   d. A change to a development standard that is already modified through a separate minor modification or variance;
   e. A change to a development standard that is already exempted from maximum building height pursuant to Subsection 3.7.5B; minimum setbacks pursuant to 3.7.3D; or maximum building coverage pursuant to Subsection 3.7.6; or
   f. Requirements for public roadways, utilities, or other public infrastructure or facilities.

3. Table of Allowable Minor Modifications

An application for a minor modification that is not related to a request for "reasonable accommodation" under the Federal Fair Housing Act or the Religious Land Use and Institutionalized Persons Act may request only the types of adjustments shown in Table 2.16-A: *Allowable Minor Modifications*.

Table 2.16-A: Allowable Minor Modifications

DDC Standard	Allowable Minor Modification (maximum percentage)
Site Standards	
Lot area, minimum	10
Building coverage, maximum	10
Lot Dimensional Standards	
Front setback, minimum	10
Side setback, minimum	10
Rear setback, minimum	10
Encroachment into setback, maximum	10
Building Standards	
Minimum unit sizes	10
Development Standards	
Fence or wall height, maximum	10 (1 foot maximum)

4. Reasonable Accommodations Under the FFHA

a. In response to a written application identifying the type of housing being provided and the portions of the Federal Fair Housing Act that require that reasonable accommodations be made for such housing, the Director is authorized to take any of the following actions in order to provide reasonable accommodations without the need for a rezoning or variance:

   i. Modify any facility spacing, building setback, height, building coverage, or landscaping requirement by no more than ten percent; or

   ii. Reduce any off-street parking requirement by no more than one space.

b. The city may be required to accommodate any requests for reasonable accommodations under the FFHA, regardless of whether or not such request otherwise qualifies as a minor modification.

c. The Director may approve a type of reasonable accommodation different from that requested by the applicant if the Director concludes that a different form of accommodation would satisfy the requirements of the Federal Fair Housing Act with fewer impacts on adjacent areas.

d. The decision of the Director shall be accompanied by written findings of fact as to the applicability of the Fair Housing Act, the need for reasonable accommodations, and the authority for any reasonable accommodations approved.

e. Requests for types of accommodation that are not listed above may only be approved through a variance or rezoning process.

5. Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA)

a. The Director may grant minor modifications in order to eliminate a substantial burden on religious exercise as guaranteed by the Federal Religious Land Use and Institutionalized Persons Act of 2000, as amended.

b. In no circumstance shall the Director approve an adjustment that allows a religious assembly use, or any uses, structures, or activities accessory to it, in a zoning sub-district where this DDC prohibits such use or accessory use, structure, or activity.

c. A person may claim that a provision of the DDC substantially burdens the person's free exercise of religion. In making such a claim a person shall give written notice to the city by certified mail with return receipt requested, according to the provisions of Texas Civil Practice & Remedies Code § 110.001, et. seq. (Vernon Supp. 2001).

d. The Director may grant a waiver or partial waiver of the provisions of the DDC according to federal or state law to accommodate a person's free exercise of religion.

6. Limitations on Minor Modifications

Except when requested as a reasonable accommodation for Federal Fair Housing Act ("FFHA") purposes, a request for a minor modification shall not be used to further modify a development standard that, as applied to the subject property, already qualifies as an exception to, or modification of, a generally applicable development standard required under Subchapter 7: *Development Standards*.

C. Minor Modification Procedure

1. Generally

a. An application for a minor modification shall only be submitted and reviewed concurrently with an application for a specific use permit, temporary use permit, site plan approval, or plat approval (minor, preliminary, final, conveyance, or replat).

b. Each code standard in Table 2.16-A: shall be considered a separate minor modification request as it relates to the approval criteria in Subsection 2.16.2D, but multiple modifications may be considered in one minor modification application.

2. Review and Decision

a. Where the concurrently reviewed application requires review and approval by the Director, the Director shall review and approve, approve with conditions, or deny the modification in accordance with the approval criteria in Subsection 2.16.2D. The Director may refer the minor modification to the Planning and Zoning Commission prior to making a decision.

b. Where the concurrently reviewed application requires review and approval by the Planning and Zoning Commission or City Council, the Commission or Council, as applicable, shall review and approve, approve with conditions, or deny the modification in accordance with the approval criteria in Subsection 2.16.2D.

3. Effect of Approval

Approval of a minor modification authorizes only the particular modification of standards approved, and only to the subject property of the application.

4. Expiration of Minor Modification

A minor modification shall automatically expire if the associated development application is denied or if approval of the concurrently reviewed application expires, is revoked, or otherwise deemed invalid.

D. Minor Modification Approval Criteria

In reviewing a proposed minor modification, the decision-making body shall consider the general approval criteria in Subsection 2.4.5 and whether and to what extent the minor modification is of a technical nature that:

1. Compensates for an unusual site condition;
2. Eliminates a minor inadvertent failure to comply with a DDC standard; or
3. Protects a sensitive resource, natural feature, or community asset; and
4. The minor modification will not produce an adverse change to the character of the neighborhood.

2.16.3 Appeal of Administrative Decision

A. Purpose

The purpose of this section is to establish a remedy whereby persons claiming to have been aggrieved by a decision of the Director or other administrative official in administering this DDC may appeal that decision.

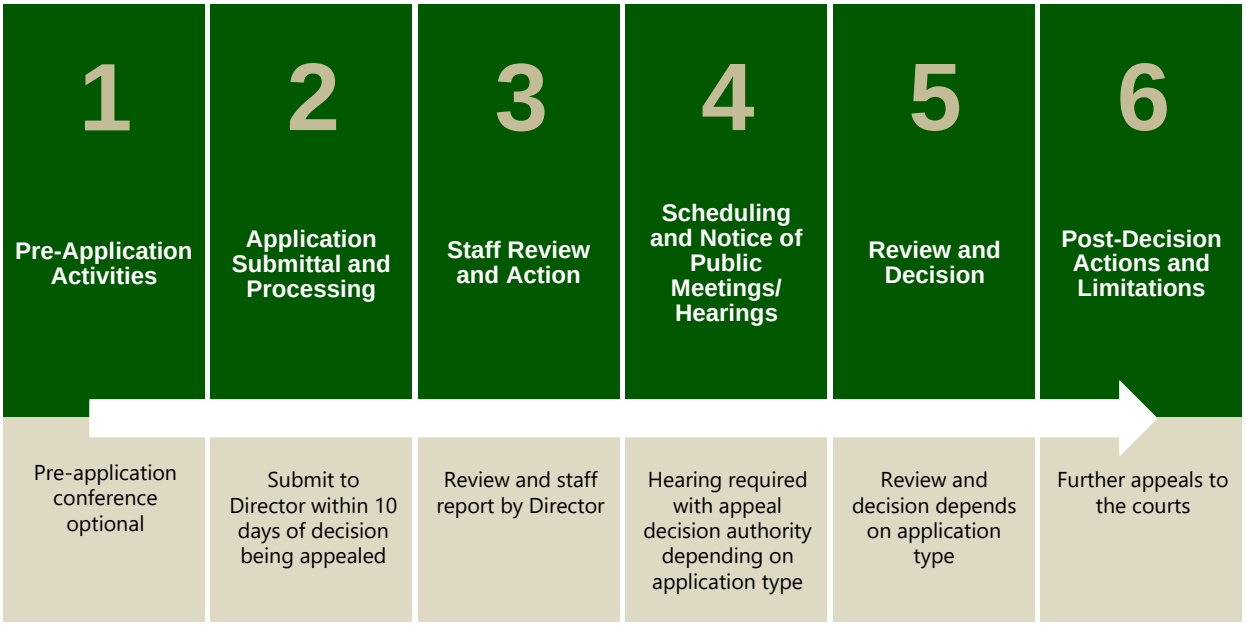
B. Applicability

Any person may appeal a decision of an administrative office or agency made in the administration or enforcement of this DDC. Appeals shall be made to the appropriate body as indicated in Table 2.2-A Summary *of Development Review Procedures*, and in accordance with state law.

C. Procedure

Figure 2.16-1 identifies the applicable steps from the common review procedures in Section 2.4 that apply to the review of administrative appeals. Additions or modifications to the common review procedures are noted below.

Figure 2.16-1: Summary of Administrative Appeal Procedure



1. **Step 1: Pre-Application Activities**

   a. **Pre-Application Conference**

      A pre-application conference is optional in accordance with Subsection 2.4.3.

   b. **Citizen Participation**

      Not required.

2. **Step 2: Application Submittal and Processing**

   An administrative appeal application shall be submitted and accepted, and may be revised or withdrawn, in accordance with Subsection 2.4.4, with the following modifications:

   a. **Time Limit**

      Appeals shall be made in writing and filed with the Director within 10 business days of the action or decision being appealed.

   b. **Stay of Proceedings**

      An appeal stays all proceedings from further action unless the Director determines that a stay would create adverse impacts to the health, safety, or welfare of the city or neighborhood.

3. **Step 3: Staff Review and Action**

   The Director shall review the appeal application and prepare a staff report in accordance with the general approval criteria applicable to all applications in Subsection 2.4.5, with the following modifications:

   a. Staff review shall only confirm that the application is complete and that the appeal is heard by the appropriate authority.

   b. The staff report shall not make a formal recommendation. The report shall include necessary facts to warrant an appeal, which shall be provided by the appellant/applicant.

4. **Step 4: Scheduling and Notice of Public Meetings/Hearings**

   An appeal shall be scheduled for public hearings before the Zoning Board of Adjustment, Planning and Zoning Commission, or City Council, and noticed in accordance with Subsection 2.4.6.

5. **Step 5: Review and Decision**

   a. The appropriate decision-making body may affirm, reverse, or amend a decision or interpretation made by another decision-making body in accordance with the approval criteria in Subsection 2.16.3D below.

   b. The appeal decision-making authority may reverse a previous decision in whole or in part, or may modify the order, requirement, decision, or determination appealed from.

   c. The appeal decision-making authority may attach conditions of approval on any appeal to ensure the health, safety, and welfare of the city.

6. **Step 6: Post-Decision Actions and Limitations**

   Post-decision actions and limitations in Subsection 2.4.8 shall apply. Any further appeals from the appropriate appeal decision-making authority shall be made to the courts in accordance with state law.

D. Appeals Approval Criteria

In considering an appeal, the appropriate decision-making body shall consider the approval criteria applicable to all applications in Subsection 2.4.5, and shall consider the following:

1. The facts stated in the application, as presented by the appellant and/or the Director; and
2. The requirements and intent of the applicable standards from this DDC compared to the written decision that is being appealed.

2.16.4 Alternative Environmentally Sensitive Area (ESA) Plan

A. Purpose

The alternative ESA plan provides the option to address the ESA regulations through a flexible discretionary process using the zoning map amendment procedure.

B. Applicability

An alternative ESA plan is required when development deviates from regulations established in Section 7.4: *Environmentally Sensitive Areas*, and encroaches or removes protected ESAs.

C. Alternative ESA Plan Procedure

Figure 2.16-2 identifies the applicable steps from the common review procedures in Section 2.4 that apply to the review of alternative ESA plans. Additions or modifications to the common review procedures are noted below.

Figure 2.16-2: Summary of Alternative ESA Plan Procedure



1. **Step 1: Pre-Application Activities**

   a. **Pre-Application Conference**

      A pre-application conference is required in accordance with Subsection 2.4.3.

   b. **Citizen Participation**

      Citizen Participation is recommended in accordance with Subsection 2.4.3B: *Citizen Participation*.

2. **Step 2: Application Submittal and Processing**

   a. **Generally**

      i. The alternative ESA plan application shall be submitted and accepted, and may be revised or withdrawn, in accordance with Subsection 2.4.4.

      ii. The Director may require additional information deemed appropriate and necessary to process the application.

   b. **Step 3: Staff Review and Action**

      The Director shall review the alternative ESA plan application and prepare a staff report and recommendation in accordance with the general approval criteria applicable to all applications in Subsection 2.4.5, and the approval criteria in Subsection 2.16.4D below.

   c. **Step 4: Scheduling and Notice of Public Meetings/Hearings**

      The alternative ESA plan application shall be scheduled for public hearings before the Planning and Zoning Commission and the City Council and shall be noticed pursuant to Table 2.2-A Summary *of Development Review Procedures*, and Section 2.4.6.

   d. **Step 5: Review and Decision**

      i. **Planning and Zoning Commission Review and Recommendation**

         The Planning and Zoning Commission shall review the alternative ESA plan application in accordance with the approval criteria in Subsection 2.16.4D below, and shall forward its recommendation to the City Council.

      ii. **City Council Review and Decision**

         a. The City Council may review and approve, approve with conditions, or deny the alternative plan application in accordance with the approval criteria in Subsection 2.16.4D below.

         b. If the Planning and Zoning Commission recommends denial of the alternative ESA plan, the alternative plan shall become effective only by a three-fourths vote of all members of the City Council.

      iii. **Protest Procedure**

         a. The rules governing amendment over protest are the same as for a zoning amendment and are contained in TLGC, Chapter 211. The Director may prescribe forms for protest petitions.

         b. Property owners within 200 feet of a proposed rezoning, as indicated on the most recently approved city tax roll, may file a written protest against the rezoning. If written protests are received by owners of 20 percent or more of the area within 200 feet of the proposed rezoning, approval shall require

three-fourths vote of the City Council for an alternative plan to become effective. In such case, a supermajority vote shall not be required by the Planning and Zoning Commission.

e. Step 6: Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 2.4.8 shall apply. The City Council decision is a final action and may not be appealed.

D. Alternative ESA Plan Approval Criteria

The City Council may approve the alternative ESA plan with conditions necessary to mitigate the impacts of the proposed development upon considering the factors and goals noted in this section.

1. Mitigation goals are obtained by creating, expanding, and/or improving ESAs.
2. Mitigation goals are obtained by preserving ESAs above the minimum requirements, exchanges between different types of ESAs, installing pollution prevention controls, and/or implementing best management practices or any other approaches that result in the improvement of the environment being impacted.
3. Areas offered as mitigation are linked to existing or planned open space or conserved areas to provide an overall open space system.
4. Development is arranged for maximizing access and utilization of the ESAs by citizens.
5. Areas offered as mitigation are placed either in a lot or lots that incorporate a permanent conservation easement, a preserved habitat, restrictive covenants, or such other legal mechanism to allow for the long term conservation of said areas. Such legal mechanisms shall limit any future land disturbing activity or construction within the ESAs, shall run with the land, and shall be binding upon all successors and assigns of the current owner.
6. The alternative ESA plan shall demonstrate that the property owner's alternative proposal results in a high-quality development meeting the intent of the standards in this DDC.

2.16.5 Watershed Protection Permit Relief

A. Purpose

The watershed protection permit allows a determination of whether the application of the standards in this DDC, as applied to a watershed protection permit and related development applications would, if not modified or other relief granted, constitute a regulatory taking under constitutional standards.

B. Applicability

A property owner or authorized agent may file an application for relief under this subsection following final decision to deny or conditionally approve an application for a watershed protection permit and related applications within 10 days.

C. Application Submittal and Processing

1. The Director has the authority to establish requirements for applications in the Administrative Criteria Manual. No application shall be accepted for filing until it is complete and the fee established by the City Council has been paid.
2. Upon approval of an application in whole or in part by the City Council, the Director shall process the watershed protection permit, and related development applications, and the Director shall decide the applications consistent with the relief granted on the application, including any amendments to applicable standards approved by City Council.

3. A denial of an application by the City Council is a final determination.

D. Approval Criteria

In deciding whether to grant relief to the applicant, the City Council will consider whether there is any evidence from which it can reasonably conclude that the application of all or a part of the standards governing approval of a watershed protection permit under this DDC will deprive the applicant of all economically viable use of the land, based upon the following factors:

1. Whether the operations proposed are consistent with protecting the ecological integrity and environmental quality, including protection of surface and ground water sources, of potentially impacted environmentally sensitive areas (ESAs).
2. The nature and intensity of the uses allowed following application of the standards in the DDC to the watershed protection permit and related development applications, in comparison with the nature and intensity of the uses allowed without application of the standards.
3. Whether the standards of the DDC, when applied to the watershed protection permit and related development applications, allow an economically viable use of the land.
4. For applications in which it is alleged that there has been a devaluation of property, whether the adoption or application of standards in this DDC is the producing cause of any devaluation of the property.
5. The extent to which the applicant's expectations for economically viable uses have been realized through actual or anticipated development on land or an interest in land originally part of the same tract or parcel as the land for which relief is sought under the application.
6. The extent to which the applicant has taken advantage of any other relief measures provided by this DDC that would result in mitigation of economic impacts resulting from application of the standards in this DDC.
7. The extent to which the owner of the property had actual or constructive notice of regulations or proposed changes in the standards governing watershed protection permits.
8. Unique circumstances exist on the property on which the application is made related to size, shape, area, topography, surrounding conditions, and location that do not apply to other property in the vicinity.
9. Whether there are other alternative well site locations.
10. Any clam for relief pursuant to TLGC, Chapter 245.

E. Review and Decision

1. In granting relief under the application, the City Council may waive or modify the standards to be applied to the watershed protection permit or related development applications, and may impose reasonable conditions on related development applications in order to implement the relief granted.
2. The City Council may also initiate an application for a zoning map amendment in order to afford the relief granted, provided that such application shall be decided in accordance with the zoning map amendment procedure. In such case, the City Council's decision on the application shall not be considered final until the application for the zoning map amendment is decided.
3. The action taken by the City Council under this section shall not deprive the Planning and Zoning Commission or any responsible official of its final approval authority over subdivision plats and other development permits.

4. No application for local permit under TLGC, Chapter 245, will be allowed for a watershed protection permit.

2.16.6 Interpretations

A. Purpose

The purpose of this section is to provide a uniform mechanism for rendering formal written interpretations of this DDC.

B. Authority

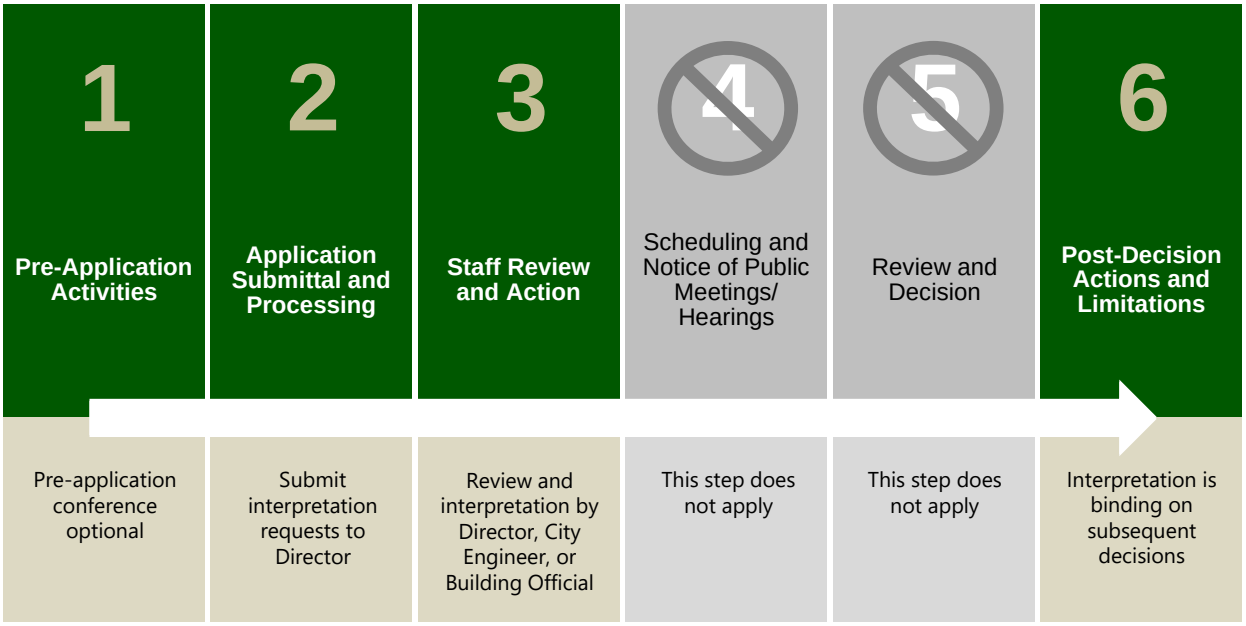
Responsibility for making interpretations of provisions of this DDC is assigned as follows:

1. The Director shall be responsible for all interpretations of the zoning and subdivision provisions in the text of this DDC, including, but not limited to:
   a. Interpretations as to which is the stricter and thus controlling provision in case of conflict with this DDC and other provisions of the Municipal Code of Ordinances;
   b. Interpretations of compliance with a condition of approval;
   c. Interpretations of whether an unspecified use falls within a use classification, use category, or use type allowed in a zoning sub-district; and
   d. Interpretations of the zoning sub-district boundaries on the Official Zoning Map.
2. The City Engineer shall be responsible for all interpretations of the floodplain management and engineering provisions in the text of this DDC.
3. The Building Official shall be responsible for all interpretations of building code provisions as they relate to this DDC, including interpretations relating to issuance of a certificate of zoning compliance.

C. Interpretation Procedure

Figure 2.16-3 identifies the applicable steps from the common review procedures in Section 2.4 that apply to the review of interpretations. Additions or modifications to the common review procedures are noted below.

Figure 2.16-3: Summary of Interpretation Procedure



1. **Step 1: Pre-Application Activities**

   a. **Pre-Application Conference**

      A pre-application conference is optional in accordance with Subsection 2.4.3.

   b. **Citizen Participation**

      Not required.

2. **Step 2: Application Submittal and Processing**

   A request for interpretation shall be submitted and accepted, and may be revised or withdrawn, in accordance with Subsection 2.4.4.

3. **Step 3: Staff Review and Action**

   The Director, City Engineer, or Building Official (as applicable) shall review the request for interpretation and render a decision based on the standards in Subsection 2.16.6D. The decision shall be in the form of a written interpretation and the decision-maker shall consult with the City Attorney and affected City Officials before rendering the interpretation.

4. **Step 4: Scheduling and Notice of Public Meetings/Hearings**

   Not required.

5. **Step 5: Review and Decision**

   Not applicable. Review and decision is by the Director, City Engineer, or Building Official under Step 3.

6. **Step 6: Post-Decision Actions and Limitations**

   Post-decision actions and limitations in Subsection 2.4.8 shall apply, with the following modifications:

   a. **Effect of Approval**

      The written interpretation shall be binding on subsequent decisions by the Director or other city administrative officials in applying the same provision of this DDC or the Zoning Map in the same circumstance, unless the interpretation is reversed or modified on appeal to the Zoning Board of Appeals or a court of law.

   b. **Official Record of Interpretations**

      The Director shall maintain a record of written interpretations that shall be available for public inspection, on reasonable request, during normal business hours.

D. Interpretation Standards

1. **Statutory References**

   Unless otherwise specified, statutory references are to be construed as currently amended or superseded.

2. **Text Provisions**

   Interpretation of text provisions and their application shall be based on the standards in Section 9.1, *Rules of Construction*, and the following considerations:

   a. The clear and plain meaning of the provision's wording, as defined by the meaning and significance given specific terms used in the provision as established in Subchapter 9: *Definitions*, and by the common and accepted usage of the term;

b. The intended purpose of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history to its adoption;

c. The intent to give every provision meaning;

d. The general purposes served by this DDC, as set forth in Section 1.1: *Title* and Effective Date

2.16.7 This document is the Hunter Ranch MPC.

2.16.8 This document shall become effective on _____ ___, 2020.

a. Purpose; and

b. Consistency with the Comprehensive Plan.

2. **Unspecified Uses**

Interpretation of whether an unspecified use falls within a use classification, use category, or use type allowed in a zoning sub-district shall be based the standards in Section 5.2.4: *Classification of New and Unlisted Uses*, and the Comprehensive Plan.

3. **Zoning Map Boundaries**

Interpretation of zoning district boundaries on the Official Zoning Map shall be in accordance with the standards in Subsection 3.1.3B: *District Boundaries*, and consistent with the Comprehensive Plan.

Subchapter 3: Zoning Sub-Districts

3.1 Purpose and Organization

3.1.1 Zoning Sub-Districts Established

Zoning sub-districts are established as shown in Table 3.1-A: *Zoning District Designations*. Zoning districts are established by the city's adoption of the Development Plan Map attached as Exhibit C.

Table 3.1-A: Zoning District Designations

Zoning Districts	Abbreviated Designation
RESIDENTIAL DISTRICTS	
Residential 4	R4
Residential 6	R6
Residential 7	R7
MIXED-USE DISTRICTS	
Mixed-Use Neighborhood	MN
Mixed-Use Regional	MR

3.1.2 Organization of this Subchapter

A. Zoning Sub-Districts

1. Sections 3.2 through **Error! Reference source not found.** follow a common structure for describing the purpose and intent for each zoning sub-district, the applicable dimensional standards, and any district-specific standards.
2. Each zoning sub-district includes an illustration demonstrating the dimensional requirements for that sub-district. The illustrations are not intended to represent a specific location, but rather reflect the general character of the sub-district.
3. Each zoning sub-district includes a table of dimensional standards summarizing the most pertinent dimensional standards applicable to each sub-district. The labels in the table correspond to the applicable illustration. These tables are illustrative only and do not identify all standards that may apply to a particular development.
4. If a standard shown in an illustration is inconsistent with the respective table of dimensional standards, the standards in the table shall govern.

3.1.3 Official Zoning Map

A. Incorporation of Map

The location and boundaries of the zoning sub-districts designated in this subchapter are established as shown on the Development Plan Map attached as Exhibit C.

B. District Boundaries

The exact boundaries of the zoning sub-districts shown on Exhibit C shall be established at the time of platting based on lot lines, the centerlines of streets, creeks, and railroad right-of-way, or such lines extended.

C. Digital Mapping

Digital maps, created through the use of geographic information system technology, containing registration points recorded on the Texas State Plane Coordinate System, as amended, may be used in the administration and enforcement of this subchapter, but shall not replace the paper originals of official maps required by this subchapter.

D. Boundary Clarification

1. In the event that a zoning sub-district boundary is unclear or is disputed, the Director shall determine the location of the zoning sub-district boundary.
2. Any appeal of the Director's determination of the zoning sub-district boundary shall be established by the Zoning Board of Appeals pursuant to Subsection 2.16.3, *Appeal of Administrative Decision*.

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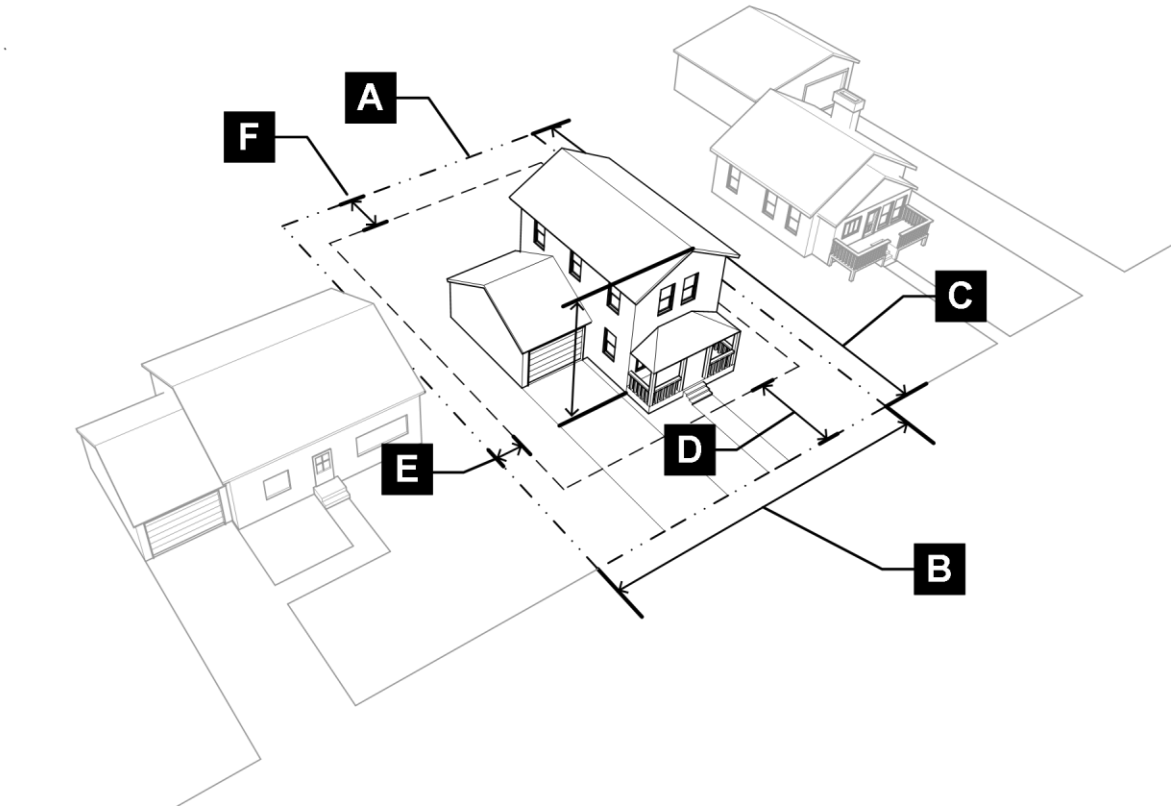
3.2 Residential Sub-Districts

3.2.1 R4 - Residential

A. Purpose

The R4 sub-district is intended to accommodate a variety of housing types on lots designed to encourage walking to neighborhood-serving retail and other amenities such as parks and school facilities. This zoning sub-district will ensure existing neighborhood character is maintained while also serving as a transition area between established single-family neighborhoods and mixed-use neighborhoods, commercial areas, and key corridors.

Figure 3.2-A: R4 Sub-district Dimensional Standards



B. R4 Sub-district Dimensional Standards

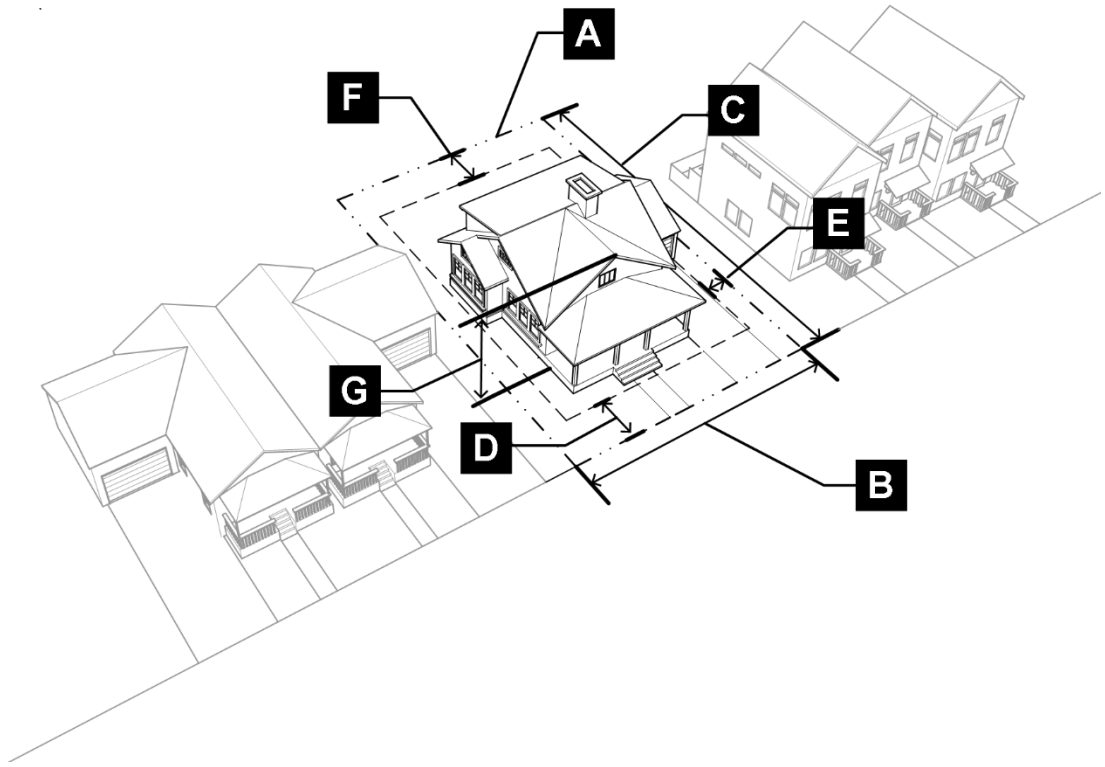
Table 3.2-A: R4 Sub-district Dimensional Standards			
Dimensional Standards			**Additional Standards**
LOT DIMENSIONS (MINIMUM)			
A	Lot area	7,000 sq ft	3.7.2A *Minimum Lot Dimensions*
B	Lot width	50 feet	
C	Lot depth	80 feet	
SETBACKS (MINIMUM)			
D	Front yard	20 feet	*3.7.3: Setbacks*
E	Side yard	5 feet	
F	Rear yard	10 feet	
OTHER STANDARDS			
G	Building height (maximum)	40 feet	3.7.5: *Building Height*
	Building coverage (maximum)	50 percent	3.7.6: *Building Coverage*
	Single-family detached dwelling, townhome, or duplex		If approved prior to October 1, 2019, see Section ***Error! Reference source not found.: Error! Reference source not found.***
	Robson Ranch Adjacency		See Section 4.2

3.2.2 R6 - Residential

A. Purpose

The R6 sub-district is intended to accommodate a variety of housing types on lots designed to encourage walking to neighborhood-serving retail and other amenities such as parks and school facilities. This zoning sub-district will ensure existing neighborhood character is maintained while also serving as a transition area between established single-family neighborhoods and mixed-use neighborhoods, commercial areas, and key corridors.

Figure 3.2-B: R6 Sub-district Dimensional Standards



B. R6 Sub-district Dimensional Standards

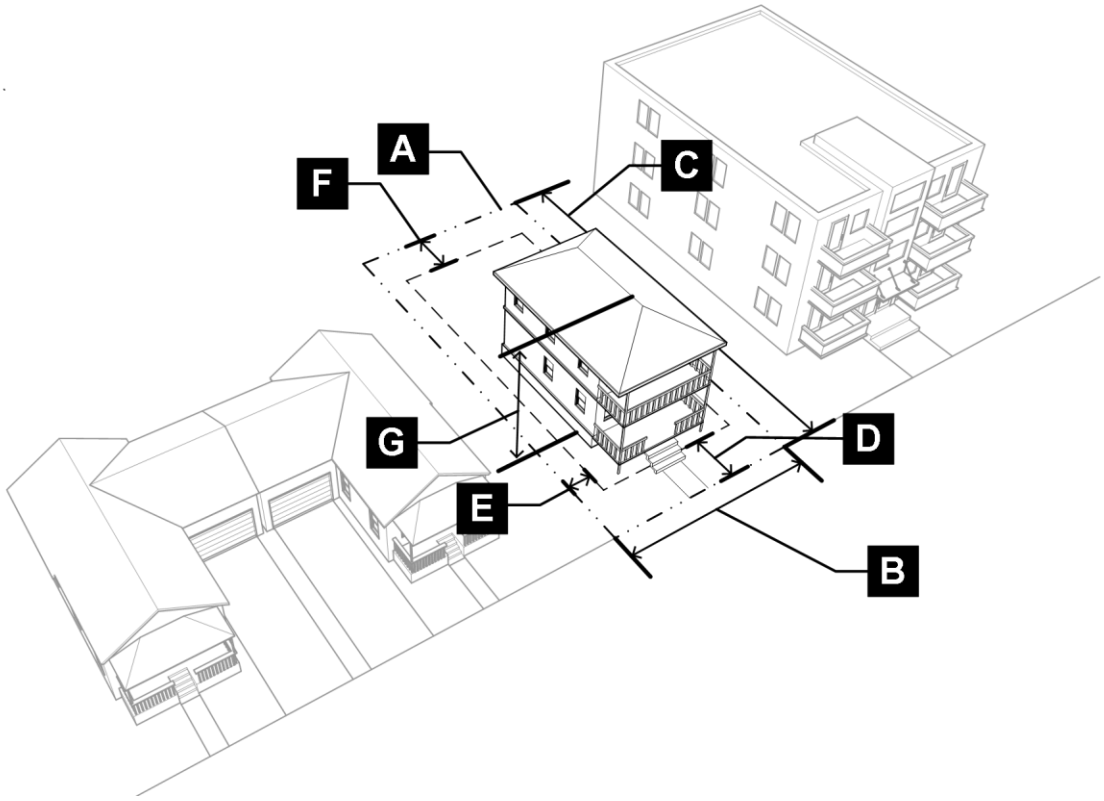
Table 3.2-B: R6 Sub-district Dimensional Standards			
Dimensional Standards			**Additional Standards**
LOT DIMENSIONS (MINIMUM)			
A	Lot area	6,000 sq ft	3.7.2A *Minimum Lot Dimensions*
B	Lot width	50 feet	
C	Lot depth	80 feet	
SETBACKS (MINIMUM)			
D	Front yard	10 feet	*3.7.3: Setbacks*
E	Side yard	5 feet	
F	Rear yard	10 feet	
OTHER STANDARDS			
G	Building height (maximum)	40 feet	3.7.5: *Building Height*
	Building coverage (maximum)	60 percent	3.7.6: *Building Coverage*
	Single-family detached dwelling, townhome, or duplex		If approved prior to October 1, 2019, see Section ***Error! Reference source not found.***: ***Error! Reference source not found.***
	Robson Ranch Adjacency		See Section 4.2

3.2.3 R7 - Residential

A. Purpose

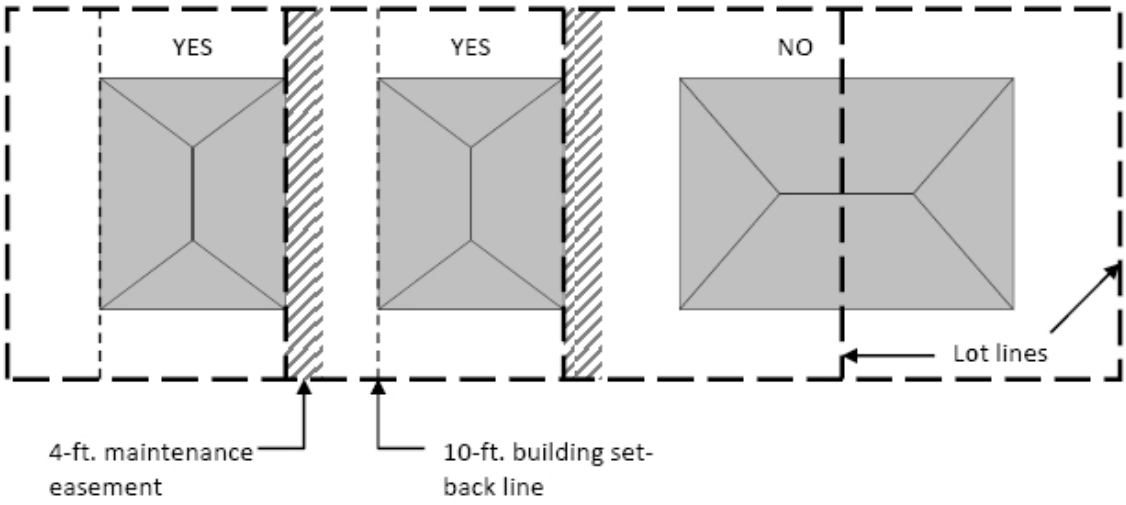
The R7 sub-district is intended to accommodate a variety of housing types on lots designed to encourage walking to neighborhood-serving retail and other amenities such as parks and school facilities. This zoning sub-district will ensure existing neighborhood character is maintained while also contributing to a safe environment for pedestrians and bicyclists. This sub-district can also serve to support compatibility between single-family neighborhoods and higher-intensity mixed-use or nonresidential.

Figure 3.2-C: R7 Sub-district Dimensional Standards



B. Zero Lot Line

Zero lot line development shall conform to the following diagram, and a maintenance easement shall be required for the four-foot area adjacent to the zero side yard, as shown on the diagram.


YES
YES
NO
Lot lines
4-ft. maintenance easement
10-ft. building set-back line

C. R7 Sub-district Dimensional Standards

Table 3.2-C: R7 Sub-district Dimensional Standards			
Dimensional Standards			**Additional Standards**
LOT DIMENSIONS (MINIMUM)			
A	Lot area	4,000 sq ft	3.7.2A *Minimum Lot Dimensions* **Exception: Up to 40 percent of the land area designated as R7 on the Development Plan Map attached as Exhibit C may be developed with single family detached lots with a minimum width of 40 feet.*
B	Lot width	50 feet*	
C	Lot depth	80 feet	
SETBACKS (MINIMUM)			
D	Front yard	10 feet	*3.7.3: Setbacks*
E	Side yard	5 feet on both sides, or 10 feet on one side and 0 feet on the other side (Section 3.2.3.B Zero Lot Line)	
F	Rear yard	10 feet	
OTHER STANDARDS			
G	Building height (maximum)	40 feet	3.7.5: *Building Height*
	Building coverage (maximum)	65 percent	3.7.6: *Building Coverage*
	Single-family detached dwelling, townhome, or duplex		If approved prior to October 1, 2019, see Section ***Error! Reference source not found.***: ***Error! Reference source not found.***
	Robson Ranch Adjacency		See Section 4.2

3.2.4 Summary Table of Residential Dimensional Standards

Table 3.2-D: Residential Sub-districts Dimensional Standards								
Dimensional Standards					**R4**	**R6**	**R7**	**Additional Standards**
LOT DIMENSIONS (MINIMUM)								
Lot area					7,000 sq ft	6,000 sq ft	4,000 sq ft	3.7.2A *Minimum Lot Dimensions* **Exception – UP to 40 percent of the land area designated as R7 on the Development Plan Map attached as Exhibit C may be developed with single family detached lots with a minimum width of 40 feet.*
Lot width					50 feet	50 feet	50 feet*	
Lot depth					80 feet	80 feet	80 feet	
SETBACKS (MINIMUM)								
Front yard					20 feet	10 feet	10 feet	*3.7.3: Setbacks*
Side yard					5 feet	5 feet	5 feet on one side or 10 feet on one side and 0 feet on the other side (Section 3.2.3.B Zero Lot Line)	
Rear yard					10 feet	10 feet	10 feet	
OTHER STANDARDS								
Building height (maximum)					40 feet	40 feet	40 feet	3.7.5: *Building Height*
Building coverage (maximum)					50 percent	60 percent	65 percent	3.7.6: *Building Coverage*
Robson Ranch Adjacency								See Section 4.2

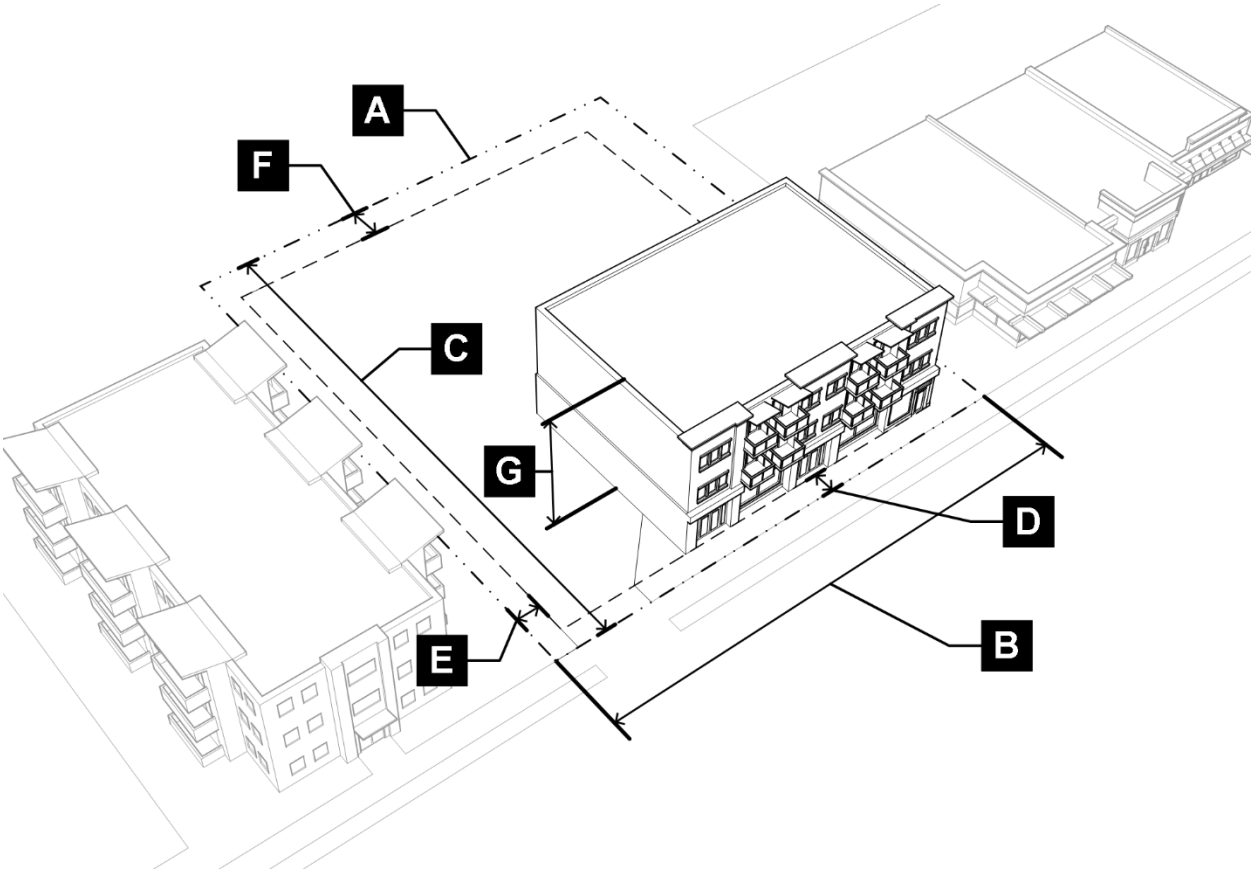
3.3 Mixed-Use Sub-districts

3.3.1 MN - Mixed-Use Neighborhood

A. Purpose

The MN sub-district is provided to support compatibility between higher-intensity mixed-use areas and adjacent residential and commercial areas. This sub-district contributes to a vibrant environment for pedestrians and bicyclists and includes varying densities of residential, neighborhood-serving retail, restaurants, commercial, and office uses that are sensitive to the surrounding built and natural context in scale and form.

Figure 3.3-A: MN Sub-district Dimensional Standards



B. MN Sub-district Dimensional Standards

Table 3.3-A: MN Sub-district Dimensional Standards			
Dimensional Standards			**Additional Standards**
LOT DIMENSIONS (MINIMUM)			
A	Lot area	2,500 sq ft	3.7.2A *Minimum Lot Dimensions*
B	Lot width	20 feet	
C	Lot depth	50 feet	
SETBACKS (MINIMUM)			
D	Front yard	10 feet	*3.7.3: Setbacks*
E	Side yard	None	
F	Rear yard	None	
OTHER STANDARDS			
G	Building height (maximum)	100 feet [1]	3.7.5: *Building Height*
	Building coverage (maximum)	80 percent	3.7.6: *Building Coverage*
	Single-family detached dwelling, townhome, or duplex		If approved prior to October 1, 2019, see Section ***Error! Reference source not found.: Error! Reference source not found.***
	Robson Ranch Adjacency		See Section 4.2

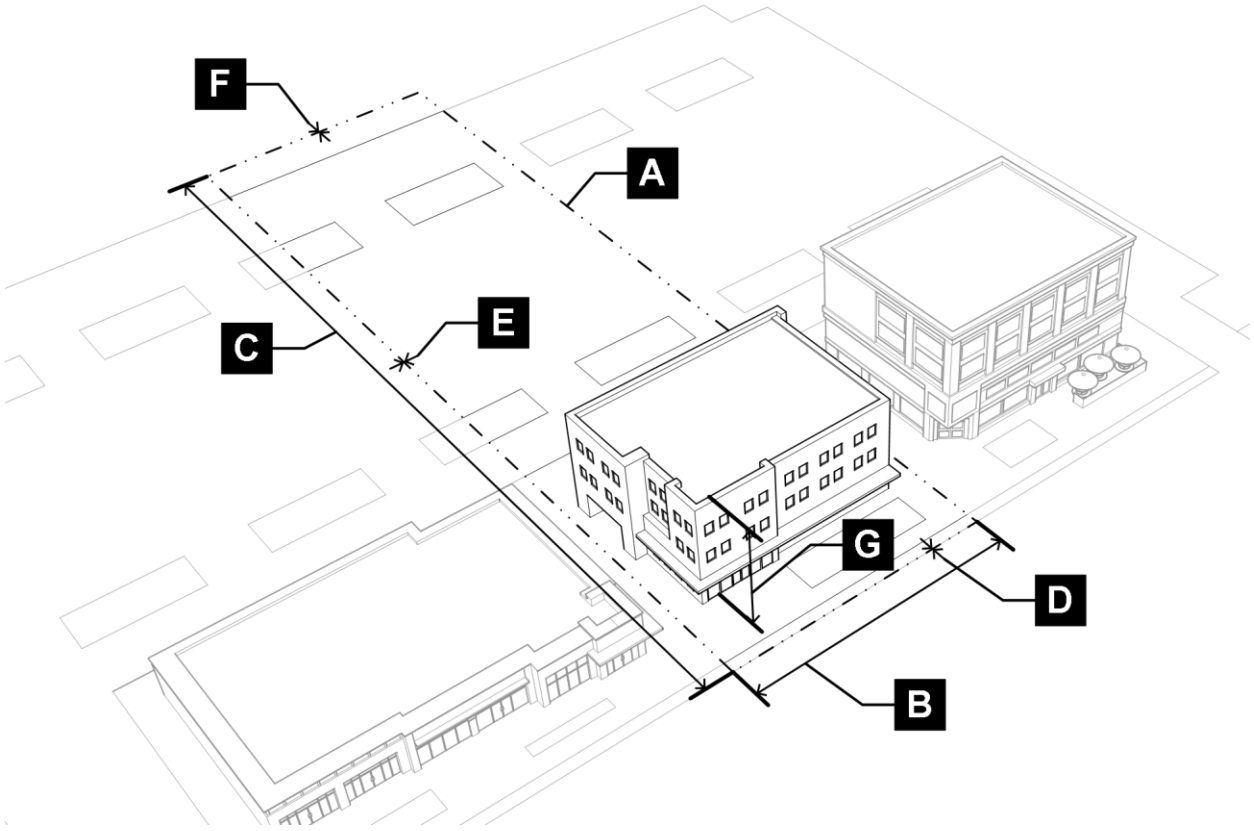
Notes:
[1] Buildings adjacent to a Residential development or sub-district shall comply with the standards in Subsection 7.10.6: *Building Height in Transition Areas*.

3.3.2 MR - Mixed-Use Regional

A. Purpose

The MR sub-district is intended to provide a walkable urban center to augment the regional draw and image of Denton. Development may include national retailers, employment, restaurants, entertainment venues, and housing at the highest levels of scale and density within the City. This sub-district ensures that development will complement and embrace existing viable uses, and raise the standard of design to increase regional draw, accommodate greater connectivity and mobility options, and create a sense of place. The MR sub-district may be established in areas with the greatest regional access and is sensitive to the adjacent built and natural context.

Figure 3.3-B: MR Sub-district Dimensional Standards



B. Intentionally left blank

C. MR Sub-district Dimensional Standards

Table 3.3-B: MR Sub-district Dimensional Standards

	Dimensional Standards		Additional Standards
LOT DIMENSIONS (MINIMUM)			
A	Lot area	None	3.7.2A *Minimum Lot Dimensions*
B	Lot width	None	
C	Lot depth	None	
SETBACKS (MINIMUM)			
D	Front yard	None	*3.7.3: Setbacks*
E	Side yard	None	
F	Rear yard	None	
OTHER STANDARDS			
G	Building height (maximum)	200 feet [1][2]	3.7.5: *Building Height*
	Building coverage (maximum)	90 percent	3.7.6: *Building Coverage*
	Single-family detached dwelling, townhome, or duplex		If approved prior to October 1, 2019, see Section ***Error! Reference source not found.: Error! Reference source not found.***
	Robson Ranch Adjacency		See Section 4.2

Notes:

[1] Buildings adjacent to a Residential development or sub-district shall comply with the standards in Subsection 7.10.6: *Building Height in Transition Areas*.

[2] Additional height may be allowed with a specific use permit pursuant to Subsection 2.5.2: *Specific Use Permit (SUP)*

3.3.3 Summary Table of Mixed-Use Dimensional Standards

Table 3.3-C: Mixed-Use Sub-districts Dimensional Standards				
Dimensional Standards	**MN**		**MR**	**Additional Standards**
LOT DIMENSIONS (MINIMUM)				
Lot area	2,500 sq ft		None	3.7.2A *Minimum Lot Dimensions*
Lot width	20 feet		None	
Lot depth	50 feet		None	
SETBACKS (MINIMUM)				
Front yard	10 feet		None	*3.7.3: Setbacks*
Side yard	None		None	
Rear yard	None		None	
OTHER STANDARDS				
Building height (maximum)	100 feet [1]		200 feet [1] [2]	3.7.5: *Building Height*
Building coverage (maximum)	80 percent		90 percent	3.7.6: *Building Coverage*
Robson Ranch Adjacency				See Section 4.2

Notes:

[1] Buildings adjacent to a Residential development or sub-district shall comply with the standards in Subsection 7.10.6: *Building Height in Transition Areas*.

[2] Additional height may be allowed with a specific use permit pursuant to Subsection 2.5.2: *Specific Use Permit (SUP)*

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3.5 Intentionally left blank

3.6 Intentionally left blank

3.7 Measurements and Exceptions

3.7.1 Purpose

This section is intended to provide uniform measures for interpretation and enforcement of this DDC and to list any exceptions to the dimensional standards in this DDC.

3.7.2 Lot and Site Requirements

A. Minimum Lot Dimensions

1. Any lot that is created, developed, used, or occupied must meet the minimum lot dimensions for the applicable zoning sub-district, unless otherwise established in this DDC.
2. Each townhome lot shall have a minimum lot area of 2,000 square feet per unit, minimum lot width of 20 feet, and a minimum lot depth of 60 feet. Provided, however, the overall townhome development shall have a minimum land area equal to or greater in size than the minimum lot area that would be required for the development of the equivalent number of single-family dwelling units in the applicable zoning sub-district.
3. Land needed to comply with the minimum lot dimensions or other standards in this DDC must not be sold or leased away from such lot.
4. New lots must meet the lot dimensions in this subchapter and must comply with Subchapter 8: *Subdivisions*.

B. Number of Principal Buildings or Uses per Lot

1. No lot may contain more dwellings than are permitted by the applicable zoning sub-district.
2. Only one principal building shall be located on a single lot for the following land uses: single-family detached dwelling; duplex; townhome; triplex; and fourplex.
3. Multiple buildings may be permitted on a single lot for multi-family, mixed-use, and nonresidential uses if each building and site development complies with this DDC.

C. Alternate Standards in Cluster Subdivisions

Alternate lot size, lot width, and setback standards may be approved through development of a cluster subdivision pursuant to Subsection 8.3.4, *Cluster Subdivisions*.

3.7.3 Setbacks

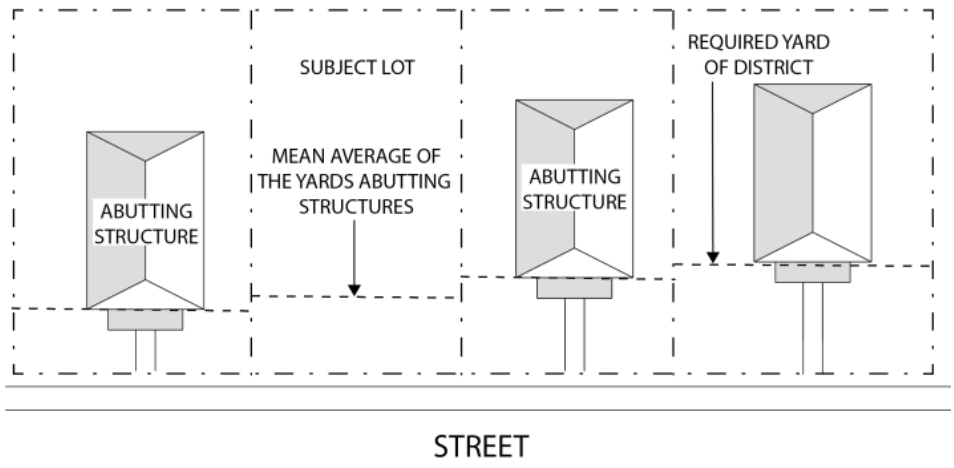
A. Measurement of Setbacks

Every part of a required yard must be unobstructed from ground level to the sky unless otherwise exempted in this DDC. Setbacks are measured as stated in Subchapter 9: *Definitions*, under the term "setback."

B. Contextual Setbacks in Residential Zoning Sub-districts

If structures on two or more abutting lots (even if separated by an alley or private way) have yards that are less than the required yard for the sub-district, the yard for the subject lot may be calculated as the mean average of the yards of the abutting structures.

Figure 3.7-A: Contextual Setbacks



C. Corner Lots

On corner lots, the required side yard adjacent to the street shall be twice the minimum setback otherwise required for street-side side yard setback, and shall not be less than ten feet.

D. Exceptions to Setbacks

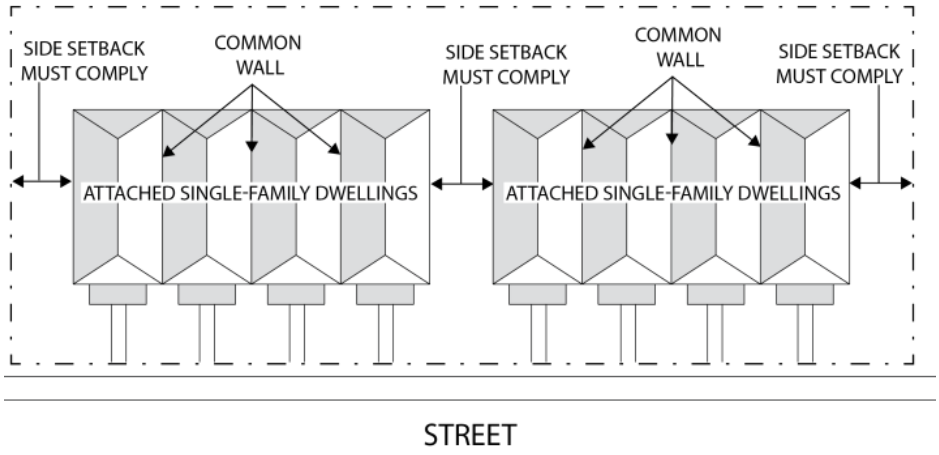
1. The features listed in Table 3.7-A are permitted to project into the required setbacks of the applicable zoning sub-district. The exceptions apply to all zoning sub-districts unless otherwise stated. Any authorized projections must comply with all applicable building and fire codes.
2. Projections shall not extend or encroach into a public or private easement or right-of-way, nor obscure a required visual clearance area as described in paragraph 0.

Table 3.7-A: Authorized Exceptions to Setbacks

Permitted Projections	Maximum Encroachment
Accessibility ramps, lifts and access facilities	May be located within required yards. Ramps shall not be located in the public right-of-way without approval by the City.
Front porches and stoops	In all residential zoning sub-districts, unenclosed front porches and stoops may extend into the required front setback up to eight feet, provided no part of the porch is closer than five feet from the front property line Railings or other features shall not deem a porch or stoop as enclosed.
Garages, side or rear entry	Side-entry garages may extend into the front yard setback, provided the garage is a least 10 feet from the front property line. Rear-entry garages may extend into the rear yard setback, provided the garage is at least 5 feet from the rear property line.
Ground-mounted mechanical equipment	May encroach five feet into required side and rear yards provided no element is located closer than two feet from any property line and the equipment complies with screening standards in Subsection 7.7.8, *Walls, Fences, and Screening*.
Incidental architectural features	Cornices, canopies, sunshades, chimneys, flues, belt courses, headers, sills, pilasters, lintels, bay or box windows, ornamental features, and other similar architectural features may project up to two feet into any required setback provided the projections are at least five feet from the property line.
Roof eaves	May encroach 18 inches into a required yard.
Swimming pools	A swimming pool on a lot with a single-family dwelling may be constructed no closer than five feet from the side and rear lot line and the swimming pool shall not be placed in the front yard and shall not encroach into or over an easement. A swimming pool on a lot with a single-family dwelling may be constructed no closer than five (5) feet from any other buildings and structures on the same lot.
Uncovered balconies and fire escapes	May encroach 18 inches into required side yard; four feet into required front or rear yard and shall comply with the applicable building coverage maximum .
Uncovered porches, slabs, patios, walks and steps	May encroach into required yards, but not closer than three feet from a rear or side property line, provided all components of the encroachment are no greater than 30 inches above finished grade.

3. Attached single-family dwellings sharing a common wall are not required to comply with side setback requirements, except for the outside walls of the end units.

Figure 3.7-B: Attached Single Family Dwelling Setbacks



3.7.4 Vision Clearance Area Requirements

No signs, structures, or vegetation in excess of two and one-half feet in height shall be placed in the vision clearance area as established in the Transportation Criteria Manual.

3.7.5 Building Height

A. Measurement

Heights referred to in this DDC shall be measured as stated in Section 9.2: *Definitions*, under the term "height, building or structure."

B. Buildings Adjacent to Residential Sub-districts

Buildings adjacent to any Residential zoning sub-district shall comply with the standards in Subsection 7.10.6: *Building Height in Transition Areas*.

C. Exceptions to Height Standards

1. Agricultural structures permitted by this DDC shall be permitted to project beyond the height requirements of the applicable zoning sub-district.
2. The features listed in Table 3.7-B shall be permitted to project beyond maximum height requirements of the applicable zoning sub-district.

Table 3.7-B: Authorized Exceptions to Height Standards

Permitted Exceptions	Maximum Encroachment
Agricultural structures (i.e., barns, sheds, silos, etc.)	No maximum.
Church spires, belfries, cupolas, or domes not intended for human habitation	May be 25 percent greater than the maximum allowed height.
Parapet walls	May extend above the maximum allowed height for residential buildings containing two or more dwelling units and for mixed-use and other nonresidential buildings.
Building-mounted telecommunications, stairwells, elevator shafts, and rooftop mechanical equipment	Building-mounted telecommunications, stairwells, elevator shafts, and rooftop mechanical equipment may extend above the maximum allowed height provided the equipment complies with screening requirements in Subsection 7.7.8: *Walls, Fences, and Screening.*
Water towers, chimneys, flag poles	No maximum.
Telecommunications facilities	Refer to Section 5.6: *Wireless Telecommunications Facilities*.
WECS facilities	May extend 10 feet above the maximum allowed height; refer to Subsection 5.3.7: *Public and Semi-Public Utility Uses*.

D. Special Height Limitations in Airport Controlled Area

Building and structure height may be further limited according to Section 4.1: *Highway Buffer Zone*

No single family detached platted lot line in the MR sub-district shall be located within the buffer area shown on the Development Plan Map attached as Exhibit C (the Highway Buffer Zone). The

600-foot Highway Buffer Zone shall be measured from the edge of the future Loop 288 and I-35W rights-of-way, as shown on the Texas Department of Transportation construction plans in effect on the date of the adoption of this Ordinance, and identified as CSJ No. 2250-02-013 and CSJ No. 2250-02-014 (for Loop 288) and CSJ No. 0081-13-050 (for I-35W). The purpose of the Highway Buffer Zone is to prohibit single family detached development in close proximity to highways.

3.8 Adjacency to Robson Ranch

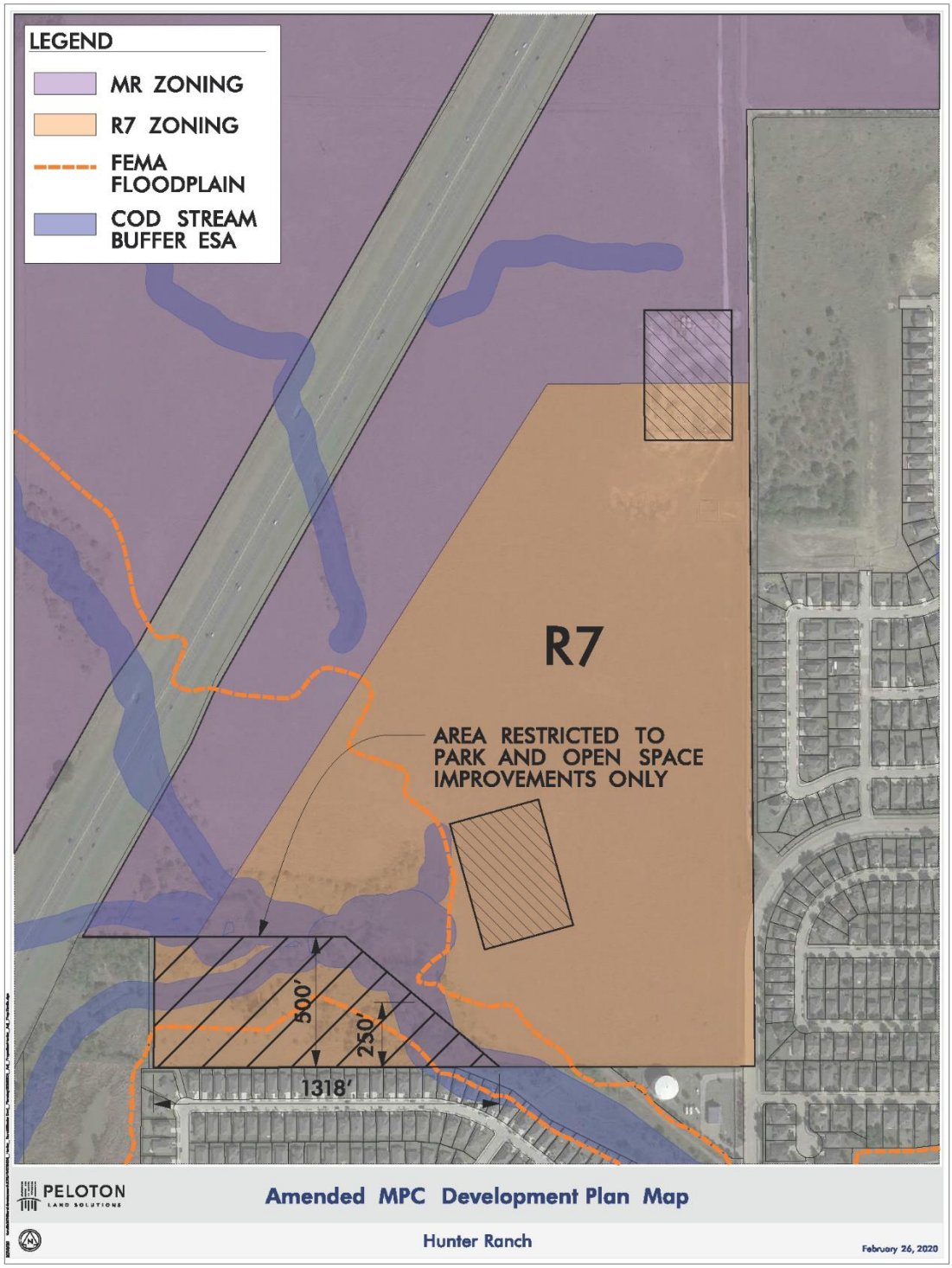
A. Robson Ranch Adjacency – Special Conditions

The following conditions from Ordinance No. 2008-286 are carried forward and shall continue to apply:

1. Along the common property line between the Hunter Ranch MPC and Robson Ranch, adjacent to the Common Open Space identified as Lot 22X, Block F, Robson Ranch 2, Phase 1 and Lot 16X Robson Ranch 5-:
    a. The HOA shall construct and maintain either: (1) an eight foot (8') wood frame fence, finished on both sides with a decorative weather-resistant fiber-cement siding material, compliant with ASTM Standard Specifications C1186 Grade II, Type A, and supported by steel support posts, or (2) an eight foot (8') high masonry wall with masonry support columns. In either case, spans shall not exceed thirty-four feet (34') between supports. The fence or wall is not required in areas designated as Environmentally Sensitive Areas (ESAs). The fence or wall must be constructed upon plat approval of each Inspiration subdivision abutting this area.
    b. The HOA shall construct and maintain an open space buffer twenty-eight feet (28') or greater in width, as depicted in Exhibit G, attached hereto and incorporated herein by reference
    c. Single-family lots adjacent to the new twenty-eight (28') foot wide buffer shall have a minimum width of sixty-two feet (62') and a minimum depth of one hundred feet (100').
    d. All of the single-family houses constructed adjacent to the new twenty-eight foot (28') wide buffer shall be single story
2. Schools shall not be located adjacent to the Robson Ranch property
3. Private Parks shall not be located adjacent to the Robson Ranch property
4. There shall not be any multi-family development abutting Robson Ranch Road or the Robson Ranch Development.
5. Residential lots adjacent to the Robson Ranch property shall have the same or larger square footage as the minimum allowable lot size under applicable zoning in effect on the date of this Ordinance on abutting lots within Robson Ranch, unless the approved MPC development standards or these conditions specify or necessitate a larger square footage requirement.

3.9 Area Restricted to Park and Open Space Improvements

Development shall be restricted to park and open space improvements for the hatched area adjacent to Country Lakes as noted and shown on the following graphic:


LEGEND
MR ZONING
R7 ZONING
FEMA FLOODPLAIN
COD STREAM BUFFER ESA
R7
AREA RESTRICTED TO PARK AND OPEN SPACE IMPROVEMENTS ONLY
500'
250'
1318'
PELOTON
LAND SOLUTIONS
Amended MPC Development Plan Map
Hunter Ranch
February 26, 2020

3.10 Intentionally left blank

MAO – Municipal Airport Overlay District.

3.10.1 Building Coverage

A. Building coverage referred to in this DDC shall be measured as stated in Section 9.2: *Definitions*, under the term "building coverage."

B. Agricultural buildings shall not count toward building coverage.

C. The maximum building coverage may be increased up to 10 percent for residential uses that provide a side- or rear-entry garage.

D. The maximum building coverage for townhome lots shall be 85 percent.

3.10.2 Floor Area and Square Footage

A. All areas within a structure including interior storage areas, closets, living areas, and bathrooms, garages, and interior and exterior walls shall be included in the calculation of floor area of a structure.

B. Gross square footage of a structure shall be measured from the outside of the exterior walls and shall include the area of the walls.

C. When there is more than one use within a structure, the square footage of each use shall be determined by the gross square footage of the use, plus a portion of any areas used in common. Such common areas shall be pro-rated on the basis of the square footage of each use in the structure, excluding the common areas.

3.11 [intentionally left blank]

Subchapter 4: Overlay Districts

4.1 Highway Buffer Zone

No single family detached platted lot line in the MR sub-district shall be located within the buffer area shown on the Development Plan Map attached as Exhibit C (the Highway Buffer Zone). The 600-foot Highway Buffer Zone shall be measured from the edge of the future Loop 288 and I-35W rights-of-way, as shown on the Texas Department of Transportation construction plans in effect on the date of the adoption of this Ordinance, and identified as CSJ No. 2250-02-013 and CSJ No. 2250-02-014 (for Loop 288) and CSJ No. 0081-13-050 (for I-35W). The purpose of the Highway Buffer Zone is to prohibit single family detached development in close proximity to highways.

4.2 Adjacency to Robson Ranch

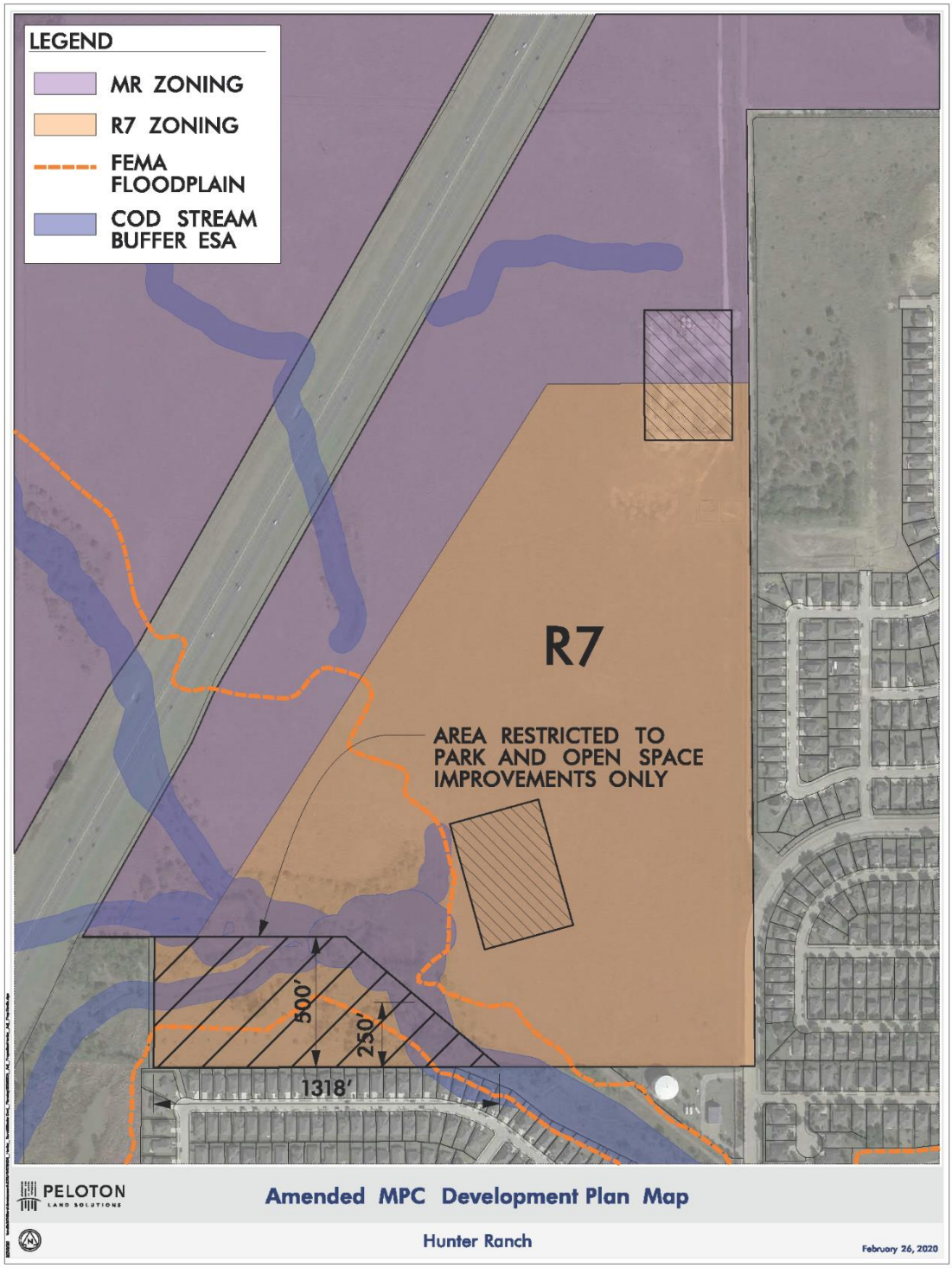
A. Robson Ranch Adjacency – Special Conditions

The following conditions from Ordinance No. 2008-286 are carried forward and shall continue to apply:

1. Along the common property line between the Hunter Ranch MPC and Robson Ranch, adjacent to the Common Open Space identified as Lot 22X, Block F, Robson Ranch 2, Phase 1 and Lot 16X Robson Ranch 5-:
    a. The HOA shall construct and maintain either: (1) an eight foot (8') wood frame fence, finished on both sides with a decorative weather-resistant fiber-cement siding material, compliant with ASTM Standard Specifications C1186 Grade II, Type A, and supported by steel support posts, or (2) an eight foot (8') high masonry wall with masonry support columns. In either case, spans shall not exceed thirty-four feet (34') between supports. The fence or wall is not required in areas designated as Environmentally Sensitive Areas (ESAs). The fence or wall must be constructed upon plat approval of each Inspiration subdivision abutting this area.
    b. The HOA shall construct and maintain an open space buffer twenty-eight feet (28') or greater in width, as depicted in Exhibit G, attached hereto and incorporated herein by reference
    c. Single-family lots adjacent to the new twenty-eight (28') foot wide buffer shall have a minimum width of sixty-two feet (62') and a minimum depth of one hundred feet (100').
    d. All of the single-family houses constructed adjacent to the new twenty-eight foot (28') wide buffer shall be single story
2. Schools shall not be located adjacent to the Robson Ranch property
3. Private Parks shall not be located adjacent to the Robson Ranch property
4. There shall not be any multi-family development abutting Robson Ranch Road or the Robson Ranch Development.
5. Residential lots adjacent to the Robson Ranch property shall have the same or larger square footage as the minimum allowable lot size under applicable zoning in effect on the date of this Ordinance on abutting lots within Robson Ranch, unless the approved MPC development standards or these conditions specify or necessitate a larger square footage requirement.

4.3 Area Restricted to Park and Open Space Improvements

Development shall be restricted to park and open space improvements for the hatched area adjacent to Country Lakes as noted and shown on the following graphic:


LEGEND
MR ZONING
R7 ZONING
FEMA FLOODPLAIN
COD STREAM BUFFER ESA
R7
AREA RESTRICTED TO PARK AND OPEN SPACE IMPROVEMENTS ONLY
500'
250'
1318'
PELOTON
LAND SOLUTIONS
Amended MPC Development Plan Map
Hunter Ranch
February 26, 2020

4.4 Intentionally left blank

4.5 MAO – Municipal Airport Overlay District

4.5.1 Purpose and Applicability

The Municipal Airport Overlay (MAO) district is intended to regulate and restrict the height of structures and objects of natural growth and the use of property in the vicinity of the Denton Enterprise Airport to prevent the creation or establishment of obstructions that are a hazard to air navigation. Application of this district will help prevent the encroachment of noise sensitive or otherwise incompatible land uses which may endanger the health, safety, and welfare of the owners, occupants, or users of the land. This district is also intended to implement state and federal rules associated with land uses in the vicinity of airports. Such state and federal rules shall apply within the MAO district.

The Municipal Airport Overlay (MAO) district applies to the portions of this MPC located within the Municipal Airport Overlay Zoning District.

4.5.2 Municipal Airport Overlay District Established

A. Generally

The MAO district is the area generally located outside the airport boundaries and within a rectangle bounded by lines located no farther than one and one-half statute miles from the centerline of an instrument or primary runway and no farther than five statute miles from each end of the paved surface of precision instrument runways. Where only a portion of a lot or parcel is within the boundaries explained above, the entire parcel shall be subject to the MAO regulations.

B. Subdistricts Established

The MAO district imposes two types of overlay zoning districts that combine with existing and future zoning district regulations:

1. **Airport Height Hazard District (AHHD)**
   The Airport Height Hazard District (AHHD), as established in Subsection 4.5.8, establishes height limitations on structures and natural objects within an area generally traversed by the flight tracks of aircraft using the Denton Enterprise Airport.

2. **Airport Compatibility Land Use District (ACLUD)**
   The Airport Compatibility Land Use District (ACLUD), as established in Subsection 4.5.9, establishes land use compatibility regulations that prohibit certain types of land uses and that impose performance standards on other land uses that potentially are subject to noise impacts from aircraft operation in the vicinity of the airport.

4.5.3 Applicability

A. The requirements of this Section 4.1, shall apply to all lands lying within city boundaries.

B. Nothing contained in Subsection 4.5.4, shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any natural object in excess of any of the height limits established in Subsection 4.5.8C.

C. When a parcel of land lies within more than one airport zoning subdistrict, or only a portion of a parcel lies within an airport zoning district, the provisions of the most restrictive regulations shall apply to the use of land and structures for the entire parcel, except when:

1. It is determined by the Director that a structure is located within a single airport zoning subdistrict, then the provisions of that subdistrict shall apply to such structure; or
2. It is determined by the Director that a structure is located outside any airport zoning district, then the provisions of the standard zoning sub-district in which the structure is located shall apply.

4.5.4 Conflicts with Other Provisions

A. Where there exists a conflict between any standard, restriction, limitation, requirement, or regulation prescribed by this section and any other applicable regulation, the provisions of this section shall govern and prevail; provided that the more stringent limitation or requirement shall control in the event of a conflict, with respect to the height of a structure or object of natural growth.

B. In the event of a conflict between the requirements of this DDC and any provision of state law, state law requirements shall prevail.

C. Consistent with TLGC, § 241.012, it is the intent of this section that federal laws or rules controlling the use of land located adjacent to or in the immediate vicinity of an airport, as they may be amended from time to time, that impose more stringent limitations than are imposed under provisions herein set forth, shall be applied to any application submitted under this section until such time as the city is able to conform its airport zoning regulations to such law or rules.

4.5.5 Exemptions

Unless otherwise provided in this DDC, the following shall be exempt from the provisions of this section:

A. Areas in the Horizontal Zone and Conical Zone

Any natural object(s) or structure(s) less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such object(s) or structure(s) would extend above the height limits established in Subsection 4.5.8C.

B. Areas in the Approach Zone

Any natural object(s) or structure(s) less than 75 feet of vertical height above the ground at a horizontal distance more than 4,200 feet from each end of the runway, except when such object or structure would extend above the height limit established in Subsection 4.5.8C.

4.5.6 Nonconformities

A. Generally

Whenever the Director determines that a nonconforming structure or natural object within the area subject to this section has been abandoned or more than 50 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or natural object to exceed the applicable height limit or otherwise deviate from the zoning regulations of this DDC. In all other cases, the continuation, repair, reconstruction, or remodeling of non-conforming uses or structures shall be governed by Section **Error! Reference source not found.**, ***Error! Reference source not found.***; provided, however, the Director shall apply the standards in this section.

B. Regulations Not Retroactive

The regulations prescribed by this section shall not be construed to require the removal, lowering, or other change or alteration of any structure or natural object not conforming to the regulations of this section, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, for which a complete application was accepted for filing prior to the effective date of this section, which is consistent with existing regulations and for which construction is diligently pursued.

C. Marking and Lighting

Notwithstanding Subsection 4.5.6B, the owner of any nonconforming structure or area is hereby required to permit the installation, operation, and maintenance hereon of such markers and lights as shall be deemed necessary by the Director, in order to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the city or the Federal Aviation Administration (FAA).

4.5.7 General Prohibition on Airport Hazards

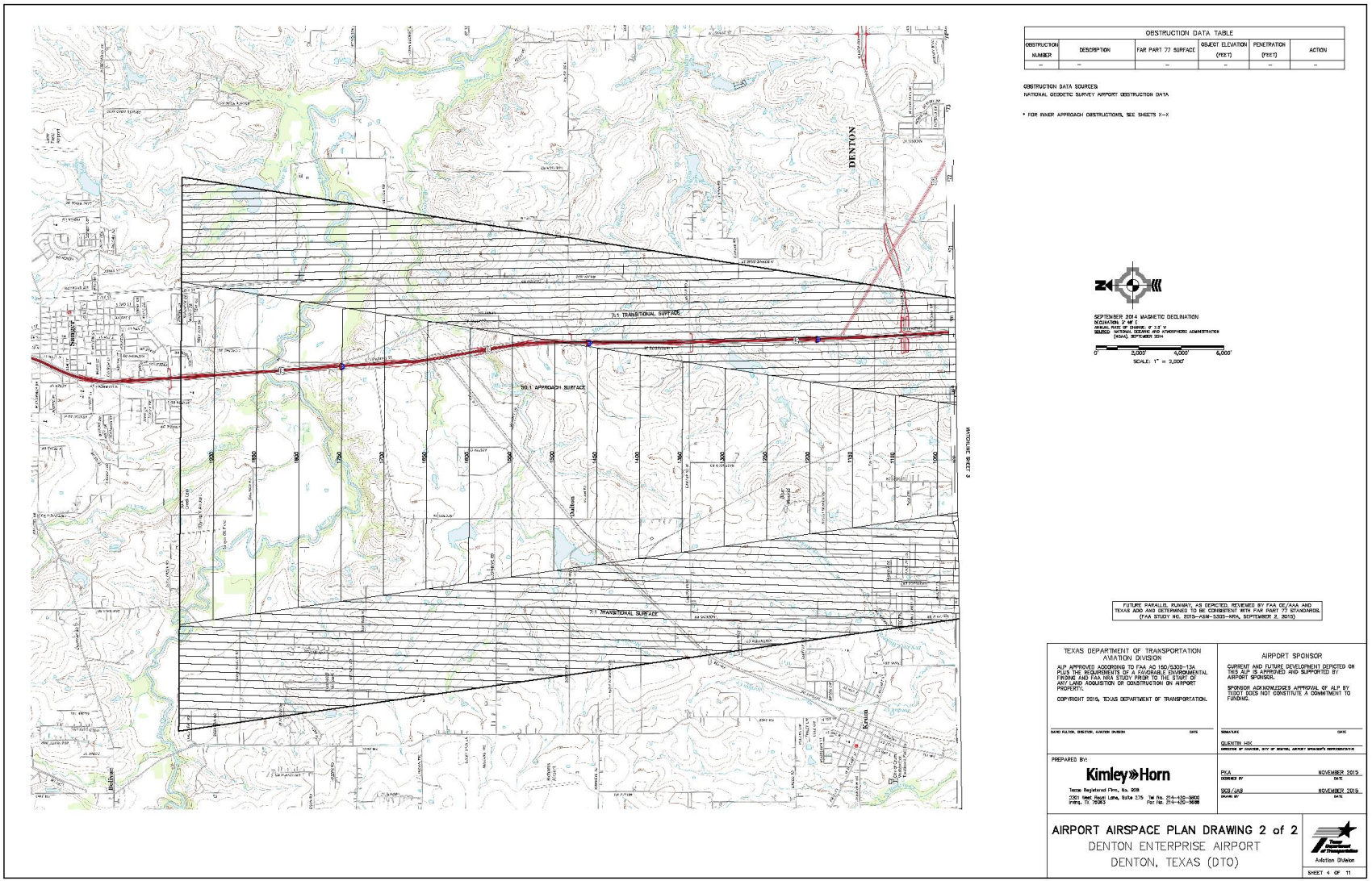
Notwithstanding any other provisions of this section, no person shall use land or water within any zone established by this DDC in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft; make it difficult for pilots to distinguish between airport lights and other lighting; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; create bird strike hazards; or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the airport.

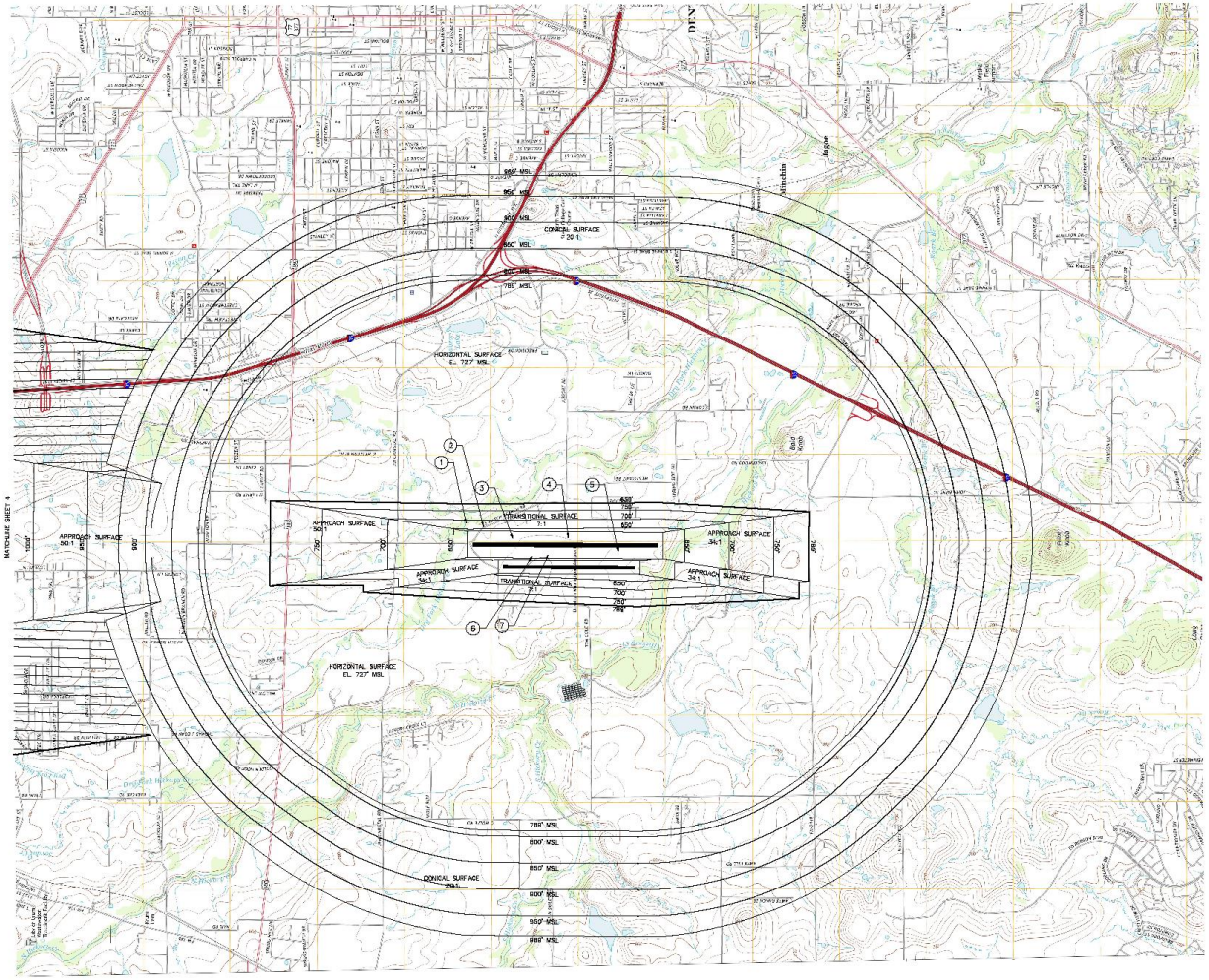
4.5.8 AHHD - Airport Height Hazard District

A. District Established

There is hereby established an Airport Height Hazard District (AHHD) within that area lying beneath the Approach Surfaces, Transitional Surfaces, Horizontal Surface and Conical Surface of the Denton Enterprise Airport. The AHHD consists of the following subdistricts, which are depicted in Figure 4.5-1: *Airport Height Hazard District Map*, and which constitutes the zoning map for the district.

Figure 4.5-1: Airport Height Hazard District Map





OBSTRUCTION DATA TABLE

OBSTRUCTION NUMBER	DESCRIPTION	FAR PART 77 SURFACE	OBJECT ELEVATION (FEET)	PENETRATION (FEET)	ACTION
1	TREE	TRANSITIONAL	899.0	8.9	TRIM
2	TREE	TRANSITIONAL	875.0	10.8	TRIM
3	LIGHT ON WINDSOCK	PRIMARY	847.0	10.5	NONE
4	LIGHT ON WINDSOCK	PRIMARY	841.0	38.2	NONE
5	LIGHT ON WINDSOCK	PRIMARY	840.0	10.8	NONE
6	GROUND	PRIMARY	844.0	9.6	LEVEL
7	GROUND	PRIMARY	846.0	11.9	LEVEL

OBSTRUCTION DATA SOURCE:
NATIONAL GEODETIC SURVEY AIRPORT OBSTRUCTION DATA

* FOR INNER APPROACH OBSTRUCTIONS, SEE SHEETS 5-6

SEPTEMBER 2014 MAGNETIC DECLINATION
ROTATION: 5° 48' E
ANNUAL RATE OF CHANGE: 0° 12' W
SOURCE: NATIONAL GEODETIC AND ATMOSPHERIC ADMINISTRATION (NOAA), SEPTEMBER 2014

0 2,000' 4,000' 6,000'
SCALE: 1" = 2,000'

FUTURE PARALLEL RUNWAY, AS DEPICTED, REVIEWED BY FAA OE/AAA AND TEXAS ADO AND DETERMINED TO BE CONSISTENT WITH FAR PART 77 STANDARDS. (FAA STUDY NO. 2015-ASW-5305-NRA, SEPTEMBER 2, 2015)

TEXAS DEPARTMENT OF TRANSPORTATION
AVIATION DIVISION

ALP APPROVED ACCORDING TO FAA AC 150/5300-13A. PLUS THE REQUIREMENTS OF A FAVORABLE ENVIRONMENTAL FINDING AND FAA NRA STUDY PRIOR TO THE START OF ANY LAND ACQUISITION OR CONSTRUCTION ON AIRPORT PROPERTY.

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DAVID ELTON, DIRECTOR, AVIATION DIVISION — DATE

AIRPORT SPONSOR

CURRENT AND FUTURE DEVELOPMENT DEPICTED ON THIS ALP IS APPROVED AND SUPPORTED BY AIRPORT SPONSOR.

SPONSOR ACKNOWLEDGES APPROVAL OF ALP BY TXDOT DOES NOT CONSTITUTE A COMMITMENT TO FUNDING.

SIGNATURE — DATE
QUENTIN HIX
DIRECTOR OF AVIATION, CITY OF DENTON, AIRPORT SPONSOR'S REPRESENTATIVE

PREPARED BY:
Kimley»Horn
Texas Registered Firm, No. 928
2301 West Royal Lane, Suite 275 Tel No. 214-420-5900
Irving, TX 75063 Fax No. 214-420-5999

PVA — NOVEMBER 2015 — DESIGNED BY — DATE
SCB/JAB — NOVEMBER 2015 — DRAWN BY — DATE

AIRPORT AIRSPACE PLAN DRAWING 1 of 2
DENTON ENTERPRISE AIRPORT
DENTON, TEXAS (DTO)

Texas Department of Transportation Aviation Division

SHEET 3 OF 11

B. Subdistrict Descriptions

The AHHD consists of the following subdistricts that are described by reference to definitions, rules, restrictions, and regulations, as may be amended from time to time, by the FAA, as follows:

1. Approach Zones

Approach zones for runways 18L-36R and 18R-36L hereby are established beneath the approach surfaces at each runway end on the Denton Municipal Precision Instrument Airport for landings and takeoffs. The inner edge of the approach zone shall have a width of 1,000 feet which coincides with the width of the primary surface at a distance of 200 feet beyond each end of each runway, widening thereafter uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet beyond each end of the primary surface, its centerline being the continuation of the centerline of the runway.

2. Transitional Zones

Transition zones hereby are established beneath the transition surface adjacent to runways 18L-36R and 18R-36L, and to each approach surface as indicated on the zoning map. Transition surfaces symmetrically located on either side of runways, have variable widths as shown in Figure 4.5-1: *Airport Height Hazard District Map*.

3. Horizontal Zone

The horizontal zone hereby is established at the area beneath the horizontal surface of the airport.

4. Conical Zone

The conical zone hereby is established as the area beneath the conical surface of the airport.

C. Height Limitations

Except as otherwise provided in this section, no person shall erect, alter, or maintain a structure, and no person shall allow a tree or other natural object to grow in excess of the applicable height limitations established herein for each airport height hazard subdistrict as follows:

1. Approach Zones

For runways 18L-36R and 18R-36L:

a. Beginning at the end of and at the elevation of the primary surface, one foot in height for each 50 feet in horizontal distance; and

b. Beginning at a point 10,000 feet from the end of the primary surface and extending an additional 40,000 feet along the extended runway centerline, one foot in height for each 40 feet in horizontal distance.

2. Transitional Zones

a. Beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation (660 feet above mean sea level), one foot in height for every seven feet in horizontal distance;

b. Beginning at the sides of and at the same elevation as the approach surfaces, and extending to where they intersect the conical surface, one foot in height for every seven feet in horizontal distance; and

c. Where the precision instrument runway approach zone projects beyond the conical zone, and beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline, one foot in height for every seven feet in horizontal distance.

3. **Horizontal Zone**
Within the horizontal zone, 150 feet in height above the airport elevation, or a height of 810 feet above mean sea level.

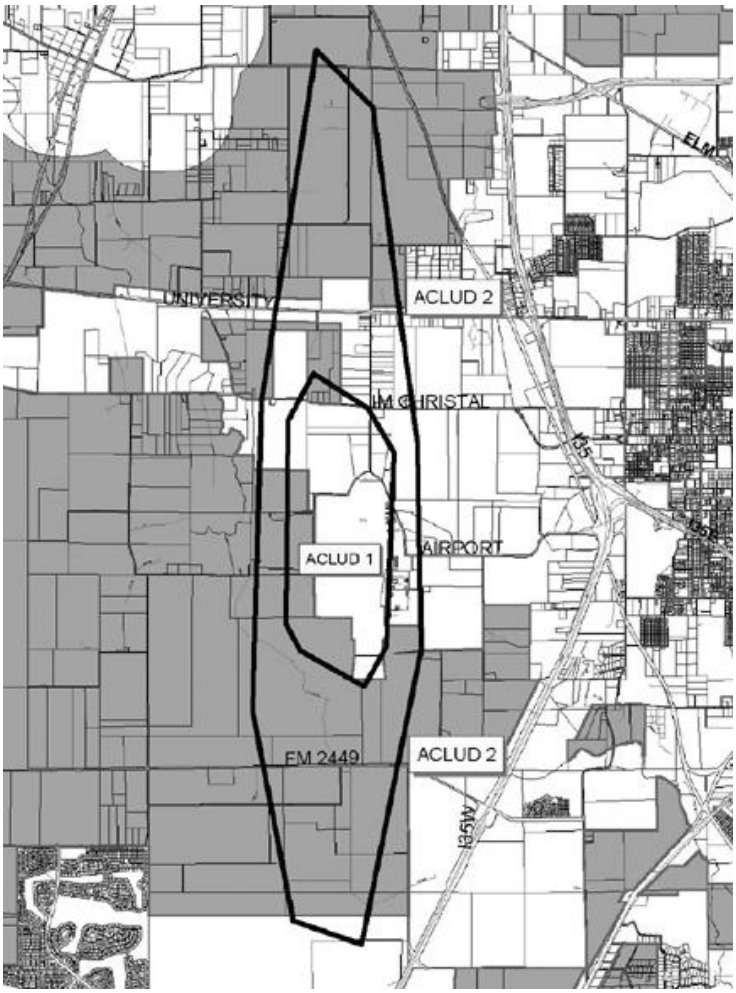
4. **Conical Zone**
From the periphery of the horizontal zone and at heights between 150 and 350 feet above the airport elevation, one foot in height for every 20 feet in horizontal distance.

4.5.9 ACLUD - Airport Compatibility Land Use District

A. District Established

There is hereby established an Airport Compatibility Land Use District (ACLUD), consisting of two subdistricts (ACLUD-1 and ACLUD-2), the boundaries of which are shown in Figure 4.5-2: *Airport Compatibility Land Use District Map*, and which constitutes the zoning map for the district.

Figure 4.5-2: Airport Compatibility Land Use District Map



B. Prohibited Uses

The following uses shall be prohibited within the ACLUD:

1. Educational Facilities

All educational uses, including but not limited to, business or trade schools, college or universities, public schools, and private schools are prohibited in the ACLUD; provided, however, that the following educational facilities are permitted within the district:

a. Schools for flight instruction or for vocations associated with the airport, airplanes, or aviation related activities; and

b. Facilities for employee or client training or instruction related to services or products associated with the business of the entity providing such training or instruction and which is not the primary business of such entity.

2. Healthcare Facilities

Healthcare facilities, including specifically hospital services, elderly housing, group homes, and group homes for the disabled are prohibited within the ACLUD.

C. Subdistrict ACLUD-1

The following regulations apply within the ACLUD-1 subdistrict:

1. Compatible Land Uses

All land uses allowed within the underlying zoning district, except for new residential uses, which are expressly prohibited.

2. Noise Mitigation

Any residential structure that was established prior to the effective date of this DDC and that is permitted to be repaired, rebuilt, or remodeled in accordance with the provisions of Section **Error! Reference source not found.**, ***Error! Reference source not found.***, shall be repaired, rebuilt, or remodeled in compliance with the noise mitigation standards established in Subsection 4.5.10, *Noise Mitigation*.

D. Subdistrict ACLUD-2

1. Compatible Land Uses

All land uses allowed within the underlying zoning district.

2. Performance Standards for Residential Uses

Property owners that propose to construct a new residential building, or who propose to repair, rebuild, or remodel an existing residential structure within the boundaries of the district, shall do one of the following:

a. Noise Mitigation Standards

Construct, repair, rebuild, or remodel the residential structure in accordance with the noise mitigation standards in Subsection 4.5.10, *Noise Mitigation*; or

b. Avigation Easement

Execute an avigation easement, approved as to form by the City Attorney, conveying to the City of Denton an unobstructed right-of-way for the passage of all aircraft and rights to cause within such easement such noise, vibration, fumes, dust, fuel particles and all other effects that may be caused by the operating or aircraft landing at, taking off from, or operating at, the Denton Enterprise Airport.

4.5.10 Noise Mitigation

A. Noise mitigation shall be required in accordance with FAA requirements.

B. The Building Official may approve alternative standards upon the submission of plans signed by a qualified acoustical engineer certifying that the alternative standard will reduce outside noise levels to the day-night average sound level (Ldn) of 45 decibels (dB) or less inside the building.

Subchapter 5: Use Regulations

5.1 Purpose and Organization

5.1.1 Purpose

This subchapter identifies the land uses allowed in the MPC zoning sub-districts and establishes the standards that apply to certain uses (use-specific standards).

5.1.2 Organization

This subchapter is organized as follows:

A. Section 5.2: *Table of Allowed Uses*, lists the uses allowed by zoning sub-district and provides cross-references to applicable use-specific standards.

B. Section 5.3: *Use-Specific Standards*, establishes the unique standards applicable to certain land uses.

C. Section 5.4: *Accessory Uses and Structures*, establishes standards applicable to uses and structures that are accessory to the principal use of the property and/or structure.

D. Section 5.5: *Temporary Uses and Structures*, establishes standards applicable to non-permanent (temporary) structures and uses.

E. Section 5.6: *Wireless Telecommunications Facilities*, establishes standards applicable to wireless telecommunications facilities.

5.2 Table of Allowed Uses

Table 5.2-A: *Table of Allowed Uses*, lists the uses allowed in the zoning sub-districts. All uses are defined in Subchapter 9: *Definitions*. Development or use of a property for any other use not specifically allowed in Table 5.2-A: *Table of Allowed Uses*, or otherwise approved under the appropriate procedure is prohibited.

5.2.1 Explanation of Table Abbreviations

A. Permitted By-Right Uses

A "P" in a cell indicates that the use is permitted by right in the respective zoning sub-district. Permitted uses are subject to all other applicable regulations of this DDC.

B. Specific Use Permit Required

An "S" in a cell indicates that the use is only permitted in the respective zoning sub-district if approved as a specific use in accordance with the procedures in Subsection 2.10.11: *Specific Use Permit (SUP)*.

C. Prohibited Uses

A blank cell indicates that the use is prohibited in the respective zoning sub-district.

D. Use-Specific Standards

Regardless of whether or not a use is allowed by right or with approval of a specific use permit, additional standards may be applicable to that use. Use-specific standards are identified and cross-referenced in the last column of Table 5.2-A: *Table of Allowed Uses*. Uses marked with a "**+**" following the "P" or "S" in a zoning sub-district indicates that use-specific standards apply to that use type in that zoning sub-district. For example, "P**+**" indicates that a use is permitted by-right, but that additional standards apply in that zoning sub-district.

5.2.2 Organization of Table

In Table 5.2-A: *Table of Allowed Uses*, land uses are classified into general use categories and specific uses based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning sub-districts.

5.2.3 Table of Allowed Uses

Table 5.2-A: Table of Allowed Uses

P = permitted S = specific use permit required Blank cell = use prohibited + = use-specific standards apply

	Residential							Mixed-Use					Other Nonresidential				Use-Specific Standards
					R4	R6	R7	MN		MR							
Residential Uses																	
HOUSEHOLD LIVING																	
Single-Family Detached Dwelling					P+	P+	P+	P+[1]		P+[2]							5.3.3A 4.2
Townhome					S+	P+	P+	P+[3]		P+[4]							5.3.3A.3 4.2
Duplex					S+	P+	P+	P+		P+							5.3.3C
Triplex						P+	P+	P+		P+							5.3.3C
Fourplex						P+	P+	P+		P+							5.3.3C
Multifamily Dwelling							P+	P+		P+							5.3.3D 4.2
Work/Live Dwelling							P+	P+		P+							5.3.3E
Manufactured Home Development (HUD Code)																	
GROUP LIVING																	
Chapter House							S	S									
Community Home					P+	P+	P+	P+		P+							5.3.3G
Dormitory							S	S									
Elderly Housing						S+	S+	P+		P+							5.3.3F
Group Home					S+	S+	S+	S+		S+							5.3.3G
Public, Institutional, Religious, and Civic Uses																	
COMMUNITY AND CULTURAL FACILITIES																	
Airport, City-Owned																	
Cemetery, City-Owned																	
Club or Lodge					S+	S+	S+	P+		P+							5.3.4A
Community Service					P	P	P	P		P							

[1] Subject to R7 development standards in lieu of MN development standards
[2] Subject to R7 development standards in lieu of MR development standards
[3] Subject to R7 development standards in lieu of MN development standards
[4] Subject to R7 development standards in lieu of MR development standards

Table 5.2-A: Table of Allowed Uses

P = permitted S = specific use permit required Blank cell = use prohibited + = use-specific standards apply

	Residential							Mixed-Use					Other Nonresidential				Use-Specific Standards
					R4	R6	R7	MN		MR							
Day Care, Adult or Child					S+	S+	P+	P+		P+							5.3.4B
Funeral and Internment Facility										S							
Homeless Shelter								S+		S+							5.3.4.C
Landfill, City-Owned																	
Park, Playground, Open Space					P	P	P	P		P							4.2
Religious Assembly					P+	P+	P+	P+		P+							5.3.4C
EDUCATIONAL FACILITIES																	
Business or Trade School								P+		P+							5.3.4E 4.2
College or University										P							4.2
School, Private					S	S	S	P		P							4.2
School, Public					P	P	P	P		P							4.2
HEALTHCARE FACILITIES																	
Hospital Services										P+							5.3.4F
Medical Clinic								P+		P+							5.3.4G
Medical Office								P+		P+							5.3.4H
Commercial Uses																	
AGRICULTURAL AND ANIMAL USES																	
General Agriculture					P+	P+	P+	P+		P+							5.3.5.A
Commercial Stable																	
Community Garden					P	P	P	P		P							
Kennel																	
Urban Farm					S	S	S	P		P							
Veterinary Clinic								P+		P+							**Error! Reference source not found.**
RECREATION AND ENTERTAINMENT																	
Amenity Center					P	P	P	P		P							
Indoor Recreation Facility								P		P							
Outdoor Recreation Facility					P	P	P	Poo r		P							
RV Park																	
FOOD AND BEVERAGE SERVICES																	
Bar, Tavern, or Lounge								S+		P+							5.3.5C
Mobile Food Court								S+		P+							5.3.5D
Private Club								P+		P+							5.3.5E
Restaurant								P+		P+							5.3.5F
Restaurant, with Drive-Through								S+		P+							5.3.5G

Table 5.2-A: Table of Allowed Uses

P = permitted S = specific use permit required Blank cell = use prohibited + = use-specific standards apply

	Residential							Mixed-Use					Other Nonresidential				Use-Specific Standards
					R4	R6	R7	MN		MR							
OFFICE, BUSINESS, AND PROFESSIONAL SERVICES																	
Administrative, Professional, and Government Office				S+	S+	S+	S+	P+		P+							5.3.5H
Bank or Financial Institution							S+	P+		P+							5.3.5I
Musician Studio								P+		P+							5.3.5J
Credit Access Business								S+		P+							5.3.5K
Printing, Copying, and Publishing Establishment								S		P							
PERSONAL SERVICES																	
Laundry Facility, Industrial																	
Laundry Facility, Self-Service							S+	P+		P+							5.3.5L
Personal Service, General								P		P							
Tattoo and Body Piercing Parlor										P+							5.3.5M
RETAIL SALES																	
Building Materials and Supply Store																	
General Retail Unless Otherwise Specified, Less than 5,000 Square Feet							S+	P+		P+							5.3.5N
General Retail Unless Otherwise Specified, Between 5,000 Square Feet and 15,000 Square Feet								P		P							
General Retail Unless Otherwise Specified, More than 15,000 Square Feet								P+		P+							5.3.5O
Smoke Shop										P							
LODGING FACILITIES																	
Bed and Breakfast					S+	S+	S+	P+		P+							5.3.5P
Boarding or Rooming House																	
Hotel								P		P							
Motel																	
Short-Term Rental					P+	P+	P+	P+									5.3.5Q
VEHICLES AND EQUIPMENT																	
Auto Wash										P							
Automotive Fuel Sales								P+		P+							5.3.5R
Automotive Repair Shop, Major																	
Automotive Repair Shop, Minor										P+							5.3.5S
Automotive Sales or Leasing (not Limited to Indoor Display)																	

Table 5.2-A: Table of Allowed Uses

P = permitted S = specific use permit required Blank cell = use prohibited + = use-specific standards apply

	Residential							Mixed-Use					Other Nonresidential				Use-Specific Standards
					R4	R6	R7	MN		MR							
Automotive Sales or Leasing Limited to Indoor Display										P							
Automotive Wrecking Service, Impound Lot, Junkyard, and Salvage Yard																	
Equipment Sales and Rental																	
Parking Lot as a Principal Use																	
Travel Plaza																	
ADULT ENTERTAINMENT ESTABLISHMENTS																	
Sexually Oriented Business																	
Industrial Uses																	
MANUFACTURING AND PROCESSING																	
Craft Alcohol Production								S+		P+							5.3.6A
Feedlot, Slaughterhouse, or Packaging Plant																	
Food Processing, Less than 2,500 Square Feet								P+		P+							5.3.6B
Food Processing, More than 2,500 Square Feet								S+		P+							5.3.6C
Gas Well					P+	P+	P+	P+		P+							Subchapter 6: *Gas Wells*
Manufacturing, Artisan								P+		P+							5.3.6D
Manufacturing, Low-Impact										P+							5.3.6E
Manufacturing, Medium-Impact																	
Manufacturing, High-Impact																	
Commercial Incinerator, Transfer Station																	
STORAGE AND WAREHOUSING																	
Outdoor Storage																	
Self-Service Storage								S+		P+							5.3.6F
Storage of Hazardous Materials																	
Warehouse and Wholesale Facility										S+							5.3.6G
Public and Semi-Public Utility Uses																	
Basic Utilities					P	P	P	P		P							
Helipad								S		S							
Heliport								S		S							
Power Stations, Electric Substations, Interchanges, and Switch Stations								P+		P+							5.3.7A
Solar Collector as Principal Use										S+							5.3.7B

Table 5.2-A: Table of Allowed Uses

P = permitted S = specific use permit required Blank cell = use prohibited + = use-specific standards apply

	Residential							Mixed-Use					Other Nonresidential				Use-Specific Standards
					R4	R6	R7	MN		MR							
Wind Energy Conversion System (WECS)										S+							5.3.7C
Wireless Telecommunications	See Section 5.6: *Wireless Telecommunications Facilities*																
Accessory Uses																	
Accessory Dwelling Unit					P+	P+	P+	P+									5.4.4A
Donation Box																	
Home Occupation					P+	P+	P+	P+		P+							5.4.4B
Outdoor Storage, Accessory										P+							5.4.4C
Sale of Produce and Plants Raised on Premises					P+	P+	P+	P+		P+							5.4.4D
Solar Collector, (Ground- or Building-Mounted)					P+	P+	P+	P+		P+							5.4.4E
Wind Energy Conversion System (WECS), Small (Ground-Mounted)					S+	S+	S+	S+		S+							5.4.4F
Wind Energy Conversion System (WECS), Small (Building-Mounted)					S+	S+	S+	S+		S+							
Temporary Uses																	
Temporary Storage Containers and Other Portable Storage Units					P+	P+	P+	P+		P+							5.5.6A
Concrete or Asphalt Batching Plant, Temporary[5]					P+	P+	P+	P+		P+							5.5.6B
Farmer's Market or Open Air Market							P+	P+		P+							5.5.4
Field or Construction Office					P+	P+	P+	P+		P+							5.5.6B.6
Parking for Model Home					P+	P+	P+	P+		P+							5.5.5
Sales or Leasing Office					P+	P+	P+	P+		P+							5.5.5
Seasonal Sales						P+	P+	P+		P+							5.5.4
Special Event								P+		P+							5.5.4
Portable Wireless Telecommunications Facility					P+	P+	P+	P+		P+							5.5.4

[5] May only be associated with a final plat within the Hunter Ranch MPC and must be within or adjacent to the final platted area.

5.2.4 Classification of New and Unlisted Uses

The following procedure shall apply if an application is submitted for a use category or use type that is not specifically listed in Table 5.2-A: *Table of Allowed Uses*. Submission and approval of such an application shall be required prior to approval of any other permit or development approval associated with the use.

A. Director Determination of Appropriate Use Category and Use Type

The Director shall determine the appropriate use category and use type for the proposed use. In such determination, the Director shall consider the potential impacts of the proposed use including the nature of the use and whether it includes dwellings, sales, processing, storage, operations, employment characteristics, nuisances, requirements for public utilities, and transportation requirements.

B. Establish Use-Specific Standards if Necessary

During the initial determination, the Director shall also determine whether or not additional use-specific standards are necessary to reduce potential impacts to the surrounding properties or the community.

C. Post-Determination Actions

1. Appeals of administrative decisions shall be made pursuant to the procedures under Subsection 2.16.3: *Appeal of Administrative Decision*.
2. If the determination of an appropriate use category and use type results in a finding that the use, structure, or activity will be a common use or would create confusion by remaining unlisted, the Director may initiate an application for a DDC text amendment pursuant to Subsection **Error! Reference source not found.**: ***Error! Reference source not found.***, to revise Table 5.2-A: *Table of Allowed Uses*, accordingly. Until final action is taken on the DDC text amendment application, the use determination by the Director shall be binding.

5.3 Use-Specific Standards

5.3.1 Generally

A. Applicability

Use-specific standards in this section shall apply to all zoning sub-districts unless otherwise stated.

B. Cross-References in Table of Allowed Uses

All uses with use-specific standards as indicated in the right-hand column of Table 5.2-A: *Table of Allowed Uses*, shall comply with the applicable standards in this section. All development shall also comply with the applicable standards in Subchapter 7: *Development Standards,* and other relevant provisions of this DDC.

C. Resolution of Conflicting Standards

In case of a conflict between these use-specific standards and the standards in Subchapter 7: *Development Standards*, or other relevant provisions in this DDC, these use-specific standards shall govern, unless otherwise stated.

D. Maximum Persons Occupying a Dwelling

No single dwelling unit shall have more than four unrelated persons residing therein, nor shall any "family" have, additionally, more than four unrelated persons residing with such family. Hotels, motels, bed and breakfast establishments, boarding houses, chapter house, and dormitories are

exempt from this requirement. Additionally, any organization or institutional group that receives federal or state funding for the care of individuals is exempt from this requirement.

5.3.2 Performance Standards for All Uses

A. Applicability

1. General

Unless exempted elsewhere in this DDC, the performance standards in this Subsection 5.3.2, shall apply to all uses in all zoning sub-districts.

2. Gas Wells

The standards in this Subsection 5.3.2 shall not apply to gas wells and/or gas well drilling and production as authorized in Subchapter 6: *Gas Wells*.

B. Smoke and Particulate Matter

All operations and uses shall comply with federal, state, and county emissions standards.

C. Odorous Matter

No use shall be located or operated which involves the emission of odorous matter in violation of Subpart A, Code of Ordinances, Chapter 17: *Property Maintenance*, Article II: *Noise and Odors*, Section 17-21: *Odors*.

D. Hazardous or Explosive Hazard Material

1. A specific use permit shall be required for any use involving the storage, handling, or use of hazardous materials when the quantity is in excess of the exempt amount or maximum allowable per control area, as specified in the Building or Fire Code.
2. Notwithstanding the above regulations regarding hazardous materials storage, any substance designated as highly hazardous and requiring a state or federal permit shall not be permitted.

E. Toxic and Noxious Matter

No operation or use shall emit a concentration across any property line that will exceed 10 percent of the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by the State Department of Health in Threshold Limit Values Occupational Health Regulation No. 3, a copy of which is hereby incorporated by reference and is on file in the office of the Building Official.

F. Vibration

No operation or use shall at any time create earth-borne vibration beyond any property line if the source operation exceeds the limits of displacement set forth in the following table:

Table 5.3-D: Vibration Displacement Thresholds

Frequent Cycles per Second	Displacement in Inches	
	LI and HI Zoning Sub-districts	All Other Zoning Sub-districts
0 to 10	0.002	0.001
10 to 20	0.0016	0.0008
20 to 30	0.001	0.0005
30 to 40	0.0006	0.0004

G. Noise

No operation shall emit noise beyond the thresholds established in Subpart A, Code of Ordinances, Chapter 17: *Property Maintenance*, Article II: *Noise and Odors*, Section 17-20: *Noise*.

H. Glare

No use or operation shall be located or conducted in such a manner that produces intense glare or direct illumination across any property line, nor shall any light be of an intensity that creates a nuisance or detracts from the use and enjoyment of adjacent property.

I. Evidence of Compliance

The Director shall require such evidence of ability to comply with appropriate performance standards and mitigation measures as deemed necessary prior to issuance of a building permit and certificate of occupancy.

5.3.3 Residential Uses

A. Single-Family Detached Dwelling

1. Single-family detached structures shall comply with the design standards established in Section 7.10.3: *Single-Family Detached, Duplex, Townhome, Triplex, and Fourplex Dwelling Site and Building Design*.
2. A maximum of 60 percent of the net developable acreage within the MR sub-district, excluding land within the Highway Buffer Zone shown on the Development Plan Map attached as Exhibit C, may be developed with single family detached dwelling units.
3. Single family detached dwellings developed in the MN or MR sub-district shall be developed in accordance with the R7 standards. Development in accordance with R7 standards in MN and MR sub-districts shall include an exception to allow minimum lot widths of 40 feet without any limitation on the percentage of such lots.
4. As an exception to the 50 foot minimum lot width requirement for lots in an R7 zoning subdistrict, a maximum of 40 percent of the land area designated as R7 on the Development Plan Map attached as Exhibit C may be developed with single family detached lots with a minimum width of 40 feet.

B. Townhome

1. Each individual dwelling unit shall have a separate entrance facing the street frontage to which the building address is assigned. Buildings on corner lots may have entrances facing either street frontage.
2. Each dwelling shall have direct access to a street or alley.
3. Townhome structures shall comply with the design standards established in Section 7.10.3: *Single-Family Detached, Duplex, Townhome, Triplex, and Fourplex Dwelling Site and Building Design*.
4. Each individual dwelling unit shall have a minimum of 900 square feet of living space floor area.
5. Townhomes developed in the MN or MR sub-district shall be developed in accordance with the R7 standards.

C. Duplex, Triplex, and Fourplex

1. Each individual dwelling unit shall have a separate exterior entrance and separate utility meters.
2. Duplex, triplex, and fourplex structures shall comply with the design standards established in Section 7.10.3: *Single-Family Detached, Duplex, Townhome, Triplex, and Fourplex Dwelling Site and Building Design*.
3. Each individual duplex dwelling unit shall have a minimum of 900 square feet of living space floor area.
4. Each individual triplex or fourplex dwelling unit shall have a minimum of 600 square feet of living space floor area.

D. Multifamily Dwelling

1. Multifamily buildings shall comply with the design standards established in Section 7.10.4: *Multifamily Site and Building Design*.
2. Each individual dwelling unit shall have a minimum of 400 square feet of living space floor area.
3. See Section 2.7.2.B, Phasing Schedule.

E. Work/Live Dwelling

1. Size and Location

a. The residential component of a work/live dwelling shall not exceed 50 percent of the total gross floor area.

b. The residential component shall be located above or behind nonresidential portions of the structure.

c. The residential dwelling unit shall have a minimum of 400 square feet of living space floor area.

2. Ownership

The nonresidential use shall be owned and operated by a resident of the work/live dwelling. Individuals that do not reside at the work/live dwelling may be employed by the owner.

F. Elderly Housing

1. In the R6, R7, and MN zoning sub-districts, elderly housing shall be limited to a maximum of 55,000 square feet per lot.
2. Assisted living facilities may be subject to additional standards in Subsection 5.3.3G.

G. Group Home and Community Home

1. Purpose

The city supports the rights of handicapped persons to live in stable, affordable housing in settings that maximize community integration and opportunities for acceptance. The city desires to make reasonable accommodations in rules, policies, and practices to afford handicapped persons equal opportunity to use and enjoy a dwelling. The city supports decentralization as a method of assuring that handicapped persons are allowed to reside in a neighborhood, which retains its residential character. Unregulated and unlicensed homes for handicapped persons may not necessarily provide adequately for the health and safety of the residents. The city desires to protect the health and safety of its handicapped citizens and to provide a regulatory scheme for group homes for the handicapped.

2. Use and Operation

The use and operation of a Community Home for Disabled Persons that meets the qualifications of this subchapter is a use by right and is authorized in any residential zoning sub-district as long as there is no more than six residents and two supervisors, regardless of the legal relationship of those persons to one another and the community home is not within one-half mile of an existing community home. The residents of the community home may not keep, either on the premises of the home or on a public right-of-way adjacent to the home, motor vehicles in numbers that exceed the numbers of bedrooms in the home.

3. Qualification

To qualify as a Community Home for Disabled Persons the entity must comply with Chapter 123, of the Texas Human Resources Code and the following regulations:

a. Operation

A community based residential home may be operated by:

i. The Texas Department of Mental Health and Mental Retardation;

ii. A community center organized under Chapter A, Subchapter 534, of the Texas Health & Safety Code;

iii. An entity subject to the Texas Non-Profit Corporation Act, Tex.Rev.Civ.Stat.Ann art. 1396-1.01, et seq. (Vernon 1997), as amended;

iv. An entity certified by the Texas Department of Human Services as a provider under the medical assistance program serving persons in intermediate care facilities for persons with mental retardation; or

v. An assisted living facility licensed under Chapter 247, of the Texas Health & Safety Code, provided that the exterior structure retains compatibility with the surrounding residential dwellings.

b. Licensing

The community home must meet all applicable federal, state, and local licensing requirements.

c. Site Plan Required

The community home must provide a site plan that clearly shows compliance with the following criteria:

i. Any single-family dwelling unit proposed to be used as shared group housing for the handicapped shall provide the following:

a. To house one handicapped person per bedroom, the dwelling unit shall provide 100 square feet of space per bedroom.

b. To house two handicapped persons per bedroom, the dwelling unit shall provide 120 square feet of space per bedroom.

ii. Any single-family dwelling unit proposed to be used as shared group housing for handicapped persons shall provide for a separate bedroom for the care provider(s).

4. Specific Use Permit Required

a. Permit Required

It shall be unlawful for any person to occupy, construct, alter, extend, or expand any assisted living facility, group home for handicapped persons, or institution within the limits of the city without a valid permit issued by the city in the name of such person for the specific occupation, construction, alteration, or extension of the assisted living facility, group home, or institution proposed.

i. Transfer

The permit shall be specific to the person named in the application for the permit and shall not be transferred without the prior written consent of the city through the issuance of a new permit.

ii. Expiration of Permit

If the proposed occupation, construction, alteration, or extension is not commenced within one calendar year from the date the permit for such occupation, construction, alteration, or expansion was issued, said permit shall automatically expire, unless the city approves an extension of time or issues a new permit.

b. Application and Fee Requirements

All applications and required fees for assisted living facilities, group home, or institution permits shall be made in accordance with the Application Criteria Manual and shall contain the following:

i. Name and address of the applicant;

ii. Location and legal description of the property where the assisted living facility or group home will be located; and

iii. Documentation that the assisted living facility, group home for handicapped persons, or institution has met federal, state, and local licensing requirements.

c. Site Plan Requirements

Any structure proposed to be used for shared group housing for the handicapped shall provide the square footage in each bedroom:

i. To house one handicapped person per bedroom, the dwelling unit shall provide 100 square feet of space per bedroom.

ii. To house two handicapped persons per bedroom, the dwelling unit shall provide 120 square feet of space per bedroom.

iii. Any structure proposed to be used for an assisted living facility, group housing for handicapped persons, or institution shall provide for a separate bedroom for the care provider(s).

d. Issuance of Permit

In considering the application, the city may take into account the proposed location of the assisted living facility, group home for handicapped persons, or institution in relation to the present and anticipated land use and development. After review of the application and, upon determining that the application and the proposed, assisted living facility, group home for handicapped persons, or institution complies with this subchapter and other applicable laws, codes, and regulations, the permit shall be issued.

e. Denial of Permit/Hearing

Any person whose application for a permit under this subchapter has been denied, may, within 10 days of the denial, request, in writing, a rehearing on the matter and offer additional evidence if desired. A denial of a request for rehearing, or a denial upon rehearing, shall be final and binding. No new application for a permit shall be accepted within one year of the denial, unless the denial upon rehearing, or the denial for rehearing, is without prejudice to the refilling of same.

f. Permit Exemption

The permit requirement is for the use and occupancy of assisted living facilities, group homes, or institutions and does not include community homes for disabled persons.

5. Licenses

It shall be unlawful for any person to establish, operate, or maintain, or permit to be established, operated, or maintained, upon any property owned or controlled by such person any assisted living facility, group home for handicapped persons, or institution within the limits of the city unless such person holds a valid license issued in accordance with the Administrative Criteria Manual.

6. Location of Assisted Living Facility, Group Home for Handicapped Persons, or Institution

No other assisted living facility, group home for handicapped persons, or institution shall be located within a radius of 600 feet of another licensed facility, home, or institution as determined by the city.

7. Inspections

a. Compliance Inspection

Any duly authorized inspector of the city, including, but not limited to the Building Official, Health Official, Fire Chief, Fire Marshal, Police Chief, or Tax Assessor-Collector shall be permitted to make reasonable inspections of any assisted living facility, group home, or institution to determine compliance with this DDC and other applicable city ordinances.

b. Right of Entry

Any duly authorized inspector of the city, as set forth in subsection, a shall have the power to enter at reasonable times upon any private or public property for the

purpose of inspecting and investigating conditions relating to the enforcement of this subchapter. The inspector should seek the permission of a lawful adult occupant prior to entry. Upon refusal of entry, the city shall have all available remedies at law to gain entry, including but not limited to a court order showing probable violation of state or local law.

8. **Notices, Hearings, and Orders**

a. **Notice of Violations; Requirements of Notice; Suspension and/or Revocation**

Whenever it is brought to the attention of the city that there has been a violation of any provision of this subchapter, the city shall give notice of such alleged violation to the permittee or licensee, or their respective agent, and each resident of the facility as provided. The notice shall:

i. Be in writing;

ii. Include a statement of the reasons for its issuance;

iii. Allow a reasonable time of not less than 30 days nor more than one year, based upon the nature and severity of the violation and having due regard for the safety and protection of the community, for the performance of the corrective measures required;

iv. Be served upon the permittee or licensee, or the permittee or licensee's agent; provided, however, that the notice shall be deemed to have been properly served upon the permittee, licensee, or their respective agents, when a copy has been sent by mail to the permittee's, licensee's, or their respective agent's, last known address, or when the permittee or licensee, or respective agent, has been served with the notice by any method authorized or required by the laws of this state; and

v. Contain an outline of remedial action, when, if taken, will effect compliance with the provisions of this subchapter. If the violation is not remedied in accordance with the notice, and a breach of the subchapter continues, then the city, may suspend and/or revoke any permits or licenses issued in addition to any punishment provided. Residents of the facility shall be notified by mail of any notice of violations or orders by regular mail and/or posting of the notice in common areas of the facility.

b. **Vacation of Residents/Cessation of Operations**

The notice shall also specify vacation by the residents for the period of suspension or as ordered by the city upon revocation. The city may order the immediate vacation and cessation of operations if the same is found to be in the best interest of the health, safety, and general welfare of the citizens of the city.

9. **Compliance Required**

It shall be the responsibility of the permittee or licensee to ensure that all requirements of this subchapter are met and maintained. Any violation of any of the provisions of this subchapter shall subject the permittee or licensee to the general penalty provisions of this DDC.

H. Phasing

See Exhibit D, Phasing Map for phasing information.

5.3.4 Public, Institutional, Religious, and Civic Uses

A. Club or Lodge

1. Operation

Club or lodge facilities shall be owned or operated by a non-profit or social welfare organization that is tax-exempt as described in the Internal Revenue Code (IRC), Section 501(c)(4). Such facilities shall be for special educational or recreational purposes, but not primarily for profit or to render a service that is customarily carried on for gain.

2. R7 and MN Zoning Sub-district

a. Uses are limited to no more than 10,000 square feet of gross floor area per lot. A specific use permit is required for additional square footage for a club or lodge.

b. Drive-through service is prohibited.

c. Within a club or lodge, restaurant areas shall not exceed 5,000 square feet per lot.

3. MR Zoning Sub-district

a. Uses are limited to no more than 20,000 square feet of gross floor area per lot.

b. Drive-through service is prohibited.

c. Within a club or lodge, restaurant areas shall not exceed 5,000 square feet per lot.

4. LI and HI Zoning Sub-districts

Uses are limited to no more than 20,000 square feet of gross floor area per lot.

B. Day Care, Adult or Child

In the LI zoning sub-district, day care is only allowed as an accessory use to the primary business within the same structure. Such accessory use shall be limited to serving only those employees or owners of the business or businesses within the same structure.

C. Homeless Shelter

1. Separation

Unless municipal consent is granted under paragraph (3) below, a person may not construct or operate a homeless shelter within 1,000 feet of another homeless shelter or a public or private school. For purposes of this standard, distance is measured along the shortest straight line between the nearest property line of the homeless shelter and the nearest property line of another homeless shelter or a primary or secondary school, as appropriate.

2. Notice

a. A person who intends to construct or operate a homeless shelter shall:

i. Post notice of the proposed location of the shelter at that location; and

ii. Provide notice of the proposed location of the shelter to the governing body of the municipality within the boundaries of which the shelter is proposed to be located.

b. The person shall post and provide the notice required by paragraph (a) above before the 61st day before the date the person begins construction or operation of the homeless shelter, whichever date is earlier.

3. **Municipal Consent**

a. Municipal consent to the construction or operation of a homeless shelter subject to paragraph (1) above is considered granted unless, before the 61st day after the date notice is received by the city under paragraph (0), the city determines by resolution after a public hearing that the construction or operation of a shelter at the proposed location is not in the best interest of the city.

b. The City Council may rescind a resolution adopted under paragraph (a) above.

D. Religious Assembly

A religious assembly use may include accessory or subordinate uses and structures associated with its religious mission, such as: rectories, convents, meeting halls, offices for administration of the institution, schools, educational facilities, dormitories for students, parsonages, dwelling units for religious organization personnel, recreational facilities, day care facilities, arenas or production studios, or any combination of such optional uses, provided that:

1. Any accessory or subordinate uses are secondary to an active primary religious assembly use located on the same premises, regardless of whether such uses are owned, operated, managed, supported, or endorsed by, or otherwise affiliated with, any religious organization, mission or belief, and regardless of whether any religious message, teachings, customs, celebrations, ceremonies, rituals, rites, worship, or content are provided in conjunction with such uses; and
2. Any uses having a residential component, such as rectories, convents, parsonages, dormitories and dwelling units, shall be located within an accessory structure, secondary to the main religious assembly use. The principal structure may not be used for any such residential use.

E. Business or Trade School

1. **MN Zoning Sub-district**
   Uses are limited to no more than 5,000 square feet of gross floor area per lot.
2. **MR Zoning Sub-district**
   Uses are limited to no more than 10,000 square feet of gross floor area per lot.

F. Hospital Services

In the MR zoning sub-district, main entries and ambulance loading zones shall not face residential zoning categories.

G. Medical Clinic

In the MN and MR zoning sub-districts, uses are limited to no more than 10,000 square feet of gross floor area per lot. Main entrances and ambulance loading zones shall not face residential zoning categories.

H. Medical Office

1. **MN Zoning Sub-district**
   Uses are limited to no more than 10,000 square feet of gross floor area per lot.
2. **MR Zoning Sub-districts**
   Medical office uses with more than 25,000 square feet per lot shall require a specific use permit pursuant to Subsection 2.10.11: *Specific Use Permit (SUP)*.

5.3.5 Commercial Uses

A. General Agriculture

The keeping of livestock and other animals shall be subject to the standards in Subpart A, Chapter 6: *Animals*, in the Municipal Code of Ordinances.

B. Intentionally left blank

C. Bar, Tavern, or Lounge

1. The storage of raw and/or spent materials associated with crafting of alcoholic beverages shall be kept in a fully enclosed structure, building, or container.
2. The distribution of manufactured or alcoholic beverage products is prohibited.

D. Mobile Food Court

1. Operation

a. Participating mobile food businesses or other authorized vendors shall obtain a business license and any other permits or approvals as required by the Municipal Code of Ordinances prior to operation at a mobile food court.

b. All activities associated with a mobile food court must comply with all health department requirements.

c. All proposed activities shall be conducted on private property owned or otherwise controlled by the applicant.

d. The proposed mobile food court shall not impede pedestrian or vehicular traffic in the public way.

e. Live music shall conform to established noise standards in the City of Denton.

2. Design

a. A minimum lot or parcel area of 2,000 square feet is required to operate a mobile food court.

b. All dimensional and development standards of the underlying zoning sub-district shall be met prior to approval of a mobile food court.

c. Hard surface paving at the vehicular entrance to the mobile food court, and for each individual mobile food business is required. Alternatives to asphalt and cement may be approved as part of the specific use permitting process.

d. The mobile food court shall not occupy required parking stalls of any principal use of the site.

E. Private Club

1. MN Zoning Sub-districts

a. Private clubs shall be limited to sit down only, no more than 100 seats, and no more than 4,000 square feet of restaurant area.

b. Drive up service is prohibited.

2. MR Zoning Sub-districts

Uses are limited to no more than 10,000 square feet of gross floor area.

F. Restaurant

1. In the MN zoning sub-district, restaurants shall not exceed 10,000 square feet per lot.

2. The storage of raw and/or spent materials associated with crafting of alcoholic beverages shall be kept in a fully enclosed structure, building, or container.

3. The distribution of manufactured or alcoholic beverage products is prohibited.

G. Restaurant, with Drive-Through

All drive-through facilities shall comply with the Transportation Design Criteria Manual; Subsection 7.9.7: *Loading Areas and Drive-Throughs*; and the off-street parking, loading, and stacking requirements established in Section 7.9: *Parking and Loading*.

H. Administrative, Professional, and Government Office

1. R4, R6, and R7 Zoning Sub-districts

Administrative, professional, and government office uses shall not exceed 10,000 square feet per lot.

2. MN Zoning Sub-district

Administrative, professional, and government office uses with more than 25,000 square feet per lot shall require a specific use permit pursuant to Subsection 2.10.11: *Specific Use Permit (SUP)*.

I. Bank or Financial Institution

1. R7 Zoning Sub-district

a. Drive-through faciliies are prohibited.

b. Banks or financial institutions shall only be allowed as part of a mixed-use building.

2. MN Zoning Sub-district

Drive-through facilities require a specific use permit approval pursuant to Subsection 2.10.11: *Specific Use Permit (SUP).*

J. Musician Studio

Musician studios shall conform to established noise standards in the City of Denton.

K. Credit Access Business

1. Credit access businesses shall not be located within 1,000 feet of another credit access business, measured in a direct line from property line to property line.

2. Credit access businesses shall register with the city pursuant to City Ordinance 2013-073.

L. Laundry Facility, Self-Service

1. R7 Zoning Sub-district

Self-service laundry facilities shall only be permitted as an accessory use to multifamily dwellings, and such use shall be located within a multifamily structure.

2. MN and MR Zoning Sub-districts

Individual self-service laundry facilities shall not exceed 2,500 square feet per lot.

M. Tattoo and Body Piercing Parlor

Tattoo and body piercing parlors shall comply with licensing and certification requirements of the Texas Department of State Health Services.

N. General Retail Unless Otherwise Specified, Less than 5,000 Square Feet

In the R7 zoning sub-district, general retail shall only be allowed as part of a mixed-use building.

O. General Retail Unless Otherwise Specified, More than 15,000 Square Feet

In the LI zoning sub-districts, general retail uses with more than 25,000 square feet per lot shall require a specific use permit pursuant to Subsection 2.10.11: *Specific Use Permit (SUP)*.

P. Bed and Breakfast

1. Size and Number of Guest Units

a. In the RR, R4, R6, R7, and MN zoning sub-districts, the maximum number of guest units for any bed and breakfast establishment shall be five.

b. In all other zoning sub-districts, the maximum number of guest units for any bed and breakfast establishment shall be eight.

2. Location and Operation

a. Bed and breakfast establishments shall be within 200 feet of a collector or arterial street. Distances shall be measured along a public street or alley access to the site from the arterial or collector street.

b. The business owner or manager shall be required to reside on the property or on an adjacent property.

Q. Short-Term Rental

1. Registration Requirements

No person shall advertise, offer to rent, or rent, lease, sublease, license, or sublicense a residential property within the city as a short-term rental for which a registration has not been properly made and filed with the Development Services Department. Registration shall be made upon forms furnished by the city for such purpose and shall specifically require the following minimum information:

a. Name, address, phone number and e-mail address of the property owner of the short-term rental property;

b. Verification that the proposed short-term rental property is the applicant's primary residence;

c. Name, address, phone number and e-mail address of the designated local emergency contact;

d. The maximum number of occupants permitted for the dwelling unit or sleeping room in accordance with Subsection 5.3.1D: *Maximum Persons Occupying a Dwelling*;

e. A submission of a sketch floor plan of the dwelling with dimensional room layout; and

f. A site plan/survey of the property indicating maximum number of vehicles that can be legally parked on the property, without encroaching onto streets, sidewalks or alleys, other public rights-of-way or public property.

2. Operation

a. External Signage

There shall be no external on-site or off-site advertising signs or displays indicating the property is a short-term rental.

b. Limit on Occupants Allowed

No more than two adult guests per bedroom, plus no more than two additional adults shall be allowed when renting a property as a short-term rental, except that there shall be a maximum occupancy of 10 persons, adults and children.

c. Limits on Number of Vehicles

There shall be a maximum of one vehicle per bedroom, or the maximum number of vehicles that can be accommodated within the garage and driveway, without extending over the public rights of way (alleys and sidewalks), whichever is less.

d. Advertisements and Contracts

Any advertisement of the property as a short-term rental and all rental contracts must contain language that specifies the allowed maximum number of occupants and maximum number of vehicles.

e. Other Restrictions

It is unlawful:

i. To operate or allow to be operated a short-term rental without first registering, in accordance with this DDC, the property in which the rental is to occur;

ii. To advertise or offer a short-term rental without first registering, in accordance with this DDC, the property in which the rental is to occur; documented advertisement of the subject property as a short-term rental, online or offline, shall be considered evidence of a violation of this DDC;

iii. To operate a short-term rental in any location that is not the registrant's primary residence;

iv. To operate a short-term rental that does not comply with all applicable city and state laws and codes;

v. To operate a short-term rental without paying the required hotel occupancy taxes;

vi. To offer or allow the use of a short-term rental for the sole or primary purpose of having a party venue;

vii. To fail to include a written prohibition against the use of a short-term rental for having a party in every advertisement, listing, or other publication offering the premises for rent; and

viii. Permit the use of short-term rental for the purpose of: housing sex offenders; operating a structured sober, recovery or other purpose living home or similar enterprise; selling illegal drugs; selling alcohol or another activity that requires a permit or license under the Alcoholic Beverage Code; or operating as a sexually oriented business.

3. Brochure and Safety Features

a. Informational Brochure

Each registrant operating a short-term rental shall provide to guests a brochure that includes:

i. The registrant's 24-hour contact information;

ii. A local responsible party's 24-hour contract information if the owner is not within the city limits when guests are renting the premises;

iii. Pertinent neighborhood information including, but not limited to, parking restrictions, restrictions on noise and amplified sound, and trash collection schedules; and

iv. Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire, and emergency medical services providers and instructions for obtaining severe weather, natural or manmade disaster alerts and updates.

b. **Safety Features**

Each short-term rental registrant shall provide, in the premises, working smoke detectors in accordance with adopted codes, at least one working carbon monoxide detector and alarm, and one working fire extinguisher. The premises shall, otherwise comply with all applicable City regulations, including but not limited to Building and Fire Codes.

4. **Notification of Approval of Short-Term Rental**

Within 10 days of the approval of a short-term rental, the city shall send notice to all property owners within 100 feet of the subject property, and shall include the 24-hour complaint line, and pertinent information about standards regulating short-term rentals.

5. **Registration Term, Fees, and Renewal**

a. All short-term rental registrations approved under this DDC shall be valid for a period of one year from the date of its issuance.

b. The fee for registration of a short-term rental is identified in the Administrative Criteria Manual.

c. Upon receipt of an application for renewal of the registration, the Director may deny the renewal if there is reasonable cause to believe that:

i. The registrant has plead no contest to or been convicted of a violation of any ordinance of the city, or any state, or federal law on the premises or has permitted such a violation on the premises by any other person; or

ii. There are grounds for suspension, revocation, or other registration sanction as provided in this DDC or other applicable city codes.

6. **Right to Inspect Premises**

The City of Denton reserves the right, with reasonable notice to the owner, to inspect the residential premises to determine compliance with this DDC as well as other applicable city codes.

a. If only a portion of the premises is offered for rent, then that portion, plus shared amenities and points of access, may be inspected.

b. If, upon completion of an inspection, the premises are found to be in violation of one or more provisions of applicable city codes and ordinances, the city shall provide written notice of such violation and shall set a re-inspection date for a violation to be corrected prior to its occupancy.

R. Automotive Fuel Sales

1. Storage of equipment, auto parts, and supplies used in servicing vehicles shall be maintained entirely within an enclosed structure.

2. Open storage of wrecked or inoperable cars, discarded tires, auto parts, or similar materials shall be prohibited.

S. Automotive Repair Shop, Minor

1. Storage of vehicles on the premises shall not exceed 30 days.
2. Storage of equipment, auto parts, and supplies used in servicing vehicles shall be maintained entirely within an enclosed structure.
3. Open storage of wrecked or inoperable cars, discarded tires, auto parts, or similar materials shall be prohibited.
4. Sales of vehicles shall be prohibited.

5.3.6 Industrial Uses

A. Craft Alcohol Production

In the MR zoning sub-districts:

1. On-premise consumption or retail sales shall be required to operate a craft alcohol production establishment.
2. Areas used for production, bottling, packaging, storing, and other manufacturing related activities shall not exceed 10,000 square feet of gross floor area per lot. Additional square footage shall require specific use permit approval pursuant to Subsection 2.10.11: *Specific Use Permit (SUP).*
3. The storage of raw and/or spent materials shall be kept in a fully enclosed structure, building, or container.
4. The establishment shall operate in full compliance with all rules and regulations of the Texas Alcoholic Beverage Commission.

B. Food Processing, Less than 2,500 Square Feet

1. MN and MR Zoning Sub-districts

Only on-premises sales shall be allowed. Distribution, warehousing, or wholesaling activities are prohibited.

2. All Zoning Sub-districts

If the proposed use is within 200 feet of a residential zoning sub-district, approval is subject to a specific use permit pursuant to Subsection 2.10.11: *Specific Use Permit (SUP).*

C. Food Processing, More than 2,500 Square Feet

1. MN and MR Zoning Sub-districts

Only on-premises sales shall be allowed. Distribution, warehousing, or wholesaling activities are prohibited.

2. All Zoning Sub-districts

If the proposed use is within 200 feet of a residential zoning sub-district, and greater than 5,000 square feet per lot, then approval of a specific use permit shall be required pursuant to Subsection 2.10.11: *Specific Use Permit (SUP).*

D. Manufacturing, Artisan

In the MN zoning sub-district:

1. Artisan manufacturing uses shall be limited to 10,000 square feet per lot.
2. If within 200 feet of a residential zoning sub-district or residential use, artisan manufacturing uses shall be limited to 5,000 square feet per lot, unless a specific use permit is approved pursuant to Subsection 2.10.11: *Specific Use Permit (SUP),* and permits the use to exceed 5,000 square feet per lot.

3. All activities shall occur entirely within an enclosed structure.

E. Manufacturing, Low-Impact

1. Distribution, warehousing, or wholesaling activities are prohibited.
2. Uses are limited to a maximum of 5,000 square feet of gross floor area per lot.
3. All activities shall occur entirely within an enclosed structure.

F. Self-Service Storage

1. Building Materials

a. Except for fenestrations, as noted in (1)(b) below, each elevation shall be constructed of 100 percent masonry, stone, architectural concrete block with integrated color (split-face CMU), stucco, or concrete tilt-wall (colored or stamped).

b. The materials in subsection (1)(a) above shall not apply to fenestrations such as doors, windows, glass, and entryway treatments.

c. Glass shall not account for more than 70 percent of the exterior wall area.

2. Doors

Overhead bay doors and/or storage unit doors shall not be visible from adjacent properties or public right-of-way.

3. Fencing and Buffers

a. Fencing materials shall be limited to masonry and wrought iron and shall comply with Subsection 7.7.8: *Walls, Fences, and Screening*.

b. Landscape buffers shall be provided in accordance with Section 7.7.6: *Compatibility Landscape Buffer Requirements.*

4. Other Activities

a. No business activity other than the rental of storage units shall be conducted on the premises.

b. Outdoor storage is prohibited.

G. Warehouse and Wholesale Facility

In the MR zoning sub-districts, uses shall be limited to a maximum of 55,000 square feet of gross floor area per lot.

5.3.7 Public and Semi-Public Utility Uses

A. Power Stations, Electric Substations, Interchanges, and Switch Stations

1. Compliance with Electric Standards

Electric substations and switch stations shall comply with the standards in Section 7.13: *Electric Standards.* A site plan demonstrating substantial conformance with all the applicable design standards identified in Section 7.13: *Electric Standards,* shall be submitted.

2. Procedures for Review

An applicant shall submit an application for a specific use permit pursuant to Subsection 2.10.11: *Specific Use Permit (SUP),* unless it is able to meet all the following requirements:

a. Use of the property is associated with a City Council approved Capital Improvements Plan (CIP) or other City Council approved Master Plan.

b. A public hearing was held at the City Council for the selection of the site to include:
    i. Written notice of the public hearing was provided to property owners within 200 feet and physical addresses within 500 feet of the subject property at least 12 days prior to the public hearing; and
    ii. A sign advertising the public hearing was posted on or adjacent to the property at least 12 days prior to the public hearing; and
    iii. Proposed screening wall location and design were reviewed and approved by the City Council.
c. A neighborhood meeting was held at least 15 days prior to the public hearing at City Council for the acquisition of the site.

B. Solar Collector as a Principal Use

Solar collectors shall conform to all height, setback, and landscaping requirements within their respective zoning sub-district. The following additional standards apply to all solar collectors:

1. All solar collector systems shall be in compliance with all currently adopted building codes;
2. Solar collector systems that use concentrator technologies and have not incorporated anti-glare measures into the system or installation shall be placed in areas so that the concentrated solar glare shall not be directed onto inhabited adjacent properties or roadways; and
3. The design of the solar collector system shall use materials, colors, textures, screening, and landscaping similar to their background or the existing natural environment to the most reasonable extent possible without prohibiting the installation.

C. Wind Energy Conversion System (WECS)

1. For All Wind Energy Systems

a. No tower shall be lit, except to comply with Federal Aviation Authority (FAA) standards.
b. All wiring between the wind system and the substation shall be buried underground.
c. All proposed wind systems shall conform to established noise standards in the City of Denton.

2. For Large Wind Energy Systems

a. The minimum acreage for a large wind system shall be established based on the setbacks of the turbine(s) and the height of the turbine(s);
b. All turbines located within the same large wind system property shall be of a similar tower design, including the type, number of blades, and direction of blade rotation;
c. Large wind systems shall be setback at least one and one-half times the height of the turbine and rotor diameter from the property line. Large wind systems shall also be setback at least one and one-half times the height of the turbine from above ground telephone, electrical lines, and other uninhabitable structures;
d. Towers shall not be climbable up to 15 feet above ground level.

5.4 Accessory Uses and Structures

5.4.1 Purpose

The purpose of this section is to establish minimum standards for accessory uses and structures that are incidental and subordinate to principal uses. These standards are intended to minimize adverse impacts on surrounding properties and the community.

5.4.2 Accessory Uses and Structures Allowed

All principal uses allowed in a zoning sub-district pursuant to Table 5.2-A: *Table of Allowed Uses*, shall be deemed to include those accessory uses, structures, and activities typically associated with that use, unless specifically prohibited in this section. Accessory uses and structures are subject to the standards in this section and any applicable use-specific standards for the associated principal use in Section 5.3: *Use-Specific Standards*. Typical accessory uses are included in the use definitions in Subchapter 9: *Definitions*.

5.4.3 General Standards for Accessory Uses and Structures

A. The combined square footage of the principal structure and accessory structure(s) shall not exceed the zoning sub-district maximum building coverage specified in Subchapter 3: *Zoning Sub-Districts*.

B. Accessory structures, with the exception of non-residential detached carports, gas station canopies, gas station car wash facilities, and security/entry booths, are prohibited in front and side yards. Accessory structures for public or private schools may be located in side yards, but shall not be located in front yards.

C. Where permitted, accessory structures shall be set back a minimum of three feet from all property lines.

D. No portion of an accessory structure may be located in, or encroach upon, any easement.

E. All accessory structures that require a building permit shall be architecturally compatible with its associated principal structure and/or screened from view of abutting properties and public rights-of-way.

F. Where permitted, accessory outdoor storage shall be located to the rear of the principal structure, shall be subject to the screening standards in Subsection 7.7.8: *Walls, Fences, and Screening,* and shall be limited to goods or materials sold or used on the premises as part of the principal use of the property.

5.4.4 Additional Standards for Specific Accessory Uses

A. Accessory Dwelling Unit

Accessory dwelling units ("ADUs") shall comply with the following standards:

1. Generally

a. Only one ADU shall be allowed per lot.

b. ADUs shall not have more than one bedroom.

c. ADUs shall only be permitted on lots where the principal use is a single-family detached dwelling.

2. **Size**

   a. **ADUs on Lots Smaller than 10,000 Square Feet**

      i. ADUs shall not exceed 50 percent of the living area square footage of the principal dwelling unit on the lot.

      ii. ADUs shall not exceed 1,000 square feet per lot.

   b. **ADUs on Lots 10,000 Square Feet or Larger**

      ADUs shall not exceed 50 percent of the living area square footage of the principal dwelling unit on the lot.

3. **Location and Design**

   a. ADUs may be attached or detached units.

      i. Attached ADUs shall be fully attached to or within the principal structure on the lot. "Attached" shall mean at least one-quarter of the total wall area or the floor or ceiling of the ADU shall be fully connected to a wall, floor, or ceiling of the principal residential structure.

      ii. Detached ADUs shall be located to the side or rear of the principal dwelling unit.

   b. ADUs shall have a separate exterior entrance from the principal dwelling unit and shall contain cooking, sleeping, and sanitary facilities.

4. **Public Services and Utilities**

   Separate water or sewer service for the ADU shall not be allowed. Separate metering of other utilities is allowed.

5. **Ownership Requirements**

   Ownership of the ADU may not be legally severed from ownership of the associated lot and any other structures on such lot.

B. Home Occupations

Home occupations shall comply with the following:

1. **General**

   a. A home occupation shall be permitted only when it is an accessory use to a single-family detached, duplex, or townhome dwelling unit.

   b. A home occupation shall not involve any external structural alteration of the dwelling unit.

2. **Employees**

   The home occupation shall be operated by the person(s) residing in the principal dwelling. No more than two employees that do not reside on the property shall be allowed on the premises at any given time.

3. **Patrons**

   No more than four patrons shall be allowed on the premises at one time.

4. **Hours of Operation**

   No home occupation shall remain open for visitation by patrons between the hours of 8:00 p.m. and 8:00 a.m.

5. **No External Display of Products**

   There shall be no external display of products or any other externally visible evidence of the home occupation.

6. **Outdoor Storage and Activities**
   a. No outdoor storage of materials, goods, supplies, or equipment associated with a home occupation shall be allowed.
   b. All activities related to the home occupation shall be operated entirely within the principal dwelling unit. Outdoor activities are strictly prohibited.

7. **Signage**
   Home occupations shall not be allowed to place an advertisement, sign, or display on or off the premises.

8. **Product Sales**
   A home occupation may include the sale of products on the premises, provided compliance is maintained with all other standards in this subsection.

9. **Prohibited Equipment and Materials**
   There shall be no chemical, mechanical, or electrical equipment on the premises, other than that normally found within a dwelling unit.

10. **Parking and Business-Related Vehicles (Vehicles Marked or Equipped Commercially)**
    No on-street parking of business-related vehicles shall be allowed at any time. No business vehicles larger than a van, panel truck, or pickup truck shall be permitted to park overnight on the premises. The number of business-related vehicles shall be limited to one.

11. **Allowable Home Occupations**
    Any use not listed in (B)(12) below shall be deemed an allowable home occupation so long as the use is allowed pursuant to Table 5.2-A: *Table of Allowed Uses*, and complies with the standards of this DDC.

12. **Prohibited Home Occupations**
    The following uses are examples of home occupations that shall be prohibited:
    a. Retail sales;
    b. Medical doctors, or any practice of physical and/or medical application, including chiropractors;
    c. Dentists;
    d. Minor or major automobile or equipment repair;
    e. Commercial greenhouses or nurseries; and
    f. Animal grooming.

C. Outside Storage, Accessory

In addition to complying with all EPA regulations, the International Fire Code, and all other applicable ordinances, statutes, rules and regulations, outdoor storage:

1. Shall be confined to the side or rear yard only, and shall be opaquely screened from public view, using screening materials pursuant to Subsection 7.7.8: *Walls, Fences, and Screening*; and
2. Shall be set back at least five feet from the property line, and maintained so as to not create a nuisance to the public or any adjoining property.

D. Sale of Produce and Plants Raised on Premises

1. Permitted Sales

Only the sale of produce or plants grown on-site shall be sold.

2. Hours of Operation

The sale of produce and plants shall only be permitted between the hours of 7:00 a.m. and 7:00 p.m.

3. Structures

No permanent structures shall be erected for the sale of produce and plants.

E. Solar Collector, (Ground- or Building-Mounted)

1. If the solar collector is not flush with the roof, the applicant shall minimize the visibility of the collector from a public street, park, or open space to the most reasonable extent possible without prohibiting the installation.
2. Ground-mounted collectors are allowed as an accessory structure and shall only be located outside of required setbacks.
3. Ground-mounted accessory solar collectors shall not exceed the height of the principal structure on the lot or parcel.

F. Wind Energy Conversion System (WECS), Small (Ground-Mounted)

1. Generally

a. An individual ground-mounted WECS shall be set back from the property line and the principal structure at least one and one-half times the height of the WECS structure.

b. The height limit for an accessory WECS shall be the height limit in the underlying zoning sub-district, as long as the WECS meets the setback established in (1)(a) above.

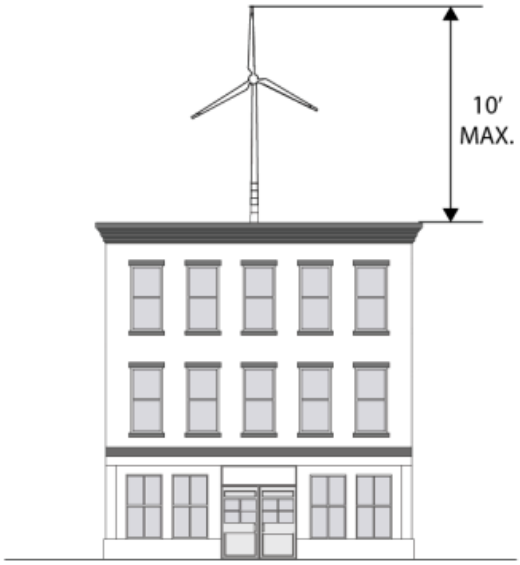
c. The distance between the ground and the rotor blade (when the rotor blade in its lowest position) shall be a minimum of 20 feet.

G. Wind Energy Conversion System (WECS), Small (Building-Mounted)

Rooftop WECS shall be considered an accessory use if the following are satisfied:

1. The maximum height of the rooftop WECS does not exceed a height of 10 feet above the roof or the top of a parapet, whichever is higher. The height shall be measured from the base of the WECS where it is mounted on the building to the highest point of the arc of the blades' elevation. If the WECS does not use blades, then height is measured from the base of the WECS where it is mounted on the building to the highest point of the WECS;
2. The WECS is securely attached to the structure in compliance with all currently adopted Building Codes; and
3. The blade rotor plane shall be at least four feet away from any window and at least 12 feet above any patio with human access.

Figure 5.4-A: Building-Mounted WECS Height



5.4.5 Additional Standards for Specific Accessory Structures

A. Swimming Pools

Discharge of swimming pools and backwash filters must be plumbed to the sanitary sewer.

5.5 Temporary Uses and Structures

5.5.1 Purpose

The purpose of this section is to allow certain uses and structures of a limited duration subject to specified conditions. This section is intended to ensure that such uses or structures do not negatively impact surrounding properties and are discontinued upon the expiration of a set time period.

5.5.2 Temporary Uses and Structures Allowed

The Director may permit temporary uses in accordance with Table 5.2-A: *Table of Allowed Uses*, and according to any applicable use-specific standards.

5.5.3 Approval Process for Temporary Uses and Structures

A. General

1. Prior to establishing a temporary use or structure, a temporary use permit shall be approved pursuant to Subsection 2.10.12: *Temporary Use Permit*.
2. Neither the granting of a temporary use permit, nor compliance with its terms, shall constitute a defense to prosecution under any law or ordinance, other than as stated in this section. A temporary use permit serves only to conditionally permit the temporary use of property, provided that the permittee strictly complies with all permit requirements and restrictions.

B. Conditions

1. The Director may prescribe reasonable conditions upon a temporary use permit to protect the public health, safety, and general welfare of the community, with particular attention to areas proximately located to the permitted temporary use. Such conditions may include specific performance standards, noise mitigation measures, lighting restrictions, restrictions on hours of operation, odor control measures, off-street parking requirements, traffic restrictions, and other standards designed to minimize adverse impacts on surrounding areas.
2. The Director may condition issuance of a temporary use permit upon either or both of the following:
    a. The applicant's demonstration of full compliance with all applicable permitting, licensing, surety, insurance, and performance standards of any governmental, administrative, or regulatory body exercising jurisdiction over the requested temporary use; and/or

b. The applicant's posting of bonds or other securities in an amount, and of a type, reasonably sufficient to remediate, repair, and restore any public lands, infrastructure, or easements, or any public or private floodplains or environmentally sensitive areas, which could foreseeably suffer damage, directly or indirectly, as a consequence of the requested temporary use, regardless of whether such damages are actually caused by the applicant or by third-party participants in the temporary activity.

C. Posting the Temporary Use Permit

The applicant shall post the permit issued by the city in a prominent location on the site where the temporary use is established.

D. Revocation of a Temporary Use Permit

The Director may revoke a temporary use permit if it is determined that:

1. The applicant misrepresented any material fact on his or her application, or supporting materials;
2. The temporary use fails or ceases to comply with applicable standards or criteria for issuance of a permit;
3. The operation of the temporary use violates any applicable statute, law, ordinance, or regulation; or
4. The operation of the temporary use constitutes a nuisance or poses a real or potential threat to the health, safety, or welfare of the public.

5.5.4 General Standards for Temporary Uses and Structures

A. Compliance with this DDC

Temporary uses and structures are subject to the dimensional standards in Subchapter 3: *Zoning Sub-districts*, and the development standards in Subchapter 7: *Development Standards*, unless otherwise stated in this section.

B. Compatibility

Temporary uses shall be compatible in intensity, characteristics, and appearance with existing land uses in the surrounding area of the proposed location. Factors such as location, access, traffic generation, noise, light, dust control, and hours of operation shall be considered.

C. Required Licenses

The applicant shall obtain all necessary licenses required by this DDC and by state law.

D. Operation and Development

All temporary uses, except occasional sales, shall comply with the following:

1. Location

a. Temporary uses shall comply with applicable setback requirements. In situations where temporary storage containers and other portable storage units are used for loading and unloading purposes and the only placement location is on an existing driveway, temporary storage containers and other portable storage units may encroach into a required setback.

b. Display, sales, and other temporary use-related activities shall be conducted on private property and not on public land or rights-of-way, unless specifically permitted in writing by the Director.

2. **Access and Circulation**

   a. Vehicular access points, public roads and rights-of-way, and pedestrian or bicycle paths shall not be damaged or obstructed. Public roads may be closed for a temporary special event where specifically authorized by the City Council.

   b. Temporary structures and all associated devices shall be of a temporary nature, movable, and shall not block visibility for vehicles or pedestrians on or off the lot so as to create a safety hazard.

   c. Temporary uses and structures may occupy required off-street parking only if specified and approved as part of a temporary use permit.

3. **Hours of Operation**

   Hours of operation shall be compatible with the adjacent land uses.

4. **Maintenance and Clean Up**

   The applicant shall guarantee that all trash and debris generated by the temporary use will be removed within 24 hours at no expense to the city.

5. **Signs**

   Signs shall comply with Subpart B, Chapter 33, *Signs and Advertising Devices*, in the Municipal Code of Ordinances.

E. Occasional Sales

No more than three occasional sales may be allowed upon the premises of a residential dwelling in any 12-month period (limited to one sale every four months), with a limit of three days per time, per lot.

5.5.5 Annual Permit Allowance and Renewal Periods

A. An applicant may renew, or receive a new temporary use permit for the same activity on the same lot in accordance with the following limitations:

Table 5.5 -E: Summary of Temporary Use Permit Allowance

Temporary Use	Permits Per Year	Days Per Permit
Storage Containers and Other Portable Storage Units [1]	3	30 days
Farmers Market	1	180 days
Seasonal Sales (upon application of property owners association)	No limit	30 days (per event)
Occasional Sales	4	3 (per event)
Special Events	No limit	21 days (per event)
Field or Construction Office	No limit	Expires when construction ceases
Sales and leasing office	No limit	Expires when sales or leasing expires
Parking for model homes	No limit	Expires when model home use terminates
Concrete or Asphalt Batching Plant [3]	1 per final platted phase	Per the TCEQ permit

Notes:

[1] Temporary storage containers and other portable storage units located within a nonresidential zoning sub-district are allowed one permit per calendar year, with a limit of 180 days per lot.

Table 5.5 -E: Summary of Temporary Use Permit Allowance		
Temporary Use	**Permits Per Year**	**Days Per Permit**

[2] Field or construction offices may be approved no sooner than 30 days prior to the start of construction and shall be removed within 30 days after completion of the work for which the construction permit has been issued.
[3] May only be associated with a final plat within the Hunter Ranch MPC and must be within or adjacent to the final platted area.

B. All uses not specifically listed in the table above shall be permitted for a maximum period of 30 days per calendar year, per lot, subject to Director approval. Applicants may not obtain a permit for a temporary use for the same lot if that site has exceeded the time limitation for that calendar year.

5.5.6 Additional Standards for Specific Temporary Uses and Structures

A. Temporary Storage Containers and Other Portable Storage Units

1. Temporary storage containers and other portable storage units shall be located on an improved surface, but may not be located in any part of a fire lane, required parking space, maneuvering lane, public right-of-way, or visibility triangle.
2. The property where the temporary storage container or other portable storage unit is located shall contain a principal structure, and the storage container or other portable storage unit will be considered accessory to the principal structure.
3. Storage containers and other portable storage units that are less than 120 square feet, located in a rear yard, and are screened from public view are not required to obtain a temporary use permit.

B. Concrete or Asphalt Batching Plant, Temporary

1. Permit Requirements

Applicants for a permit to operate a temporary concrete or asphalt batching must submit a letter from the Texas Commission on Environmental Quality (TCEQ) indicating that the proposed facility is exempt from the permitting procedures under the standard exemption, as amended.

a. Concrete Batching Plants

i. When both wastewater and stormwater discharges will be generated on-site, concrete batch plants must be permitted under TCEQ discharge permit TXG110000.

ii. When only stormwater discharges will be generated on-site, concrete batch plants may be included in construction stormwater permit TXR150000 for the construction site, if located at the construction site.

2. Location

a. Temporary concrete batching plants (including associated stationary equipment and stockpiles) shall be located at least 300 feet from any recreational area, school, residence or other structure not occupied or used solely by the owner of the property upon which the facility is located. This distance limitation does not apply to structures within the boundaries of the project for which the facility is to pour concrete, provided that the facility is located on or contiguous to the project.

b. Temporary asphalt batching plants shall be located at least one-half mile from any recreational area, school, or residence, or any other structure not occupied or used exclusively by the owner of the property upon which the facility is located.

c. Temporary concrete or asphalt batching plants may only be associated with a final plat within the Hunter Ranch MPC and must be within or adjacent to the final platted area.

3. Operational Standards

a. The facility shall be operated in a manner that eliminates unnecessary dust, noise, and odor (including, with limitation, covering trucks, hoppers and chutes, loading and unloading devices, mixing operation and maintaining driveways and parking areas free of dust).

b. All stockpiles shall be sprinkled with water or dust suppressant chemicals, or both, as necessary to achieve maximum control of dust emissions. The stockpile sprinkler system shall be operable at all times.

c. Spilled cement and fly ash used in the batch shall be cleaned up immediately and contained or dampened to minimize dust emissions due to wind erosion and vehicle traffic.

d. All open-bodied vehicles transporting material from a dry batch plant to the paving mixer shall be loaded with a layer of sand on top, and the truck shall be covered with a tarp to minimize the emission of dust under existing conditions.

e. The applicant shall clear the site of all equipment, material, and debris upon completion of the project.

4. Hours of Operation

The facility may operate only between the hours of 6:00 a.m. and 8:30 p.m., Monday through Friday, from June 1 to September 30; 7:00 a.m. and 8:30 p.m., Monday through Friday, from October 1 to May 31; 8:00 a.m. and 8:30 p.m. on Saturdays; and 1:00 p.m. and 8:30 p.m. on Sundays.

5. Revocation of Permit

In addition to the criteria established in Subsection 5.5.3D, the Director may terminate or revoke a temporary use permit for a concrete or asphalt batching plant for any of the following reasons:

a. The facility fails to comply with any of the requirements as listed in this subsection; or

b. The facility violates any of the standards as listed on the standard exemption list adopted by the Texas Commission on Environmental Quality (TCEQ), as amended.

6. Restriction on Use

This use may only be associated with a final plat within the Hunter Ranch MPC and must be within or adjacent to the final platted area.

C. Field or Construction Office

1. Field or construction offices may only be approved for licensed contractors working on construction projects for which permits have been issued. They shall be located on the same property and within the same project area where the work is being performed and shall not encroach into any public right-of-way. Field or construction or offices shall be required to meet all applicable state and local building and set-up codes.

2. Field or construction offices may not be used as a dwelling unit or residence.

5.6 Wireless Telecommunications Facilities

5.6.1 Purpose and Goals

A. The purpose of this section is to establish guidelines regulating the location of telecommunication towers and antennas with the objective of minimizing their number, to protect and promote public safety, and to mitigate any adverse visual impacts on the community, while promoting the provision of telecommunications service to the public.

B. The goals of these regulations are to:

1. Protect residential areas and land uses from potential adverse impacts of towers and antennas;
2. Encourage the location of towers in non-residential areas;
3. Minimize the total number of towers throughout the community;
4. Encourage the joint use of new and existing tower sites as a primary option, rather than construction of additional single-use towers;
5. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
6. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact through careful design, siting, landscape screening, and innovative camouflaging techniques;
7. Enhance the ability of providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; and
8. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

5.6.2 Compliance with Telecommunications Act

A. The regulations contained in this DDC have been developed under the following general guidelines as provided in the federal Telecommunications Act of 1996:

1. Cities have local authority over "placement, construction, and modification" of cellular telephone facilities and other personal wireless telecommunication service facilities;
2. Regulations "shall not unreasonably discriminate among providers of functionally equivalent services;"
3. Regulations "shall not prohibit or have the effect of prohibiting the provision of personal wireless services;"
4. "Denial shall be in writing and supported by substantial evidence;" and
5. Cities may not "regulate the placement, construction, and modification of personal wireless service facilities on the basis of environmental or radio frequency emissions to the extent that such facilities comply with the Federal Communication Commission regulations concerning such emissions."

B. Notwithstanding any other provision of this section, telecommunications towers and antennas, when permitted by federal law and the laws of the State of Texas, shall be regulated and governed by the use regulations and requirements of this section.

5.6.3 Applicability

All new towers and antennas within the corporate limits of the city shall be subject to these regulations, except as provided in paragraphs (A) and (B) below:

A. Amateur Radio Station Operators/Receive Only Antennas

This section shall not govern any tower or installation of any antenna that is under 70 feet in height and that is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

B. Pre-Existing Towers or Antennas

Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this DDC, except the requirements of subsections 5.6.7A, B, and H.

5.6.4 General Provisions

A. Applications

All applications for rezoning or a specific use permit for a telecommunications tower, antenna, or other facility to provide a telecommunications service shall include a completed supplemental information form provided by the city regarding said facilities. In addition to any information required for applications for a specific use permit, applicants shall submit the following information:

1. A detailed master antenna plan, clearly indicating the location of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning, and other information deemed necessary by the Director.
2. A legal description of the property and leased land, if applicable.
3. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
4. The separation distance from other towers shown on an updated site plan or map.
5. A landscape plan showing specific landscape materials.
6. Method of fencing and finished color and, if applicable, the method of camouflage and illumination.

B. Platted Lots

Unless an exception is granted by the Planning and Zoning Commission, telecommunications facilities requiring rezoning or a specific use permit, including towers and related equipment buildings, shall be located on a platted lot.

C. Technical Assistance

When a rezoning or specific use permit is required to comply with the provisions of this section, and when the technical information provided by the applicant is beyond the technical capacity of city staff to review, the applicant, in addition to the usual application fee, shall reimburse the city for the actual cost to the city for the services of a technical expert to review the application and/or information supplement, up to a maximum of $5,000.

D. Pre-Application Meetings

Prior to leasing or purchasing facilities, the telecommunications service provider is encouraged to meet with the Director or his or her designee to determine if the location will require a specific use permit or other approvals, and to review the merits of potential locations.

E. Master Antenna Plan

To facilitate co-location and coordination of telecommunication sites, the city shall, within 30 days of its effective date, notify the providers of telecommunications services, as that term is defined by federal law, of the enactment of this section. Said providers shall, within 90 days of the date of such notice, provide the city with their respective master antenna plans. Said plans shall include detailed maps, showing the locations and characteristics of all telecommunications towers and antennas serving any portion of the city and indicating coverage areas for current and, to the extent possible, future telecommunications towers and antennas. Providers shall also provide the city with any updates to the above documents within 90 days of their creation.

5.6.5 Allowed Telecommunications Uses

Table 5.6-F: Allowed Telecommunications Uses

P = permitted S = specific use permit required Blank cell = use prohibited + = use-specific standards apply

	Residential							Mixed-Use			Corridor		Nonresidential				Use-Specific Standards
	RR	R1	R2	R3	R4	R6	R7	MN	MD	MR	SC	HC	GO	LI	HI	PF	
NEW LATTICE, OTHER TOWERS																	
0 to 50 feet								P		P	P	P	P	P	P	P	
Over 50 feet								S		S	S	S	S	S	S	S	
NEW MONOPOLE TOWER																	
0 to 85 feet								P	S	P	P	P	P	P	P	P	
Over 85 feet								S	S	S	S	S	S	S	S	S	
ALTERNATIVE MOUNTING STRUCTURES																	
0 to 100 feet	S							P	P	P	P	P	P	P	P	P	
Over 100 feet	S							S	S	S	S	S	S	S	S	S	
ANTENNAE-ONLY MOUNTINGS																	
Building-Mounted Panels	P							P+	P+	P+	P	P	P+	P	P	P	5.6.6A
Building-Mounted Whips	P+							P	P+	P	P	P	P	P	P	P	**Error! Reference source not found.**
Electric Distribution Poles	P							P	P	P	P	P	P	P	P	P	
Roof-Mounted Arrays	P+							P+	P+	P+	P+	P+	P+	P+	P+	P+	5.6.6B
DISH ANTENNA MOUNTINGS																	
Building/Roof-Mounted Under 1 m Diameter	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Building/Roof-Mounted Under 2m Diameter	P							P+	P+	P+	P	P	P+	P	P	P	5.6.6C
Building/Roof-Mounted Over 2m Diameter									P+	P+	P	P	P+	P	P	P	5.6.6D
Ground-Mounted Under 3m Diameter	P							P	P	P	P	P	P	P	P	P	
Ground-Mounted Over 3m Diameter								P	P+	P	P	P	P	P	P	P	**Error! Reference source not found.**

5.6.6 Telecommunications Use-Specific Standards

A. Building-Mounted Panels

1. MN and MR Zoning Sub-districts

Panels shall be designed as "stealth" or otherwise camouflaged or concealed from view from a public or private right-of-way or residential zoning sub-district or development.

B. Roof-Mounted Arrays

Arrays shall be mounted to a nonresidential structure with more than 5,000 square feet of floor area.

C. Building/Roof-Mounted Under 2m Diameter

1. **MN and MR Zoning Sub-districts**
   Antenna shall be mounted to a nonresidential structure with more than 5,000 square feet of floor area.

D. Building/Roof-Mounted Over 2m Diameter

In the MR zoning sub-district, antenna shall be mounted to a nonresidential structure with more than 100,000 square feet of floor area.

5.6.7 Telecommunications Towers

A. Applicable Federal and State Standards

All telecommunications towers and antennas shall be erected and operated in compliance with current FCC and FAA rules and regulations and other applicable federal, state, and local standards. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency.

B. Structural Standards

Telecommunications tower structures must conform to the most current revision of EIA 222 standards. Guyed telecommunications towers shall be designed and located so that if the structure should fall it would avoid habitable structures and public streets. To insure structural integrity, the owners of the tower shall ensure that it is maintained in compliance with all applicable provisions of Subpart B, Chapter 28: *Building and Building Regulations*, of the Municipal Code of Ordinances, and all applicable state or local building codes and safety regulations, as well as the regulations published by the Electronic Industries Association (EIA) as amended from time to time. If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then, upon notice being provided to the owner of the tower, the owner shall have 30 days to bring the tower into compliance with these standards.

C. Co-Location

Towers shall be designed and built to accommodate a minimum of two cellular or PCS providers, if over 75 feet in height. The owner of the tower must certify to the city that the tower is available for use by other telecommunications service providers on a reasonable and nondiscriminatory basis.

D. Fencing

Security fencing shall be installed by a wrought iron or steel chain link fence with evergreen hedge, or a masonry wall, each not less than six feet in height. The exterior of equipment buildings and/or metal equipment cabinets visible from residential areas or public rights-of-way must have a neutral aggregate finish or be painted to reflect the color and character of adjoining structures or blend with adjacent landscaping and other surroundings.

E. Setbacks

All telecommunication towers as well as guys and guy anchors shall be located within the buildable area of the lot and not within required front, rear, or side setbacks. Telecommunication towers in excess of 400 feet in height shall be set back a minimum of 2,600 feet from the right-of-

way of all controlled access federal and state roadways designated as freeways to provide unobstructed flight paths for helicopters.

F. Signage

Except as otherwise permitted in this section, no signage, lettering, symbols, images, or trademarks in excess of 200 square inches shall be placed on or affixed to any part of a telecommunications tower, antenna, antenna array, equipment building, or security fencing other than as required by FCC regulations or other applicable law.

G. Lighting

Except as otherwise permitted in this DDC, no signals, lights, or illumination of any kind shall be permitted on or directed toward any tower unless required by the FCC, the FAA, or other appropriate public authority.

H. Abandonment

1. In the event the use of any wireless communication facility, which would include any telecommunications tower or other antenna support structure, has been discontinued for a period of 360 days, the antenna support structure shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Building Official, who shall have the right to request documentation from the owner/operator regarding the issue of usage.
2. Upon determination of abandonment, the owner/operator of the antenna support structure shall remove same within 90 days of receipt of notice from the Building Official notifying the owner/operator of such abandonment. If said antenna support structure is not removed within 90 days, the Building Official may cause it to be removed at the owner's expense.

5.6.8 Tower Location

A. Historical/Cultural

Except for compatible alternative mounting structures that effectively camouflage or conceal the presence of telecommunications antennas, telecommunications facilities should not be located on or within 300 feet of property zoned historic or property included in a national or local historic zoning district. In addition, said facilities should, wherever possible, be located so as to ensure that historic or culturally significant vistas, and landscapes are protected and that the views of and vistas from architecturally and/or historically significant structures are not impaired or diminished.

B. Residential Zoning

Except as provided in Table 5.6-F, telecommunications towers are not permitted in any residential zoning district and must be a minimum of a three to one distance to height ratio from a single-family residential use and one to one distance to height ratio from a multifamily use.

C. Towers Permitted by Right

Free standing monopole telecommunications towers 85 feet or less in height are permitted except as provided in Table 5.6-F, except for other applicable sections of this subchapter.

D. Towers Requiring a Specific Use Permit

Telecommunication towers in excess of 50 feet in height and monopole towers in excess of 85 feet in height are permitted, except as provided in Table 5.6-F.

E. Tower Spacing

Any new telecommunications tower in excess of 180 feet in height must be located a minimum of one mile from any existing tower in excess of 180 feet in height.

F. Alternative Mounting Structures

1. New alternative mounting structures 100 feet or less in height are permitted, except as provided in Table 5.6-F, and other applicable subsections of this section.
2. New alternative mounting structures in excess of 100 feet in height are permitted, except as provided in Table 5.6-F, and other applicable subsections of this section.
3. Alternative mounting structures must be similar in color, scale, and character to adjoining buildings or structures, or blend with the landscaping and other surroundings immediately adjacent to them so as to generally avoid the creation of unique visual objects that stand out in the environment.

5.6.9 Antenna Mounting

A. Purpose

The purpose of this subsection is to promote public safety and maintain order and harmony within the city's business, cultural, and residential zoning districts by restricting the size and location of telecommunication antennas. The objective is to avoid the creation of visual distractions, prevent obstructions to the view of pedestrians and motorists on public thoroughfares, and to insure the structural integrity of supporting structures.

B. Whip and Panel Antenna Mounting

1. Individual telecommunications antennas are allowed on existing electric distribution poles, light standards, and telecommunication towers in excess of 40 feet in height, provided that:
   a. A joint use agreement is executed; and
   b. The antenna is not located within the power zone of the electric distribution pole.
2. Antennas shall not be placed on electric transmission towers.
3. The total length of any antenna does not exceed 15 percent of the height of the structure. The height of a telecommunications tower is determined by the highest point of any and all components of the structure, including antennas.
4. Existing structures in excess of 50 feet in height may, as a matter of right, be rebuilt, if necessary, to support or contain a new antenna, provided that the new structure is the same height and substantially the same in appearance as the structure it replaces.
5. Building-mounted panel antennas are permitted on non-residential buildings and multifamily dwellings in all zoning sub-districts; provided that they are mounted flush with the exterior of the building and that they do not project above the roof line, nor more than 30 inches from the surface of the building to which they are attached. The antenna's appearance shall be such that its color and texture blends with the surrounding surface of the building.
6. Whip antennas are permitted on non-residential buildings and multifamily dwellings in all zoning sub-districts, provided that the total length of said whip antennas, regardless of mounting method or location, does not exceed 15 percent of the height of the building.
7. Only one building/roof-mounted antenna support structure, less than 100 square feet in area, is permitted per 5,000 square feet of building floor area.

C. Dish Antenna Mounting

1. Dish antennas shall not be permitted in any front setback area or side yard setback adjacent to any roadway.
2. Ground-mounted dish antennas in excess of five feet in height shall be screened from roadways and adjacent property by a minimum six foot high screening fence, evergreen hedge, or masonry wall.
3. Dish antennas in excess of 10 feet in height or more than 10 feet in diameter are permitted, except as provided in Table 5.6-F.
4. Building/roof-mounted dish antennas that are one meter or less in diameter are permitted, except as provided in Table 5.6-F, and other applicable regulations of this section.
5. Building/roof-mounted dish antennas two meters or less in diameter are permitted on all buildings in excess of 5,000 square feet of building floor area except as provided in Table 5.6-F, and other applicable regulations of this section.
6. Only one building/roof-mounted dish antenna that is two meters or less in diameter, is permitted per 5,000 square feet of building floor area, except as provided in Table 5.6-F, and other applicable regulations of this section.
7. Building/roof-mounted dish antennas in excess of two meters in diameter may be permitted on buildings in excess of 100,000 square feet of building floor area, except as provided in Table 5.6-F, and other applicable regulations of this section.
8. Building/roof-mounted dish antennas in excess of one meter in diameter in residential zoning sub-districts shall be painted to have an appearance that blends with the building on which they are located, or to be located so that they are not visible from any adjacent roadway.
9. Building/roof-mounted dish antennas in excess of two meters in diameter in non-residential zoning sub-districts shall be painted or screened with enclosures so as to have an appearance that blends with the building on which they are located, or to be located so that they are not visible from any adjacent roadway.

5.6.10 Structural Certification

Prior to the installation of any building/roof-mounted telecommunications antenna, antenna array, or support structure the Building Official shall be provided with an engineer's certification that the structure will support and not be adversely affected by the proposed antenna and associated equipment.

5.6.11 Appeal

Any entity that desires to erect or use telecommunication facilities that wishes to present evidence that such entity would be limited by the current ordinances or regulations of the city dealing with zoning and land use may apply for such use under this section. The City Council shall, upon a showing that strict application of regulations would prohibit or have the effect of prohibiting personal wireless service, as defined by federal law, modify the subject regulations, consistent with the spirit and intent of this subchapter and section, to the extent necessary to prevent the prohibition.

Subchapter 6: Gas Wells

6.1 Integrated Provisions

6.1.1 Sections 6.2: Gas Well Development, and 6.3: Gas Well Drilling and Production, relating to gas well development are intended as a set of integrated regulations. Each section may incorporate by reference other applicable provisions of this DDC that pertain to gas well development.

6.1.2 Section 6.3: *Gas Well Drilling and Production*, contains definitions that apply to all provisions regulating gas well development, and identifies impact mitigation standards and other general standards that apply to gas well development.

6.1.3 In addition to this Subchapter, Subchapter 4: *Overlay Districts*

6.2 Highway Buffer Zone

No single family detached platted lot line in the MR sub-district shall be located within the buffer area shown on the Development Plan Map attached as Exhibit C (the Highway Buffer Zone). The 600-foot Highway Buffer Zone shall be measured from the edge of the future Loop 288 and I-35W rights-of-way, as shown on the Texas Department of Transportation construction plans in effect on the date of the adoption of this Ordinance, and identified as CSJ No. 2250-02-013 and CSJ No. 2250-02-014 (for Loop 288) and CSJ No. 0081-13-050 (for I-35W). The purpose of the Highway Buffer Zone is to prohibit single family detached development in close proximity to highways.

6.3 Adjacency to Robson Ranch

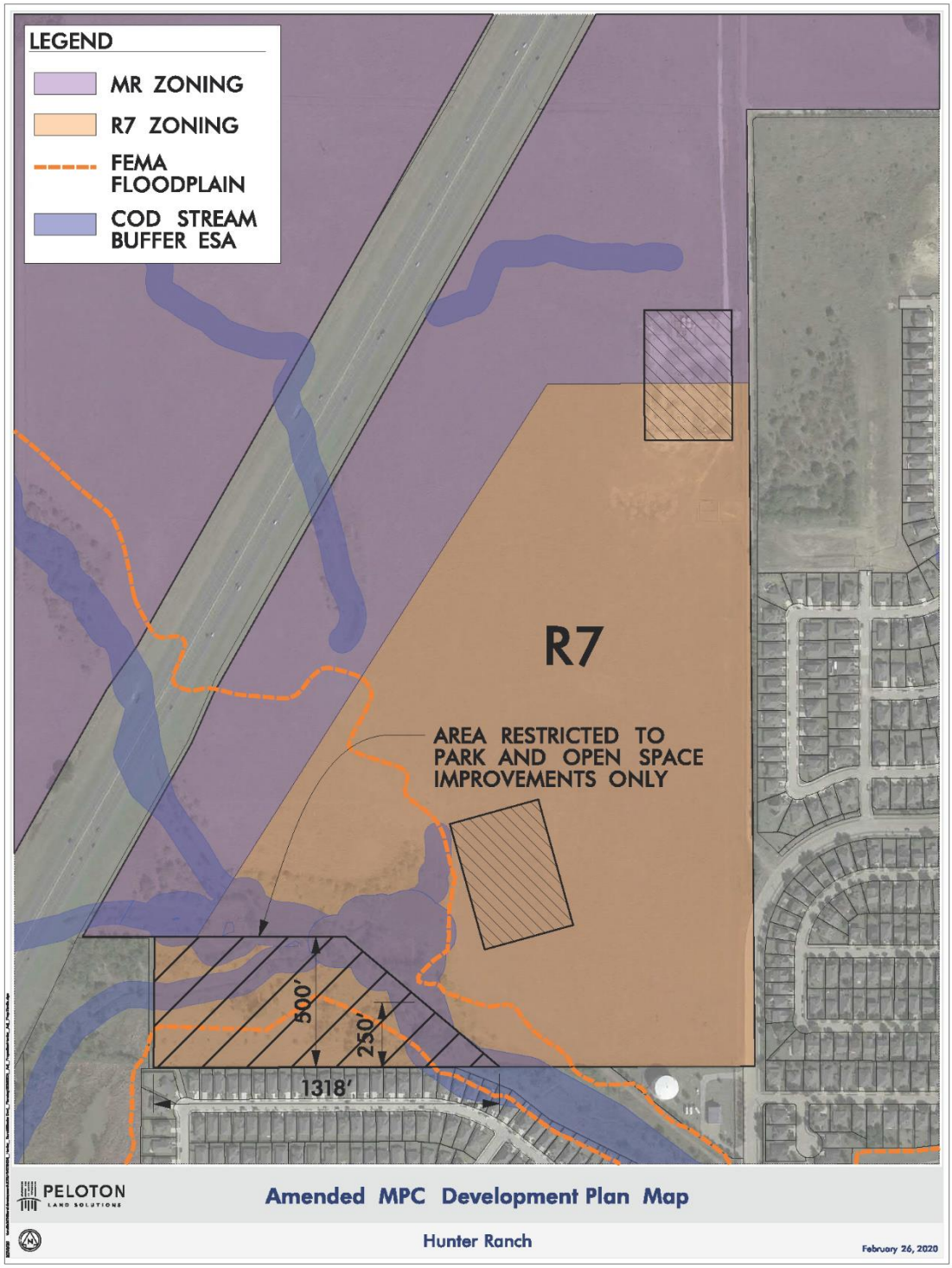
A. Robson Ranch Adjacency – Special Conditions

The following conditions from Ordinance No. 2008-286 are carried forward and shall continue to apply:

1. Along the common property line between the Hunter Ranch MPC and Robson Ranch, adjacent to the Common Open Space identified as Lot 22X, Block F, Robson Ranch 2, Phase 1 and Lot 16X Robson Ranch 5-:
    a. The HOA shall construct and maintain either: (1) an eight foot (8') wood frame fence, finished on both sides with a decorative weather-resistant fiber-cement siding material, compliant with ASTM Standard Specifications C1186 Grade II, Type A, and supported by steel support posts, or (2) an eight foot (8') high masonry wall with masonry support columns. In either case, spans shall not exceed thirty-four feet (34') between supports. The fence or wall is not required in areas designated as Environmentally Sensitive Areas (ESAs). The fence or wall must be constructed upon plat approval of each Inspiration subdivision abutting this area.
    b. The HOA shall construct and maintain an open space buffer twenty-eight feet (28') or greater in width, as depicted in Exhibit G, attached hereto and incorporated herein by reference
    c. Single-family lots adjacent to the new twenty-eight (28') foot wide buffer shall have a minimum width of sixty-two feet (62') and a minimum depth of one hundred feet (100').
    d. All of the single-family houses constructed adjacent to the new twenty-eight foot (28') wide buffer shall be single story
2. Schools shall not be located adjacent to the Robson Ranch property
3. Private Parks shall not be located adjacent to the Robson Ranch property
4. There shall not be any multi-family development abutting Robson Ranch Road or the Robson Ranch Development.
5. Residential lots adjacent to the Robson Ranch property shall have the same or larger square footage as the minimum allowable lot size under applicable zoning in effect on the date of this Ordinance on abutting lots within Robson Ranch, unless the approved MPC development standards or these conditions specify or necessitate a larger square footage requirement.

6.4 Area Restricted to Park and Open Space Improvements

Development shall be restricted to park and open space improvements for the hatched area adjacent to Country Lakes as noted and shown on the following graphic:


LEGEND
MR ZONING
R7 ZONING
FEMA FLOODPLAIN
COD STREAM BUFFER ESA
R7
AREA RESTRICTED TO PARK AND OPEN SPACE IMPROVEMENTS ONLY
500'
250'
1318'
PELOTON
LAND SOLUTIONS
Amended MPC Development Plan Map
Hunter Ranch
February 26, 2020

6.5 Intentionally left blank

6.6 MAO – Municipal Airport Overlay District

6.6.1 Purpose and Applicability

The Municipal Airport Overlay (MAO) district is intended to regulate and restrict the height of structures and objects of natural growth and the use of property in the vicinity of the Denton Enterprise Airport to prevent the creation or establishment of obstructions that are a hazard to air navigation. Application of this district will help prevent the encroachment of noise sensitive or otherwise incompatible land uses which may endanger the health, safety, and welfare of the owners, occupants, or users of the land. This district is also intended to implement state and federal rules associated with land uses in the vicinity of airports. Such state and federal rules shall apply within the MAO district.

The Municipal Airport Overlay (MAO) district applies to the portions of this MPC located within the Municipal Airport Overlay Zoning District.

6.6.2 Municipal Airport Overlay District Established

A. Generally

The MAO district is the area generally located outside the airport boundaries and within a rectangle bounded by lines located no farther than one and one-half statute miles from the centerline of an instrument or primary runway and no farther than five statute miles from each end of the paved surface of precision instrument runways. Where only a portion of a lot or parcel is within the boundaries explained above, the entire parcel shall be subject to the MAO regulations.

B. Subdistricts Established

The MAO district imposes two types of overlay zoning districts that combine with existing and future zoning district regulations:

1. **Airport Height Hazard District (AHHD)**
   The Airport Height Hazard District (AHHD), as established in Subsection 4.5.8, establishes height limitations on structures and natural objects within an area generally traversed by the flight tracks of aircraft using the Denton Enterprise Airport.

2. **Airport Compatibility Land Use District (ACLUD)**
   The Airport Compatibility Land Use District (ACLUD), as established in Subsection 4.5.9, establishes land use compatibility regulations that prohibit certain types of land uses and that impose performance standards on other land uses that potentially are subject to noise impacts from aircraft operation in the vicinity of the airport.

6.6.3 Applicability

A. The requirements of this Section 4.1, shall apply to all lands lying within city boundaries.

B. Nothing contained in Subsection 4.5.4, shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any natural object in excess of any of the height limits established in Subsection 4.5.8C.

C. When a parcel of land lies within more than one airport zoning subdistrict, or only a portion of a parcel lies within an airport zoning district, the provisions of the most restrictive regulations shall apply to the use of land and structures for the entire parcel, except when:

1. It is determined by the Director that a structure is located within a single airport zoning subdistrict, then the provisions of that subdistrict shall apply to such structure; or
2. It is determined by the Director that a structure is located outside any airport zoning district, then the provisions of the standard zoning sub-district in which the structure is located shall apply.

6.6.4 Conflicts with Other Provisions

A. Where there exists a conflict between any standard, restriction, limitation, requirement, or regulation prescribed by this section and any other applicable regulation, the provisions of this section shall govern and prevail; provided that the more stringent limitation or requirement shall control in the event of a conflict, with respect to the height of a structure or object of natural growth.

B. In the event of a conflict between the requirements of this DDC and any provision of state law, state law requirements shall prevail.

C. Consistent with TLGC, § 241.012, it is the intent of this section that federal laws or rules controlling the use of land located adjacent to or in the immediate vicinity of an airport, as they may be amended from time to time, that impose more stringent limitations than are imposed under provisions herein set forth, shall be applied to any application submitted under this section until such time as the city is able to conform its airport zoning regulations to such law or rules.

6.6.5 Exemptions

Unless otherwise provided in this DDC, the following shall be exempt from the provisions of this section:

A. Areas in the Horizontal Zone and Conical Zone

Any natural object(s) or structure(s) less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such object(s) or structure(s) would extend above the height limits established in Subsection 4.5.8C.

B. Areas in the Approach Zone

Any natural object(s) or structure(s) less than 75 feet of vertical height above the ground at a horizontal distance more than 4,200 feet from each end of the runway, except when such object or structure would extend above the height limit established in Subsection 4.5.8C.

6.6.6 Nonconformities

A. Generally

Whenever the Director determines that a nonconforming structure or natural object within the area subject to this section has been abandoned or more than 50 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or natural object to exceed the applicable height limit or otherwise deviate from the zoning regulations of this DDC. In all other cases, the continuation, repair, reconstruction, or remodeling of non-conforming uses or structures shall be governed by Section **Error! Reference source not found.**, ***Error! Reference source not found.***; provided, however, the Director shall apply the standards in this section.

B. Regulations Not Retroactive

The regulations prescribed by this section shall not be construed to require the removal, lowering, or other change or alteration of any structure or natural object not conforming to the regulations of this section, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, for which a complete application was accepted for filing prior to the effective date of this section, which is consistent with existing regulations and for which construction is diligently pursued.

C. Marking and Lighting

Notwithstanding Subsection 4.5.6B, the owner of any nonconforming structure or area is hereby required to permit the installation, operation, and maintenance hereon of such markers and lights as shall be deemed necessary by the Director, in order to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the city or the Federal Aviation Administration (FAA).

6.6.7 General Prohibition on Airport Hazards

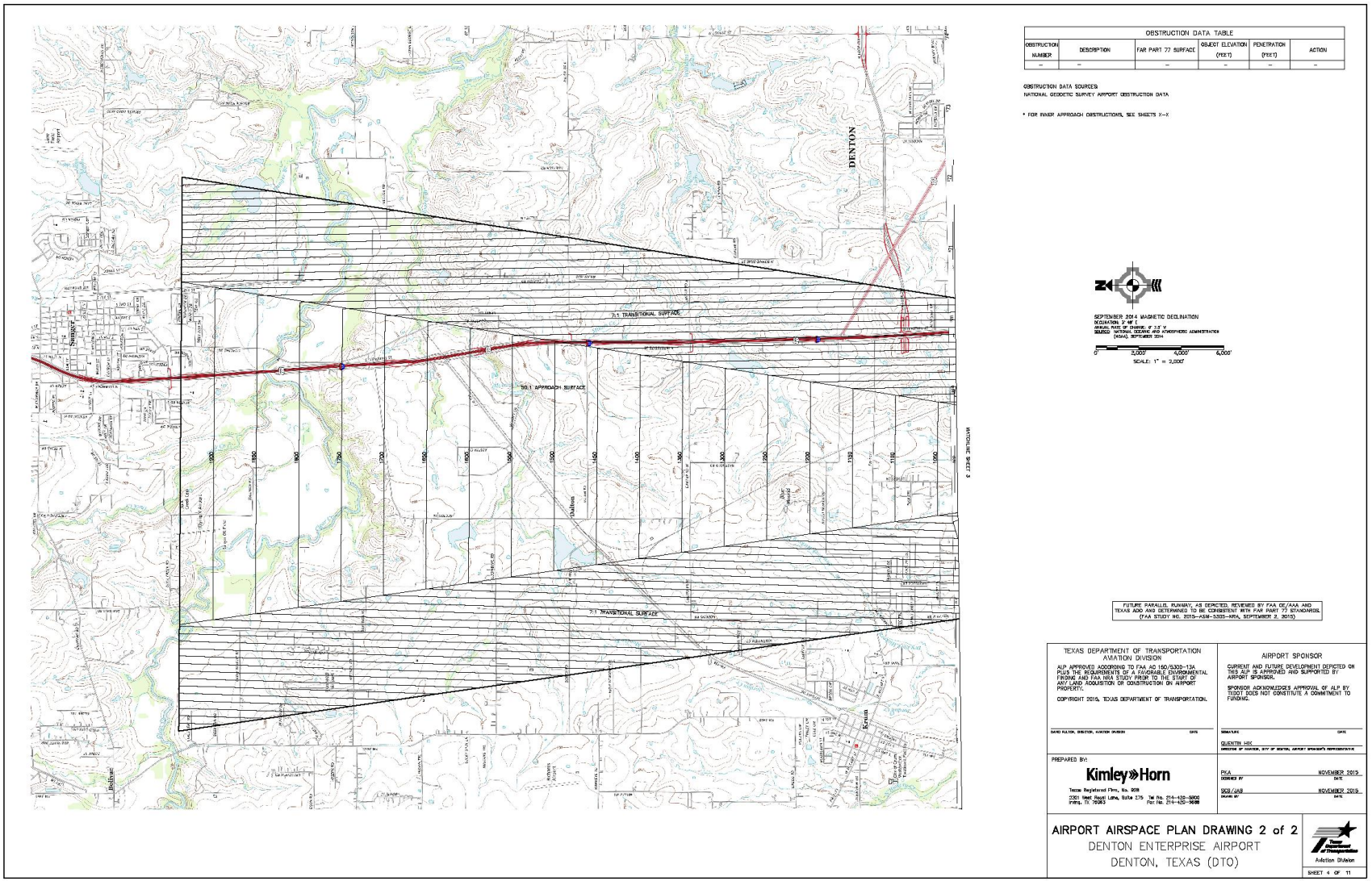
Notwithstanding any other provisions of this section, no person shall use land or water within any zone established by this DDC in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft; make it difficult for pilots to distinguish between airport lights and other lighting; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; create bird strike hazards; or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the airport.

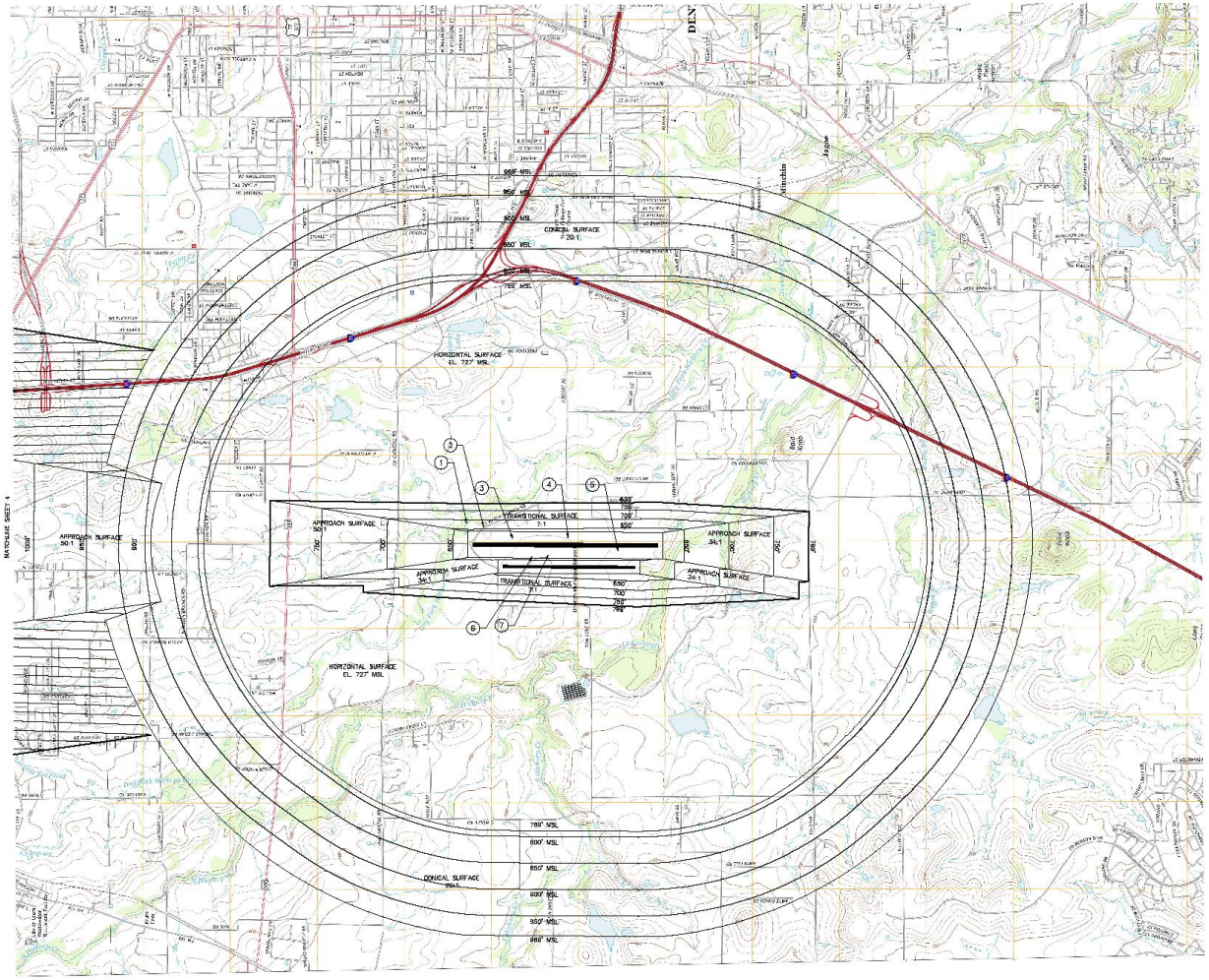
6.6.8 AHHD - Airport Height Hazard District

A. District Established

There is hereby established an Airport Height Hazard District (AHHD) within that area lying beneath the Approach Surfaces, Transitional Surfaces, Horizontal Surface and Conical Surface of the Denton Enterprise Airport. The AHHD consists of the following subdistricts, which are depicted in Figure 4.5-1: *Airport Height Hazard District Map*, and which constitutes the zoning map for the district.

Figure 4.5-1: Airport Height Hazard District Map





OBSTRUCTION DATA TABLE

OBSTRUCTION NUMBER	DESCRIPTION	FAR PART 77 SURFACE	OBJECT ELEVATION (FEET)	PENETRATION (FEET)	ACTION
1	TREE	TRANSITIONAL	899.0	8.9	TRIM
2	TREE	TRANSITIONAL	875.0	10.8	TRIM
3	LIGHT ON WINDSOCK	PRIMARY	847.0	10.5	NONE
4	LIGHT ON WINDSOCK	PRIMARY	881.0	38.2	NONE
5	LIGHT ON WINDSOCK	PRIMARY	840.0	10.8	NONE
6	GROUND	PRIMARY	844.0	9.6	LEVEL
7	GROUND	PRIMARY	846.0	11.9	LEVEL

OBSTRUCTION DATA SOURCE:
NATIONAL GEODETIC SURVEY AIRPORT OBSTRUCTION DATA

* FOR INNER APPROACH OBSTRUCTIONS, SEE SHEETS 5-6

SEPTEMBER 2014 MAGNETIC DECLINATION
INCLINATION: 6° 48'
ANNUAL RATE OF CHANGE: 0° 12' W
SOURCE: NATIONAL GEODETIC AND ATMOSPHERIC ADMINISTRATION (NOAA), SEPTEMBER 2014

0 2,000' 4,000' 6,000'
SCALE: 1" = 2,000'

FUTURE PARALLEL RUNWAY, AS DEPICTED, REVIEWED BY FAA OE/AAA AND TEXAS ADO AND DETERMINED TO BE CONSISTENT WITH FAR PART 77 STANDARDS. (FAA STUDY NO. 2015-ASW-5305-NRA, SEPTEMBER 2, 2015)

TEXAS DEPARTMENT OF TRANSPORTATION
AVIATION DIVISION

ALP APPROVED ACCORDING TO FAA AC 150/5300-13A. PLUS THE REQUIREMENTS OF A FAVORABLE ENVIRONMENTAL FINDING AND FAA NRA STUDY PRIOR TO THE START OF ANY LAND ACQUISITION OR CONSTRUCTION ON AIRPORT PROPERTY.

COPYRIGHT 2016, TEXAS DEPARTMENT OF TRANSPORTATION.

DAVID ELTON, DIRECTOR, AVIATION DIVISION — DATE

AIRPORT SPONSOR

CURRENT AND FUTURE DEVELOPMENT DEPICTED ON THIS ALP IS APPROVED AND SUPPORTED BY AIRPORT SPONSOR.

SPONSOR ACKNOWLEDGES APPROVAL OF ALP BY TXDOT DOES NOT CONSTITUTE A COMMITMENT TO FUNDING.

SIGNATURE — DATE

QUENTIN HIX
DIRECTOR OF AVIATION, CITY OF DENTON, AIRPORT SPONSOR'S REPRESENTATIVE

PREPARED BY:

Kimley»Horn
Texas Registered Firm, No. 928
2301 West Royal Lane, Suite 275 Tel No. 214-453-6900
Irving, TX 75063 Fax No. 214-453-6999

PIA — NOVEMBER 2015
DESIGNED BY — DATE

SCB/JAB — NOVEMBER 2015
DRAWN BY — DATE

AIRPORT AIRSPACE PLAN DRAWING 1 of 2
DENTON ENTERPRISE AIRPORT
DENTON, TEXAS (DTO)

Texas Department of Transportation
Aviation Division

SHEET 3 OF 11

B. Subdistrict Descriptions

The AHHD consists of the following subdistricts that are described by reference to definitions, rules, restrictions, and regulations, as may be amended from time to time, by the FAA, as follows:

1. Approach Zones

Approach zones for runways 18L-36R and 18R-36L hereby are established beneath the approach surfaces at each runway end on the Denton Municipal Precision Instrument Airport for landings and takeoffs. The inner edge of the approach zone shall have a width of 1,000 feet which coincides with the width of the primary surface at a distance of 200 feet beyond each end of each runway, widening thereafter uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet beyond each end of the primary surface, its centerline being the continuation of the centerline of the runway.

2. Transitional Zones

Transition zones hereby are established beneath the transition surface adjacent to runways 18L-36R and 18R-36L, and to each approach surface as indicated on the zoning map. Transition surfaces symmetrically located on either side of runways, have variable widths as shown in Figure 4.5-1: *Airport Height Hazard District Map*.

3. Horizontal Zone

The horizontal zone hereby is established at the area beneath the horizontal surface of the airport.

4. Conical Zone

The conical zone hereby is established as the area beneath the conical surface of the airport.

C. Height Limitations

Except as otherwise provided in this section, no person shall erect, alter, or maintain a structure, and no person shall allow a tree or other natural object to grow in excess of the applicable height limitations established herein for each airport height hazard subdistrict as follows:

1. Approach Zones

For runways 18L-36R and 18R-36L:

a. Beginning at the end of and at the elevation of the primary surface, one foot in height for each 50 feet in horizontal distance; and

b. Beginning at a point 10,000 feet from the end of the primary surface and extending an additional 40,000 feet along the extended runway centerline, one foot in height for each 40 feet in horizontal distance.

2. Transitional Zones

a. Beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation (660 feet above mean sea level), one foot in height for every seven feet in horizontal distance;

b. Beginning at the sides of and at the same elevation as the approach surfaces, and extending to where they intersect the conical surface, one foot in height for every seven feet in horizontal distance; and

c. Where the precision instrument runway approach zone projects beyond the conical zone, and beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline, one foot in height for every seven feet in horizontal distance.

3. Horizontal Zone

Within the horizontal zone, 150 feet in height above the airport elevation, or a height of 810 feet above mean sea level.

4. Conical Zone

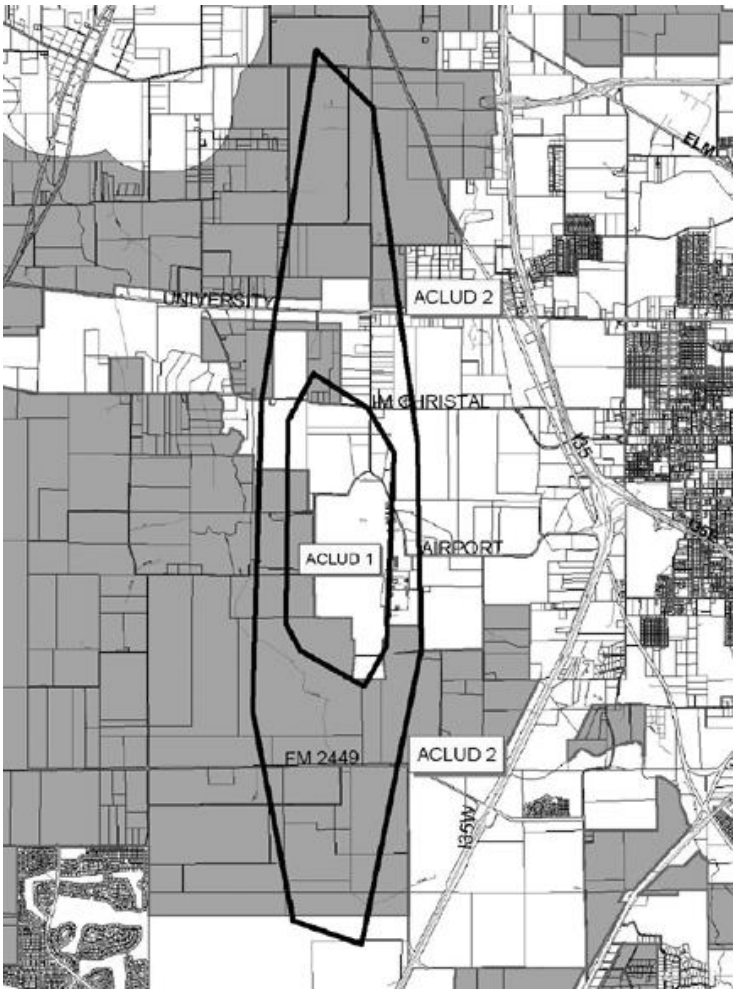
From the periphery of the horizontal zone and at heights between 150 and 350 feet above the airport elevation, one foot in height for every 20 feet in horizontal distance.

6.6.9 ACLUD - Airport Compatibility Land Use District

A. District Established

There is hereby established an Airport Compatibility Land Use District (ACLUD), consisting of two subdistricts (ACLUD-1 and ACLUD-2), the boundaries of which are shown in Figure 4.5-2: *Airport Compatibility Land Use District Map*, and which constitutes the zoning map for the district.

Figure 4.5-2: Airport Compatibility Land Use District Map



B. Prohibited Uses

The following uses shall be prohibited within the ACLUD:

1. Educational Facilities

All educational uses, including but not limited to, business or trade schools, college or universities, public schools, and private schools are prohibited in the ACLUD; provided, however, that the following educational facilities are permitted within the district:

a. Schools for flight instruction or for vocations associated with the airport, airplanes, or aviation related activities; and

b. Facilities for employee or client training or instruction related to services or products associated with the business of the entity providing such training or instruction and which is not the primary business of such entity.

2. Healthcare Facilities

Healthcare facilities, including specifically hospital services, elderly housing, group homes, and group homes for the disabled are prohibited within the ACLUD.

C. Subdistrict ACLUD-1

The following regulations apply within the ACLUD-1 subdistrict:

1. Compatible Land Uses

All land uses allowed within the underlying zoning district, except for new residential uses, which are expressly prohibited.

2. Noise Mitigation

Any residential structure that was established prior to the effective date of this DDC and that is permitted to be repaired, rebuilt, or remodeled in accordance with the provisions of Section **Error! Reference source not found.**, ***Error! Reference source not found.***, shall be repaired, rebuilt, or remodeled in compliance with the noise mitigation standards established in Subsection 4.5.10, *Noise Mitigation*.

D. Subdistrict ACLUD-2

1. Compatible Land Uses

All land uses allowed within the underlying zoning district.

2. Performance Standards for Residential Uses

Property owners that propose to construct a new residential building, or who propose to repair, rebuild, or remodel an existing residential structure within the boundaries of the district, shall do one of the following:

a. Noise Mitigation Standards

Construct, repair, rebuild, or remodel the residential structure in accordance with the noise mitigation standards in Subsection 4.5.10, *Noise Mitigation*; or

b. Avigation Easement

Execute an avigation easement, approved as to form by the City Attorney, conveying to the City of Denton an unobstructed right-of-way for the passage of all aircraft and rights to cause within such easement such noise, vibration, fumes, dust, fuel particles and all other effects that may be caused by the operating or aircraft landing at, taking off from, or operating at, the Denton Enterprise Airport.

6.6.10 Noise Mitigation

A. Noise mitigation shall be required in accordance with FAA requirements.

B. The Building Official may approve alternative standards upon the submission of plans signed by a qualified acoustical engineer certifying that the alternative standard will reduce outside noise levels to the day-night average sound level (Ldn) of 45 decibels (dB) or less inside the building.

6.6.11 Use Regulations, establishes zoning classifications for gas well development and Section 2.11.6, *Gas Well Development Plat*, establishes platting requirements and procedures for gas well development.

6.7 Gas Well Development

6.7.1 Purpose, Authority and Applicability

A. Purpose

The drilling and production of gas and the development of gas well facilities within the corporate limits of the City necessitate promulgation of reasonable regulations to prevent devaluation of property; to protect watersheds; to ensure that Gas Well Drilling and Production Activities are compatible with adjacent land uses throughout the duration of such activities; and to assure that such activities conform to The Denton Plan. The regulations contained in Section 6.7: *Gas Well Development*; Subchapter 8: *Subdivisions*; and Section 6.8: *Gas Well Drilling and Production*, are designed to protect the health, safety, and general welfare of the public and to assure that the orderly and practical development of mineral resources is compatible with the quiet enjoyment of affected surface estates. The regulations contained in Section 6.7: *Gas Well Development*; Subchapter 8: *Subdivisions*; and Section 6.8: *Gas Well Drilling and Production,* are designed to implement the purposes set forth in this subsection and are supported by the following findings of fact:

1. Gas Well Drilling and Production Activities create externalities that potentially threaten the health, safety and general welfare of persons residing or working on property in proximity to such operations.
2. Gas Well Drilling and Production Activities, in the absence of local regulatory controls, may emit high noise levels, produce large volumes of dust, congest local streets, present fire hazards and produce other deleterious effects, all of which fall disproportionately on adjacent land uses, and which can result individually or cumulatively in injury to persons, destabilization of property values, and inhibit the quiet peace and enjoyment of surface uses of real property in the vicinity of such operations.
3. The City of Denton recognizes that the United States and the State of Texas primarily regulate Gas Well Drilling and Production Activities. Moreover, with the enactment of House Bill 40 on May 18, 2015 (Texas Natural Resources Code, Sec. 81.0523), the State of Texas has exclusive jurisdiction over Gas Well Drilling and Production Activities. Municipalities are preempted from regulating said activities except as allowed in Sec. 81.0523(c), which expressly provides that a municipality has authority to regulate certain aspects of aboveground activity related to oil and gas operations. The regulations in this Subchapter are intended to regulate under such authority, in order to implement compatible local objectives that assure the health, safety and general welfare of the City's residents and businesses.

4. The proliferation of gas wells and Drilling and Production Sites within the City of Denton creates conflicts between such developments and other existing and future surface uses of the property. In order to assure the compatibility of residential, commercial and industrial uses with gas well development, it is necessary for the City to separate Gas Well Development from other surface uses within the City.

B. Authority

This Subchapter 6: *Gas Wells*, is adopted pursuant to authority vested under the constitution and laws of the United States, the State of Texas and the City of Denton. Each authorization identified in this Subchapter 6: *Gas Wells*, shall be construed as an exercise of the City's zoning powers, pursuant to the Denton City Charter, TLGC Chapters 211 and 212 and the provisions of Subchapter 3: *Zoning Sub-Districts* of this DDC, as well as an exercise of its authority granted by Section 81.0523(c) of the Texas Natural Resources Code.

C. Applicability

The provisions of Section 6.7: *Gas Well Development* and Section 6.8: *Gas Well Drilling and Production*, apply only within the corporate limits of the City of Denton, except as otherwise expressly stated therein.

D. Project

For the limited purpose of determining local permit rights for gas wells under Chapter 245 of the Texas Local Government Code, as amended or superseded, a "project" means a Drilling and Production Site specified in a Gas Well Development Plat application, Gas Well Development Site Plan application, or gas well permit application. All future gas wells contemplated by an approved gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan for a given Drilling and Production Site, including all drilling, completion, production, operation, and re-work activities conducted on the site, are components of the "project" defined by the approved gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan as of the date of application for that gas well permit, Gas Well Development Plat, or Gas Well Development Site plan, as applicable, and all future gas wells therein contemplated shall be considered on the basis of the development standards existing, and not exempted from local permit protection, on the date that the first gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan contemplated by the "project is applied for, or as subsequently agreed to by the applicant as provided by §245.002(d) of the Texas Local Government Code, as amended or superseded. Such "projects" are subject to expiration concurrently with the expiration of a gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan, as determined under this subchapter 6, and permits are subject to expiration as provided in §245.002(e) of the Texas Local Government Code, as amended or superseded. No local permit rights shall act to preempt enforcement of laws, regulations, or development standards exempted by §245.004 of the Texas Local Government Code, as amended or superseded.

6.7.2 Required Authorization for Gas Well Development in City Limits

A. Zoning Sub-District Classifications for Gas Well Development

1. Gas well development is classified as an industrial land use in all zoning sub-districts.
2. Gas well development is permitted as set forth in Table 5.2-A: *Table of Allowed Uses* of the DDC, subject to the use-specific standards in Section 5.3: *Use-Specific Standards*, of the DDC and the standards in Section 6.8: *Gas Well Drilling and Production*.

3. In order to foster compatible land use within zoning sub-districts, Gas Well Development within the corporate limits of the City will be subject to reasonable setbacks from Protected Uses and Residential Subdivisions, which vary according to the types of uses authorized in each sub-district. Because many gas wells are already in close proximity to existing Protected Uses or Residential Subdivisions, setbacks standards within sub-districts will vary according to whether the proposed Gas Well Development takes place on an Existing Site or a new site.
4. Drilling and production of gas may be conducted within the Hunter Ranch MPC. Drilling and production of gas shall not require the approval of a Specific Use Permit or Planned Development Zoning District, except that a Specific Use Permit may be required pursuant to Section 6.3.9.A.3 if the Drilling and Production Site requires a watershed protection permit. A maximum of 14 Drilling and Production Sites are allowed within the Hunter Ranch MPC in the locations shown on the Gas Well Site Map (Exhibit C), with no more than three sites located west of the power line easement shown on the Gas Well Site Map (Exhibit C), including the positions labeled as sites 7, T, and 10 on the Gas Well Site Map (Exhibit C). Of these 14 Drilling and Production Sites, eight are Existing Sites that shall not require the approval of a Gas Well Development Site Plan, and the remaining six sites shall require the approval of a Gas Well Development Site Plan. A Gas Well Development Plat and Gas Well Development Site Plan may be amended to reduce or eliminate approved Drilling and Production Sites.
5. A Drilling and Production Site Setback is the distance that the site must be separated by an Operator from an existing Protected Use or Residential Subdivision. A Reverse Setback is the distance that a Protected Use or Residential Subdivision must be separated by a surface owner from an approved Drilling and Production Site. A Minimum Setback is the minimum distance of separation between a Drilling and Production Site and a Protected Use or Residential Subdivision after a waiver or variance is granted to reduce the setback requirement. A Minimum Reverse Setback is the minimum distance a Protected Use or residential lot must be separated by a surface owner from an approved Drilling and Production Site or from a gas well wihtin such site after administrative relief or a variance is granted to reduce the reverse setback requirement.

B. Setbacks

The following setbacks shall be the exclusive gas well development setbacks applicable to the Hunter Ranch MPC, with the exception of applicable Fire Code setbacks:

1. For new Drilling and Production Sites:
    a. Drilling and Production Site Setbacks: 1,000 feet.
    b. Minimum Setbacks: 500 feet.
    c. Reverse Setbacks: 500 feet.
    d. Minimum Reverse Setbacks: 250 feet
2. For Existing Sites:
    a. Drilling and Production Site Setbacks: 500 feet.
    b. Minimum Setbacks: 250 feet.
    c. Reverse Setbacks: 500 feet.
    d. Minimum Reverse Setbacks: 250 feet.

3. Wellhead setback for new gas wells on Drilling and Production Sites 7, 10, and L, as identified on the Gas Well Site Map (in addition to Drilling and Production Site setback): 750 feet (may be reduced to a Minimum Setback of 500 feet with a waiver or variance)
4. A property owner who constructs a Protected Use must maintain a distance of 300 feet between the closest exterior point of the proposed structure to be occupied by the Protected Use and any equipment on a Drilling and Production Site that produces or stores flammable or combustible liquid or gas, to assure efficient emergency response operations. After such date, an Operator who locates any equipment that produces or stores flammable or combustible liquid or gas on a Drilling and Production Site must maintain a distance of 300 feet between such equipment and the closest exterior point of a structure occupied by a Protected Use.
5. In order to reduce Drilling and Production Site Setbacks, the procedures outlined in Subsection 6.7.3, *General Permit Requirements for New and Existin* shall be followed.

C. Measurement of Setbacks

1. A Drilling and Production Site Setback shall be measured from the actual or proposed boundaries of the Drilling and Production Site in a straight line, without regard to intervening structures or objects, to the closest exterior point of any structure occupied or utilized by a Protected Use or any residential lot boundary line on an approved Residential Subdivision plat when not currently occupied by a Protected Use.
2. The wellhead setback for new gas wells on Drilling and Production Sites 7, 10, and L, as identified on the Gas Well Site Map, shall be measured from the wellhead in a straight line, without regard to intervening structures or objects, to the closest exterior point of any structure occupied or utilized by a residential use or place of assembly, institution, or school.
3. The Reverse Setback shall be measured from the closest exterior point of the proposed structure to be occupied or utilized by a Protected Use or residential lot, in a straight line, without regard to intervening structures or objects, to the closest boundary designated for the approved Gas Well Development Site Plan, or, if no Gas Well Development Site Plan has been approved for the site, from the closest boundary of the Existing Drilling and Production Site. For a proposed Residential Subdivision plat, the Reverse Setback shall be measured from any undeveloped residential lot boundary to the closest boundary designated for the approved Gas Well Development Site Plan, or, if no Gas Well Development Site Plan has been approved for the site, from the closest boundary of the Existing Drilling and Production Site.
4. For the purposes of setback measurements at public parks, measurements shall be taken from any improvement such as a building, playground equipment, pool, splash pad, regulation area of permanent ball field or court, or pavilion. This definition does not include flatwork such as parking lots, sidewalks, or trails.
5. The Reverse Setback for all other proposed Habitable Structures shall be the distance prescribed by the Fire Code. No permanent Habitable Structure, however, shall be located within the boundaries of a Drilling and Production Site.

D. Compliance with Fire Code Setbacks

In the event of any conflict between the setback provisions established by this Section 6.7: *Gas Well Development*, and any setback provisions established by the Fire Code, as now adopted or

hereafter amended by the City of Denton, whichever provision provides for the larger setback shall control.

6.7.3 General Permit Requirements for New and Existing Drilling and Production Sites

A. Permit Procedure Tracks

1. Gas Well Development Site Plan Required for Authorization of Multiple Wells

a. Other than for pending permit applications excepted from these regulations under Subsection 66.7.3E: *Legal Non-Conformity; Exceptions*, and for Existing Sites, no Gas Well Permit shall be issued until a Drilling and Production Site has been established through approval of a Gas Well Development Site Plan for the well site. Notwithstanding anything to the contrary in this subchapter, no Gas Well Development Site Plan approval is required for an Existing Site.

b. In order to satisfy the setback requirements of Subsection 6.7.1D, *Project*

c. *For the limited purpose of determining local permit* rights for gas wells under Chapter 245 of the Texas Local Government Code, as amended or superseded, a "project" means a Drilling and Production Site specified in a Gas Well Development Plat application, Gas Well Development Site Plan application, or gas well permit application. All future gas wells contemplated by an approved gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan for a given Drilling and Production Site, including all drilling, completion, production, operation, and re-work activities conducted on the site, are components of the "project" defined by the approved gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan as of the date of application for that gas well permit, Gas Well Development Plat, or Gas Well Development Site plan, as applicable, and all future gas wells therein contemplated shall be considered on the basis of the development standards existing, and not exempted from local permit protection, on the date that the first gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan contemplated by the "project is applied for, or as subsequently agreed to by the applicant as provided by §245.002(d) of the Texas Local Government Code, as amended or superseded. Such "projects" are subject to expiration concurrently with the expiration of a gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan, as determined under this subchapter 6, and permits are subject to expiration as provided in §245.002(e) of the Texas Local Government Code, as amended or superseded. No local permit rights shall act to preempt enforcement of laws, regulations, or development standards exempted by §245.004 of the Texas Local Government Code, as amended or superseded.

d. Required Authorization for Gas Well Development in City Limits, an Operator must use the procedures for approval of a Gas Well Development Site Plan set forth in subsections A(2), A(3), or A(4) of this Section.

e. Once a Gas Well Development Site Plan has been approved, Drilling and Production Site Setback requirements will not apply to individual Gas Well Permit applications authorized by the approved Gas Well Development Site Plan. No variance or waiver from the setback for the Drilling and Production Site shall be required for subsequent wells.

f. A new Gas Well Permit must be obtained for one or more wells authorized by an approved Gas Well Development Site Plan.

2. Procedures for Drilling and Production Sites that Meet Setback Requirements

For a New or Existing Drilling and Production Site that meets the setback requirements in Subsection 6.7.1D, *Project*

For the limited purpose of determining local permit rights for gas wells under Chapter 245 of the Texas Local Government Code, as amended or superseded, a "project" means a Drilling and Production Site specified in a Gas Well Development Plat application, Gas Well Development Site Plan application, or gas well permit application. All future gas wells contemplated by an approved gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan for a given Drilling and Production Site, including all drilling, completion, production, operation, and re-work activities conducted on the site, are components of the "project" defined by the approved gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan as of the date of application for that gas well permit, Gas Well Development Plat, or Gas Well Development Site plan, as applicable, and all future gas wells therein contemplated shall be considered on the basis of the development standards existing, and not exempted from local permit protection, on the date that the first gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan contemplated by the "project is applied for, or as subsequently agreed to by the applicant as provided by §245.002(d) of the Texas Local Government Code, as amended or superseded. Such "projects" are subject to expiration concurrently with the expiration of a gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan, as determined under this subchapter 6, and permits are subject to expiration as provided in §245.002(e) of the Texas Local Government Code, as amended or superseded. No local permit rights shall act to preempt enforcement of laws, regulations, or development standards exempted by §245.004 of the Texas Local Government Code, as amended or superseded.

Required Authorization for Gas Well Development in City Limits, an Operator may apply for a Gas Well Development Site Plan pursuant to Subsection6.6.7.4: *Gas Well Development Site Plans*.

3. Procedures for Drilling and Production Sites That Do Not Meet Setback Requirements

For a New or Existing Drilling and Production Site that does not meet the setback requirements in Subsection 6.7.1D, *Project*

For the limited purpose of determining local permit rights for gas wells under Chapter 245 of the Texas Local Government Code, as amended or superseded, a "project" means a Drilling and Production Site specified in a Gas Well Development Plat application, Gas Well Development Site Plan application, or gas well permit application. All future gas wells contemplated by an approved gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan for a given Drilling and Production Site, including all drilling, completion, production, operation, and re-work activities conducted on the site, are components of the "project" defined by the approved gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan as of the date of application for that gas well permit, Gas Well Development Plat, or Gas Well Development Site plan, as applicable, and all future gas wells therein contemplated shall be considered on the basis of the development standards existing, and not exempted from local permit protection, on the date that the first gas well permit, Gas Well Development Plat, or Gas Well

Development Site Plan contemplated by the "project is applied for, or as subsequently agreed to by the applicant as provided by §245.002(d) of the Texas Local Government Code, as amended or superseded. Such "projects" are subject to expiration concurrently with the expiration of a gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan, as determined under this subchapter 6, and permits are subject to expiration as provided in §245.002(e) of the Texas Local Government Code, as amended or superseded. No local permit rights shall act to preempt enforcement of laws, regulations, or development standards exempted by §245.004 of the Texas Local Government Code, as amended or superseded.

Required Authorization for Gas Well Development in City Limits, the Operator may seek a waiver from 100 percent of the owners of Protected Uses and the owners of lots in Residential Subdivisions within the Drilling and Production Site Setback pursuant to Subsection 6.7.6A. In the alternative, the Operator may apply for a variance from the setback requirement from the Board of Adjustment pursuant to Subsection 66.7.6B. In the alternative, for qualified Drilling and Production Sites, the Operator may obtain a reduction in the site setback using incentive procedures in Subsection 6.7.6C. The Minimum Setback requirements under Subsection 6.7.1D, *Project*

For the limited purpose of determining local permit rights for gas wells under Chapter 245 of the Texas Local Government Code, as amended or superseded, a "project" means a Drilling and Production Site specified in a Gas Well Development Plat application, Gas Well Development Site Plan application, or gas well permit application. All future gas wells contemplated by an approved gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan for a given Drilling and Production Site, including all drilling, completion, production, operation, and re-work activities conducted on the site, are components of the "project" defined by the approved gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan as of the date of application for that gas well permit, Gas Well Development Plat, or Gas Well Development Site plan, as applicable, and all future gas wells therein contemplated shall be considered on the basis of the development standards existing, and not exempted from local permit protection, on the date that the first gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan contemplated by the "project is applied for, or as subsequently agreed to by the applicant as provided by §245.002(d) of the Texas Local Government Code, as amended or superseded. Such "projects" are subject to expiration concurrently with the expiration of a gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan, as determined under this subchapter 6, and permits are subject to expiration as provided in §245.002(e) of the Texas Local Government Code, as amended or superseded. No local permit rights shall act to preempt enforcement of laws, regulations, or development standards exempted by §245.004 of the Texas Local Government Code, as amended or superseded.

Required Authorization for Gas Well Development in City Limits, shall apply. The notice provisions of Subsection 6.8.7B apply to proceedings under this subsection. Once a setback has been reduced through waivers or variance procedures, the Operator may apply for a Gas Well Development Site Plan pursuant to Subsection 6.7.4.

4. Special Procedures for Setbacks

a. The Operator and the surface owner of land may present a unified plan that assures the compatibility of surface development and Gas Well Development of the property, taking into consideration setbacks from Protected Uses and Residential Subdivisions, traffic circulation and access, fire safety and emergency response, noise and light mitigation and other factors necessary to achieve compatibility of land uses. The plan may establish different Drilling and Production Site and Reverse Setbacks that vary from those prescribed in Subsection 6.7.1D, *Project*

b. *For the limited purpose of determining local permit* rights for gas wells under Chapter 245 of the Texas Local Government Code, as amended or superseded, a "project" means a Drilling and Production Site specified in a Gas Well Development Plat application, Gas Well Development Site Plan application, or gas well permit application. All future gas wells contemplated by an approved gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan for a given Drilling and Production Site, including all drilling, completion, production, operation, and re-work activities conducted on the site, are components of the "project" defined by the approved gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan as of the date of application for that gas well permit, Gas Well Development Plat, or Gas Well Development Site plan, as applicable, and all future gas wells therein contemplated shall be considered on the basis of the development standards existing, and not exempted from local permit protection, on the date that the first gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan contemplated by the "project is applied for, or as subsequently agreed to by the applicant as provided by §245.002(d) of the Texas Local Government Code, as amended or superseded. Such "projects" are subject to expiration concurrently with the expiration of a gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan, as determined under this subchapter 6, and permits are subject to expiration as provided in §245.002(e) of the Texas Local Government Code, as amended or superseded. No local permit rights shall act to preempt enforcement of laws, regulations, or development standards exempted by §245.004 of the Texas Local Government Code, as amended or superseded.

c. Required Authorization for Gas Well Development in City Limits. The plan if approved by the City Council shall be incorporated into the zoning sub-district regulations.

d. Where the Drilling and Production Site and Reverse Setbacks for Existing Sites are less than the minimums set forth in Subsection 6.7.1D, *Project*

e. *For the limited purpose of determining local permit* rights for gas wells under Chapter 245 of the Texas Local Government Code, as amended or superseded, a "project" means a Drilling and Production Site specified in a Gas Well Development Plat application, Gas Well Development Site Plan application, or gas well permit application. All future gas wells contemplated by an approved gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan for a given Drilling and Production Site, including all drilling, completion, production, operation, and re-work activities conducted on the site, are components of the "project" defined by the approved gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan as of the date of application for that gas well permit, Gas Well Development Plat, or Gas Well Development Site plan, as applicable, and all future gas wells therein contemplated shall be considered on the basis of the development standards existing, and not exempted from local permit protection, on the date that the first gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan contemplated by the "project is applied for, or as subsequently agreed to by the applicant as provided by §245.002(d) of the Texas Local Government Code, as amended or superseded. Such "projects" are subject to expiration concurrently with the expiration of a gas well permit, Gas Well Development Plat, or Gas Well Development Site Plan, as determined under this subchapter 6, and permits are subject to expiration as provided in §245.002(e) of the Texas Local Government Code, as amended or superseded. No local permit rights shall act to preempt enforcement of laws, regulations, or development standards exempted by §245.004 of the Texas Local Government Code, as amended or superseded.

f. Required Authorization for Gas Well Development in City Limits, no amendments to the zoning sub-district regulations for surface development or gas well development shall be approved by the City Council unless the setbacks are conformed to the requirements of this Section or a compatibility plan is presented and approved pursuant to paragraph (4)(a) above.

5. Procedures for Protected Uses or Residential Lots that Do Not Meet Setback Requirements

For a new Protected Use or residential lot that does not meet the setback requirements in Subsection 6.2.2, Required Authorization for Gas well Development in City Limits, the property owner may apply for administrative relief using the alternative design standards in Subsection 6.2.6.C.2.a, if applicable, or for a variance from the Reverse Setback requirement from the Board of Adjustment pursuant to Subsection 6.2.6B.

6. Gas Well Development Plats

a. A Gas Well Development Plat shall expire two (2) years after it is approved unless within such two-year period improvements have been commenced within the Drilling and Production Site. "Commencement of improvements" includes, but is not limited to, (i) substantial completion of grading and other site-preparation work necessary to create a pad site upon which drilling can commence, or (ii) the construction of gas pipelines to the perimeter of the Drilling and Production Site. If improvements are commenced within such two-year period, the Gas Well Development Plat shall continue with respect to drilling, completion, production, operation, and re-work activities for all wells covered by the plat until all the wells have been abandoned and the site restored. The applicant may submit to the Gas Well Administrator or Director written requests for extensions of a Gas Well Development Plat, together with documentation showing costs incurred to justify the requests. For so long as a Gas Well Development Plat continues, drilling, completion, production, operation, and re work activities may be conducted within the Drilling and Production Site covered by the plat in the manner and to the extent that such activities could have been conducted within the site on the date the application for the Gas Well Development Plat was filed.

b. Because the Existing Sites satisfied the "commencement of improvements" requirement within two years after the approval of the plats, the Gas Well Development Plats for the Existing Sites do not expire.

c. Notwithstanding anything to the contrary in this subchapter, no Gas Well Development Site Plan approval is required for an Existing Site.

B. Sequence of Gas Well Permits

The Operator must comply with all rules and regulations of the Fire Code and all other law, rules and regulations applicable to gas well operations, including, but not limited to, the following provisions. No Drilling or Production Activities may commence within the City limits until the following authorizations have been obtained, in the following sequence:

1. Approval of a Gas Well Development Site Plan pursuant to Subsection 6.7.4, for new sites. Upon approval of a Gas Well Development Site Plan, the Operator may commence construction of a Drilling and Production Site. No disturbance of the land is allowed until a Gas Well Development Site Plan is obtained.
2. The Operator shall obtain a Gas Well Permit for each new gas well on such site pursuant to the application requirements and standards of Subsection 6.7.5.
3. Approval of a Temporary Above-Ground Storage Tank Permit from the Denton Fire Department.
4. Approval of Gas Well Operational Permit from the Denton Fire Department.
5. When all approvals contained in paragraphs (1) through (4) above have been obtained, applicant may commence Initial Drilling Activities.
6. Approval of a Flammable and Combustible Liquids Construction Permit from the Denton Fire Department.
7. Approval of a Flammable and Combustible Liquids Operational Permit from the Denton Fire Department.
8. When all approvals contained in paragraphs (1) through (7) above have been obtained, applicant may commence Completion Operations and Production Activities.

9. Approval of an Open Flame Operational Permit from the Denton Fire Department for flaring activities during any stage of operation.
10. New Drilling or Production Activities on an existing Drilling and Production Site that is subject to an approved Watershed Permit, or on sites which required a Watershed Permit under prior regulations, but for which site no Watershed Permit was issued, are subject to the requirements of Subsection 6.8.9D.
11. The applications for any authorization for gas well drilling and production listed in this Subsection B must be submitted and approved in the numerical order listed. No subsequent application shall be determined to be complete and hereby is deemed to be incomplete until all required prior applications have been approved, and no completeness determination shall be made until such prior applications have been approved.

C. Expiration of Permits, Plans

Applications for gas well drilling and production shall expire under the following circumstances:

1. A Watershed Protection Permit, if applicable, expires with the expiration of a Gas Well Development Site Plan.
2. For new Drilling and Production Sites (not Existing Sites):
    a. A Gas Well Development Site Plan for a new Drilling and Production Site expires unless a complete application for a Gas Well Permit has been filed within one year of the date of approval of the Site Plan, or no drilling and production activities have occurred on the Drilling and Production Site for a period of three years.
    b. A Gas Well Permit expires if Initial Drilling Activities have not commenced within one year of the date of approval of the Gas Well Permit.
3. For Existing Sites:

a. A Gas Well Permit shall automatically terminate, unless extended by the Gas Well Administrator or Director as hereinafter provided, if drilling of the first well (or a new well) within a Drilling and Production Site is not commenced within one year from the date the Gas well Permit is issued. If drilling of the first well (or a new well) within a Drilling and Production Site is commenced within one year from the date the Gas Well Permit is issued, the Gas Well permit shall continue with respect to drilling, completion, production, operation, and re-work activities for all wells covered by the permit until all the wells are abandoned and the site is restored.

b. Each Gas Well permit issued by the Gas Well Administrator or Director shall specify the date by which drilling shall commence on at least one well covered by the permit, otherwise the permit expires (such date shall not be less than one year after the date of issuance). A six-month extension shall be granted by the Gas Well Administrator or Director if the operator can demonstrate that the regulatory standards applicable to the permit have not changed. A one-year extension may be granted by the Gas Well Administrator or Director if the operator can demonstrate that the regulatory standards applicable to the permit have not changed.

c. Each Gas Well Permit issued by the Gas Well Administrator or Director shall specify that if drilling is commenced on at least one well covered by the permit prior to the expiration of the permit, then the permit shall continue with respect to drilling, completion, production, operation, and re-work activities for all wells covered by the permit until all the wells are abandoned and the site restored.

4. Following expiration of an approved application for gas well drilling and production, a new application must be submitted.

D. Requirements are in Addition to Other Permits

The authorizations required by this Subchapter are in addition to, and not in lieu of, any permits that may be required by any other provision of the Denton City Code, DDC or any other government agency.

E. Legal Non-Conformity; Exceptions

1. Non-Conformities

The provisions of Section **Error! Reference source not found.**, ***Error! Reference source not found.***, are applicable to gas well drilling and production activities, except as provided hereinafter.

a. For purposes of Section **Error! Reference source not found.**, ***Error! Reference source not found.***, the drilling of a new gas well and associated Production Activities do not constitute an existing lawful use.

b. The amendment of Table 5.2-A: *Table of Allowed Uses* and use-specific standards in Section 5.3: *Use-Specific Standards,* to provide for gas well Drilling and Production Activities shall not render non-conforming any Workover Operations, Drilling Activities or Production Activities for an existing well conducted on an Existing Drilling and Production Site, if such activities were authorized under a gas well permit that was approved by the Gas Well Administrator pursuant to gas well regulations in effect prior to the effective date of this amendatory ordinance.

c. The adoption of this amendatory ordinance or the application of such regulations to an Existing Drilling and Production Site shall not render non-conforming any Workover Operations, Drilling Activities or Production Activities for an existing well on such site, if such activities were authorized under a gas well permit that was approved by the Gas Well Administrator prior to the effective date of this amendatory ordinance.

2. General Exceptions

The standards or procedures implemented by this amendatory ordinance shall not affect the processing and approval or disapproval of an application for a gas well permit that was pending for decision on the effective date of this amendatory ordinance, or any subsequent permit applications for the same gas well, or for a gas well for which a gas well permit was approved prior to the effective date of this amendatory ordinance, except to the extent necessary to give effect to Subsection 6.7.3E. For purposes of Subsection 6.7.3E.2, an amended Gas Well Development Site Plan application is not a subsequent permit application.

a. Authorizations or applications excepted under Subsection 6.7.3E.2. are subject to all Hunter Ranch MPC gas well drilling and production standards in effect immediately prior to the effective date of this amendatory ordinance.

b. To the extent that any exception provided under Subsection 6.7.3E.2 is dependent on an application pending on the effective date of an amendatory ordinance, such application must have been approved subsequently in order for the exception to apply.

F. General Application Standard

In additional to any other remedies available at law or in equity, the City may initiate proceedings to revoke any site plan, permit, variance or special exception approved pursuant to this Section 6.7: *Gas Well Development,* upon discovery that the applicant supplied false, fraudulent or misleading information that was material to approval of the application under the standards applicable to the permit, variance or special exception. All site plan or permit applications or requests for relief to the Board of Adjustment or requests for waivers shall be verified.

6.7.4 Gas Well Development Site Plans

A. Gas Well Development Site Plan

1. Applicability

a. A Gas Well Development Site Plan is required to authorize multiple gas wells on a new Drilling and Production Site and must be approved prior to issuance of any Gas Well Permit for any new well on the site. No Gas Well Development Site Plan shall be required for an Existing Site.

b. A gas well development plat is not an Existing Gas Well Development Site Plan.

c. A Gas Well Development Site Plan is not required to authorize Workover Operations, Drilling Activities or Production Activities for an existing gas well for which a gas well permit was issued prior to the effective date of this ordinance.

2. Application Requirements

a. A cover page that includes a vicinity map of the Drilling and Production Site; a Sheet Index that identifies the number of Exhibits with titles for each (exhibit titles shall begin with the word 'Exhibit' and include the respective letter); the Project Title; the date of preparation; the preparer, Operator, and property owner's names; space for the City project number; and a signature block for both the Gas Well Administrator and the City Secretary.

b. A mapping exhibit with an accurate legal description of the Drilling and Production Site that was prepared and certified by a Registered Professional Land Surveyor of the State of Texas. Provide closure sheet of bearings and distances used in legal description. The exhibit shall include exact location, dimension, and description of all existing public, proposed, or private easements, and public rights-of-way within the lease area, intersecting or contiguous with its boundary, or forming such boundary. Describe and locate all permanent survey monuments, pins, and control points and tie and reference the survey corners to the Texas State Plane Coordinate System North Central Zone 1983-1999 datum. Provide proposed pipeline route—note that a separate application may be necessary if the proposed route encroaches onto any public easement, right-of-way or land owned by the City of Denton.

c. The maximum size of a proposed Drilling and Production Site shall be three acres, unless the Operator can demonstrate to the City at the time of filing of a Gas Well Development Site Plan application that: (i) the surface owner(s) has agreed to a larger site via a written agreement that will be recorded by the Operator in the Denton County records, (ii) the surface owner is subject to a covenant in a written instrument, or memorandum thereof, recorded prior to August 4, 2015, that authorizes a larger site, or (iii) the Operator can demonstrate that a larger site is needed to accommodate the planned gas well operations based upon the acreage that the Operator presently has under the mineral lease; provided that no new Drilling and Production Site authorized under (i), (ii) or (iii) may exceed seven acres, unless authorized by the Board of Adjustment. For a Gas Well existing on the effective date of this amendatory ordinance, evidence that the current Drilling and Production Site is greater than the maximum size shall be sufficient proof to demonstrate that a larger site is needed to accommodate the planned gas well operations proposed by the Gas Well Development Site Plan. A gas well development plat is neither a written agreement nor a written instrument or memorandum within the meaning of this subsection.

d. A map showing the distance from the boundaries of the Drilling and Production Site from all Protected Uses and Residential Subdivisions. If the separation distance(s) from Protected Uses and Residential Subdivisions do not meet the setback requirements of Subsection 6.7.1D, the application also must include a copy of the waivers approved pursuant to Subsection 6.7.6A, or the approval of a setback variance approved by the Board of Adjustment pursuant to Subsection 6.7.6B. If the Operator seeks to qualify the proposed Drilling and Production Site for an administrative waiver pursuant to Subsection 6.7.6C, the information therein required shall be submitted with the application for site plan approval.

e. A site plan of the Drilling and Production Site, capable of being recorded, showing clear site boundary lines and the location of all on-site improvements and equipment, including: tanks, pipelines, compressors, separators, and other appurtenances in relation to the boundaries of the site.

f. A legal description of the proposed Drilling and Production Site.

g. An Erosion and Sediment Control Plan. Such exhibit must include contact information, a physical site description including: land uses; general vegetation and surface water in near proximity; topography/contour lines both pre- and post-construction; hydrologic analysis including: stormwater directional flow, outfalls, water well related structures and water sources; receiving waters; soils; project narrative with general timeline; well pad site plan including: fueling areas, waste disposal containers, hazardous materials storage, and product and condensate storage tanks, soil stabilization and erosion control measures including: list of selected stormwater measures, site map of selected stormwater measures, locations and final stabilization plans; solid waste management plan, septic/portolet location; and maintenance plan for stormwater controls including schedule and transfer of ownership provision. See Gas Well Erosion and Sediment Control Plan Guidance Document for details.

h. An Access and Transportation Plan identifying the points of access and routes to be followed on the road network supporting gas well development on the Drilling and Production Site over time, and the internal circulation plan for the property containing the proposed site, including provisions to protect vehicle access to Neighborhood Streets. The Plan shall contain specifications for construction of the access road(s) and on-site fire lanes that meet the standards for emergency access set forth in paragraph 6.8.2E. A map showing transportation route and road for equipment, supplies, chemicals, or waste products used or produced by the gas well operation shall be included. The map shall illustrate the length of all public roads that will be used for site ingress and egress The water source proposed for both the drilling and fracturing stages shall be identified in the Plan, together with a designation whether the water is to be hauled or piped to the site.

i. A Landscape Plan. The project review planner will determine if a buffer is required based on the adjacent land use(s). If the planner determines a buffer is required, then a landscape plan must be submitted in accordance with the City of Denton's Landscape Plan Checklist. Not every Drilling and Production Site requires a landscape plan.

j. A Tree Inventory and Preservation and Mitigation Plan. For sites with trees, a Tree Inventory and a Preservation Plan and Mitigation Plan pursuant to DDC, Subsection 7.7.4: *Tree Preservation* will be submitted.

k. A copy of any prior approvals required, including conditions imposed, such as a specific use permit (SUP) or watershed protection permit;

l. A Noise Management Plan, prepared in accordance with paragraph 6.8.2F.2; and

m. Proof of issuance of Notice of Activities pursuant to paragraph 6.8.7A.1.

3. Procedures and Criteria

a. Processing of Application

An application for a Gas Well Development Site Plan shall be processed in accordance with the requirements of Subsection 2.11.6: *Gas Well Development Plat*, and shall be decided by the Gas Well Administrator.

b. Criteria

The Gas Well Administrator shall approve the application if it meets the following standards:

i. The site meets the setback requirements of Subsection 6.7.1D, a waiver has been granted or a variance from such standards has been approved by the Board of Adjustment or the Gas Well Administrator.

ii. The application is consistent with any applicable SUP or MPC site specific authorization, or Watershed Protection Permit and any conditions incorporated therein.

iii. The application meets applicable requirements of Subsection 6.8.2.

iv. The size of the Drilling and Production Site can accommodate the number of wells proposed.

v. The site is adequately served by a road network, does not take access from any Neighborhood Street, and road remediation fees have been paid.

vi. Notice of the application has been posted pursuant to Subsection 6.8.7.

c. **Conditions**

The Gas Well Administrator may impose conditions that assure compliance with the terms of the prior approvals or standards of this Subchapter.

4. **Effect**

The approval of a Gas Well Development Site Plan authorizes the Operator to apply for a Gas Well Permit for each well authorized by the Site Plan and other permits required before commencement of Drilling Activities on the Drilling and Production Site.

5. **Recordation**

An approved Gas Well Development Site Plan must be recorded by the Operator in the Denton County Records prior to the issuance of a Gas Well Permit.

B. Amended Gas Well Development Site Plan

1. If the Operator proposes to do any of the following, an Amended Gas Well Development Site Plan shall be required. The applications shall be reviewed and decided in the same manner as the original application.
   a. Relocate the boundaries of the Drilling and Production Site.
   b. Expand the boundaries of the Drilling and Production Site.
   c. Change the layout of the structures or appurtenances within the boundaries of the approved Drilling and Production Site.
   d. Change the access road(s) or the location of the access road(s).
2. The application shall be reviewed and decided in the same manner as the original application for the Drilling and Production Site.
3. The setback requirements of Subsection 6.7.1D shall apply to activities described in paragraphs 6.7.4B.1.a and 6.7.4B.1.b above.
4. An approved Amended Gas Well Development Site Plan shall be recorded as required by paragraph 6.7.4A.5 above.

C. Expiration and Extension of Gas Well Development Site Plans

1. A Gas Well Development Site Plan for a new Drilling and Production Site expires unless a complete application for a Gas Well Permit has been filed within one year of the date of approval of the Site Plan, or no drilling and production activities have occurred on the Site for a period of three years.

2. An Operator may seek a special exception from the Board of Adjustment pursuant to paragraph 6.7.6B for a one-year extension of the expiration date for a Gas Well Development Site Plan for a new Drilling and Production Site.

6.7.5 Gas Well Permits

A. Applicability and Exceptions

1. Any person, acting for himself or acting as an agent, employee, independent contractor, or servant for any person, shall not engage in Initial Drilling Activities within the corporate limits of the City without first obtaining a Gas Well Permit.
2. A Gas Well Permit may be approved for one or more wells on an Existing Site.
3. For a new Drilling and Production Site, a Gas Well Permit shall be required for each well, and no Gas Well Permit shall be issued for multiple wells.
4. A Gas Well Permit shall not be required for exploration for gas. Exploration of gas means geologic or geophysical activities, including, but not limited to surveying and seismic exploration not involving explosive charges, related to the search for oil, gas, or other sub-surface hydrocarbons. A seismic permit is required for impact-based exploration.
5. A Gas Well Permit shall constitute authority for Initial Drilling Activities, Completion Operations, Production Operations, Workover Operations and Redrilling with proper notice pursuant to Subsection 6.8.7.
6. By acceptance of any Gas Well Permit issued pursuant to this section, the Operator expressly stipulates and agrees to be bound by and comply with the provisions of this Section 6.7: *Gas Well Development* and Section 6.8: *Gas Well Drilling and Production,* of this DDC. The terms of such provisions shall be deemed to be incorporated in any Gas Well Permit issued pursuant to this section with the same force and effect as if such gas well development regulations were set forth verbatim in such Gas Well Permit.
7. A Gas Well Permit is not required to authorize Workover Operations, Drilling Activities or Production Activities for an existing well conducted on an Existing Site, if such activities were authorized under a gas well permit approved by the Gas Well Administrator pursuant to gas well regulations in effect prior to the effective date of this amendatory ordinance; provided that nuisance and sound mitigation requirements under paragraph 6.8.2F.1 and paragraph 6.8.2F.2 and notice requirements under Subsection 6.8.7C shall apply to such activities. An Operator is not relieved from the obligation to obtain additional Fire Code permits for such activities.

B. Application Requirements

Applications for Gas Well Permits shall include the following:

1. File marked copy of recorded Gas Well Site Development Plan;
2. A completed application and permit form provided by the City that is signed by the applicant;
3. The application fee;
4. Upon completion of construction of the Drilling and Production Site, a copy of the As-built Gas Well Development Site Plan;
5. A copy of the permit issued by the RRC and corresponding API number;
6. Well and Operator information;
7. Description of work to be performed;

8. Anticipated start date;
9. Water source to be used for Completion Operations;
10. Verification that notices were provided in accordance with Subsection 6.8.7B; and
11. Proof of insurance and security.

C. Procedures and Criteria

1. Filing of Application

All applications for Gas Well Permits shall be filed with the Department. Incomplete applications shall be returned to the applicant, in which case the City shall provide a written explanation of the deficiencies. The City shall retain a processing fee determined by ordinance. The City may return any application as incomplete if there is a dispute pending before the Railroad Commission regarding the identity or authority of the Operator for the gas well.

2. Criteria

The Gas Well Administrator shall approve the application if it meets the following standards:

a. The application is consistent with the approved Gas Well Development Site Plan and any conditions incorporated therein.
b. The application meets applicable standards of Section6.8.
c. The application is in conformance with the insurance and security requirements set forth in Subsection 6.8.3 and Subsection 6.8.4.

3. Conditions

The Gas Well Administrator shall not approve a Gas Well Permit until after the Operator has provided:

a. The security and insurance required by Subsections 6.8.3 and 6.8.4;
b. Payment of the required Road Damage Remediation Fee that will obligate the Operator to repair damage excluding ordinary wear and tear, if any, to public streets, including but not limited to, damage to bridges caused by the Operator or by the Operator's employees, agents, contractors, subcontractors or representatives in the performance of any activity authorized by or contemplated by the approved Gas Well Permit.

4. An Operator may obtain a conditional Gas Well Permit contingent upon the submittal of an As-Built Gas Well Development Site Plan that conforms to the approved Gas Well Development Site Plan. The Gas Well Administrator shall review the As-Built submittal within three business days. Upon the written determination of the Gas Well Administrator that the As-Built Gas Well Development Site Plan conforms to the legal description as approved in the Gas Well Development Site Plan, the Operator may commence Drilling Activities.

5. Contents of Permit

Each Gas Well Permit issued by the Gas Well Administrator shall:

a. Identify the name of each well and its Operator;
b. Specify the date on which the Gas Well Administrator issued each Permit;
c. Specify the Permit expiration date;

d. Specify that if drilling is commenced before the Permit expires, the Permit shall continue until the well covered by the Permit is abandoned and the site restored;

e. Incorporate, by reference, the insurance and security requirements set forth in Subsections 6.8.3 and Subsection 6.8.4;

f. Incorporate, by reference, the requirement for periodic reports set forth in Subsection 6.8.6 and for Notice of Activities set forth in Subsection 6.8.7;

g. Incorporate the full text of the release of liability provisions set forth in Subsection 6.8.3A;

h. Incorporate, by reference, the conditions of the applicable Watershed Protection Permit to which the Gas Well Permit is subject;

i. Incorporate, by reference, the information contained in the Permit application;

j. Include the statement that all Drilling and Production Activities are subject to the applicable rules and regulations of the RRC, including the applicable "Field Rules," TCEQ and United States Army Corps of Engineers;

k. Contain the name, address, and phone number of the person designated to receive notices from the City;

l. Contain the name, address and phone number of the person designated to receive service of process from the City, which person shall be a resident of Texas that can be served in person or by registered or certified mail;

m. Incorporate the well's RRC permit number and the American Petroleum Institute (API) number;

n. Incorporate, by reference all other applicable provisions set forth in the DDC;

o. Contain a notarized statement signed by the Operator, or designee, that the information is, to the best knowledge and belief of the Operator or designee, true and correct;

p. Contain a statement that the Operator acknowledges and voluntarily consents to be inspected by the City to ensure compliance with this section, Section 6.8: *Gas Well Drilling and Production,* and applicable provisions of the DDC, and the Municipal Code of Ordinances; and

q. If the Drilling and Production Site has not been constructed, an As-Built Gas Well Development Site Plan must be approved prior to commencement of Drilling Activities.

6. Denial of Permit

a. The decision of the Gas Well Administrator to deny an application for a Gas Well Permit shall be provided to the Operator in writing within 10 days after the decision, including an explanation of the basis for the decision.

b. If an application for a Gas Well Permit is denied by the Gas Well Administrator, nothing herein contained shall prevent a new Gas Well Permit application from being re-submitted.

D. Expiration of Gas Well Permit

1. A Gas Well Permit is valid for a period of one year and shall automatically expire, unless Initial Drilling Activities for one or more wells authorized by the permit have commenced prior to such date.

2. If a Gas Well Permit has been issued by the City but Initial Drilling Activities have not commenced prior to the expiration date of the Permit, the Permit shall not be extended unless a special exception has been approved by the Board of Adjustment pursuant to Subsection 6.7.6; however, the Operator may reapply for a new Permit, as long as the Gas Well Development Site Plan remains in effect.

E. Transfer of Gas Well Permit

A Gas Well Permit may be transferred by the Operator with the written consent of the City if the transfer is in writing signed by both parties, if the transferee agrees to be bound by the terms and conditions of the transferred Permit, if all information previously provided to the City as part of the application for the transferred Permit is updated to reflect any changes, and if the transferee provides the insurance and security required by Subsections 6.8.3 and Subsection 6.8.4. The insurance and security provided by the transferor shall be released if a copy of the written transfer is provided to the City and all other requirements provided in this subsection are satisfied. The transfer shall not relieve the transferor from any liability to the City arising out of any activities conducted prior to the transfer.

6.7.6 Relief Measures

A. Waiver Procedures for Drilling and Production Site Setback Reductions

1. Property Owner Waivers for Drilling and Production Sites

An Operator may obtain a reduction in the Drilling and Production Site Setback requirements of Subsection 6.7.1D by procuring written, notarized waivers from 100 percent of the owners of Protected Uses and the owners of lots in Residential subdivisions that are within the required setback.

a. Property owner waivers must be in a format approved by the City and shall include an aerial exhibit attached clearly depicting the boundaries of the proposed Drilling and Production Site where well development could occur and the closest dimension to each Protected Use and each lot in the Residential Subdivision for which the waiver is being requested. Signatures are required on both the form and exhibit.

b. Written notarized waivers granted by all the property owners within the prescribed setback distance from a Drilling and Production Site must be filed, at the expense of the Operator, in the Denton County records. All waivers must identify the property address, block and lot number, subdivision name and plat volume and page number. Copies of filed property owner waivers must be submitted with the filing of a complete application for a Gas Well Development Site Plan.

c. If the Operator fails to obtain written waivers from all property owners within the prescribed Drilling and Production Site Setback, the Operator may submit a request for a variance to the Board of Adjustment pursuant to Subsection 6.7.6B, or a request for an administrative variance, pursuant to Subsection 6.7.6C.

2. Effect of Surface Development on Drilling and Production Site Setback Waivers

After the effective date of this amendatory ordinance, when a property owner constructs a Protected Use or develops a Residential Subdivision within the Drilling and Production Site Setback for an Existing Site prescribed by Subsection **Error! Reference source not found.**, such property owner shall be deemed to have granted the Operator a waiver in satisfaction of paragraph (1) requirements above for that property containing the Protected Use or constituting the Residential Subdivision. This waiver shall apply to all successor property

owners. This does not relieve an Operator from obtaining waiver(s) from all other property owners located within the Drilling and Production Site Setback for the Existing Site.

3. The notice provisions of Subsection 6.8.7B apply to procedures under this subsection (A).

B. Board of Adjustment Proceedings

1. The Board of Adjustment shall hear and decide appeals of orders, decisions, or determinations made by the Gas Well Administrator relative to the application and interpretation of this Section 6.7: *Gas Well Development*, except for vested rights appeals and matters described in paragraph 6.8.8F: *Permit Suspension or Revocation*, furthermore, the Board of Adjustment shall hear and decide requests for variances to the provisions of this Section 6.7: *Gas Well Development,* under the relevant criteria set forth below. The Board may also grant special exceptions extending the expiration date of a Gas Well Development Site Plan or a Gas Well Permit for a period not to exceed one year. Any Operator, surface owner, or affected property owner who desires to appeal the decision of the Gas Well Administrator or Director, request a variance or request a special exception may file the appeal or request to the Board of Adjustment pursuant to Subsection 2.13.1: *Variance* of the DDC. Appeal fees shall be required for every appeal variance or special exception request. For purposes of this Section, the Gas Well Administrator has designated authority from the Director of Planning to make final orders, decisions, or determinations.

   a. Standard of review for appeals. The members of the Board of Adjustment shall have and exercise the authority to hear and determine appeals where it is alleged there is error or abuse of discretion regarding the approval or denial of a Gas Well Development Site Plan or Gas Well Permit. The Board of Adjustment may reverse or affirm, in whole or in part, or modify the Gas Well Administrator's order, requirement, decision or determination from which an appeal is taken.

   b. General criteria for review of variances. In deciding requests for variances, the Board of Adjustment shall consider, where applicable, the following relevant criteria:

      i. Whether there are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the vicinity;

      ii. Whether a variance is necessary to permit the applicant the same rights in the use of his property that are presently enjoyed by other similarly situated properties, but which rights are denied to the property on which the application is made;

      iii. Whether the granting of the variance on the specific property will adversely affect any other feature of the comprehensive master plan of the City;

      iv. Whether the variance, if granted, will be of no material detriment to the public welfare or injury to the use, enjoyment, or value of property in the vicinity;

      v. Whether the operations proposed are reasonable under the circumstances and conditions prevailing in the vicinity considering the particular location and the character of the improvements located there; and

      vi. Whether the operations proposed are consistent with the health, safety and welfare of the public when and if conducted in accordance with the Gas Well Development Site Plan or Gas Well Permit conditions to be imposed.

2. **Standard of Review for Setback Variances**

a. In deciding requests for variances from Drilling and Production Site Setbacks, the Board of Adjustment shall consider, where applicable and in addition to the general criteria stated in paragraph (1.b) above, the following relevant criteria:

i. Whether there is reasonable access for City fire personnel and firefighting equipment, including the ability to safely evacuate potentially affected residents.

ii. The extent to which the Operator and the surface owner(s) are in agreement on a plan for development of the property, have provided for adequate access and traffic circulation, and taken measures to promote compatibility of gas well development and other surface development of the property.

iii. For a request by an Operator to reduce Drilling and Production Site Setbacks, whether the impact upon adjacent property and the general public from gas well development under the requested setback will be substantially increased, considering:

a. The reasonable use of the mineral estate by the mineral estate owner(s) to explore, develop, and produce the minerals;

b. The availability of alternative drilling sites; and

c. The number of owners of Protected Uses or lots in a Residential Subdivision who are willing to waive the Drilling and Production Site Setback as requested or in modified form.

b. In deciding the request for a variance from setback requirements, the Board may approve the request as granted, modify the request or deny the request. In granting a variance for reduction of a Drilling and Production Site Setback, the Board may impose such conditions as are necessary to mitigate the impacts of the reduced setbacks and to preserve the public health and safety, including but not limited to, the enhanced mitigation standards contained in Subsection 6.8.2G.

c. In deciding requests by a property owner or developer of a Protected Use or residential lot for a variance from Reverse Setbacks that do not meet the requirements for administrative alternative site design approval as described in Subsection 6.2.6.C, the Board of Adjustment shall consider, where applicable and in addition to, the general criteria stated in Section 6.2.6.B.1.b, the following relevant criteria:

i. The reasonable use of the surface of the subject property by the property owner or developer;

ii. The availability of alternative site designs or subdivision layouts; and

iii. Compatibility with any existing Gas Well Development Site Plan or Gas Well Development Plat.

d. In no event shall the Board of Adjustment reduce the Minimum Setbacks set forth in Subsection 6.7.1D.

3. The Board of Adjustment shall determine whether to grant an extension of the expiration for a Gas Well Development Site Plan or Gas Well Permit based upon whether there are circumstances reasonably beyond the control of the Operator, including any delay on the part of the City in issuing subsequent permits, that justify an extension of the Site Plan or Permits, in order that the Operator may enjoy the same rights in the use of the property that are presently enjoyed by other similarly situated properties, but which rights are denied to the property for which the Site Plan or Permits have expired or are suspended.

4. Any action under this subsection B shall require a three-fourths majority vote of the entire Board of Adjustment.

5. Any Operator or other person aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, stating that such decision is illegal, in whole or in part, and specifying the grounds of the alleged illegality. Such petition shall be presented within 10 days after the date on which the decision of the Board of Adjustment was rendered and not thereafter, and judicial review of the petition shall be pursuant to TLGC, § 211.011, as amended.

C. Administrative Relief Procedures

1. Drilling and Production Site Setbacks. An Operator may request administrative relief to the Drilling and Production Site Setback requirements of Subsection 6.7.1D for a New or Existing Site from the Gas Well Administrator under the following circumstances:

   a. The Operator has at least one Existing Site on the property under mineral lease for the property or for contiguous leased property;

   b. Such Existing Site(s) is located closer to Protected Uses or Residential Subdivisions than is the proposed Drilling and Production Site to such uses; and

   c. The Operator agrees in a written instrument capable of recording to limit gas well development on such Existing Site(s) to existing Gas Well Drilling and Production Activities.

For each Existing Site so restricted, the Gas Well Administrator may reduce the Drilling and Production Site Setback by an amount calculated as follows: 50 percent of the difference between the Drilling and Production Site Setback and the Minimum Setback. As a condition of granting the administrative variance, the Gas Well Administrator shall require that the Operator's written agreement be recorded in the Denton County records at the Operator's expense.

2. Reverse Gas Well Setbacks. The Director may grant administrative relief from the Reverse Setback requirements of Section 6.2.2 upon application of the owner of a Protected Use or residential lot where (i) the property owner has utilized all applicable options for alternative site designs and DDC flexibility provisions to maximize buildable area and (ii) fifty percent (50%) or more of the subject property is encumbered by the Reverse Gas Well Setback. In applying alternative site designs to a subject property under this section:

i. For a residential subdivision, the standards for Cluster Developments in Subsection 8.3.4 may be applied. Plats for cluster subdivisions shall require approval by the Planning and Zoning Commission in accordance with the applicable procedures in Subchapter 2.

ii. For all other Protected Uses, the applicable maximum building height and maximum building coverage may be increased by 20%, and the minimum unit size and minimum required number of parking spaces may be reduced by 20%.

D. Vested Rights Appeals

Any person who claims that he has obtained a vested right pursuant to TLGC, Chapter 245, or other applicable vesting law under prior gas well development regulations from the requirements of Section 6.7: *Gas Well Development* and Section 6.8: *Gas Well Drilling and Production,* as they pertain to gas well development, may request a determination pursuant to Subsection 2.10.15: *Vested Rights*. For proposed gas wells to be located inside the City limits, the petitioner shall include a statement of the reasons why the regulations contained in Section 6.8: *Gas Well Drilling and Production* or Section 6.7: *Gas Well Development,* as they pertain to Gas Well Development are not exempt pursuant to TLGC section 245.004.

6.8 Gas Well Drilling and Production

6.8.1 Definitions

For the purpose of this Subchapter 6: *Gas Wells*, certain words and terms shall be defined and interpreted as follows. Interpretations of meaning shall be made by the Director based on the provisions of Subsection 2.16.6, *Interpretations*. Appeals of staff interpretations of this Subchapter shall be heard as a Board of Adjustment proceeding in accordance with Subsection 2.13.1: *Variance*.

As-Built Gas Well Development Site Plan
A Gas Well Development Site Plan depicting the boundaries of the subject Drilling and Production Site as constructed.

Completion Operations
The term used to describe the events and equipment necessary to bring a wellbore into production once drilling operations have been concluded, including, but not limited to, well stimulation activities, the assembly of downhole tubular, or installing equipment in the well to allow a safe and controlled flow of petroleum or hydro carbons from the well. This definition describes all events performed and equipment used for completion of a well, whether performed the first time on a well or as subsequent treatments to an existing well.

Compressor
A device that raises the pressure of natural gas.

Contaminant
Any substance capable of contaminating a non-related homogeneous material, fluid, gas or environment.

Cure Period
The amount of time granted to remedy a violation of this Chapter.

Daytime
The hours between 7:00 a.m. and 7:00 p.m. CST on any given day.

Drilling
Term used to typically describe the means by which the earth is bored to create a pathway to formations containing hydrocarbons to allow for their production to the surface. It can employ various types of mobilized drilling equipment to create a wellbore while incorporating drilling fluids to cool the bit, to condition the hole, to remove drilled cuttings and to maintain an overbalanced pressure gradient against the formation that may contain inherently pressurized well fluids.

Drilling Activities
Those activities commonly performed at a Drilling and Production Site necessary or incidental to getting hydrocarbons to market; including but not limited to a well redrill or any hydraulic refracturing, initial drilling and completion operations, but not including Production Activities.

Drilling and Production Site
The area dedicated to all authorized above ground gas well drilling and production activities related to an oil and gas operation on an improved area and containing all wells, structures, dehydrators, parking areas, security cameras, lighting, tanks, tank battery (or any other tank grouping area), drilling rigs, separators, lift compressors, perimeter walls, utilities, and all other features or objects used during and after gas well drilling or production activities, as depicted on a Gas Well Development Plat or Gas Well Development Site Plan, but excluding pits, gathering and transmission lines and compressor stations. Drilling and Production Site includes the terms gas well park, gas well pad site, pad site, and drilling and production

area. Existing Sites and new Drilling and Production Sites are shown on the Gas Well Site Map on Exhibit C.

Drilling and Production Site Setback

The distance that the site must be separated by an Operator from an existing Protected Use or from a Residential Subdivision.

Existing Drilling and Production Site or Existing Site

Each of the following Drilling and Production Sites approved prior to the adoption of this Ordinance are considered an Existing Site:

1. Gas Well Development Plat 10-0006 approved by the City on November 21, 2011 (See Pad Site 7 on the Development Plan Map attached as Exhibit C)
2. Gas Well Development Plat 09-0002 approved by the City on November 21, 2011 (AGWP 10-0005) (See Pad Site F on the Development Plan Map attached as Exhibit C)
3. Gas Well Development Plat 08-0028 approved by the City on November 21, 2011 (AGWP 10-0002) (See Pad Site J on the Development Plan Map attached as Exhibit C)
4. Gas Well Development Plat 08-0013 approved by the City on November 21, 2011 (AGWP 10-004) (See Pad Site M on the Development Plan Map attached as Exhibit C)
5. Gas Well Development Plat 10-0005 approved by the City on November 21, 2011 (See Pad Site L on the Development Plan Map attached as Exhibit C)
6. Gas Well Development Plat 10-0008 approved by the City on November 21, 2011 (See Pad Site H on the Development Plan Map attached as Exhibit C)
7. Gas Well Development Plat 10-0010 approved by the City on November 21, 2011 (See Pad Site T on the Development Plan Map attached as Exhibit C)
8. Gas Well Development Plat 10-0004 approved by the City on November 21, 2011 (See Pad Site W on the Development Plan Map attached as Exhibit C)

Existing Gas Well Development Site Plan

A Gas Well Development Site Plan that was approved by the City after August 4, 2010 that established setback boundaries and identified a specific number of wells to be constructed on the subject Drilling and Production Site.

Exploration

Geologic or geophysical activities, including, but not limited to surveying and seismic exploration, related to the search for oil, gas, or other sub-surface hydrocarbons.

Floodplain

See Subchapter 9: *Definitions*, for definition.

Flood Fringe

See Subchapter 9: *Definitions*, for definition.

Floodway

See Subchapter 9: *Definitions*, for definition.

Flowback

The process of allowing fluids to flow from a well following a treatment, either in preparation for a subsequent phase of treatment or in preparation for cleanup and returning the well to production. The flowback period occurs as a stage within Completion Operations.

Freshwater Well

A private water well used by a Protected Use.

Gas
A naturally-occurring gaseous substance, including substances primarily composed of methane and other light, gaseous hydrocarbons.

Gas Processing Plant
A facility, separate and distinct from a Drilling and Production Site, engaged in the extraction of natural gas liquids from field natural gas, or the fractionation of mixed natural gas liquids to natural gas products, or a combination of both.

Gas Well
A hole or bore drilled to any horizon, formation, or strata for the purpose of producing or storing natural gas, or other liquid hydrocarbons.

Gas Well Administrator
The administrative official designated by the City of Denton that is responsible for evaluating the impacts of exploration, development, and production of oil and/or gas wells. Responsibilities include environmentally sensitive areas review, erosion control inspection, monitoring, and evaluating compliance with federal, state, and local regulations.

Gas Well Development
Any drilling activity or production activity performed on an approved Drilling and Production Site.

Gas Well Development Plat
Any city-approved gas well development plat including any of the following existing city-approved gas well development plats for Drilling and Production Sites within the property described on Exhibit A:

1. Gas Well Development Plat 10-0006 approved by the City on November 21, 2011 (See Pad Site 7 on the Development Plan Map attached as Exhibit C)
2. Gas Well Development Plat 09-0002 approved by the City on November 21, 2011 (AGWP 10-0005) (See Pad Site F on the Development Plan Map attached as Exhibit C)
3. Gas Well Development Plat 08-0028 approved by the City on November 21, 2011 (AGWP 10-0002) (See Pad Site J on the Development Plan Map attached as Exhibit C)
4. Gas Well Development Plat 08-0013 approved by the City on November 21, 2011 (AGWP 10-004) (See Pad Site M on the Development Plan Map attached as Exhibit C)
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7. Gas Well Development Plat 10-0010 approved by the City on November 21, 2011 (See Pad Site T on the Development Plan Map attached as Exhibit C)
8. Gas Well Development Plat 10-0004 approved by the City on November 21, 2011 (See Pad Site W on the Development Plan Map attached as Exhibit C)

Gas Well Development Site Plan
The initial approval authorizing wells to be drilled at one Drilling and Production Site that sets the boundaries used for setback measurements and contains all the information required by this Subchapter 6: *Gas Wells*.

Gas Well Drilling and Production Activities
(A/K/A drilling and production activity(ies), drilling and production) As used in this Chapter, gas well drilling and production activities encompasses all three of the following: Initial Drilling Activities, Completion Operations and Production Activities.

Gas Well Permit
A written license that is granted by the City of Denton pursuant to Subsection 6.7.5: *Gas Well Permits* authorizing one or more gas wells. The term "gas well permit" in lower case letters refers to a permit approved by the City of Denton under gas well regulations in effect prior to the effective date of this amendatory ordinance, as the context may indicate, which authorized drilling and production activities on a gas well existing on such effective date.

Habitable Structure
Structures suitable for human habitation or occupation for which a Certificate of Occupancy or Final Inspection Certificate is required, including but not limited to, public buildings and enclosed buildings used for commercial or industrial purposes. A habitable structure shall not include accessory buildings, barns, garages and sheds.

Hazardous Materials Management Plan
The hazardous materials management plan and hazardous materials inventory statements required by the Fire Code.

Hydraulic Fracturing
A well stimulant treatment that involves the process of directing pressurized fluids containing any combination of water, propellant, and any added chemicals to penetrate tight formations, such as shale or coal formations, that subsequently require high rate, extended flowback to expel fracture fluids and solids during completions. Hydraulic Fracturing occurs as a stage within Completion Operations.

Initial Drilling Activities
The portion of the Drilling Activities that includes the means by which a portion of the earth is originally bored in order to create a pathway to formations containing hydrocarbons to allow for their production to the surface.

Lightning Protection System
An integrated system designed to ground metal equipment on a rig, well pad or at a tank battery location for protection against electrical shock, fire or explosion due to lightning.

Liner
In pit construction, a liner is an impervious material, either synthetic or natural, that is used to line the interior of a pit to prevent pit fluids from leaking or leaching into the environment.

Minimum Reverse Setback
The minimum distance a Protected use or a residential lot must be separated by a surface owner from an approved Drilling and Production Site or from a gas well within such site after administrative relief or a variance is granted to reduce the Reverse Setback requirement.

Minimum Setback
The minimum distance a Drilling and Production Site must be separated by an Operator from a Protected Use or from a Residential Subdivision after a waiver or variance is granted to reduce the setback requirement.

New Drilling and Production Site or New Site
A proposed Drilling and Production Site that is other than an Existing Site.

Operator
The person(s) in charge and in control of drilling, maintaining, operating, pumping, or controlling any well or pipeline including without limitation, a unit Operator.

Plugging and Abandonment
Includes the plugging of the well, abandoned, orphaned or otherwise, in accordance with RRC Statewide Rule 3.14 or its successor regulation and restoration of the Drilling and Production Site as required by the RRC.

Production Activities (A/K/A Production)
The phase that occurs after Exploration, Initial Drilling Activities and Completion Operations and during which time hydrocarbons are stored or drained from an underground reservoir involving operations performed on a Drilling and Production Site, excluding those operations and facilities as defined and regulated by the Pipeline Safety Act of 1994, 49 U.S.C. §§ 60101-60137.

Protected Use
Any dwelling, church, public park, public library, hospital, pre-kindergarten, kindergarten or elementary, middle or high school, public pool, public transit center, senior center, public recreation center, hotel or motel.

Railroad Commission (RRC)
The Railroad Commission of Texas.

Redrill
Any work to an existing well bore or an existing surface hole location after Initial Drilling Activities that requires a new permit from the Texas Railroad Commission. This definition includes, but is not limited to, drilling into a new horizon or drilling multiple directionals from the same surface hole location or using the same vertical wellbore.

Residential Subdivision
A subdivision designated for residential use for two or more dwellings.

Reverse Setback
The minimum distance that a Protected Use or Residential Subdivision must be separated by a surface owner from an approved Drilling and Production Site or from a gas well within such site.

Site Access Road
The route depicted and approved on the Gas Well Development Site Plan or Gas Well Development Plat that identifies the ingress and egress point used to access the Drilling and Production Site from an existing City, County, or State maintained roadway.

Site Preparation
To ready a Drilling and Protection Site for Initial Drilling Activities by installing erosion and sediment control practices, performing clearing and grading activities of the Drilling and Production Site or Site Access Road.

Site-specific Authorization
The prior approval by ordinance of the City Council, of one or more specifically located and defined gas well site locations, subject to further site design, development, regulatory and permitting requirements, as set forth in this DDC or as specified within the site approval ordinance (or both), as applicable.

Spud
The start of the well drilling process by removing rock, dirt, or other sedimentary material with the drill bit.

Tank
Any storage vessel that contains an accumulation of crude oil, condensate, intermediate hydrocarbon liquids, or produced water; is constructed primarily of non-earthen materials (such as wood, concrete, metal, fiberglass, steel or plastic) which provide structural support; is not skid-mounted or permanently attached to something that is mobile; and is intended to be located at the Drilling and Production Site for more than 90 consecutive days.

Well Stimulation
A treatment performed to restore or enhance the productivity of a well by opening new channels in the rock for the oil and gas to flow through; including, but not limited to fracturing, hydraulic or otherwise, injection of acid, or the use of charges to break up the rock.

Wellhead
The location at which the center of any gas well bore penetrates the surface of the land.

Workover Operation

Work performed on a well after its initial completion to secure production where there has been none, to restore production that has ceased, or to enhance or increase production within the zone originally completed or to repair the well. Workover operations do not include redrills or completion activities.

6.8.2 Standards for Gas Well Drilling and Production

The drilling and production of gas wells within the City limits shall be subject to the following standards.

A. Prohibited or Restricted Locations, Uses and Activities

1. No gas well Drilling and Production Sites shall be allowed on slopes greater than 10 percent.
2. No Drilling and Production Site shall be located within any of the streets or alleys of the City or streets or alleys shown by the current Comprehensive Plan of the City of Denton. No street shall be blocked or encumbered or closed due to any exploration, drilling, or production activities unless prior consent is obtained from the City Manager, and then only temporarily.
3. Nothing in this Section is intended to prevent an Operator from drilling directionally to reach a target or bottom hole that is located beneath a prohibited or restricted site. Gas wells may have a target location or bottom-hole location that is under the floodway, an ESA or within 1,200 feet of the flood pool elevation of Lake Ray Roberts or Lake Lewisville when the gas well is drilled directionally from a location outside such areas.
4. No refining process, or any process for the extraction of products from gas, shall be carried on at a Drilling and Production Site, except that a dehydrator and separator, in accordance with federal and/or state law, may be maintained on a Drilling and Production Site for the separation of liquids from gas. Any such dehydrator or separator may serve more than one well. Gas Processing Facilities shall require a Specific Use Permit.
5. No person shall place, deposit, or discharge (or cause or allow to be placed, deposited, or discharged) any oil, naphtha, petroleum, diesel, gasoline, asphalt, tar, hydrocarbon substance, or any refuse, including wastewater or brine, from any gas operation or the contents of any container used in connection with any gas operation in, into, or upon any public right-of-way, storm drain, ditch or sewer, sanitary drain or sewer, any body of water, or any private property within the corporate limits of the City of Denton.

6. No Operator shall excavate or construct any lines for the conveyance of fuel, water, or minerals on, under, or through the streets or alleys or other land of the City without an easement or right-of-way license from the City, at a price to be agreed upon, and then only in strict compliance with this Subchapter 6: *Gas Wells*, with other ordinances of the City, and with the specifications established by the Engineering Department.
7. The digging up, breaking, excavating, tunneling, undermining, breaking up, or damaging of any public street or leaving upon any public street any earth or other materials is prohibited. Construction activities or deposition of any materials or objects creating an obstruction within public rights-of-way or easements are prohibited unless the Operator has first obtained written approval from the Engineering Department and, if applicable, has filed a right-of-way use agreement, and then only if in compliance with specifications established by the Department.

B. Site Layout, Design, and Compatibility Requirements

The following requirements apply only within City limits.

1. Entrance Gate

An entrance gate to the Drilling and Production Site shall be required and a sign identifying the entrance to the Drilling and Production Site or operation site shall be light reflective.

2. Fencing, Screening and Landscaping

a. Fencing, buffering, landscaping and screening shall be required on Drilling and Production Sites. All required fencing, landscaping, buffering and screening must be installed in accordance with the approved Landscape Plan upon the later of the following two events: within 180 days after initial drilling of the first approved well, or within 180 days after final plat approval of a subdivision adjacent to the Drilling and Production Site on which the first well has been drilled. Landscaping and screening shall also be required for Compressors. Landscaping and screening shall comply with the same requirements for Drilling and Production Sites as set forth in this Subchapter 6: *Gas Wells*, and in the DDC. Should the Operator decide to fence in gathering and transmission lines or compressor stations, or both, Operator shall install the fencing in accordance with Subchapter 7: *Development Standards*.
    i. All Drilling and Production Sites in Residential Sub-districts shall be screened with an opaque decorative masonry fence that shall be no less than eight feet in height.
    ii. In lieu of this requirement, an alternative fence that is compatible with the area surrounding the Drilling and Production Site may be approved by the Director of Planning and Development.
    iii. Required fencing must be located within 300 feet of all equipment necessitating fencing requirements under this Subchapter 6: *Gas Wells*.
b. Fencing in all other sub-districts shall be screened with a fence at least eight feet in height that is compatible with the area surrounding the Drilling and Production Site. Required fencing must be located within 300 feet of all equipment necessitating fencing requirements under this Subchapter 6: *Gas Wells*.

3. Signage

a. A sign shall be immediately and prominently displayed on each side of the fence that surrounds the Drilling and Production Site. Such sign shall be made of durable material and shall be maintained in good condition. The sign shall have a surface area of not less than 2 ½ feet by 2 ½ feet or more than 4 by 4 feet and shall be lettered in minimum four-inch lettering and shall include the following information:

"THIS IS A GAS WELL DRILLING AND PRODUCTION SITE. THIS SITE MAY BE THE SUBJECT OF FURTHER DRILLING AND PRODUCTION AND/OR HYDRAULIC FRACTURING."

b. Additional signs shall be posted on each Drilling and Production Site which contain the following information:

i. The Well Identification Number(s), American Petroleum Institute well number(s) and any other well designation(s) required by the RRC;

ii. Name of Operator;

iii. Operator's telephone number which will be answered 24 hours a day by a live, in-person, non-automated response system so as to ensure that in cases of emergency the Operator is made immediately aware;

iv. Operator's business mailing address;

v. Address of Drilling and Production Site;

vi. The number for emergency services (911);

vii. The telephone number of the City's Gas Well Division for citizens to call with questions, concerns or complaints;

viii. The telephone number of the TCEQ's Regional Office where air quality complaints may be reported; and

ix. Any additional information required by RRC.

c. A permanent weatherproof sign shall be posted on each Drilling and Production Site reading "DANGER NO SMOKING ALLOWED," in both English and Spanish, at the entrance of each Drilling and Production Site or in any other location approved or designated by the Fire Marshal. Sign lettering shall be four inches in height and shall be red on white background or white on red background. Each sign shall include the emergency notification numbers of the City Fire Department and the Operator, well and lease designations required by the RRC.

4. Painting

All installed, mounted, and/or permanent equipment on Drilling and Production Sites shall be coated, painted, and maintained at all times, including the wellhead, gas processing units, pumping units, storage tanks, above-ground pipeline appurtenances, buildings, and structures, in accordance with applicable guidelines adopted by The Society for Protective Coatings (SSPC). In addition, the following standards are applicable:

a. Protective coatings and paints shall comply with any applicable State or City requirements. In absence of any such requirement, protective coatings and paints shall be of a neutral color that is compatible with the surrounding environment.

b. All exposed surfaces of the identified equipment must be coated and painted, and free from rust, blisters, stains, or other defects.

5. **Electric Lines**
All electric lines to permanent production facilities shall be located in a manner compatible to those already installed in the surrounding areas or subdivision.

6. **Lift Compressor Location**
Any lift compressor which is installed within an approved Drilling and Production Site shall be located at least 24 feet from the outer boundary of the site.

7. **Storage Tanks and Separators**

a. An Operator is allowed to construct, use, and operate such storage equipment and separation equipment as shown on the approved Gas Well Development Site Plan, except that permanent storage equipment and separation equipment may not exceed eight (8) feet in height.

b. The use of centralized tank batteries is permitted if shown and approved by the applicable Gas Well Development Site Plan.

8. **Trash Removal**
Any rubbish or debris that might constitute a fire hazard shall be promptly removed from the Drilling and Production Site.

9. **Debris**
The Drilling and Production Site and site access road shall at all times be kept free of debris, pools of water or other liquids, contaminated soil, weeds, brush, trash or other waste material.

C. Site Development Standards

1. **Water Conservation Plan**
In cases where the City activates its drought contingency plan, each Operator must submit to the City a water conservation plan for uses of water. The plan must provide information in response to each of the following elements.

a. A description of the use of the water in the production process, including how the water is diverted and transported from the source(s) of supply, how the water is utilized in the production process, and the estimated quantity of water consumed in the production process and therefore unavailable for reuse, discharge, or other means of disposal;

b. If long-term, five to 10 years, water storage is anticipated, quantified five-year and 10-year targets for water savings and the basis for the development of such goals;

c. A description of the device(s) and/or method(s) within an accuracy of plus or minus five percent to be used in order to measure and account for the amount of water diverted from the source of supply;

d. Leak-detection, repair, and accounting for water loss in the water distribution system;

e. Application of state-of-the-art equipment and/or process modifications to improve water use efficiency; and

f. Any other water conservation practice, method, or technique which the user shows to be appropriate for achieving the stated goal or goals of the water conservation plan.

2. **Erosion and Sediment Controls**
Erosion and sediment control practices shall be conducted for all gas wells. The Operator shall comply with the Erosion and Sediment Control Plan as approved by the City.

3. Site Access Restriction

Access to a Drilling and Production Site shall not be taken from Neighborhood Streets. For Drilling and Production Sites 7 and 10, vehicular access for drilling, completion, production, and re-work activities will be limited to the eastern perimeters of the sites.

D. Operations and Equipment Standards

1. Compliance with Federal and State Laws, Rules and Regulations

The Operator shall at all times comply with the applicable federal and state laws, rules and regulations, and Field Rules, including but not limited to those addressing the following subjects:

a. Vapor recovery equipment;
b. Venting and flaring;
c. Soil sampling;
d. Pit design and use;
e. Hydraulic fracturing;
f. Plugging and abandonment of gas wells;
g. Reclamation of Drilling and Production Sites;
h. U.S. Army Corps of Engineers setback requirements from water bodies; and
i. Surface casing procedures.

2. Time of Fracturing

Fracturing operations shall be scheduled to occur during daytime unless the Operator has notified the Gas Well Administrator that fracing will occur before or after daytime to meet safety requirements.

3. Clean-up After Completion

After the well has been completed the Operator shall clean and repair all damage to public property caused by such operations within 30 days.

4. Plugged and Abandoned Wells

All wells shall be plugged and abandoned in accordance with the rules of the RRC. In addition, the Operator shall:

a. Submit a copy of its RRC Form W-3A (Notice of Intention to Plug and Abandon) and Form W-3 (Plugging Record) to the Inspector within two business days of filing with the RRC;
b. Notify the Gas Well Administrator of the intention to plug and abandon a well at least 24 hours prior to commencing activities; and
c. Submit to the Gas Well Administrator the surface hole locations in an acceptable Geographic Information System (GIS) format to accurately map and track well locations. The GIS data may be submitted with an initial Gas Well Permit application or with the annual administrative report. Submission of GIS location data is only required once.

5. **Venting of Gas Sites 7, 10, and L**

   a. For Drilling and Production Sites 7, 10, and L, there shall be no venting of gas into the open air except as approved by the Fire Marshal. When authorized by the Texas Railroad Commission, flaring shall be restricted to the hours of 8:00 am to 5:00 pm, Monday through Friday, and from 11:00 am to 5:00 pm on Saturdays and Sundays, unless there is an emergency that presents an imminent threat to life or property. Any such emergency shall be documented and justified in a report delivered to the Fire Marshal or gas well inspector within 48 hours after the emergency.

E. Fire Safety and Emergency Response Requirements

The provisions of this section shall apply within the corporate limits of the City of Denton.

1. **State, Federal, and Local Compliance**

   The drilling and production of gas and accessing the Drilling and Production Site shall be in compliance with all state, federal and local safety regulations.

2. **Gathering Lines**

   a. Each Operator shall place a pipeline marker sign at each point where a flow line or gathering line crosses a public street or road.

   b. Each Operator shall place a warning sign for lines carrying H2S (Hydrogen Sulfide) gas as required by the Railroad Commission.

   c. All flow lines and gathering lines within the corporate limits of the City (excluding City utility lines and franchise distribution systems) that are used to transport oil, gas, and/or water shall be limited to the maximum allowable operating pressure applicable to the pipes installed and shall be installed with at least the minimum cover or backfill specified by the American National Safety Institute Code, as amended.

3. **Operating Pressure**

   Each well shall be equipped with an automated valve that closes the well in the event of an abnormal change in operating pressure. All wellheads shall contain an emergency shut off valve to the well distribution line.

4. **Control Device**

   Each storage tank shall be equipped with a level control device that will automatically activate a valve to close the well in the event of excess liquid accumulation in the tank.

5. **Storage Tanks**

   Each storage tank requires a permit by the Fire Department and shall meet the requirements of the Fire Code.

6. **Outdoor Storage Areas**

   Outside storage areas shall be equipped with a secondary containment system designed to contain a spill from the largest individual vessel. If the area is open to rainfall, secondary containment shall be designed to include the volume of a 24-hour rainfall as determined by a 25-year storm and provisions shall be made to drain accumulations of ground water and rainfall.

7. **Lightning System**

   Drilling and Production Sites shall be equipped with a lightning protection system, in accordance with the City's Fire Code and the National Fire Association's NFPA-780. In addition, tank battery facilities shall be equipped with a lightning arrestor system.

8. **Remote Foam Line**
Drilling and Production Sites shall be equipped with a remote foam line that meets the requirements of NFPA-11.

9. **Hazardous Materials Management Plan**
An Operator shall prepare and provide to the Fire Marshal a Hazardous Materials Management Plan. Any updates or changes to this plan shall be provided to the Fire Marshal within three business days of the change. All chemicals and/or hazardous materials shall be stored in such a manner as to prevent, contain, and facilitate rapid remediation and cleanup of any accidental spill, leak, or discharge of a hazardous material. Operator shall have all material safety data sheets (MSDSs) for all hazardous materials on-site. All applicable federal and state regulatory requirements for the proper labeling of containers shall be followed. Appropriate pollution prevention actions shall be required and include, but are not limited to, chemical and materials raised from the ground (e.g., wooden pallets), bulk storage, installation and maintenance of secondary containment systems, and protection from stormwater and weather elements.

10. **Emergency Response Plan**
An Operator shall prepare and provide to the Fire Marshal an Emergency Response Plan which includes the following information: (i) a detailed site plan showing the location of the access road, all buildings and structures, well head, tank batteries, above ground pipe and underground transmission pipe; (ii) a list of all on-site safety features, equipment and its location; (iii) the name, address and a twenty-four-hour, in-person response, phone number of the Operator to be notified in case of emergency; and (iv) the name, phone number and address of the surface property owner. The Emergency Response Plan should describe the personnel, procedures and equipment that the Operator has available for responding to any irregular release or a threatened release of materials on the site. The Emergency Response Plan may be included in the Hazardous Materials Management Plan.

11. **Testing/Record Keeping**
Operator shall perform periodic testing to verify that all equipment is operating properly. Maintenance and testing shall be under the supervision of a responsible person who shall ensure that such maintenance and testing are conducted in accordance with the manufacture's specifications. Test and inspection records must be available to the Fire Marshal or Gas Well Administrator for review upon request.

12. **Access by Emergency Vehicles**
All Drilling and Production Sites will be designed to provide road access for emergency vehicles in accordance with the provisions of the Fire Code. All access roads for fire apparatus must be unobstructed and be at least 20 feet in width, or shall have a design determined by the Fire Marshall as functionally equivalent to this standard. In addition, all access roads shall have an all-weather surface as provided for in the Fire Code. All dead ends and turning radii shall meet adopted Fire Code standards.

13. **Pit Fencing**
For safety reasons, fencing shall be installed to restrict access to a reserve pit or other type of open pit containing a synthetic liner and used in gas well drilling operation at a Drilling and Production Site within the corporate limits of the City.

14. **Catchment Basins**
Drip pans, catchment basins and other secondary containment devices or oil absorbing materials shall be placed or installed underneath all tanks, containers, pumps, lubricating

oil systems, engines, fuel and chemical storage tanks, system valves, connections, and any other areas or structures that could potentially leak, discharge, or otherwise spill hazardous or solid materials.

15. **Clean-up Operations**
After any spill, leak or discharge, the Operator shall remove or cause to be removed all contamination and associated waste materials. Clean-up operations shall begin immediately.

16. **Immediate Notification**
Upon the occurrence of a fire, blowout, release of hazardous materials, injury or other incident outside normal operating events, the Operator will immediately notify the Fire Department and a representative of the Operator will be on-site within 60 minutes to assist the City's Emergency Response Team and provide any information necessary regarding the site. The Operator shall also, at its own expense, contact and deploy any well containment specialists or other specialists necessary to contain and suppress the emergency situation.

17. **Storage**
No pit shall be used or maintained for storage of oil or oil products or oil field fluids, or for storage or disposal of oil and gas wastes.

F. Nuisance Prevention and Impact Mitigation Standards

1. **Nuisances**
Adequate nuisance prevention measures shall be taken to prevent or control offensive odor, fumes, dust and vibration. All drilling and production operations shall be conducted in such a manner as to minimize, so far as practicable, dust, vibration or noxious odors, and shall be in accordance with the best accepted practices incident to drilling for the production of gas and other hydrocarbon substances in urban areas. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful or annoying substances or effects are minimized by the operations carried on at any drilling or production site or from anything incident thereto to avoid injury to or annoyance of persons living in the vicinity. The site or structures shall not be permitted to become dilapidated, unsightly or unsafe. Proven technological improvements in industry standards of drilling and production in this area shall be adopted as they become available if capable of reducing factors of dust, vibration and odor.

2. **Sound Mitigation**

a. A noise management plan, prepared by a professional qualified in the area of noise mitigation, and approved by the Gas Well Administrator, detailing how the equipment used in the drilling, completion, transportation or production of a well complies with the maximum permissible noise levels of this section will be submitted with the Gas Well Site Plan Application. The noise management plan must:

   i. Identify operation noise impacts;

   ii. Provide documentation establishing the ambient noise level prior to construction of any wellhead, compressor or compression facility; and

   iii. Detail how the impacts will be mitigated. In determining noise mitigation, specific site characteristics shall be considered, including but not limited to the following:

      a. Nature and proximity of adjacent development, location and type;

      b. Seasonal and prevailing weather patterns, including wind directions;

c. Vegetative cover on or adjacent to the site; and

d. Topography.

iv. The Operator shall be responsible for verifying compliance with this section and the noise management plan after the installation of the noise mitigation equipment.

b. No well shall be drilled, re-drilled or any equipment operated at any location within the City in such a manner so as to create any noise, including low-frequency outdoor noise levels, which causes the exterior noise level when measured at the Protected Use receiver's/receptor's property line or from the closest exterior point of the Protected Use structure or inside the Protected Use structure if access to the property is granted by the receiver/receptor, that:

i. Exceeds the ambient noise level by more than five decibels during daytime hours and more than three decibels during nighttime hours;

ii. Exceeds the ambient noise level by more than 10 decibels over the daytime average ambient noise level during fracturing operations during daytime hours;

iii. Exceeds the ambient noise level by more than three decibels during flowback operations during nighttime hours;

iv. Creates pure tones where one-third octave band sound-pressure level in the band with the tone exceeds the arithmetic average of the sound-pressure levels of two contiguous one-third octave bands by five dB for center frequencies of 500 Hertz and above, and by eight dB for center frequencies between 160 and 400 Hertz, and by 15 dB for center frequencies less than or equal to 125 Hertz.

c. The Operator shall be responsible for establishing and reporting to the City a continuous 72-hour pre-drilling ambient noise level prior to the issuance of a Gas Well Permit. The 72-hour time span shall include at least one 24-hour reading during either a Saturday or Sunday. The Operator shall use the prior established ambient noise level for the installation of any new noise generation equipment unless the Operator can demonstrate that the increase in the ambient noise level is not associated with drilling and production activities located either on or off-site.

d. Adjustments to the noise standards as set forth above in subsections b(i), b(ii) and b(iii) of this section may be permitted intermittently in accordance with the following:

Table 6.8-A: Adjustments to Noise Standards

Permitted Increase (dBa)	Duration of Increase (minutes) [1]
10	5
15	1
20	Less than one

Notes:
[1] Cumulative minutes during any one hour.

e. All workover operations shall be restricted to daytime hours.

f. The exterior noise level generated by the drilling, redrilling or other operations of all gas wells located within the applicable Drilling and Production Site Setback as set forth in Subsection 6.7.1D shall be continuously monitored, to ensure compliance. The cost of such monitoring shall be borne by the Operator. If a complaint is received by either the Operator or the gas inspector from any Protected Use the Operator shall, within 24 hours of notice of the complaint, continuously monitor for a 72-hour period the exterior noise level generated by the drilling, redrilling or other operations to ensure compliance. At the request of the Gas Well Administrator, the Operator shall monitor the exterior noise level at the source of the complaint.

g. Acoustical blankets, sound walls, mufflers or other alternative methods as approved by the Gas Well Administrator may be used to ensure compliance. All soundproofing shall comply with accepted industry standards.

h. The sound level meter used in conducting noise evaluations shall meet the American National Standard Institute's Standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

i. A citation may be immediately issued for failure to comply with the provisions of this section. However, if the Operator is in compliance with the approved noise management plan, and a violation still occurs, the Operator will be given 24 hours from notice of noncompliance to correct the violation from an identified source before a citation is issued. Additional extensions of the 24-hour period may be granted in the event that the source of the violation cannot be identified after reasonable diligence by the Operator.

3. Lighting

No Operator shall permit any lights located on any site to be directed in such a manner so that they shine directly on public roads, adjacent property or property in the general vicinity of the site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads and adjacent dwellings and buildings within 300 feet.

G. Enhanced Nuisance Mitigation Standards

1. Enhanced Standards for Operators

When an Operator, either by waiver procedure or variance, receives a reduction to the set-back requirements of Subsection 6.7.1D for a Drilling and Production Site, the Operator shall comply with the following Enhanced Nuisance Mitigation Standards for that site:

a. Sound Mitigation

The Drilling and Production Site shall be surrounded on all four sides with sound wall noise barriers that comply with accepted industry standards and are at least 30 feet in height during all Drilling Activities and Completion Operations and shall be removed by the Operator no later than 60 days after concluding the respective activity. In the alternative, if the Operator's noise management plan provides equally effective sound mitigation to the Protected Uses within 1,000 feet of the Drilling and Production Site boundary, then the Operator may follow the recommendations set forth in the noise management plan. If the Operator chooses the alternative, the Operator shall provide notice of its intent together with its Notice of Activities as required by Subsection 6.8.7C.1.

b. **Noise Levels for Sites 7, 10, and L**

For Drilling and Production Sites 7, 10, and L only, the noise level for drilling, completion, production, operation, and re-work activities shall not exceed 79 decibels measured at any point seven hundred and fifty feet (750') from the Gas Well Site. During drilling and completion, the operator shall monitor noise levels to determine compliance.

c. **Production Monitoring**

Periodic evaluations will be conducted by the City for the Drilling and Production Site during production to determine if equipment is functioning as designed or may be producing fugitive emissions.

i. A third party contractor may be retained by the City to perform such inspections, and cost of services and charges assessed by the third party contractor shall be borne by the Operator. Any third party contractor shall act at the City's direction and report directly to the City, and shall have the same authority as the Gas Well Administrator for purposes of inspections under this Section.

ii. The City shall notify the Operator in writing, as well as to the state and federal regulatory agencies having jurisdictional authority, of any malfunctioning equipment producing fugitive emissions.

iii. Quarterly reporting of the monitoring results to the City's Gas Well Administrator is required with all laboratory data sheets, field logs, data summaries, and actions taken in the previous quarter.

iv. Upon showing documented compliance for a period of 12 months, the Operator shall thereafter employ best management practices to eliminate any emissions in violation of state and federal regulations.

d. An Operator is exempt from the inspection requirements included in Subsection c. above, and any associated fees, on any well site equipped with an equivalent automated system that meets the following requirements and is approved by the Inspector.

i. Any such alternative must include a screening for the presence of leaks, releases, or emissions, and other conditions that could identify potential malfunctions in the efficient operation of on-site equipment, such as the monitoring of line pressures and storage tank levels.

ii. The automated system alternative shall include:

a. A 24-hour remote alert system designed to notify appropriate personnel of excess storage tank levels or abnormal changes in line pressure; and

b. An emergency automated shutdown of the well(s) when monitoring indicates irregular storage tank levels and functioning of valves. All emergency situations shall be immediately reported to the City via 911.

iii. If malfunctions are identified, the point of concern shall be noted and a repair confirmation provided to the Gas Well Administrator. The repair confirmation shall include a statement indicating that the component is working within manufacturer and regulatory requirements.

iv. Data shall be compiled over the life of the well(s) and available to the Gas Well Administrator for review.

H. Atmospheric Monitoring for Certain Sites

1. During drilling activities or venting on Drilling and Production Sites 7, 10, and L, the operator shall install, monitor, and maintain an atmospheric monitor to detect the accumulation of methane gas at or above the lower explosive limit, and shall immediately notify the TCEQ, Gas Well Administrator, and Fire Department of any readings in excess of that limit, and shall take further corrective action as directed by the Fire Marshal or the TCEQ. The operator shall monitor each Drilling and Production Site for compliance with all state and local regulatory requirements on a daily basis during drilling and completion (including fracturing) activities and shall document any violations in a quarterly report delivered to the Gas Well Administrator, and the Director of Development Services.

6.8.3 Indemnification and Insurance

A. Indemnification and Express Negligence Provisions

Each Gas Well Permit issued by the City shall include the following language:

OPERATOR DOES HEREBY EXPRESSLY RELEASE AND DISCHARGE ALL CLAIMS, DEMANDS, ACTIONS, JUDGMENTS, AND EXECUTIONS WHICH IT EVER HAD, OR NOW HAS OR MAY HAVE, OR ASSIGNS MAY HAVE, OR CLAIM TO HAVE, AGAINST THE CITY OF DENTON, AND/OR ITS DEPARTMENTS, AGENTS, OFFICERS, SERVANTS, SUCCESSORS, ASSIGNS, SPONSORS, VOLUNTEERS, OR EMPLOYEES (COLLECTIVELY REFERRED TO AS THE "INDEMNIFIED PARTIES"), RELATING TO OR ARISING OUT OF BODILY INJURY, KNOWN OR UNKNOWN, AND INJURY TO PROPERTY, REAL OR PERSONAL, OR IN ANY WAY INCIDENTAL TO OR IN CONNECTION WITH THE PERFORMANCE OF THE WORK PERFORMED BY THE OPERATOR UNDER A GAS WELL PERMIT. TO THE FULLEST EXTENT PERMITTED BY LAW, OPERATOR SHALL DEFEND, PROTECT, INDEMNIFY, AND HOLD HARMLESS THE INDEMNIFIED PARTIES FROM AND AGAINST EACH AND EVERY CLAIM, DEMAND, OR CAUSE OF ACTION AND ANY AND ALL LIABILITY, DAMAGES, OBLIGATIONS, JUDGMENTS, LOSSES, FINES, PENALTIES, COSTS, FEES, AND EXPENSES INCURRED IN DEFENSE OF THE INDEMNIFIED PARTIES, INCLUDING, WITHOUT LIMITATION, BODILY INJURY AND DEATH IN CONNECTION THEREWITH WHICH MAY BE MADE OR ASSERTED BY OPERATOR, ITS AGENTS, ASSIGNS, OR ANY THIRD PARTIES ON ACCOUNT OF, ARISING OUT OF, OR IN ANY WAY INCIDENTAL TO OR IN CONNECTION WITH THE PERFORMANCE OF THE WORK PERFORMED BY THE OPERATOR UNDER A GAS WELL PERMIT. THE OPERATOR AGREES TO INDEMNIFY AND HOLD HARMLESS THE INDEMNIFIED PARTIES FROM ANY LIABILITIES OR DAMAGES SUFFERED AS A RESULT OF CLAIMS, DEMANDS, COSTS, OR JUDGMENTS AGAINST THE INDEMNIFIED PARTIES RELATING TO OR ARISING OUT OF THE ACTS OR OMISSIONS OF THE INDEMNIFIED PARTIES OCCURRING ON THE DRILLING AND PRODUCTION SITE OR OPERATION SITE IN THE COURSE AND SCOPE OF INSPECTING AND PERMITTING THE GAS WELLS INCLUDING, BUT NOT LIMITED TO, CLAIMS AND DAMAGES ARISING IN WHOLE OR IN PART FROM THE SOLE NEGLIGENCE OF THE INDEMNIFIED PARTIES OCCURRING ON THE DRILLING AND PRODUCTION SITE IN THE COURSE AND SCOPE OF INSPECTING AND PERMITTING THE GAS WELLS. IT IS UNDERSTOOD AND AGREED THAT THE INDEMNITY PROVIDED FOR IN THIS SECTION IS AN INDEMNITY EXTENDED BY THE OPERATOR TO INDEMNIFY AND PROTECT THE INDEMNIFIED PARTIES FROM THE CONSEQUENCES OF THE NEGLIGENCE OF THE INDEMNIFIED PARTIES, WHETHER THAT NEGLIGENCE IS THE SOLE CAUSE OF THE RESULTANT INJURY, DEATH, AND/OR DAMAGE. LIABILITY FOR THE SOLE NEGLIGENCE OF THE CITY IN THE COURSE AND SCOPE OF ITS DUTY TO INSPECT AND PERMIT THE GAS WELL IS LIMITED TO THE MAXIMUM AMOUNT OF RECOVERY UNDER THE TORT CLAIMS ACT.

B. Insurance

1. General Requirements

a. The Operator shall provide or cause to be provided the insurance described below for each well for which a Gas Well Permit is issued, and shall maintain such insurance until the well is abandoned and the site restored, except as otherwise required in this Section. The Operator may provide the required coverage for multiple wells on a "blanket basis." Such coverage shall be approved by the Risk Manager for the City of Denton.

b. Prior to issuance of the Gas Well Permit, the Operator shall furnish the City with a certificate(s) of insurance, executed by a duly authorized representative of each insurer, showing compliance with the insurance requirements set forth in this Section. A copy of the endorsements or other policy provisions adding the City as an additional insured to the insurance policies, endorsements providing the City 30 days' written notice of cancellation or material change in coverage, and all waivers of subrogation shall be attached to the certificate(s) of insurance. Upon request, certified copies of the insurance policies shall be furnished to the City. The City's acceptance of documents that do not reflect the required insurance, or the City's failure to request the required insurance documents, shall not constitute a waiver of the insurance requirements set forth in this Section.

c. In the event any insurance required by this Section is cancelled, the Gas Well Permit shall be suspended on the date of cancellation and the Operator's right to operate under the Gas Well Permit shall immediately cease until the Operator obtains the required insurance.

d. The Operator shall provide the City 30 days' written notice of any cancellation, non-renewal, or material change in policy terms or coverage, and the policies shall be endorsed to provide the City such notice.

e. All insurance policies shall be written by an insurer authorized to do business in Texas and with companies with A: VIII or better rating in accordance with the current Best's Key Rating Guide, or with such other financially sound insurance carriers approved by the City.

f. All insurance policies, with the exception of the workers compensation policy, shall be endorsed to name the City, its officials, employees, agents and volunteers as additional insureds on the policies. The additional insured coverage shall apply as primary insurance with respect to any other insurance or self-insurance programs maintained by the City, its officials, employees, agents and volunteers. A copy of each endorsement shall be provided to the City as evidence of coverage.

g. All insurance policies shall be endorsed with a waiver of subrogation in favor of the City, its officials, employees, agents and volunteers. A copy of each endorsement shall be provided to the City.

h. All insurance policies shall be written on an occurrence basis where commercially available.

i. During the term of the Gas Well Permit, the Operator shall report, in a timely manner, to the Gas Well Division any known loss or occurrence which has caused, or may in the future cause, bodily injury or property damage.

2. **Required Insurance Coverages**

a. **Commercial General Liability Insurance**

Operator shall maintain commercial general liability (CGL) insurance with a limit of not less than $1,000,000 each occurrence with a $2,000,000 aggregate. This insurance shall cover liability including, but not limited to, liability arising from premises, operations, blowout or explosion, products-completed operations, contractual liability, underground property damage, broad form property damage, and independent contractors. This insurance shall also include coverage for underground resources and equipment hazard damage. In addition to the additional insured requirements set forth above, the additional insured coverage provided to the City, its officials, employees, agents and volunteers shall include coverage for products-completed operations.

b. **Environmental Impairment (or Pollution Liability) Insurance**

Operator shall maintain environmental impairment or pollution liability insurance with a limit of not less than $5,000,000. Such coverage shall not exclude damage to the lease site. If coverage is written on a claims-made basis, the Operator shall maintain continuous coverage or purchase tail coverage for four years following the expiration or suspension of the Gas Well Permit, and the retroactive date(s) applicable to such coverage shall precede the date of issuance of the Gas Well Permit. Coverage shall apply to sudden and accidental pollution conditions resulting from the escape or release of smoke, vapors, fumes, acids, alkalis, chemicals, liquids or gases, waste material or other irritants, contaminants or pollutants. Where commercially available, Operator shall also maintain such coverage for gradual pollution incidents.

c. **Automobile Liability Insurance**

Operator shall maintain automobile liability insurance with a limit of not less than $1,000,000 each accident. Such insurance shall cover liability arising out of any auto (including owned, non-owned, and hired autos).

d. **Worker's Compensation Insurance**

Operator shall maintain workers compensation and employers liability insurance. The workers compensation limits shall be as required by statute and employers liability limits shall not be less than $1,000,000 each accident for bodily injury by accident and $1,000,000 each employee for bodily injury by disease.

e. **Excess (or Umbrella) Liability Insurance**

Operator shall maintain excess (or umbrella) liability insurance with a limit of not less than $24,000,000 per occurrence with a $24,000,000 aggregate. Such insurance shall be excess of the commercial general liability insurance, automobile liability insurance and employers liability insurance as specified above.

f. **Control of Well Insurance**

Operator shall maintain control of well insurance with a limit of not less than $5,000,000 per occurrence. The policy shall provide coverage for the cost of controlling a well that is out of control, re-drilling or restoration expenses, seepage and pollution damage. A $500,000 sub-limit endorsement may be added for damage to property for which the Operator has care, custody, and control.

6.8.4 Security

A. Generally

Prior to the issuance of a Gas Well Permit the Operator shall provide the Gas Well Administrator with a security instrument in the form of a bond or an irrevocable letter of credit in accordance with Subsection 6.8.4B below. Evidence of the execution of a letter of credit shall be submitted to the Gas Well Administrator by submitting an original signed letter of credit from the banking institution, with a copy of the same provided to the City Secretary.

1. **During Initial Drilling Activities**
   An Operator drilling between one and five wells in the City at any time shall provide a blanket bond or letter of credit that meets the requirements with Subsection 6.8.4B below in the principal minimum amount of $150,000. Such blanket bond or letter of credit shall be increased by $50,000 for the sixth and each additional well being drilled in the City.

2. **During Completion and Production Activities**
   An Operator with wells that are producing and for which all drilling operations have ceased shall provide a blanket bond or letter of credit that meets the requirements with Subsection 6.8.4B below in the principal minimum amounts as follows:
   a. Up to 75 wells: $100,000;
   b. Between 76 and 150 wells: $150,000; and
   c. More than 150 wells: $250,000.

B. Drawing of a Bond or Letter of Credit

1. The City shall be authorized to draw upon such bond or letter of credit to:
   a. Recover any fines or penalties assessed under this Section 6.8: *Gas Well Drilling and Production* or Section 6.7: *Gas Well Development;* or
   b. To pay the City for the cost of doing any work required to remedy any default by the Operator under any provision of this Section 6.8: *Gas Well Drilling and Production* or Section 6.7: *Gas Well Development*.
2. If the City determines that a default has occurred in the performance of any requirement or condition imposed by this Section 6.8: *Gas Well Drilling and Production* or Section 6.7: *Gas Well Development*, a written notice shall be given to the Operator. Such notice shall specify the work to be done, the estimated cost and the period of time deemed to be reasonably necessary for the completion of such work. After receipt of such notice, the Operator shall, within the time therein specified, either cause or require the work to be performed, or failing to do so, shall pay over to the City 125 percent of the estimated cost of doing the work as set forth in the notice. In no event, however, shall the Cure Period be less than 10 days unless the failure presents a risk of imminent destruction of property or injury to persons or unless the failure involves the Operator's failure to provide periodic reports as required by this Section 6.8: *Gas Well Drilling and Production* or Section 6.7: *Gas Well Development*.
3. The City shall be authorized to draw against the bond or letter of credit provided hereunder to recover such amount due from the Operator. Upon receipt of such moneys, the City shall proceed by such mode as deemed convenient and necessary to cause the required work to be performed and completed, but no liability shall be incurred other than for the expenditure of said sum in hand. In the event that the well has not been properly abandoned under the regulations of the commission, such additional money may be demanded from the Operator as is necessary to properly plug and abandon the well and

restore the drill site in conformity with the regulations of this Section 6.8: *Gas Well Drilling and Production* or Section 6.7: *Gas Well Development*. In the event the Operator does not cause the work to be performed and fails or refuses to pay over to the City the estimated cost of the work to be done as set forth in the notice, or the issuer of the security instrument refuses to honor any draft by the City against the applicable irrevocable letter of credit or bond the City may proceed to obtain compliance and abate the default by way of civil action against the Operator, or by criminal action against the Operator, or by both such methods.

C. Requirements for Bonds

A bond shall be executed by a reliable bonding or insurance institution authorized to do business in Texas, acceptable to the City. The bond shall become effective on or before the date the Gas Well Permit is issued and shall remain in force and effect for at least a period of six months after the expiration of the Gas Well Permit term or until the well is plugged and abandoned and the site is restored, whichever occurs first. The Operator shall be listed as principal and the instrument shall run to the City, as obligee, and shall be conditioned that the Operator will comply with the terms and regulations of this Section 6.8: *Gas Well Drilling and Production* or Section 6.7: *Gas Well Development*, and the City. The original bond shall be submitted to the Gas Well Administrator with a copy of the same provided to the City Secretary.

D. Requirements for Letters of Credit

A letter of credit shall be issued by a reliable bank authorized to do business in Texas and shall become effective on or before the date the Gas Well Permit is issued. The letter of credit shall remain in force and effect for at least a period of six months after the expiration of the Gas Well Permit term. If the letter of credit is for a time period less than the life of the well as required by this Section 6.8: *Gas Well Drilling and Production* or Section 6.7: *Gas Well Development*, the Operator must agree to either renew the letter of credit or replace the letter of credit with a bond in the amount required by this Section 6.8: *Gas Well Drilling and Production* or Section 6.7: *Gas Well Development*, on or before 60 days prior to the expiration date of the letter of credit. If the Operator fails to deliver to the City either the renewal letter of credit or replacement bond in the appropriate amount on or before 60 days prior to the expiration date of the letter of credit, the City may draw the entire face amount of the attached letter of credit to be held by the City of Denton as security for Operator's performance of its obligations under this Section 6.8: *Gas Well Drilling and Production* or Section 6.7: *Gas Well Development*.

E. Abandoned Wells

When the well or wells covered by said irrevocable letters of credit or bond have been properly abandoned in conformity with all regulations of this Section 6.8: *Gas Well Drilling and Production* or Section 6.7: *Gas Well Development*, and in conformity with all regulations of the commission and notice to that effect has been received by the City, or upon receipt of a satisfactory substitute, the irrevocable letter of credit or bond issued in compliance with these regulations shall be terminated and cancelled.

6.8.5 Inspection

A. In accordance with federal and state law, the Gas Well Administrator and Fire Marshal shall have the authority to enter and inspect any premises covered by the provisions of this Section 6.8: *Gas Well Drilling and Production;* and Section 6.7: *Gas Well Development*, and Gas Well Permit, to determine compliance with its provisions, and all applicable laws, rules, regulations, standards, or directives of any local, state or federal authority.

B. Pursuant to inspection authority granted by this Subchapter 6: *Gas Wells*, the Fire Code, the Texas Clean Air Act, and the Texas Water Code, the Gas Well Administrator and the Fire Marshal shall conduct periodic inspections of all Drilling and Production Sites, Gas Wells and well-related equipment permitted under this Section 6.8: *Gas Well Drilling and Production* and Section 6.7: *Gas Well Development*.

C. Inspections will also include an evaluation of the Operator's conformance with their Hazardous Materials Management Plan and other applicable requirements to their site. Any deviations from, or violations of, the Hazardous Materials Management Plan shall be referred to the Fire Marshal for further inspection and enforcement in accordance with the Fire Code.

D. Inspection fees will be assessed for all inspections in an amount set by separate ordinance. Failure to timely remit payment for inspection fees is a violation of this Section 6.8: *Gas Well Drilling and Production* and Section 6.7: *Gas Well Development*; however, nothing herein shall be deemed to limit the City's remedies in equity or law in the collection of any past due fees.

6.8.6 Periodic Reports

A. The Operator shall notify the Gas Well Administrator and the Fire Marshal of any changes to the following information within one business day after the change occurs.

1. The name, address, and phone number of the Operator;
2. The name, address, and twenty-four-hour, in-person response, phone number of the person(s) with supervisory authority on behalf of the Operator over the Drilling and Production Site;
3. The name, address, and phone number of the person designated to receive notices from the City, which person shall be a resident of Texas that can be served in person or by registered or certified mail; and
4. The Operator's Emergency Action Plan if required to file one pursuant to federal or state law.

B. The Operator shall, upon request of the Gas Well Administrator, promptly make available a copy of any "incident reports" or written complaints submitted to the RRC or any other state or federal agency.

C. Beginning a year after a well is spud, and thereafter until the Operator notifies the Gas Well Administrator that the well has been plugged and abandoned and the Drilling and Production Site restored, the Operator shall prepare a written report to the Gas Well Administrator identifying any changes to the information that was included in the application for the applicable Gas Well Permit that have not been previously reported to the City provided that changes have been made.

D. The Operator must provide a copy to the Gas Well Administrator of all reports otherwise filed with the TCEQ in connection with an installed vapor recovery unit as described in this Section 6.8: *Gas Well Drilling and Production* or Section 6.7: *Gas Well Development*. The Operator shall also provide the City with copies of any responses provided by TCEQ. Such reports and responses shall be kept on the Drilling and Production Site and shall be available for inspection when requested by the Gas Well Administrator.

E. The Operator shall provide the City with copies filed with the RRC of the respective reports for setting surface casing, blowout preventer (BOP) pressure testing, bridge plug testing, pressure relief valve testing, and level control testing. The Operator shall also provide the City with copies of any responses provided by the RRC. Copies of such reports and responses shall be kept on the

Drilling and Production Site and shall be available for inspection when requested by the Gas Well Administrator.

F. In addition to the records listed in this chapter, the Operator shall provide the City with a copy of all records filed with the RRC and TCEQ by the Operator or by third parties. Copies of such records shall be kept on the Drilling and Production Site and shall be available for inspection when requested by the Gas Well Administrator.

6.8.7 Notice of Activities

A. Notice Applicable to Setback Waivers and Variances

1. An Operator who seeks to reduce Drilling and Production Site Setbacks for a proposed Drilling and Production Site below those prescribed in Subsection 6.7.1D, pursuant to the procedures in Subsection 6.7.6, shall give the notice prescribed by this subsection to each owner of surface property within the Drilling and Production Site Setback and to all registered neighborhood associations within one-half mile of the proposed Drilling and Production site at least 20 days prior to filing an application for approval of a Gas Well Development Site Plan for the proposed Drilling and Production Site. The notice shall describe which procedure(s) under Subsection 6.7.6 will be utilized by the Operator to obtain a reduction in the setback and the date of any hearing scheduled before the Board of Adjustment on a variance request. Such notice shall be in addition to any notices required for Board of Adjustment proceedings.
2. The notice shall identify the Operator and give the address and phone number of the Operator's representative, an internet link for information on the proposed request for reduction of setbacks, and contact telephone numbers for the City staff. The notice shall be accompanied by an aerial photograph containing the information in paragraph 6.7.6A.1.a.
3. Notices required by this subsection shall be by depositing the same, properly addressed and postage paid, in the United States mail.

B. Notice Applicable to Applications for Gas Well Development Site Plans

1. At least 20 days prior to the date of filing of an application for approval of an original or amended Gas Well Development Site Plan with the Gas Well Administrator, the Operator shall notify, at the expense of the Operator, each surface owner of property within 1,000 feet of the proposed Drilling and Production Site. Such notice, as outlined below, shall be by depositing the same, properly addressed and postage paid, in the United States mail.
2. The notice shall expressly state whether waivers or variances from the Drilling and Production Site Setback have been granted pursuant to Subsection 6.7.6. The notice shall identify the Operator and give the address and phone number of the Operator's representative, an internet link for information on the proposed request for reduction of setbacks, and contact telephone numbers for the City staff. The notice shall be accompanied by an aerial photograph containing the information in paragraph 6.7.6A.1.a.
3. At least 20 days prior to the date of filing of an application for an original or amended Gas Well Development Site Plan with the Gas Well Administrator, the Operator shall publish a notice containing the information in paragraph (B)(2) above, at the expense of the Operator, in one issue of the local section of a newspaper of general circulation in the City for 10 consecutive days. An affidavit by the printer or publisher of the newspaper indicating publication of the notice shall be filed with the application and will be prima facie evidence of such publication. All notices shall follow a format required by the City.

4. No later than five days after filing of an application for an original or amended Gas Well Development Site Plan with the Gas Well Administrator, the Operator, at Operator's expense, shall erect at least one sign, as approved by the Gas Well Administrator, no less than three feet by three feet, upon the premises upon which a Gas Well Development Site Plan has been proposed. The sign or signs shall be located in a conspicuous place or places upon the property at a point or points nearest right-of-way, street, roadway or public thoroughfare adjacent to such property. The Gas Well Administrator may require additional signage if the premises fronts on more than one right-of-way, street, roadway or public thoroughfare. The sign(s) shall state that a Gas Well Development Site Plan has been requested, which if approved, would authorize the drilling of multiple gas wells for the site. The sign shall further set forth that additional information can be acquired by telephoning the Operator at the number indicated on the sign. The sign shall remain posted at the Drilling and Production Site for the duration of the Gas Well Development Site Plan.

C. Notice Applicable to Activities

1. Any Operator who intends to perform the following activities: (1) Drilling Activities; (2) Workover Operations; (3) perform Completion or Re-Completion Operations; (4) plug and abandon a well; (5) perform any other maintenance activities that involve removal of the well head at a Drilling and Production Site; or (6) conduct seismic exploration not involving explosive charges; shall give written notice to the City no sooner than 30 days and no later than 10 days before the activities begin, except in instances where immediate Operator response is necessary, provided that the Operator has first obtained all necessary authorizations required by this Subchapter 6: *Gas Wells*, and the Fire Code. Road Damage Remediation Fees shall be paid to the City and submitted with the Notice of Activities.
2. Except in instances where immediate Operator response is necessary, all dwellings within 1,000 feet from the boundary of a Drilling and Production Site shall be notified no sooner than 30 days and no later than 10 days prior to the activities listed in Subsection C(1) above, excluding Workover Operations. Such notice shall be by depositing the same, properly addressed and postage paid, in the United States mail.
    a. The notice shall identify where the activities will be conducted and shall describe the activities in reasonable detail, including but not limited to the duration of the activities and the time of day they will be conducted.
    b. The notice shall also provide the address and the 24 hour, in-person response, phone number of the Operator responsible for the well concerning the activities.
3. The Operator responsible for the activities shall post a sign at the entrance of the Drilling and Production Site giving the public notice of the activities, including the date and time the activities will begin, and the name, address, and 24-hour, in-person response, phone number of the Operator conducting the activities.
4. If upon receipt of the notice the City determines that an inspection by the Gas Well Administrator is necessary, the Operator will pay the City's fee for the inspection as set forth in amount as established by separate ordinance.
5. The Operator shall notify the Gas Well Administrator within 24 hours of setting surface casing.

6.8.8 Remedies, Enforcements and Right of Entry

A. The Fire Marshal and the Gas Well Administrator are authorized and directed to enforce this Section 6.8: *Gas Well Drilling and Production;* Section 6.7: *Gas Well Development*; and the

provisions of any Gas Well Permit. Whenever necessary to enforce any provision of this Section 6.8: *Gas Well Drilling and Production;* Section 6.7: *Gas Well Development*; or a Gas Well Permit, or whenever there is reasonable cause to believe there has been a violation of this Section 6.8: *Gas Well Drilling and Production;* Section 6.7: *Gas Well Development*; or a Gas Well Permit, the Fire Marshal or Gas Well Administrator, may, consistent with federal and state law, enter upon any property covered by this Section 6.8: *Gas Well Drilling and Production;* Section 6.7: *Gas Well Development*; or a Gas Well Permit at any reasonable time to inspect or perform any duty imposed by this Subchapter 6: *Gas Wells*. If entry is refused, the City shall have recourse to every remedy provided by law and equity to gain entry.

B. It shall be unlawful and an offense for any person to do the following:

1. Engage in any activity not permitted by the terms of a Gas Well Permit issued under this Section 6.8: *Gas Well Drilling and Production* or Section 6.7: *Gas Well Development*;
2. Fail to comply with any conditions set forth in a Gas Well Permit issued under this Section 6.8: *Gas Well Drilling and Production* or Section 6.7: *Gas Well Development*; or
3. Violate any provision or requirement set forth under this Section 6.8: *Gas Well Drilling and Production* or Section 6.7: *Gas Well Development*.

C. The enforcement and penalty provision under Section 1.5, *Amenities*

Certain private amenities, which shall include, but not be limited to, an amenity center with private use restrictions and a pool, bathrooms, cabana structure, and playground, will be constructed in phases as development of this MPC occurs and will be owned, operated and maintained by an owner association or another non-profit entity. The developer will start construction of these private amenities prior to the City issuing a building permit for the 1,000th single family detached residence in the MPC, and will complete construction of these private amenities within two years after the issuance of a building permit for the private amenities. Public improvements will meet or exceed city requirements at the time.

D. Enforcement, shall apply to a violation of this Section 6.8: *Gas Well Drilling and Production* or Section 6.7: *Gas Well Development*.

E. The Gas Well Administrator is authorized to issue citations into municipal court for violations of this Section 6.8: *Gas Well Drilling and Production;* Section 6.7: *Gas Well Development*; or Gas Well Permit.

F. The City may also notify the EPA, TCEQ, RRC or other applicable federal or state agency in connection with violations of this Section 6.8: *Gas Well Drilling and Production* or Section 6.7: *Gas Well Development*.

G. Permit Suspension or Revocation

1. If an Operator (or its officers, employees, agents, contractors, subcontractors or representatives) fails to comply with any requirement of any Gas Well Permit issued by the City in connection with any Gas Well Drilling and Production activity, the Fire Marshal or Gas Well Administrator may give written notice to the Operator specifying the nature of the alleged failure and giving the Operator a reasonable time to cure, taking into consideration the nature and extent of the alleged failure, the extent of the efforts required to remedy the failure, and the potential impact on the health, safety, and welfare of the community. The Operator shall notify the Gas Well Administrator within 48 hours indicating how the violation(s) shall be remedied. Unless otherwise provided by this Section 6.8: *Gas Well Drilling and Production* or Section 6.7: *Gas Well Development*, in no event, however, shall the Cure Period be less than 10 days unless the alleged failure presents a risk of imminent

destruction of property or injury to person. The Fire Marshal may issue a Stop Work Order under the Fire Code.

2. If the Operator does not cure the alleged failure within the time specified by the Fire Marshal and/or Gas Well Administrator, the Fire Marshal and/or Gas Well Administrator may notify the appropriate state or federal agency with jurisdiction over the alleged violation and request that the state or federal agency take appropriate action (with a copy of such notice provided to the Operator), and the City may pursue any other remedy available.
3. If the Operator does not cure the alleged failure within the time specified by the Fire Marshal and/or Gas Well Administrator, the Gas Well Administrator may recommend to the Board of Adjustment:
    a. That the Gas Well Permit at issue shall be suspended until the alleged failure is cured; or,
    b. If the Gas Well Permit at issue was under suspension at any time during the prior two-year period, that the Permit at issue shall be revoked.
4. The decision of the Fire Marshal and/or Gas Well Administrator to recommend suspension or revocation of a Gas Well Permit shall be provided to the Operator in writing at least 10 days before the hearing to be held by the Board of Adjustment.
5. If a Gas Well Permit is revoked, the Operator may submit information to the Gas Well Administrator evidencing that the alleged failure resulting in the revocation of the Gas Well Permit has been corrected, and an application for a new Gas Well Permit may be submitted for the same well.

6.8.9 Watershed Permits for Gas Well Developments

A. Applicability

1. A Watershed Protection Permit shall be approved prior to approval of any Gas Well Development Site Plan, Gas Well Development Plat, or Gas Well Permit that includes land in any flood fringe area or ESA within the corporate limits of the City, and for any proposed site that is within 1,200 feet of the flood pool elevation of Lake Ray Roberts or Lake Lewisville. Approval of a Watershed Protection Permit authorizes the processing of a complete application for a Gas Well Development Site Plan or Gas Well Development Plat, as the case may be, that includes land in a flood fringe area or ESA, or for a site that is within 1,200 feet of the flood pool elevation of Lake Ray Roberts or Lake Lewisville. No gas well development is allowed in the floodway, including the area of an ESA located in a floodway.
2. A Watershed Protection Permit for gas well development can be approved only if the City Council authorizes a Specific Use Permit. In making a recommendation for the SUP, the Director shall apply those standards set forth in Subsection 6.8.9D below.
3. A Watershed Protection Permit application may be submitted simultaneously with an application for a Specific Use Permit.

B. Application Requirements and Processing

A Watershed Protection Permit shall be processed in accordance with the following:

1. An application for a Watershed Protection Permit shall contain the following information and such information as may be required by the Development Review Committee and the Environmental Services Department, which is reasonably necessary to review and

determine whether the proposed development and required facilities meet the requirements of this Section 6.8: *Gas Well Drilling and Production;* Section 6.7: *Gas Well Development*; and as required by the Application Criteria Manual. In addition the information shall include the following:

a. A Tree Inventory Plan shall show the location of ESAs on any proposed Drilling and Production Site.

b. Show location of ESAs on proposed Drilling and Production Sites.

2. All applications for Watershed Protection Permits shall be filed with the Development Services Department, who shall immediately forward all applications to the Director for review. Incomplete applications shall be returned to the applicant, in which case the City shall provide a written explanation of the deficiencies. The City shall retain a processing fee determined by the City Council. The City may return any application as incomplete if there is a dispute pending before the Railroad Commission regarding the determination of the Operator. No application shall be deemed accepted for filing until the application is complete.

C. Procedures

1. Criteria for Approval for Watershed Protection Permit for Gas Well Development in the City limits. In reviewing the application for a Watershed Protection Permit, the Director shall apply those standards set forth in Subsection 6.8.9D below. The Director may attach such conditions to approval of a Watershed Protection Permit as are necessary to assure that the requirements of Subsection 6.8.9D below and any other applicable requirements contained in this Section 6.8: *Gas Well Drilling and Production* and Section 6.7: *Gas Well Development*, are met.

2. Each Watershed Protection Permit shall:

a. Identify each well subject to the Permit;

b. Specify the date on which the Permit was issued;

c. Incorporate by reference all applicable standards of approval; and

d. Incorporate by reference all applicable conditions of approval.

D. Watershed Protection Permit Standards

The standards in this Subchapter 6: *Gas Wells*, are adopted pursuant to the authority granted by TLGC, Section 551.002 and Chapter 211 and are intended to minimize adverse impacts on areas within the Flood Fringe or ESA, reduce flood damage, and lessen the potential for contaminating surface water or any water supply.

1. Location of Sites

Drilling and Production Sites shall be located outside floodplains and other ESAs whenever practicable to minimize adverse impacts on these areas, reduce flood damage, and lessen the potential for contaminating surface water or any water supply.

2. Riparian Buffers

For all ESAs constituting or containing riparian buffers prior to the approval of a Gas Well Development Site Plan:

a. If a riparian buffer is designated as "fair" to "excellent" ESA, the designated protective stream buffer width as specified in Section 7.4, *Environmentally Sensitive Areas* of this DDC shall apply, and no encroachments shall be allowed.

b. Within all areas except unstudied floodplains, if the stream is designated as a "poor" ESA, the designated width of the protective stream buffer 'shall be decreased by either 50 percent or to the limits of the floodway whichever is greater, but in no instance shall the protective stream buffer width be decreased below 25 feet measured each direction from the centerline of the existing channel.

3. Tree Mitigation

In the event of a conflict between this Subchapter 6: *Gas Wells*, and 7.7.4, Tree Preservation, this Subchapter 6: *Gas Wells*, shall control. Tree mitigation for gas wells located in an ESA shall be required and shall be calculated on a one to one replacement value for 100 percent of the diameter breast height ("dbh") of trees removed from the Drilling and Production Site. Tree mitigation shall be accomplished by planting replacement trees, within a floodplain, on-site or off-site with similar tree species or by payment into a Tree Mitigation Fund. Tree Mitigation Funds that are specific to ESAs will be kept separate from other Tree Mitigation Funds and will only be used to either acquire wooded floodplain or riparian property that remains in a naturalistic state in perpetuity, or to purchase conservation easements within riparian or floodplain areas. Funds may be used to purchase, plant, and maintain trees on public property, as long as the public property is within a riparian area or floodplain.

4. Tree Removal

Any request to remove tree(s) shall be accompanied by a letter from a certified geologist or engineer that indicates why the well site cannot be located to avoid the trees. If Operator has chosen to pay into the Tree Mitigation Fund, such funds shall be paid prior to approval of a Final Gas Well Development Site Plan or Gas Well Development Plat for the ESA.

5. Limitation on Well Heads

Only one well head may be placed in the Flood Fringe or other ESA under the following conditions:

a. Storage tanks or separation facilities shall be constructed at least 18 inches above the established Base Flood elevation plus the surcharge depth for encroachment to the limits of the floodway having a one percent chance of being equaled or exceeded in any year.

b. A hydrologic and hydraulic engineering study shall be performed by a Registered Professional Engineer. The study shall be submitted to the Engineering Department in a technical report for review by the City Engineer or his designated representative. The report shall demonstrate that the proposed facilities will have no adverse impacts on the carrying capacity of the adjacent waterway nor cause any increases to the elevations established for the floodplain. When the Special Flood Hazard Areas (SFHA) on the subject site is designated as "Zone A" on the FIRM Panel, or the SFHA is not identified on the FIRM Panel, the following approximate method may be used to evaluate the impacts from gas well development. A flow rate shall be calculated using procedures set forth in the City of Denton Drainage Criteria Manual. Using Manning's Equation with an estimate of the average slope of the stream, measurements of a single irregular cross-section geometry at the well site, and the one hundred-year discharge rate, the average velocity and normal depth may be calculated. Calculations shall be provided for the unaltered existing channel cross-section and for the proposed modified channel cross-section and submitted to the City for review and approval prior to construction within these areas.

c. No more than 10 percent of the flood fringe, within the limits of the Gas Well Development Site Plan or Gas Well Development Plat, may be filled.

6. **Additional Standards inside City Limits**

For land inside the City limits, all conditions imposed by any applicable SUP or MPC Sub-district for the land subject to the Watershed Protection Permit, as well as the standards in Subsection 6.8.9D and any other applicable requirements contained in this Section 6.8: *Gas Well Drilling and Production* and Section 6.7: *Gas Well Development*, shall apply.

E. Post-Approval Procedures

1. If evidence from water quality monitoring efforts indicates that contamination is occurring from gas wells, the Operator shall remove, cause to be removed, or otherwise remediate contamination, as required by the Gas Well Administrator including but not limited to Waste Minimization Practices established by the RRC. Cleanup operations shall begin immediately. A re-inspection fee shall be charged as established by the City Council and published in the Application Criteria Manual.
2. An associated Watershed Protection Permit shall expire with the expiration of the Gas Well Development Site Plan or Gas Well Development Plat and may not be extended prior to expiration.

Subchapter 7: Development Standards

7.1 Purpose

This subchapter includes standards that regulate the physical layout and design of development within Denton to ensure the protection of the health, welfare, safety, and quality of life. These standards address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the Comprehensive Plan vision for a visually cohesive, efficient, and livable community.

7.2 Applicability

7.2.1 Generally

Except as otherwise provided in this Subchapter 7: *Development Standards,* the standards of this subchapter and any applicable Criteria Manuals shall apply to all development located within the city, pursuant to the TLGC and Subsection 8.2.1: *Regulatory Jurisdiction*.

7.2.2 Development Activities

The following development activities shall trigger compliance with the standards in this subchapter as provided in Table 7.2-A: *Development Standards Applicability Table*.

A. Minor: Tier 1

1. Expansions, alterations, or modifications that increase the gross floor area of an existing structure by the greater of 1,000 square feet or between 10 and 50 percent;
2. Expansions, alterations, or modifications that increase the total number of existing dwelling units on a lot by the lesser of 10 dwelling units or between 10 and 25 percent;
3. The alteration or expansion of any vehicular parking area by the greater of six spaces or 50 percent, excluding re-striping; or
4. Any change in use that involves or requires improvements that meet the thresholds established in paragraphs (1) through (3) above.

B. Major: Tier 2

1. Expansions, alterations, or modifications that increase the gross floor area of an existing structure by more than 50 percent;
2. Expansions, alterations, or modifications that increase the total number of existing dwelling units on a lot by more than 25 percent;
3. An existing principal structure is relocated on the lot; or
4. Any change in use that involves or requires improvements that meet the thresholds established in paragraphs (1) through (3) above.

C. Development Standards Applicability Table

1. Table 7.2-A identifies activities that trigger compliance with specific development standards contained in Subchapter 7: *Development Standards*. These standards shall not exempt development activity that falls below the thresholds identified in Subsections 7.2.2A or 7.2.2B from complying with applicable standards of this DDC or any applicable federal, state, or local regulations.

2. For purposes of this section, "entire site" shall mean the total area of the lot on which development is occurring. "Development impact area" shall mean those areas of the lot or those portions of the structure that are included in the project area or that are affected by the proposed development activity, as defined in Section 9.2: *Definitions*.
3. Specific applicability thresholds and applicable exemptions are provided in Sections 7.2 through 7.13.

Table 7.2-A: Development Standards Applicability Table

✓ = Entire Site ◊ = Development Impact Area Only
Please see Sections 7.2 through 7.13 for specific applicability thresholds and exemptions.

DDC Standard	DDC Reference	New Construction	Minor: Tier 1	Major: Tier 2
Dimensional Standards	Subchapter 3: Zoning Sub-Districts	✓	◊	✓
Land-Disturbing Activities	7.2	All development, see Section 7.2		
Environmentally Sensitive Areas	7.4	All development, see Section 7.4		
Drainage	7.4	All development, see Section 7.4		
Water and Wastewater	7.6	All development, see Section 7.6		
Landscaping, Screening, Buffering, and Fences	7.7	✓	◊	✓
Access and Circulation	7.8	All development, see Section 7.8		
Parking and Loading	7.9	✓	◊	✓[1]
Site and Building Design	7.10	✓	◊	✓
Exterior Lighting	7.11	✓	◊	✓
Solid Waste and Recycling	7.12	✓	✓	✓
Electric Standards	7.13	All development, see Section 7.13		

Notes:
[1] Also applies when the addition or expansion of one or more structures or uses requires specific use permit approval.

7.3 Land-Disturbing Activities

7.3.1 Purpose

The section establishes standards that regulate earthwork construction (including clearing, grading, grubbing, stockpiling, excavation, demolitions, and embankments) on property located within the city, in order to:

A. Preserve and enhance the City of Denton's natural character by preventing untimely and indiscriminate removal or destruction of trees, understory, and ground cover;

B. Protect and preserve the ecological functions of environmentally sensitive areas (ESAs) by regulating land disturbances and removal of vegetation within the ESAs;

C. Protect the city from sediment entering streets, storm sewers, ditches and streams, which may result in additional taxes for city maintenance costs, increased flooding, impaired water quality, and damage to property;

D. Promote soil conservation by minimizing land disturbances, thereby reducing sedimentation, air, and surface water pollution; and

E. Comply with state and federal stormwater regulations.

7.3.2 Applicability

Except as otherwise provided in this Section 7.3: *Land-Disturbing Activities*, the standards of this section shall apply as set forth in Section 7.2: *Applicability*, with the following modifications:

A. Generally

1. No person shall engage in any clearing, grading, grubbing, stockpiling, excavating, cutting, or other site earthwork without first obtaining the proper permit and/or authorization pursuant to Subchapter 2: *Administration and Procedures*, and any other applicable criteria manuals, ordinances, plans, policies, and city standards.
2. Activities shall be limited to the area and scope identified on the plans submitted with the development permit, and shall comply with all state and federal stormwater regulations.

B. Exemptions

Unless otherwise provided in this DDC, the following shall be exempt from the provisions of this Section 7.3: *Land-Disturbing Activities*:

1. Grading and clearing in emergency situations involving immediate danger to life and property or substantial fire hazards;
2. Any activity where the total volume of material disturbed, stored, disposed of or used as fill does not exceed 25 cubic yards and the area disturbed does not exceed 2,000 square feet, provided it does not obstruct a watercourse and is not located in a floodplain or other environmentally sensitive area;
3. Soil-disturbing activities, excluding tree removal, that are associated with normal agricultural crop operations; or
4. Stockpiling and handling of earth material associated with commercial quarry and landfill operations licensed under the state.

7.3.3 Legal Responsibility for Land Disturbance

The exemptions provided in Subsection 7.3.2B do not preclude any person from liability if that person's actions increase flood hazards to any other person or property. Neither the issuance of a building permit nor compliance with the provisions of this Section 7.2, or with any conditions imposed in the building permit, shall relieve any person from responsibility for damage to other persons or property, nor impose any liability upon the city for damage to other persons or property.

7.3.4 Applications

Permit applications and requirements, processing of applications, and conditions of issuance are as follows:

A. An application along with the required fee shall be submitted in accordance with Subchapter 2: *Administration and Procedures*, and the Administrative Criteria Manual.

B. Any permit granted under this section shall expire one year from the date of issuance. Upon a showing of ongoing construction activity, the permit may be extended by the Building Official for one six month period and for an additional fee in accordance with the city's adopted fee schedule.

C. Reviewed plans shall not be amended without authorization of the Building Official based on a determination that the modified plan meets all city requirements. The Building Official may stop work or revoke a permit because of incorrect information supplied, or for any violation of the provisions of this subchapter.

7.3.5 General Standards

Land-disturbing activities shall comply with the Texas Commission on Environmental Quality (TCEQ) regulations found in TXR150000 and this section. The design criteria for erosion and sediment control shall comply with the design standards contained in the Site Design Criteria Manual. Permittees shall also comply with the following general regulations and standards:

A. General Regulations

1. The activity will not create or contribute to landslides, accelerated soil creep, and settlement.
2. The activity will not create or contribute to flooding, erosion, or increased turbidity, siltation, or other forms of pollution in a watercourse.
3. Operations shall be consistent with anticipated build-out schedule and shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time.

B. Construction Stormwater Notice of Intent (NOI) Required

The site operator or owner shall provide a copy of the signed Notice of Intent (NOI) from the TCEQ for all sites that are larger than five acres or are less than five acres and part of a larger common plan of development that is larger than five acres. A copy of Notice of Termination (NOT) shall be provided to the city after final stabilization is completed and temporary erosion and sediment controls are removed.

C. Construction Site Notice (CSN) Required

1. A small construction site operator or owner shall provide a copy of the Small CSN Construction Site Notice for all sites larger than one acre and less five acres, or part of a common plan of development greater than one acre and less than five acres.
2. Secondary operators of large construction sites shall provide a copy of the signed Secondary Operator CSN for all sites larger than five acres or part of a larger common plan of development greater than five acres.
3. The CSN notice shall be posted at the construction site in a location where it is safely and readily available for viewing by the general public and city staff. The CSN must be posted at least two days prior to commencing construction activity and maintained in that location until completion of the construction activity.

D. Stormwater Pollution Prevention Plan (SWPPP) Required

1. The site owner or operator is responsible for routinely inspecting erosion and sediment controls at the site as specified in the SWPPP. The city shall also inspect erosion and sediment controls located at a site for compliance. If a responsible party fails to implement, inspect, and maintain controls as specified in the site's approved SWPPP, the city shall provide such party with written notice of non-compliance. The responsible party shall have no less than 48 hours to correct the violation, which may be extended for inclement weather or other factors outside of the control of the responsible party at the discretion of the City Inspector.

2. When construction or land-disturbing activities are conducted as a part of a nonresidential or multifamily construction project, temporary erosion and sediment controls shall be installed prior to land-disturbing activities as specified in the approved SWPPP. Permanent erosion and sediment controls that are specified in the SWPPP shall be installed and maintained prior to the occupancy of any nonresidential or multifamily structure. Phased occupancy will only be allowed when there are no outstanding erosion or sediment control violations for the project for which the request is made.
3. When construction or land-disturbing activities are conducted as part of a residential subdivision project, temporary erosion and sediment controls shall be installed prior to land-disturbing activities as specified in the approved SWPPP. Permanent erosion and sediment controls that are specified in the SWPPP shall be installed and maintained prior to final acceptance of a subdivision.
    a. The permittee for such subdivision shall continue to maintain all temporary erosion and sediment control devices until permanent erosion and sediment control has been established on all lots within the subdivision for which the permittee retains day-to-day operational control and a Notice of Termination (NOT) is issued;
    b. If a permittee sells one or more lots in a subdivision to a purchaser, the permittee may extend permit coverage to the purchaser under the developer's NOI. If this occurs, the permittee remains the responsible party for the entire subdivision including the purchased lot(s) and remains liable for violation of this section. A copy of the developer's NOI and a letter from the developer stating that coverage under the NOI has been extended to the purchaser shall be provided to the city as a condition of building permit issuance for the lot(s);
    c. If a permittee sells one or more lots in a subdivision to a purchaser, the permittee may choose to not extend permit coverage to the purchaser under the permittee's NOI. If this occurs, the permittee remains the responsible party for only those lots for which the permittee retains day-to-day operational control. The purchaser then becomes the responsible party for the lot(s) and is liable for violation of this section;
    d. If a purchaser sells one or more lots prior to final occupancy, the current owner of the lot(s) becomes the responsible party. A copy of owner's NOI and SWPPP shall be provided to the city as a condition of building permit issuance for the lot(s).

E. Establishing Ground Cover

Stabilization of disturbed areas, excluding areas within an approved landscape plan must, at a minimum, be initiated immediately whenever any clearing, grading, excavating, or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. In the context of this requirement, "immediately" means as soon as practicable, but no later than the end of the next work day, following the day when the earth-disturbing activities have temporarily or permanently ceased.

1. Temporary Stabilization

a. Temporary stabilization measures shall be established in all areas of the site where soil disturbances have occurred and where construction activities have temporarily ceased for more than 14 calendar days.

b. Temporary stabilization shall be completed no more than 14 calendar days after initiation of soil stabilization measures.

c. Temporary stabilization may include seeding, geotextiles, mulches, and similar measures that are designed to reduce or eliminate erosion until permanent stabilization can be achieved or until further construction activity takes place and are approved as part of the permit.

2. **Permanent Stabilization**

a. Final stabilization measures shall be initiated within 48 hours of construction activities being completed on a portion of the site.

b. Final stabilization measures shall be a uniform perennial vegetative cover with a density of at least 70 percent of the native background vegetative cover for all unpaved areas not covered by structures.

c. Final stabilization shall be completed prior to termination of permit coverage.

F. Cleanup Operations

1. The property owner shall be responsible for all cleanup operations incidental to the disturbance of the surface of the property within six months of the operation completion date, including removal of temporary erosion and sediment controls if final stabilization has been obtained, and removal of all trash or other materials not suitable for fill;
2. No soil, rock, mud, and/or other construction debris shall be allowed to be deposited on or in the streets, alleys, utility facilities, rights of way, easements, or drainage facilities owned or required by the City of Denton.
3. Upon establishing permanent ground cover or other approved permanent erosion and sediment control, all temporary erosion and sediment control devices shall be removed by the responsible party, as identified on the SWPPP. Failure to comply with this provision is considered a violation of this section.

7.3.6 Compliance Required

A. The city may deny the approval of any clearing and grading permit, building permit, site development plan, and any other city approval necessary to commence or continue construction or to assume occupancy, on the grounds that site erosion or sediment controls are determined not to reduce the discharge or sediment, silt, earth, soil, or other materials associated with land disturbances to the maximum extent practicable.

B. Any person who violates any provision of this section shall be deemed guilty of a violation of this DDC punishable in accordance with Section 1.6, *Enforcement,* and the following standards:

1. The cure period will be established by the Director, and will generally not be less than 24 hours unless the alleged failure represents a risk of destruction of property or injury to persons.
2. The cure period may be extended for inclement weather or other factors at the discretion of the Director.
3. If the permittee does not cure the alleged failure within the time frame specified by the Director, the city may:

a. Notify the TCEQ and request that the TCEQ take appropriate action; and

b. Issue a Stop Work Order and may enforce the penalty provision of Section 1.5: *Amenities*

Certain private amenities, which shall include, but not be limited to, an amenity center with private use restrictions and a pool, bathrooms, cabana structure, and playground, will be constructed in phases as development of this MPC occurs and will be owned, operated and maintained by an owner association or another non-profit entity. The developer will start construction of these private amenities prior to the City issuing a building permit for the 1,000th single family detached residence in the MPC, and will complete construction of these private amenities within two years after the issuance of a building permit for the private amenities. Public improvements will meet or exceed city requirements at the time.

c. Enforcement, against the permittee or site operator, or both.

4. Should the permittee fail in any respect to fulfill the requirements of this section, the city may go onto the property in question and perform such work as may be necessary to fulfill such requirements, including, but not limited to, leveling grounds, establishing temporary stabilization, constructing erosion controls, and removing all soil, rock, debris, and other materials not suitable for fill at the permittee's expense. The city shall bill the permittee for the expenses incurred. If the permittee fails to pay the city for such expenses within 30 days of being billed for same, the city shall have the right to place a lien on the property for all amounts expended by the city, plus interest at the current lawful rate.

C. The remedies provided by this section are in addition to any other remedies described in this DDC. Exercise of any remedy shall not be a bar against, nor a prerequisite for, taking other action against the violator, including civil enforcement remedies.

7.4 Environmentally Sensitive Areas (ESAs)

7.4.1 Purpose

This Section 7.4 is intended to achieve the following goals:

A. Manage and protect environmentally sensitive areas within this MPC.

B. Protect the natural and ecological resources that are essential elements of the city's health and community character and which provide irreplaceable plant and wildlife habitat;

C. Establish a development framework for the MPC that respects private property rights, while encouraging them to be used responsibly for the benefit of the entire community;

D. Preserve and enhance the MPC's distinctive community character and quality of life by ensuring that its natural and built environments are consistent with the community vision and values embodied in the Comprehensive Plan; and

E. Establish regulations that conform to the requirements of the state and federal government regarding air quality, water quality, and environmental protection.

7.4.2 Applicability

A. General Applicability

1. The standards of this Section 7.4: *Environmentally Sensitive Areas (ESAs)*, shall apply to all land and all development within the MPC, except as otherwise specifically provided for in this section.

2. The type of regulation applicable to the land depends upon the specific ESA classification determined for the property in question on the Environmentally Sensitive Areas Map. If

other regulations in this DDC conflict with the specific ESA regulations of this section, the more stringent of the two regulations shall apply.

B. Exemptions

1. Property that does not contain any ESAs as depicted on the City's Environmentally Sensitive Areas Map (ESA Map).
2. Grading, filling, cutting, or other earth-moving activity on any lot involving less than 25 cubic yards for residential projects, or 50 cubic yards for nonresidential projects.
3. Lots platted for single-family or duplex dwelling uses prior to February 20, 2002.
4. The applicant can demonstrate through an ESA field assessment application that the subject property contains no ESAs, or their location is not as depicted on the ESA Map.

7.4.3 Environmentally Sensitive Areas Criteria Manual

In addition to meeting the requirements expressly established in this section, all ESAs shall comply with the Environmentally Sensitive Areas Criteria Manual.

7.4.4 ESAs Procedures

A. ESAs Compliance Review

1. Applicability

ESA compliance review for residential and nonresidential development shall be performed as part of a final plat application pursuant to Subsection 2.11.4: *Final Plat,* a site plan application pursuant to Subsection 2.5.1: *Site Plan Review*, a clearing and grading permit, or any other applicable permission to commence land-clearing activity.

2. Information Required

Information as required on the applicable checklists shall be provided. Additional information deemed appropriate and necessary to process the application may also be required.

3. Criteria for Approval

The requirements of an ESAs review shall be deemed met either upon approval of an alternate ESA plan or when the applicant demonstrates the following:

a. The land disturbing activity complies with the requirements of this DDC for floodplains, riparian buffers, water related habitat, and upland habitat, as well as all other federal, state, or local laws applicable to the application type;

b. The land disturbing activity will not cause damage to ESAs adjacent to the areas to be disturbed;

c. The land disturbing activity complies with the requirements of Section 7.3: *Land-Disturbing Activities;*

d. Protective fencing as specified in the Environmentally Sensitive Areas Criteria Manual has been established at the perimeter of the ESA. Protective fencing shall clearly mark and delineate all ESAs to be protected and preserved for the duration of the land disturbing activities on the property; and

e. A wetland delineation by a trained scientist has been performed if encroachments into U.S. Army Corp of Engineers' jurisdictional wetlands are proposed, and a Section 404 Nationwide Permit or a Letter of Permission from the U.S. Army Corps of Engineers has been obtained.

4. **Expiration**
   The ESA review shall expire when the final plat for residential development approval expires, or when the site plan approval for a nonresidential development expires.

5. **Credit**
   Any ESA that is preserved may be used towards meeting:

   a. Drainage standards in accordance with Section 7.5: *Drainage*.

B. ESAs Field Assessments

ESA field assessments provide a mechanism for the city to confirm the presence of ESAs and shall be conducted pursuant to Subsection 2.10.14: *Environmental Sensitive Areas (ESAs) Field Assessments*.

C. Alternative ESA Plans

The Alternative ESA Plan provides the option to address the regulations through a flexible discretionary process using the procedure established in Subsection 2.16.4: *Alternative Environmentally Sensitive Area (ESA) Plan*.

7.4.5 Official Map

A. Environmentally Sensitive Areas (ESA) Map

The ESAs Map is the official map that identifies areas designated as ESAs.

B. ESAs Map Amendments

1. The ESAs Map may be updated administratively when an ESA field assessment is conducted for a property and approved by the Director, pursuant to Section 2.10.14: *Environmental Sensitive Areas (ESAs) Field Assessments*.
2. The ESAs map may be updated administratively when the FEMA 1% Annual Chance Flood Zones are revised or amended.
3. Substantial amendments of the ESAs Map shall follow the zoning map amendment procedure. "Substantial amendment" is defined as a change impacting the whole city, excepting changes caused by the publication of new flood insurance rate maps (FIRMs) by FEMA.

C. Text Applicability

The text of this section describes and regulates the protected ESAs shown on the City's ESAs Map. In the case of any discrepancy, the text of this section shall control.

7.4.6 Floodplain Development ESAs

Upon field verification, areas designated as FEMA 1% Annual Chance Floodplain would be classified according to the existing conditions as developed or undeveloped floodplains.

A. Developed Floodplain

1. Development within the developed floodplains shall comply with Section 7.5: *Drainage*.
2. Section 7.4.7: *Riparian Buffer and Water-Related Habitat* , applies when riparian buffers and water-related habitats are nested, partially or wholly, inside developed floodplain ESAs.
3. Gas well drilling and production within developed floodplains shall comply with Subchapter 6: *Gas Wells*.

B. Undeveloped Floodplain

1. Permitted Uses and Activities

The following permitted uses and activities are allowed, when in compliance with Section 7.5: *Drainage*; and Subpart B, Chapter 30, of the Municipal Code of Ordinances:

a. The planting of any new trees or vegetation.

b. Restoration or enhancement of floodplains, riparian buffers, water related habitats, upland habitats, wetlands and streams as required by federal and state standards.

c. The placement of public or private utility facilities, such as sewer, storm water, water, electricity, gas, or other utilities, as long as the disturbed area is restored to minimized erosion and promote the recovery of the ESAs, and when adequately flood-proofed.

d. Measures to remove or abate nuisances, the removal of invasive plant species, or any other violation of federal, state, or local law, with the approval of the Department of Environmental Services.

e. Parking lots, subject to the limitations on fill as specified in paragraph 7.4.6B.3, and constructed of pervious materials as provided in the Transportation Criteria Manual.

f. Parks, open space, recreational uses, trails, walkways and bike paths.

g. Storm water quality controls.

h. Construction of roadways identified on the Mobility Plan, as long as the disturbed areas are restored to minimize erosion and promote the recovery of the ESA subject to the Director of Environmental Services approval.

i. Routine repair and maintenance of existing structures, roadways, driveways, utilities, and accessory uses.

j. Agricultural activity permitted through Nationwide Permit 40 (NWP 40); Agricultural Activities pursuant Section 404 of the Clean Water Act; or any other federal permits.

k. Any action taken by federal, state, or local officials in an emergency to mitigate an existing or potential hazard.

l. The construction of a private driveway, as long as the disturbed areas are restored to minimize erosion and to promote the recovery of the ESA, subject to the Director of Environmental Services approval.

m. Gas well drilling and production that complies with Subchapter 6: *Gas Wells*.

n. Fill activities subject to the limitations of paragraph 7.4.6B.3.

o. Culverts and bridges, as long as the disturbed areas are restored to minimize erosion and to promote the recovery of the ESA, subject to the Director of Environmental Services approval. Culverts and bridges are exempt from the limitations of paragraph 7.4.6B.3 .

2. Prohibited Uses and Activities

a. Placement, handling, processing, or storage of hazardous waste.

b. Hazardous waste and solid waste landfills.

c. Land-disturbing activity not authorized by a U.S. Army Corps of Engineers Section 404 Permit or Letter of Permission.

d. Any new structures or additions, including garages and carports, and storage sheds located within the area mapped as undeveloped floodplain.

e. Tree and understory vegetation removal, except as allowed by Subsection 7.5.3J: *Floodways and Improvements*.

f. Septic tanks, septic tank drain fields, and other forms of on-site wastewater treatment.

3. Standards for Fill in Undeveloped Floodplains

a. Filling of any floodplain of a stream that drains more than one square mile is prohibited unless the fill on any lot is less than 50 cubic yards or 300 cubic feet per acre, whichever is greater.

b. Up to 15 percent of the floodplain valley storage may be filled if the stream drains less than one square mile.

c. In addition to meeting the requirement for fill set above, all fill activities in the undeveloped floodplain shall comply with the Environmental Sensitive Area Criteria Manual; Section 7.5: *Drainage;* and federal law.

7.4.7 Riparian Buffer and Water-Related Habitat ESAs

The following subsection defines permitted and prohibited uses and activities within riparian buffers and water-related habitats. In areas where multiple types of ESAs overlap, the standards, permissions, and prohibitions specified for those other types of ESAs, as outlined in this subsection, shall also apply.

A. Permitted Uses and Activities

1. Placement of private residential yard amenities, including but not limited to: gardens; yards; trails; and clearings; that would result in disturbing up to 10 percent of the area, but in no instance shall the protective buffer width be decreased below 25 feet, measured each direction from the centerline of the existing channel or the outer edge of surface water bodies. No disturbance is permitted in delineated wetlands.
2. Riparian buffers nested, partially or wholly, inside developed floodplains may be disturbed up to 10 percent of the riparian buffer area, but in no instance shall the protective buffer width be decreased below 25 feet, measured each direction from the centerline of the existing channel, or from the outer edge of surface water bodies. No disturbance is permitted in delineated wetlands.
3. Repair, replacement, or improvement of public utility facilities where the disturbed portion of the ESA is restored, and vegetation listed as invasive is removed and replaced with vegetation from the City Native Plant List in the Site Design Criteria Manual.
4. Additions, alterations, rehabilitation, or replacement of existing structures that do not increase the existing structural footprint in the riparian buffer or water related habitat. Any disturbed areas must be restored using native vegetative cover.
5. Stream, wetland, riparian, and upland enhancement or restoration projects.
6. Agricultural activity, including buildings and structures, permitted through Nationwide Permit 40 (NWP 40), Agricultural Activities pursuant to Section 404 of the Clean Water Act, or any other federal permits.
7. Routine repair and maintenance of existing structures, roadways, driveways, utility facilities, accessory uses, and other development.
8. Construction of roadways identified on the City Mobility Plan, as long as the disturbed areas are restored to minimize erosion and promote the recovery of the ESA, and subject to the Department of Environmental Services approval.

9. Measures to remove or abate nuisances, or any other violation of state statute, administrative rule, or the Municipal Code of Ordinances.
10. Any action taken by the city in an emergency to mitigate an existing or potential hazard.
11. Gas well drilling and production within riparian buffers and water-related habitats shall comply with Subchapter 6: *Gas Wells*.
12. Placement of trails as long as the disturbed portion of the ESA is restored to minimize erosion and to promote the recovery of the ESA, vegetation listed as invasive is removed and replaced with vegetation from the City Native Plant List, and subject to the Department of Environmental Services approval. In no instance shall the protective buffer width be decreased below 25 feet, measured each direction from the centerline of the existing channel or the outer edge of surface water bodies. No disturbance is permitted in delineated wetlands.
13. Culverts and bridges, as long as the disturbed areas are restored to minimize erosion and to promote the recovery of the ESA, vegetation listed as invasive is removed and replaced with vegetation from the City Native Plant List, and subject to the Department of Environmental Services approval. Culverts and bridges are exempt from the limitations of paragraph 7.4.6B.3.

B. Prohibited Uses and Activities

The following uses and activities are not allowed in riparian buffers and water related habitats:

1. Land-disturbing activity not authorized by a U.S. Army Corps of Engineers, Section 404 Permit Letter of Permission;
2. Tree and understory vegetation removal, except as allowed by Subsection 7.5.3J: *Floodways and Improvements*;
3. Placement, handling, processing, or storage of hazardous waste;
4. Any structures, including storage sheds, garages, and carports; and
5. Septic tanks, septic tank drain fields, and other forms of on-site wastewater treatment.

7.4.8 Cross Timbers Upland Habitat ESAs

The following subsection defines permitted and prohibited uses and activities within upland habitat areas. In areas where multiple types of ESAs overlap, the standards, permissions, and prohibitions specified for those other types of ESAs, as outlined in this subsection, shall also apply.

A. Permitted Uses and Activities

1. Preservation of Cross Timbers upland habitats must result in contiguous forested areas that shall remain predominantly in their natural state. Preservation of upland habitats contiguous to forested areas on adjacent properties is strongly encouraged. Trees removed shall be considered part of the development impact area of a site and will be subject to tree preservation and landscape requirements.
2. Development shall be designed to retain a percentage of the area defined as upland habitat as set forth under Section 7.4.8.C, which shall remain predominantly in its natural state. Preservation of upland habitat contiguous to forested areas on adjacent properties or parcels is strongly encouraged. Trees removed shall be considered part of the development impact area of a site and will be subject to tree preservation and landscape requirements.
3. Selective pruning conducted by or under the supervision of an International Society of Arboriculture (ISA) certified arborist is allowed to remove up to one-quarter of the

preserved canopy area for the purposes of tree health, subject to the approval of the Environmental Services Department.

4. Enhancement or restoration projects, as approved by the Department of Environmental Services. Trees planted as part of an approved enhancement or restoration project may be credited against required replacement in Section 7.7: *Landscaping, Screening, Buffering, and Fences*.
5. Parks, open space, and passive recreational uses, that include trails, walkways, and bike paths. All trails, walkways and bike paths within a Cross Timbers upland habitat shall be in a natural state and pervious.

B. Prohibited Uses and Activities

Septic tanks, septic tank drain fields, and other forms of on-site wastewater treatment are prohibited in areas set aside for required preservation.

C. Cross Timbers Upland Habitat Area to be Retained

1. The following minimum percentage of the areas identified on the Cross Timber ESA Illustration attached as **Exhibit F** shall be maintained as Cross Timbers upland habitat:
   a. Area A – 41 percent
   b. Area B – 70 percent
   c. Area C (Pilot Knob) – 74 percent
   d. Area D – 100 percent

7.4.9 Development Clustering

Development clustering is encouraged to minimize impact to the natural environment. Clustering shall be designed to maintain a contiguous forested area and shall comply with Section 8.3.4, *Cluster Subdivisions*.

7.4.10 Development Impact Area

A. If an Alternative ESA Plan is approved, any areas of the ESA in which encroachment is permitted are considered part of the development impact area of a site and are subject to tree preservation and landscape requirements.

B. Areas of ESA that are to be left undisturbed will be excluded from the development impact area. Additionally, areas restored or provided as mitigation as part of an approved Alternative ESA Plan will be excluded from the development impact area.

7.5 Drainage

7.5.1 Purpose

This section establishes standards that regulate drainage on property located within the city, in order to:

A. Protect human life, health, and property;

B. Minimize the expenditure of public monies for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the public;

D. Retain natural floodplains in a condition that minimizes interference with floodwater conveyance, storage, aquatic, and terrestrial ecosystems as well as groundwater and surface water supplies;

E. Minimize erosion and sedimentation problems and enhance water quality; and

F. Minimize future operational and maintenance expenses.

7.5.2 Applicability

Except as otherwise provided in this Section 7.5: *Drainage*, the standards of this section and the Stormwater Design Criteria Manual shall apply as set forth in Section 7.2: *Applicability*.

7.5.3 General Drainage Requirements

A. Stormwater Design Criteria Manual Adopted

In addition to meeting the requirements expressly set out in this DDC, all drainage systems shall comply with the Stormwater Design Criteria Manual.

B. Drainage Computation Data

1. Design standards for drainage facilities and improvements shall be based on hydraulic and hydrologic computation data submitted and approved by the City Engineer, or designee, prior to submission of the final plat.
2. The City Engineer, or designee, may specify the form and manner in which the necessary data is to be submitted.

C. Separation of Stormwater and Sanitary Sewerage Systems

1. Stormwater and sanitary sewerage systems are to be used and maintained as separate systems.
2. Drainage facilities shall be designed so they do not connect, direct, or allow stormwater into the sanitary sewerage system.

D. Drainage Improvements Required

1. All developments shall provide for new drainage facilities, improvements to existing drainage facilities, channel improvements, grading, driveway adjustments, culvert improvements, or any other improvement, drainage facility, or work that is necessary to provide for the stormwater drainage needs of a development, including but not limited to work that is necessary to:
    a. Provide for the conveyance of all stormwater from the development when fully developed to an adequate discharge point;
    b. Fulfill any purpose for which the requirements of this section are imposed;
    c. Adequately protect the development from flooding, including the effects of the 100 year flood;
    d. Properly control any increase in the upstream or downstream stage, concentration, or water surface elevation caused by the development; or
    e. Provide for the conveyance of off-site storm drainage based on ultimate developed watershed conditions through the development.
2. Such improvements shall be in accordance with the requirements and design standards of this section.

E. Off-Site Drainage

1. Off-site drainage facilities and improvements shall be provided by the permittee whenever additional stormwater runoff from the development would adversely affect any off-site property or overload an existing drainage facility, whether natural or manmade.
2. Where stormwater runoff from three or more acres has been collected or concentrated to one point, it shall not be discharged onto adjacent properties, except into existing streams, channels, or storm drains, unless drainage or flowage easements are obtained from those properties.
3. If the permittee cannot obtain the necessary easements to make required off-site drainage improvements, upon the request of the permittee after compliance with the provisions of this DDC, the city may, but shall not be required to, initiate eminent domain proceedings to obtain the off-site drainage easements.

F. Detention Facilities

All detention facilities, whether maintained by the city, private property owner, home owners association, or private entity, shall comply with any applicable design requirements of the city and any state or federal laws or regulations, as amended, including the regulations of the Texas Commission on Environmental Quality (TCEQ) or its successor agency. The following standards shall apply to all detention facilities, to the extent they do not conflict with any applicable federal or state laws or regulations, as amended:

1. The 100-year flood shall be used to determine the volume of detention storage required. Water quality volume shall be designed per the Stormwater Design Criteria Manual.
2. Detention facilities shall be designed so that any additional runoff generated by the proposed development will not increase the amount of original discharge for storm frequencies from the 1-year, 25-year, and 100-year flood;
3. Publicly dedicated or privately maintained detention facilities may be used to reduce peak discharges where conditions prevent conveying stormwater to an adequate discharge point or studies show that off-site structural facilities will not mitigate hydraulic effects more efficiently;
4. All detention facilities shall comply with the standards of this section and the Stormwater Design Criteria Manual, as amended;
5. A development may provide for drainage by participating in the design and construction of a regional detention facility. Detailed engineering studies of the entire basin shall be required to ensure that the timing of peak flows has not been altered to create higher peak flows elsewhere in the basin; and
6. Detention facilities may be constructed in phases, if phased to provide for the timely needs of the development.

G. Flood Damage Prevention

All developments regulated by this DDC shall be subject to and comply with any applicable provision of FEMA Flood Damage and Prevention Regulations and the Municipal Code of Ordinances, Subpart B, Chapter 30: *Flood Prevention and Protection Ordinance*.

H. Floodplain Reclamation-Engineering Criteria

1. Water Surface Elevation

a. Alterations of the floodplain shall not result in an increase in the 100-year fully developed watershed water surface elevation on other properties under separate ownership.

b. Alteration of the floodplain that could result in any degree of increased flooding to other properties, adjacent, upstream, or downstream is prohibited.

2. Stream Velocity

a. Alterations of the floodplain shall not create an erosive water velocity on- or off-site. The mean velocity of stream flow at the site, after fill, shall be no greater than the mean velocity of the stream flow under existing conditions.

b. Alteration to the flood plain that would increase velocities of flood waters to the extent that the significant erosion of flood plain soils will occur either on the subject property or on other properties up or downstream is prohibited.

c. City staff shall determine what constitutes an "erosive" velocity based on analysis of the surface material and permissible velocities for specific cross-sections affected by the proposed alteration, using criteria established in the Stormwater Design Criteria Manual.

3. Valley Storage

a. Encroachments and/or channelization is strongly discouraged along Pecan, Cooper, Hickory Creek, Milam, and Clear Creeks to prevent the reduction of storage capacity of streams and drainage ways and to prevent increasing discharges downstream.

b. The city restricts the valley storage loss to zero percent reduction for all streams serving with a drainage basin of one square mile or greater in the city. For minor tributaries (drainage basins with less than one square mile), a 15 percent maximum reduction in valley storage shall be allowed.

4. Conveyance

Alterations of the flood plain shall be permitted only to the extent permitted by equal conveyance on both sides of the natural channel. Staff's calculation of the impact of the proposed alteration shall be based on the "equal conveyance" principle in order to insure equitable treatment for all property owners. Under equal conveyance, if the city allows a change in the flood carrying capacity (capacity to carry a particular volume of water per unit of time) on one side of the stream due to a proposed alteration of the flood plain, it shall also allow an equal change to the owner on the other side. The combined change in flood carrying capacity, due to the proposed alteration, plus corresponding alteration to the other side of the stream, shall not cause either an increase in flood elevation or an erosive velocity, or violate the other criteria.

I. Floodplains

Where regulations within this section require a development to make any drainage improvements in or adjacent to a floodplain to provide for the ultimate base flood, the permittee may, in lieu of making the required improvements, restrict development in the area subject to flooding because of the failure to provide for the drainage improvements. In such cases, the area to be left undeveloped shall be dedicated to the public as a floodplain and drainage easement on the final plat.

1. Floodplain Restrictions

a. Development is prohibited within the floodplain of any stream or water course with a contributing drainage area of one square mile or more. These floodplain areas shall be preserved from all destruction or damage resulting from clearing, grading, or dumping of earth, waste or material, or stumps. Modifications of this requirement shall be considered by the Floodplain Administrator.

b. The purpose of a floodplain easement is to preserve open space in an area subject to riverine flooding. Construction of new buildings within floodplain easements is prohibited. Filling, grading, or other activities that obstruct flood flows or remove flood storage are prohibited in floodplain easements. Floodplain easement regulations listed in this section also apply to drainage easements dedicated for the purpose of preserving floodplain areas as open space.

c. New fences shall not be permitted within the floodplain, regardless of whether or not there is a drainage easement. The Floodplain Administrator may approve exceptions to this prohibition for specific sites where adequate mitigation measures are provided, as determined by the Floodplain Administrator, such as provision of a breakaway area.

2. Stream Restrictions

Major streams (those with a contributing drainage area of one square mile or more) shall remain in open natural condition; smaller streams or drainage ways (contributing drainage area less than one square mile) may be channelized if allowed by Section 7.4: *Environmentally Sensitive Areas,* and provided they meet the criteria of the Stormwater Design Criteria Manual. When a stream or excavated channel is to remain open, or in its natural condition, it shall meet one of the following requirements:

a. Dedication, Ownership, and Maintenance Requirements

i. For single-family residential subdivisions where more than 50 percent of the lots are less than one-half acre in size, dedication of the stream or drainage way shall be made to the city or to an approved homeowner association (HOA).

ii. A drainage or floodplain easement shall be dedicated as a single lot to the city, a homeowners association, or other legal entity as allowed by this subsection.

iii. The Planning and Zoning Commission may waive this dedication requirement for the following reasons:

a. Replats which were originally platted prior to the dedication requirement.

b. Subdivisions of five lots or less.

iv. Streams and drainage ways may be retained as a part of a nonresidential lot, and it shall be the property owner's responsibility to maintain this area as set forth by easement, except as otherwise provided.

v. A maintenance easement shall be granted to the city and shall grant the right but not the obligation to maintain and construct drainage facilities if the stream or drainage way is not being properly maintained.

vi. The maintenance entity's by-laws and covenants filed of record shall provide for ongoing maintenance. The easement shall authorize a lien against individual abutting lots in favor of the city to secure the payment to the city for any expenses incurred by the city in the event of default or to secure payment for any expenses incurred if the maintenance entity is not properly maintaining the stream or drainage way.

vii. Adequate floodplain and drainage easements shall be required that give the city the right but not the obligation to maintain and construct drainage facilities if, in the city's sole opinion, the maintenance entity is not properly maintaining the stream or drainage way.

viii. Where the city has designated a floodway or floodplain as part of the city park system, the permittee shall provide access by one of the following methods. In all cases, the city shall approve the proposed street alignment fronting on city parks as required for this purpose:

a. Parallel streets fronting along the park; or

b. Courtyard or cul-de-sac streets that provide public access fronting on the park; or

c. Loop streets that provide public access fronting on the park.

3. Minimum Finished Floor Elevations

a. Minimum finished floor elevations, the datum used, and the source of the elevation information shall be labeled on the final plat where required. Vertical datum used for minimum finished floor elevations shall be the same as the datum used to establish 100-year base flood elevations.

b. The city reserves the right to specify a new or revised minimum finished floor elevation at the time of issuance of a building permit if new or more accurate information, as determined by the Floodplain Administrator, warrants the change. This minimum finish floor elevation shall apply to the building foundation, including basements, and electrical and mechanical equipment.

c. Minimum lot and habitable space for lots within the 100-year base flood, abutting the 100-year base flood, or within 200 feet of the 100-year base flood shall be established as follows:

i. For lots adjacent to a stream without Base Flood Elevations (BFE's) identified on the official FEMA Flood Insurance Rate Maps, any habitable structure shall have a finished floor elevation at least 18 inches above the 100-year base flood elevation based on fully developed conditions. This shall apply to all rivers or streams regardless of whether the 100-year floodplain is shown on the FEMA map.

ii. For lots adjacent to a stream with Base Flood Elevations (BFE's) identified on the official FEMA Flood Insurance Rate Maps, any habitable structure shall have a finished floor elevation at least 18 inches above the 100-year base flood elevation based on fully developed conditions, or at least 30 inches above the FEMA Base Flood Elevation.

J. Floodways and Improvements

1. Generally, floodways serving drainage areas larger than one square mile in area and that are still functioning primarily in a natural and adequate state shall not be altered or improved to provide for the drainage needs of a development, unless there is no other reasonable means or method to provide for such drainage.

2. As part of required improvements, debris, small brush, vines and other obstructions may be cleared from that portion of any channel located within or on the perimeter of the development, as directed by the Director of Utilities, prior to the connection of any utilities for any building within a development.

3. A development may also be required to provide clearing of off-site floodways to the extent necessary to adequately receive or convey stormwater runoff from the development, based on the roughness coefficient approved during the development review process.
4. Developments discharging stormwater runoff into a floodway shall provide grass or similar vegetation as approved by the city, on-site and off-site areas in public easements, when necessary to preserve or restore any disruption to the natural state. Refer to the North Central Texas Council of Governments Integrated Stormwater Management (ISWM) technical manual on landscape for additional suggestions.
5. The vegetation requirement shall apply to any portion of any floodway, on-site or off-site, that would be affected by runoff from the development.

K. Channel Requirements

Required channel improvements shall be based on the amount and concentration of the stormwater runoff from the development. All developments shall provide for the permanent improvement and modification of existing drainage system channels or dedication of floodplain areas based on flood conditions as necessary to serve the development, subject to and in accordance with the following:

1. Channels that serve as floodways having a drainage basin one square mile or larger shall be maintained in a natural state, as provided for in this section.
2. Channels serving a development shall contain the 100-year base flood with at least one foot of freeboard.
3. Excavated channels shall have a concrete pilot channel, if deemed necessary by the Drainage Department, for access or erosion control as outlined in the specifications of the Stormwater Design Criteria Manual. Locations where earth channel improvements are required to carry a flood discharge through an undeveloped area of the off-site property channel grade may be "daylighted" and no freeboard required until the area is developed.
4. The design for all open channels shall be based on geotechnical investigations, unless determined to be unnecessary by the City Engineer, or designee.
5. No development shall be designed to access a public street across a channel without providing adequate clearance for the channel under design storm conditions as required by the Stormwater Criteria Manual. No public access to a public street by means of a low water crossing will be permitted.
6. Bridges crossing channels serving drainage areas greater than one square mile in area shall have one foot of freeboard between the 100-year base flood elevation and the lowest beam of the bridge.
7. Bridges crossing channels serving drainage areas less than one square mile in area shall have one foot of freeboard between the design water surface and the lowest top of road elevation of the bridge.
8. All culvert crossings shall have two feet of freeboard between the 100-year base flood elevation and top-of-curb elevation.

L. Lot Drainage

1. Generally, each lot shall be designed or graded to direct stormwater into an abutting street, alley, channel, or inlet. If drainage is provided in the rear of any lot by a surface or underground storm drainage system, the surface or underground drainage system shall be designed to convey runoff from the 100-year storm event.

2. Where it is not practical to provide abutting drainage facilities for each lot, drainage facilities such as a closed pipe system or drainage ditch, shall generally be required whenever the cumulative stormwater runoff from more than two lots is directed across a third lot or when the facilities are necessary to avoid an adverse effect on any other lot.
3. It shall be unlawful for any person to fill, modify or otherwise obstruct any public drainage easement designed or used as an overflow channel or structure.

M. Site Erosion Control

1. To minimize erosion resulting from the removal of vegetation and to reduce the introduction of erosion materials into the storm drainage systems, all developments and any person undertaking any development activity shall make use of erosion and sediment control devices in accordance with the requirements of the Stormwater Design Criteria Manual and the iSWM Water Quality Technical Manual.
2. The erosion and sediment control devices shall be installed and thereafter maintained until sufficient vegetation cover has been provided or been replaced to control erosion and sediment.

N. Easements

In addition to any other provisions of this DDC relating to easements for public improvements, the following requirements for public drainage improvements, channels, and facilities required for any development shall apply:

1. All public drainage systems and facilities, that are not to be included within an existing or proposed public street right-of-way, shall be located within easements to be dedicated to the city and shall have adequate access to a public street.
2. Prior to acceptance of any public drainage facilities, all easements within which the facilities are located shall be cleared of all buildings, structures, fences or other obstacles that would interfere with access to the easements.
3. Restrictions of easements shall be described on the final plat and approved by the city.
4. Drainage easements through residential lots shall be placed entirely on one lot. Split lot easements shall not be allowed.
5. Structures, eaves and overhangs, fences, storage sheds, decks, pools, landscaping or other aboveground man-made improvements shall not be permitted in drainage easements or floodplains, except as specifically allowed in the Stormwater Design Criteria Manual. This provision includes, but is not limited to areas encompassing floodplain, channels, flumes, natural streams or swales, or any other system used to convey storm water through surface flow, regardless of whether or not there is an easement.

7.6 Water and Wastewater

7.6.1 Applicability

Except as otherwise provided in this Section 7.6: *Water and Wastewater*, the standards of this section and the Water and Wastewater Criteria Manual shall apply as set forth in Section 7.2: *Applicability*.

7.6.2 Basic Policy

It is the responsibility of the design engineer to ensure the final design of water or sewer system improvements is in conformance with the following:

A. Current standards prescribed by all state and federal laws;

B. Texas Administrative Code (TAC) Title 30, Part 1, Texas Commission on Environmental Quality (TCEQ) - Rules, Ch. 290: *Public Drinking Water*; and Ch. 217: *Design Criteria for Domestic Wastewater Systems*;

C. This DDC;

D. The Water and Wastewater Criteria Manual and the City's Standard Details;

E. North Central Texas Council of Governments (NCTCOG) Standard Specifications for Public Works Construction ("COG Specs"), as amended by the City of Denton;

F. City of Denton Water and Wastewater Master Plans;

G. In accordance with adopted Fire Code;

H. American Water Works Association (AWWA) Standards; and

I. All applicable local ordinances.

7.6.3 Extensions of Water and Sewer Mains

A. Extensions for New Subdivisions and Other Developments

Extensions required to serve new subdivisions and other developments shall be as follows:

1. Required Extensions

a. All developments shall be required to extend across the full width of the development lot (defined by plat or lot of record) in such an alignment that it can be extended to the next property in accordance with the master sewer and water plans for the city or provide continuity of service to the adjoining lot.

b. Properties having frontages along multiple streets shall extend accordingly along each street frontage.

c. Gravity wastewater mains shall generally be installed at maximum depth and minimum slope, to facilitate future service to upstream properties. The Water and Wastewater Director may modify this requirement on a case-by-case basis.

d. Properties already served by water and sewer shall not be required to install additional facilities unless:

i. The current lines are not of adequate capacity to serve the proposed development, in which case the permittee will be required to install adequate facilities;

ii. The current lines are not of adequate capacity to serve the zoning of a property that has been rezoned to a more intense use since the time of the original utility installation; and

iii. **The lot is located on a corner lot and/or fronting a state or federal highway right of way.**

2. Extensions to Existing Dwellings

The Water and Wastewater Director may approve an extension of water and sewer mains to an existing dwelling, provided funds are available and as allocated in the Capital Improvement Plan.

B. Cost Policies for New Developments

1. Development Mains and Facilities

Developers, including individuals, subdividers, and owners of single or multifamily dwellings, shall pay the actual cost of all water and sewer main extensions, lift stations, or other necessary facilities required to serve their development, in accordance with the City's Criteria Manuals and the provisions of this DDC. A developer may appeal a determination of the required facilities to the Public Utilities Board, which shall provide a recommendation, and City Council, which shall make a final decision on the appeal, pursuant to the procedures established in Subsection 2.16.3: *Appeal of Administrative Decision,* and in accordance with TLGC, § 212.904.

2. Oversized Participation by the city

See Subsection 7.6.14: *Oversize Participation by the City*.

3. Pro Rata Agreements

See Subsection 7.6.15: *Pro Rata Agreements*.

C. Number of Water Service Taps

1. Developments exceeding the following thresholds shall be required to be served by at least two different connections to mains to facilitate domestic and fire service redundancy:
   a. Multifamily Residential: 200 units
   b. Single Family Residential: 30 units
   c. Commercial/Industrial: 124,000 square feet
2. The Water and Wastewater Director, at their discretion, may adjust this requirement if there are extenuating circumstances involved.
3. The connections shall be spaced as far apart as reasonably feasible, and preferably be tapped off of different mains.
4. Sufficient valving shall be provided to facilitate isolating each service connection with minimal service disruption to other customers; if such valving does not exist, the developer shall be required to install it, at their cost.

D. Minimization of Public Main Extensions into Private Property

1. Public water or sewer mains serving only one lot (for both the proposed and anticipated future conditions) shall not be extended into that lot.
2. Water or sewer mains within lots shall be privately owned and maintained, and be designed per the requirements of the Building Code, as adopted by the City of Denton.

7.6.4 Fire Hydrants

These are general standards to be used for platting purposes. For known end uses at the time of platting, Appendix C of the International Fire Code, as amended, shall be used. Fire hydrant spacing requirements for all building permits issued on any platted lot shall comply with the International Fire Code as adopted by the City of Denton.

7.6.5 Booster Pump Stations and Pressure Regulating Valves

A. Occasionally, the proper design of the water distribution system may require the installation of booster pump stations and/or pressure regulating valves to insure proper water system pressures

are provided to the development. The city reserves the right to require the developer to design and install these appurtenances as essential components of the water system necessary to serve the development. Any cost sharing for these improvements by the city will be handled by separate contract with the developer on a case-by-case basis and be in accordance with the provisions contained in Subsection 7.6.14: *Oversize Participation by the City*, and will factor in the following:

1. The location of the proposed development in relationship to the existing water distribution system;
2. The size of the development and the economic hardship that would be imposed upon the development by applying this requirement;
3. Compliance with the City's Water Distribution System Master Plan;
4. The relative benefits to the development compared to the benefits to the existing or future utility customers;
5. Availability of funding within the Water Department's Capital Improvement Program; and
6. The identification of capital improvement projects within the Water Utility Department's adopted five year Capital Improvements Program that would be designed to address this system wide need.

B. All contracts between the city and the developer for city cost participation for these improvements must be approved by the City Council after recommendation from the Public Utilities Board.

7.6.6 Lift Stations

A. On occasion, the location of the property, the topography of the surrounding area and the location and elevation of the nearest sanitary sewer main requires the installation of a lift station and force main to provide wastewater service for a proposed development. The city reserves the right to require the developer to design and install these facilities as essential components of the wastewater collection system necessary to serve the development. Any cost sharing for oversizing these facilities by the city will be handled by separate contract with the developer on a case-by-case basis and be in accordance with the provisions contained within Subsection 7.6.14: *Oversize Participation by the City*.

B. All contracts between the city and the developer for city cost participation for these improvements must be approved by the City Council after recommendation from the Public Utilities Board.

C. The Wastewater Utility Department reserves the right to require the developer to locate any proposed lift station in a manner that would facilitate the operation, maintenance and ultimate abandonment of the facility in the future by gravity extension of sanitary sewer mains on a watershed basin basis in accordance with the City's Wastewater Collection System Master Plan. The Wastewater Utility Department also reserves the right to require the developer to install an alternative gravity sanitary sewer line extension to minimize the number of additional lift stations that must be operated and maintained by the city as a result of the development. The developer has the right of appeal to this requirement. The City Council shall consider this appeal after receiving a recommendation from the Public Utilities Board.

7.6.7 Easement Requirements

All utilities in a development shall be provided in street rights-of-way except for special circumstances approved by the City Engineer, in consultation with the Directors of Water and Waste Water Utilities. In such cases, the following standards shall prevail:

A. All utility easements shall be a minimum of 16 feet, unless special circumstances warrant additional or reduced easements which can be approved by the City Engineer, in consultation with the Directors of Water and Waste Water Utilities. The general criteria to define minimum easement widths are listed in Table 7.B: *Minimum Easement Widths*:

Table 7.B: Minimum Easement Widths

Type of Development	Easement Size
Individual water or sewer lines up to 12 inches in diameter	16 ft
Individual water or sewer lines greater than 12 inches up to 20 inches	20 ft
Individual water or sewer lines greater than 20 inches	25 ft
Water and sewer lines up to 12 inches in the same easement	25 ft
Water and sewer lines greater than 12 inches up to 20 inches in the same easement	30 ft
Easements along TxDOT rights-of-way	20 ft

B. Lot lines shall not split easements.

C. Side yard easements shall not be allowed. Proposed public water or sewer mains intended to be aligned alongside yards shall be contained with dedicated open space lots, with overlapping public utility easements, and there shall be a note on the plat stating that these lots shall be owned and maintained by the property owners association.

D. Dead-end easements are not acceptable unless approved for special circumstances by the City Engineer, in consultation with the Directors of Water and Waste Water Utilities.

E. Fences within utility easements are prohibited, except as provided below:

1. Fences shall not be built within or across dedicated utility, water, or sewer easements. The City Engineer, in consultation with the Directors of Water and Waste Water Utilities, at their discretion, may allow fences to be built across an easement if gates at least 12 feet wide are built.
2. Any existing fence that crosses dedicated utility, water, or sewer easements that conflict with the purpose and intent of the easement may be removed by the city at any time.
3. The city is under no obligation to repair or replace any fence that is damaged or removed that encroaches within a dedicated easement for the purposes of operating, maintaining, replacing or installing water or sewer facilities within the dedicated easement.

F. Employees of the city shall have the authority to enter premises at any reasonable time in the regular line of duty for the purpose of inspecting, repairing, or constructing any water or sewer line or any water or electric meters, etc.. The landowner and occupant are responsible for any construction activities occurring over or within any on-site utility in a utility easement.

G. If utility inspection or repair or reconstruction is necessary, any pavement, structure, or improvement damaged within a dedicated utility, water, or sewer easement, shall not be the responsibility of the city for any repairs, but shall be the sole responsibility of the owner.

H. The landowner assumes responsibility for any and all improvements placed within a utility, water, or sewer easement at their own risk. Additionally, the provisions of this section do not permit or supersede the limits and restrictions prescribed by the conditions of any existing utility easement for allowing improvements to be placed within utility easements.

I. The following shall not be installed or planted within a utility, water, or sewer easement:

1. Trees; and
2. Any structures, including retaining walls and signs. No part of a structure, including its underground foundation, shall encroach into an easement.

J. The following items are typically allowed to be installed within utility, water, or sewer easements:

1. Drive approaches and parking lots (alignment within drive aisles is preferred);
2. Sidewalks; and
3. Grass and small shrubbery.

7.6.8 Sewer Capacity Requirements

The city reserves the right to prohibit any connection to the city sewer system when it is determined that a line or the system is overloaded or that the line or system has inadequate excess system capacity to serve the sewer demand of the proposed development.

7.6.9 Impact Fees

All connections to the city's water distribution and wastewater collection systems will require the payment of impact fees in accordance with the provisions of the Municipal Code of Ordinances, Chapter 26: *Utilities*.

7.6.10 Tapping Fees

A. The Water and Wastewater Utility Department personnel shall make all connections to the existing water and sewer system. The fees charged to perform this work shall be paid for by the entity requesting this work.

B. The Water and Wastewater Department shall have discretion as to who shall make connections to the existing wastewater system. If the Water and Wastewater Department decides to make these connections themselves, then the fees charged to perform this work shall be paid for by the entity requesting this work.

7.6.11 Basic Policy

Any water and sewer service connections that serve lots that connect to new water and sewer mains extended to serve a proposed development shall be designed and installed by the developer prior to acceptance of these lines by the city.

7.6.12 Fee Schedule

A. The fee schedule for all taps and meter loops shall be established annually by ordinance adopted by the City Council, after recommendation by the Public Utilities Board.

B. The fees shall be based upon the actual cost to install a given sized tap in a paved or unpaved area. These costs shall only reflect the average annual cost to perform the work, including equipment, materials, and labor.

C. For all taps or other utility work performed by the Water and Wastewater Utility Department personnel that do not have established fee schedules adopted by ordinance, the fee will be based upon the Department's estimated cost of equipment, materials, labor, plus administrative costs.

7.6.13 Administrative Procedure

A. All tap fees shall be paid for prior to the work being performed by the city.

B. The Directors of Water and Wastewater Utilities will be responsible for the development of administrative procedures to insure the collection of tapping fees in accordance with the provisions of this DDC.

7.6.14 Oversize Participation by the City

A. Generally

The City may, subject to the proportionality requirements of this MPC Ordinance and proportionality laws, including, but not limited to, Section 212.904 of the Texas Local Government Code, require developers to install water mains, sewer lines, booster pump stations, and/or pressure regulating valves, and wastewater lift stations that have excess capacity to serve adjacent properties and to comply with the adopted comprehensive master plans for these utility systems, Subject to fund availability, the city may elect to participate in oversizing, following approval by the City Council.

B. Basic Policy

If city participation in oversizing is approved by the City Council, the amount would be in the cost of:

1. Water line size above the greater of:
    a. Eight-inch; or
    b. The size water line that is necessary to serve the development.
2. Sewer line size above the greater of:
    a. 10-inch; or
    b. The size sewer line that is necessary to serve the development.

C. Administrative Procedure

1. Prior to the beginning of construction, if reasonably practicable, of any facility for which the city is to participate in the cost thereof, the developer and city shall enter into a written oversize participation agreement. The city shall approve all oversized utility contracts for such construction of utilities prior to their execution by the developer.
2. The agreement shall be in a form approved by the city. In addition to such other terms as may be necessary to carry out the provisions of this section, the agreement shall provide that if construction of the facility does not commence within one year of the date of the agreement, it shall terminate, unless a written extension thereof is approved by both parties.
3. The Director of Utilities or his/her designee, in consultation with the Directors of Water and Waste Water Utilities, shall determine the appropriate level of cost participation by the city based upon the incremental cost between the developer required facilities and the city's

requested oversized facilities. This cost determination shall be based upon recent bids for similar facilities and/or cost estimates prepared by the city's engineering staff. If the city cannot justify the costs involved in any such contract where city funds or pro rata repayment is involved, the city shall have the option and right to submit the project for sealed bids, and the developer shall pay his proportionate share of the acceptable low bid.

4. Final approval of all oversize participation agreements between the city and the developer shall come from the City Council after recommendation from the Public Utilities Board unless the participation amount is within the expenditure level authorized for the City Manager.

7.6.15 Pro-Rata Agreements

Any developer who bears the cost of off-site water or sanitary sewer main extensions to a development or installs a lift station with excess capacity to serve adjacent property without city oversize participation shall be entitled to reimbursement of the pro rata cost paid to the city, as provided below, for each user who extends a service line from the main or connects to the lift station within 20 years from the date the facility is finally inspected and accepted by the city. In no case, however, shall a developer receive reimbursement in excess of the cost of the facility.

A. Basic Policy

The pro rata charges for tapping mains extended by the developer shall be as follows:

1. Every person or developer applying for a tap of any water or sanitary sewer main which has been constructed under the terms of the developer extension requirements of this section or the city extension requirements of this section shall pay for the requested taps at the following rates:
    a. Where a water or sewer main is located on a city street or county road and abuts and is accessible to separate platted tracts, the pro rata charge shall be 60 percent of the average current per-foot cost of such main.
    b. Where a water or sewer main is located on a state or federal highway and abuts and is accessible to separate platted tracts, the pro rata charge shall be 100 percent of the average current per-foot cost of such main.
    c. Where a water or sewer main is located in a proper easement across an owner's property and where such easement does not abut a street or is not in any other way directly accessible to any separately owned tract, the pro rata charge shall be 100 percent of the average current per-foot cost of such main.
    d. The pro rata charge shall be based on the average current cost of similar projects with pipe of the same size up to eight-inch inside diameter water pipe and 10-inch diameter sewer pipe.
    e. All pro rata charges shall be charged on a per-front-foot basis.
2. The pro rata charge provided by this subsection shall be in addition to the usual tapping fee and to any other charges required by the city.
3. The intent and purpose of this subsection is to provide an equitable charge for water and sanitary sewer connections as a proportionate distribution of the cost of water and sanitary sewer main extensions to serve property within the jurisdiction of the city.
4. In cases where a property or a tract of land is so situated or shaped that the above front-foot charge creates an inequitable basis compared to other tracts of land of similar overall size, the Public Utilities Board shall determine the proper charge in accord with the intent

and purpose of this subsection, and such determined charge may be lesser or greater than that by the front-foot basis. If more lots are to be served by the main than abut or contain it, then the charge shall be greater, as determined by the Public Utilities Board.

5. No person shall acquire any vested right under the terms and provisions of this subsection, nor shall the city incur or assume any liability or obligation to expend or encumber tax or utility funds. No utility funds shall be spent or encumbered unless funds are available for such purpose, as determined by the Public Utilities Board.

B. Reimbursement for Lift Stations or Force Mains

Reimbursement to developers for the cost of lift stations or force mains shall be as follows:

1. Any developer who bears the cost of lift stations or force mains to serve a development shall be entitled to reimbursement for such costs from pro rata connection or use charges paid to the city, in accordance with this section, by any person who makes use of such lift stations or force mains within 20 years of the date such facilities are accepted by the city.
2. The maximum reimbursable cost paid to a developer by the city from pro rata charges collected from persons connecting to the facilities constructed by a developer shall be based upon the cost of providing capacity for the facilities in excess of the capacity required or reserved by the developer to meet the requirements of the developer's property for which the facilities were installed, determined as follows:

$$\text{Reimbursement} = \left[\frac{\text{Cost}^{1}}{\text{Capacity}^{2}}\right] \times \text{ECAP}^{3}$$

[1] Total cost of facility.

[2] Total capacity, in gallons per minute (gpm) of the facility.

[3] Capacity, in gallons per minute (gpm), in excess of capacity reserved or required by developer's property.

3. Reimbursement costs shall be payable to the developer within 30 days of receipt of pro rata charges collected by the city.

C. Pro Rata Charges for Use of Sanitary Sewer Lift Stations or Force Mains Installed by Developers

Persons connecting to or using sanitary sewer lift stations or force mains installed by a developer shall pay pro rata costs as follows:

1. Every person who connects to or makes use of a sanitary sewer lift station or force main, the cost of which was incurred by a developer and for which a pro rata reimbursement agreement has been entered into between the city and such developer, shall, as a condition to such connection or use or continued use, pay to the city a pro rata cost charge based upon the use of the excess capacity of the facility, determined as follows:

$$\frac{\text{Avg. Daily Flow}^{1} \times 1.5^{2} \times N^{3} \times \text{Rate}^{4}}{1440^{5}}$$

[1] Average daily flow—The projected average daily sewage flow from each building, structure or particular land use. For single-family residential buildings the projected average daily sewage flow of 312.5 gallons per day (gpd) shall be used (based upon two and one-half persons per building times 125 gpd). For other land uses, the projected average daily sewage flows shall be based upon the U.S. Environmental Protection Agency's or its successor agency's most recent listing of average sewerage flows for various land uses or facilities or any other national or state listing of such sewage flows recognized in the utility industry, as determined appropriate by the Directors of Water and Wastewater Utilities.
[2] 1.5—Ratio of peak flow to average daily flow.
[3] N—Number of buildings, structures, units or particular land uses on which the projected average daily sewage flows are based.
[4] Rate—The gallon per minute (gpm) cost of providing the sewage capacity used, determined as follows:

$$\frac{\text{Total Cost of Facility}}{\text{Total Capacity (gpm)}}$$

[5] 1440—The minutes in a 24 hour day.

2. The intent of this subsection is to provide for an equitable pro rata charge to persons making use of lift stations or force mains constructed under the provisions of this section based upon the average daily projected sewage flows and peak sewage flows of particular buildings, structures and land uses.
3. In cases where the pro rata charge calculated in accordance with this subsection would not be equitable because the actual average daily sewage flow or peak flow from a particular building, structure or land use is much greater or smaller than the normal projected average daily flow or peak flow on which such pro rata charge is based, the Directors of Water and Wastewater Utilities may, based upon evidence of such greater or smaller actual daily sewage flow or peak flow, require a payment of a greater or smaller pro rata charge as a condition to the connection to, use of or continued use of a lift station or force main which is subject to a pro rata reimbursement agreement. In such cases, the Assistant City Manager of Utilities shall give written notice to such person required to make such pro rata payment of the basis for the actual pro rata charge, and such person may, within 30 days thereafter, appeal such determination to the Public Utilities Board. The Board shall, within a reasonable time thereafter, make a determination of the actual pro rata charge to be assessed and paid.

D. Administrative Procedure

1. Prior to beginning of construction of any facility for which pro rata reimbursement is provided for herein, the developer shall enter into a pro rata reimbursement agreement with the city. The agreement shall be in a form adopted by the city. In addition to such other terms as may be necessary to carry out the provisions of this section, the agreement shall provide that if construction of the facility does not commence within one year of the date of the agreement, it shall terminate, unless a written extension thereof is approved by both parties.
2. Pro rata reimbursement payments shall be made by the city to the person or entity who paid the cost of the main or his assignee, and no other person shall be entitled to payment under the terms of this subsection.
3. Pro rata reimbursement payments shall be made pursuant to the terms of the final approved pro rata agreement.
4. The reimbursement shall be payable within 30 days of its receipt by the city.
5. All pro rata agreements shall be reviewed and approved by the Directors of Water or Wastewater Utilities. Final approval of pro rata agreements will be by the City Council after recommendation by the Public Utilities Board or by the City Manager if this authority is delegated to him/her by the City Council.

7.6.16 Alternative Water and Sewer Facilities

All developments within the jurisdiction of the city shall be required to have approved water supply and sanitary sewerage facilities and shall be required to connect to the city facilities unless alternative arrangements have been approved by the city according to the following standards and procedures:

A. Basic Policy

1. Alternative water and sewer systems will be considered for developments that are located in areas that are impractical or economically infeasible to connect to the city's centralized water distribution and/or wastewater collection system.
2. The key factors that will be evaluated to determine the city's acceptance of these alternative water and sewer systems are:
    a. General compliance with the city's land use element of the Comprehensive Plan and Water Distribution and/or Wastewater Collection System Master Plans.
    b. The severity of the economic difference between the collective costs of the alternative water and/or sewage disposal systems necessary to serve the entire development and the costs to extend water and/or wastewater lines to the development.
    c. The suitability of the soil conditions, topography and other environmental factors effecting the development for the installation of the individual on-site sewage disposal systems.
    d. The total number of lots, size of lots and overall density of the development.
    e. The impact on surrounding properties and environmentally sensitive areas adjacent to the development and the availability of buffer areas.
    f. The impact on surrounding properties ability to develop with suitable access to water and/or sanitary sewer facilities.

B. Approval Process

1. All alternative water and sewer systems shall be approved by the Directors of Water or Wastewater Utilities based on the approval criteria established above and below.
2. All alternative systems shall be designed and operated in strict compliance with all applicable permits, ordinances, regulatory guidance and regulations including the EPA, TCEQ, Texas Department of State Health Services, and the city.

C. Approval Criteria

Alternative water and sewer systems will be considered for developments pursuant to Chapter 26: *Utilities*, in the Municipal Code of Ordinances; the Water and Wastewater Criteria Manual; and the following:

1. Individual Water Wells

Developments may be approved with individual water well facilities according to the following criteria:

a. Water well operation and quality meet the minimum requirements of the TCEQ; North Texas Groundwater Conservation District; the provisions of the Municipal Code of Ordinances; and Title 16, Texas Administrative Code, Part 4, Chapter 76; or other administrative rules promulgated by the Texas Department of Licensing and Regulation;

b. Water wells are not used in any commercial sale of the water;

c. Cost to tie onto the city water system, less impact fees, exceeds the certified initial capital cost of a well;

d. Satisfying health and safety requirements, including fire standards; and

e. An applicant for approval of an individual water well shall submit the following evidence to the Director of Water Utilities:

   i. Water Well application;

   ii. Water quality tests;

   iii. Affidavits stating that no more than three families will use the well and/or the well water will not be used in any commercial sales; and

   iv. Certified cost estimate of well installation.

   v. Upon review of this evidence, the Director of Water Utilities may issue a Water Well Permit.

2. Private Water Systems

In areas where development requires water services for more than a single facility and the cost of extending and tying onto the city system is prohibitive, privately owned water facilities may be considered and approved by the city according to the following general criteria:

a. The cost to tie onto the city system would be significantly greater than the proposed alternative.

b. The applicant of the proposed alternative system provides certified evidence from a registered professional engineer that the system will meet all city, state, and federal health and water quality standards.

c. The sizing and material quality of all facilities will meet the city standards. Provisions shall be made to design the water system to provide adequate fire protection for the development in accordance with the design criteria established by the city.

d. Perpetual private maintenance is guaranteed by such means as a homeowner's association, bonds, or other means approved by the City Attorney.

e. Operators of the system will be certified by the TCEQ.

f. The city shall have the right to inspect the system periodically to determine if such system is being operated and maintained according to industry standards.

g. The review and approval procedures for such private water system shall proceed concurrently with the normal platting and engineering plan approval process as outlined in this article, except for applications under these alternative water facilities proposals, which shall first require review and recommendation from the Public Utilities Board and final concurrence from the City Council.

h. The city may accept existing or annexed private water systems for operation and maintenance when the city's water lines are connected to such system, provided the system has been designed, constructed and operated in accordance with accepted industry and city standards. Such private system shall be dedicated to the city at no cost.

i. Prior to such acceptance by the city, such water lines and facilities shall be inspected and evaluated as to standards, adequacy, condition, etc.. If water lines and facilities are not according to city standards, a per-lineal-foot pro rata charge shall be assessed to the users of such system for installation of these new facilities or will be on a per-lineal-foot, actual-cost basis for upgrading or repairing the existing facilities to meet city standards.

3. Land Use Requirements for Water Wells and On-Site Sewage Systems

a. Utilizing Private Water Well

Lots or tracts of land platted or created after the effective date of this DDC shall have a minimum area of two acres when a private water well is located on the legal tract and a single-family dwelling, commercial, or institutional building utilizes an on-site sewage facility. Environmental protection must be demonstrated on the on-site sewage facility plan when the land tract is in a flood plain or floodway.

b. Utilizing Public Water System

Lots or tracts of land platted or created after the effective date of this DDC shall have a minimum area of one acre when a single-family dwelling, commercial, or institutional building uses an on-site sewage facility. Environmental protection must be demonstrated on the on-site sewage facility plan when the land tract is in a flood plain or floodway.

4. Individual On-Site Sewage Disposal System

Individual on-site sewage disposal systems will be considered for developments that are located in areas that are impractical or economically infeasible to connect to the city's centralized wastewater collection system.

a. Approval Criteria

The key factors that will be evaluated to determine the city's acceptance of these alternative individual on-site sewage disposal systems are:

i. General compliance with the city's land use element of the Comprehensive Plan and Wastewater Collection System Master Plans.

ii. The severity of the economic difference between the collective costs of all of the individual on-site sewage disposal systems necessary to serve the entire development and the costs to extend wastewater lines to the development. In addition, the feasibility of low pressure sewer system shall be evaluated to serve the dwelling unit or the development.

iii. The suitability of the soil conditions, topography, and other environmental factors effecting the development for the installation of the individual on-site sewage disposal systems.

iv. The total number of lots, size of lots, and overall density of the development.

v. The impact on surrounding properties and environmentally sensitive areas adjacent to the development and the availability of buffer areas.

vi. The impact on surrounding properties ability to develop with suitable access to sanitary sewer facilities.

b. **Review of Subdivision or Development Plans**

i. Prior to final plat approval and before the on-site sewage facility permit process for an individual on-site sewage facility can begin, persons proposing residential subdivisions, manufactured housing communities, multi-unit residential developments, business parks, or other similar uses and using on-site sewage facilities for sewage disposal shall submit planning materials for these developments to the City of Denton.

ii. The planning materials shall be prepared by a professional engineer or professional sanitarian and shall include:

a. An overall site plan;

b. Topographic map;

c. 100-year floodplain map;

d. Soil survey;

e. Location of water wells;

f. Locations of easements as identified in Texas Administrative Code, Title 30, Chapter 285;

g. A complete report detailing the types of on-site sewage facilities to be considered and their compatibility with area wide drainage and groundwater; and

h. A comprehensive drainage plan.

5. **On-Site Sewage Facilities**

a. An on-site sewage facility may be installed to serve an individual residence, commercial, or industrial facility if:

i. The lot upon which such structure is located is more than 600 feet from any city sanitary main. The distance shall be measured as the straight-line horizontal distance between the end of the existing city sanitary sewer main to the nearest property boundary of the lot to be served;

ii. The Director of Wastewater Utilities, or designee, certifies in writing that the topography of such premises makes normal connection with such existing sanitary main impractical or impossible, and a low pressure sewer system is not feasible; and

iii. The operation of an on-site sewage facility is feasible on the premises and will meet the standards and requirements of this section.

iv. All other installations of on-site sewage facility shall be unlawful within the wastewater service area as certified by TCEQ.

b. On-site sewage facilities shall be installed in accordance with the standards established by the Texas Department of State Health Services, TCEQ, and the design criteria adopted by the city.

c. An applicant for approval of an individual on-site sewage facility shall submit the following evidence to the Director of Water or Wastewater Utilities:

i. Map and statement of justification;

ii. Affidavits that the on-site sewage facility will serve residents, commercial, or industrial facilities confined to a single lot and not to exceed 5,000 gallons per day in capacity;

iii. A site evaluation and construction plan of the on-site sewage facility system prepared by a registered professional engineer or registered professional sanitarian; and

iv. Affidavit of the results of the soil analysis and site evaluation in accordance with Title 30, TAC, Chapter 285.

v. Upon review of this evidence, the Director of Water or Wastewater Utilities may issue an on-site sewage facility permit.

6. Wastewater Treatment Systems

In areas where development requires wastewater services for more than a single facility and the cost of extending and tying onto the city system is prohibitive, wastewater treatment system may be considered and approved by the city according to the following general criteria:

a. The cost to tie onto the city system, less impact fees, would be significantly greater than the proposed alternative;

b. The applicant of the proposed alternative system provides certified evidence from a registered professional engineer that the system will meet all city, state, and federal health and water quality standards;

c. The sizing and material quality of all facilities will meet the city standards, and federal, and state regulatory requirements;

d. The review and approval procedures for such wastewater treatment system shall proceed concurrently with the normal platting and engineering plan approval process as outlined in this article, except for applications under these alternative sewer facilities proposals that shall first require review and recommendation from the Public Utilities Board and final concurrence from the City Council. In addition, TPDES permit shall be secured for operation of the wastewater treatment facility; and

e. The city will assist in obtaining the TCEQ TPDES permit for the wastewater treatment facility. Once the construction of the facility is complete and the city issues the acceptance letter, the ownership of the wastewater treatment facility will revert to the city. The city will thereafter own and operate the facility.

7. Existing Privately Owned Water and Wastewater Systems

a. The city may accept existing or annexed private wastewater treatment system for operation and maintenance when the city's sewer lines are connected to such system, provided the system has been designed, constructed and operated in accordance with accepted industry and city standards and proper maintenance bonds are provided. Such private system shall be dedicated to the city at no cost.

b. Prior to such acceptance by the city, such water and sewer lines and facilities shall be inspected and evaluated as to standards, adequacy, condition, etc.. If sewer lines and facilities are not according to city standards, a per-lineal-foot pro rata charge shall be assessed to the users of such system for installation of these new facilities or will be on a per-lineal-foot, actual-cost basis for upgrading or repairing the existing facilities to meet city standards.

c. Connections to sanitary sewer extensions required upon notice. Whenever the city sanitary sewer system is extended to within 200 feet of any lot or parcel of land within the corporate limits of the city where an on-site sewage facility exists, the owner or occupant of each premises shall abate such on-site sewage facility, dry closet or privy and shall construct a suitable water closet upon such premises and connect the water closet with the city sanitary sewer main within 45 days after written notice to do so from the Director of Water and Wastewater Utilities, unless he/she can show by county health certificate that his current system is functioning in a sound and safe manner. He/she shall further be required to have these facilities re-certified every two years.

7.6.17 Plans and Specifications

The developer shall provide the city with all plans and specifications for all water and wastewater facilities necessary to service the proposed development.

A. Basic Requirements

1. All water and wastewater facilities necessary to support a proposed development shall be designed by a professional engineer licensed in the State of Texas.
2. Plans and specifications shall be prepared and submitted for review and approval prior to final acceptance and approval of the final plat.
3. Plans and specifications shall conform to the criteria contained in the Water and Wastewater Design Criteria Manual.

B. Construction Plans

1. The developer's engineer shall prepare construction plans for all water and wastewater facilities required to serve the development.
2. The construction plans shall be prepared by a professional engineer licensed in the State of Texas and shall be signed and sealed in accordance with the criteria outlined by the State Board of Registration for Professional Engineers prior to submittal to the city for review, approval or construction purposes.
3. The construction plans shall be prepared in accordance with the standards outlined in the Water and Wastewater Design Criteria Manual and shall be available on electronic media unless otherwise approved by the Water and Wastewater Utility Department.

C. As Built Drawings

After the construction has been completed and prior to acceptance of the facilities by the city, the construction plans shall be modified to reflect as-built conditions and be submitted to the city.

7.7 Landscaping, Screening, Buffering, and Fences

7.7.1 Purpose

The city recognizes landscaping, tree preservation, buffering, and screening as important features and activities to:

A. Blend the built and natural environment and preserve the natural landscape;

B. Mitigate or minimize potential nuisances such as noise, light, glare, dirt, litter, signs, parking, or storage areas and to provide a transition between uses;

C. Conserve water resources by using sustainable design and maintenance techniques and low-water plant species;

D. Promote environmental benefits such as improved stormwater retention, water quality, and air quality, soil moisture, groundwater, and erosion prevention;

E. Improve the appearance of development and establish an attractive streetscape; and

F. Increase the urban tree canopy.

7.7.2 Intent

A. The intent of these regulations is to achieve and maintain an average minimum of 30 percent tree canopy coverage citywide from preserved trees and newly planted trees, and to promote a multi-aged urban forest. Specifically, to achieve the city's goal of a city-wide average tree canopy cover of at least 30 percent, the following goals are established for specific areas of the city based upon the unique ecoregions present in different areas of the city:

1. For areas east of the Interstate 35 / Interstate 35-W corridor, where the Cross Timbers ecoregions is more prevalent, the minimum canopy goal shall be 40 percent coverage.
2. For areas west of the Interstate 35 / Interstate 35-W corridor, where the Grand Prairie ecoregion is more prevalent, the minimum canopy goal shall be 20 percent coverage.

B. These regulations are intended to promote the functional distribution of that canopy throughout various land uses as development occurs through a combination of planting and retention goals and requirements for tree canopy cover.

7.7.3 Applicability

A. General Applicability

Except as otherwise provided in this Section 7.7: *Landscaping, Screening, Buffering, and Fences*, the standards in this section, and the Criteria Manual shall apply as set forth in Section 7.2: *Applicability*, with the following modifications:

1. New Development

a. A new principal structure is constructed; or

b. An existing principal structure is relocated on the lot.

2. Expansions and Enlargements

All expansions or enlargements shall be considered together with any other expansions or enlargements during the previous two year period.

a. The entire site shall comply with this Section 7.7 when:

   i. The number of multifamily dwelling units on a property is increased by more than 25 percent; or

   ii. The square footage of a nonresidential building is expanded or enlarged by more than 50 percent; or

   iii. The addition or expansion of one or more structures or uses that requires specific use permit approval.

b. The portion of the site being expanded and/or improved shall comply with this Section 7.7 when:

   i. The number of dwelling units on a property is increased by between 10 and 25 percent or 10 dwelling units, whichever is less; or

   ii. The square footage of a nonresidential building is expanded or enlarged by between 10 and 50 percent; or

   iii. Parking area improvements or expansions including reconfiguring, reconstructing, or other similar projects, but not including resurfacing or restriping.

3. Electric Substations and Switch Stations

Landscaping, screening, buffering, and tree standards for electric substations and switch stations shall be pursuant to Subsection 7.13.7: *Electric Substation, Interchange, and Switch Station Design*.

B. Exemptions

1. Expansion of a single-family detached dwelling, duplex, or townhome within the permitted building coverage.
2. Cumulative expansions and enlargements of a multifamily development or nonresidential use less than 1,000 square feet.
3. Conversion of a residential structure to a nonresidential use where no site improvements are required.

C. Alternative Landscaping

1. Alternatives Authorized

A reduction in the count, configuration, or location of required landscaping materials may be allowed when alternatives are justified by site or development conditions. Conditions justifying approval of an alternative landscape plan include:

a. Natural conditions, such as watercourses, natural rock formations, or topography;

b. The likelihood that required landscaping material at maturity would not achieve the intent of this DDC due to topography, placement, or other existing site conditions;

c. Unique lot size or configuration;

d. Challenges associated with infill development or redevelopment on small lots;

e. The presence of existing utility or other easements;

f. The potential for interference with public safety;

g. Preservation of natural vegetation; or

h. Other situations where strict adherence to the buffer or landscaping standards in this DDC are determined impractical by the Director.

2. **Alternative Landscape Plan Approval Criteria**

The Director may approve alternative landscape plans that do not meet the specific requirements stated in this Section 7.7, when the Director determines that the alternatives meet the following criteria:

a. Are consistent with the purposes of this Section 7.7;

b. Do not include invasive vegetation included in an adopted city, county, or state list of prohibited or invasive species;

c. Provide equal or superior buffering of adjacent properties from anticipated impacts of the proposed development; and

d. Provide equal or superior visual appearance of the property when viewed from a public right of way.

7.7.4 Tree Preservation

A. Purpose and Intent

The Comprehensive Plan identifies the importance of environmental management, while allowing reasonable and responsible development of land within the city. Towards this end, the purpose of these regulations is to promote the preservation and expansion of tree canopy, facilitate site design and construction that contributes to the long term viability of existing trees, and to establish a process to manage the removal of tree canopy. Further, this section is intended to accomplish the following public purposes:

1. Protect trees and promote the ecological, environmental, and aesthetic values of the city;
2. Maintain and enhance a positive image of the city through the preservation, mitigation, and planting of trees;
3. Prevent the untimely and indiscriminate removal or destruction of trees and clear-cutting of land;
4. Provide for a permitting and enforcement procedure;
5. Preserve the public health, safety, and general welfare of citizens;
6. Encourage the protection of healthy trees and provide for the replacement and/or replanting of trees that are necessarily removed during construction, development, or redevelopment;
7. Provide for the preservation and protection of larger native and/or established trees, which provide a valuable amenity to the urban environment and which, once destroyed, can only be replaced after generations, if at all;
8. Enhance and preserve established tree stands adjacent to Environmentally Sensitive Areas in order to further protect wildlife habitats and reduce impacts from new developments;
9. Provide for shade, windbreaks, and the cooling of air; thereby, reducing the requirements for air conditioning and heating and the utilization of nonrenewable energy sources;
10. Provide for open space and more efficient drainage of land; thereby, reducing the effects of soil erosion and the need for additional drainage facilities; and

B. Applicability and Exemptions

1. Unless exempted in paragraph 2 below, the requirements of this subsection shall apply to:

a. Undeveloped land;

b. All nonresidential and multifamily property to be redevelopment including additions or alterations, but not including interior alterations or exterior alterations that do not change the footprint of the building, and that do not require the removal of trees; and

c. Existing single-family and duplex dwelling properties applying for a demolition permit for the principal structure, provided that the minimum dbh for protected trees shall be 10 inches or greater.

2. The following activities shall be exempt from this subsection:

a. Agricultural operations under Tex. Agric. Code Sec. 251.002(1);

b. Property on which a single-family or duplex dwelling unit(s) exists, provided that trees designated for preservation on an approved Tree Survey or Preservation Plan and/or an associated Plat shall be preserved unless otherwise exempt under TLGC 212.905 or its successor;

c. Any tree determined to be diseased beyond recovery, dying, dead, creating a public nuisance or damaging a foundation by a qualified professional;

d. Any tree determined to be causing a danger, or to constitute a hazardous condition, as a result of a natural event such as tornado, storm, flood or other act of God, that endangers the public health, welfare or safety and requires immediate removal; or

e. Any tree listed on the Texas Department of Agriculture Noxious and Invasive Plant List;

f. Clearing of understory necessary to perform soil borings, boundary surveying of real property, to conduct tree surveys or inventories, or to install tree protection fencing, provided that clearing for surveying shall not exceed a width of four feet for general survey (e.g., of easement boundary) and eight feet for survey of property boundary lines, and provided that any protected tree having a dbh of 10 inches dbh or greater may not be removed under this exemption. For the installation of tree protection fencing the clearing shall not exceed a width of four feet, measured radially from the trunk, and must not encroach into the dripline or critical root zone of any tree to be protected.

C. Tree Removal Permit

1. New Development/Construction

a. In the event it becomes necessary to remove a tree for development or construction, a tree removal permit is required. No protected tree may be removed for development or construction until the final plat has been approved and the Building Official has properly issued a tree removal permit for that purpose. In instances where a final plat is not required, proposed removal of protected trees shall be reviewed with any required site plan for development.

b. All areas within the public rights-of-way, utility easements or drainage easements, as shown on an approved plat, and areas designated as cut/fill on the related drainage plan approved by the City Engineer, shall be subject to the requirements of this section.

2. Municipal/Public Property

Property owned by the City of Denton, State of Texas, a political subdivision of the State of Texas, or any public school, pubic school district, or nonprofit charter school shall be subject to requirements of Subsection 7.4.3.

3. Tree Removal Permit Required

a. No protected trees may be removed or transported until authorized by a tree removal permit. It shall be an affirmative defense to prosecution that permitting is exempted by Subsection 7.7.4B.

4. Tree Removal Permit Review and Approval Process

a. Applicant submits a complete application, along with the applicable fees.

b. A tree survey and tree preservation plan is required for all new development, in accordance with Subsection 7.7.4D.

c. A tree removal permit is valid for 180 days, or for the duration of a building permit, clearing and grading permit, or clearing and grubbing permit issued in conjunction with the tree removal permit, whichever is longer.

d. Protected trees shall not be removed until:

   i. Proper mitigation or replacement requirements have been determined and approved for the lot or site on an approved tree survey and preservation plan; and

   ii. A preconstruction meeting has been held with proper city staff authorizing grading and construction activities to begin on the lot or site; and/or

   iii. A tree removal permit has been issued for the lot or site.

5. Standards for Relocating Heritage and Quality Trees

All permitted tree relocations shall be in accordance with the applicable American National Standards for Tree Care Operations ANSI A300.

6. Permits Issued for Public Need, Danger, or Calamity

The Director or designee may issue a permit for the removal of a protected tree provided that it:

a. Is determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare, or safety;

b. Hinders or obstructs the construction, maintenance, repair, or replacement of city streets, water and sewer lines, and drainage and storm sewer;

c. Is located in any right-of-way required under the mobility/thoroughfare plan to be dedicated to, and accepted by the city. This does not include trees being removed for proposed driveways, right and left turn lanes, or median openings required or warranted by a development. Trees removed in these instances shall be replaced per paragraph 7.7.7F.5;

d. Hinders or obstructs the construction, repair, maintenance, or replacement of public improvement projects including, but not limited to, major collection lines for sanitary sewer, distribution lines for water, collection and management of storm water runoff, and thoroughfares designated for construction in the City's Capital Improvement Project Plan, Water and Sanitary Distribution Line Maps, or Mobility/Thoroughfare Plan;

e. Is damaged or killed by a tornado, ice or wind storms, flooding, or other acts of nature; or

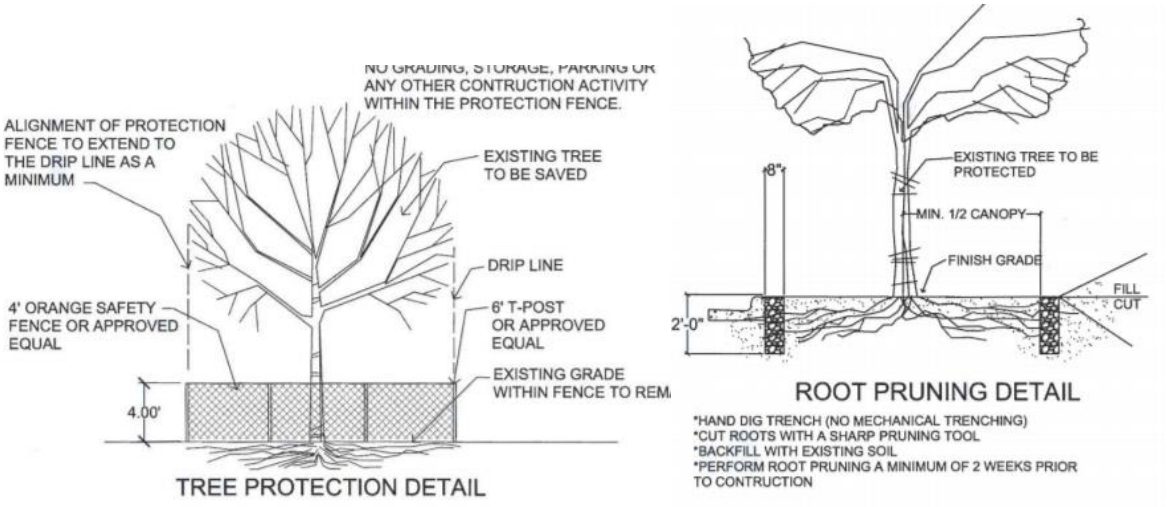
f. Is otherwise required by statute.

D. Tree Protection Requirements During Construction

Property owners shall adhere to the following tree protection measures on all construction sites, consistent with Figure 7.7-1: *Tree Protection and Root Pruning Details*.

1. Prior to grading, brush removal, or construction, the developer shall clearly tag or mark all trees to be preserved.
2. The developer shall erect an orange plastic mesh fence, or other approved fencing material, a minimum of four feet in height around each tree or group of trees to prevent the placement of debris, equipment, or fill within the dripline or critical root zone. The fence shall be installed prior to the release of any permit. If the protection fence is found removed, damaged, or altered at any time during construction prior to final inspection or landscape installation, a stop work order may be issued by the Building Official.
3. During the construction phase of development, the developer shall prohibit cleaning, parking, or storage of equipment or materials under the canopy of any tree or group of trees required to be preserved. The developer shall not allow the disposal of any waste material harmful to tree growth and health, such as, but not limited to, paint, oil, solvents, asphalt, concrete, or mortar in the dripline area.

Figure 7.7-1: Tree Protection and Root Pruning Details



4. No attachments or wires of any kind, other than those intended to identify or protect a protected tree, shall be attached to any tree.
5. No fill or excavation may occur within the dripline of a tree to be preserved unless there is a specific approved plan for use of tree wells or retaining walls. Any plan proposing the use of tree wells or retaining walls within the dripline of a tree to be preserved shall be designed by a licensed landscape architect. Major changes of grade (four inches or greater) will require additional measures to maintain proper oxygen and water exchange with the roots. In addition, the developer should adhere to the following guidelines to protect the trees to be preserved:
    a. With grade changes, a reinforced retaining wall or tree well of a design approved by the city should be constructed around the tree no closer than half the distance between the trunk and the drip line. The retaining wall should be constructed so as to maintain the existing grades around a tree or group of trees.
    b. At no time should a wall, pavement, or porous pavement be placed closer than five feet or one foot for every two inches in caliper, whichever is greater, to the trunk of the tree.
    c. In instances where tree wells or retaining walls are approved, root pruning may be necessary when the critical root zone is to be disturbed. See Figure 7.7-1.
    d. If a patio, sidewalk, drive, parking lot, or other paved surface must be placed within the drip line of an existing tree, material such as a porous pavement or other approved construction methods that will allow the passage of water and oxygen may be required.

E. Tree Survey and Preservation/Replacement Plan

1. A tree survey and preservation/replacement plan is required for the development impact areas and shall accompany the initial application for a site plan, preliminary plat, replat, gas well site plan, or a clear and grade permit, regardless of the number of trees present on a property.
2. A tree survey and preservation/replacement plan may be required to accompany a zoning application, specific use permit, or a planned development amendment where tree and landscaping requirements are relevant to the requested zoning or development amendment, as determined by the Director.
3. Each tree survey and preservation/replacement plan shall contain, but not be limited to, the following required elements:
    a. The locations of all trees to be preserved and removed on the subject site.
    b. A table containing the following information for all trees:
        i. Tree number;
        ii. Common name of each tree;
        iii. Circumference of each landmark tree;
        iv. Diameter (dbh) of each tree;
        v. General health and condition of each tree;
        vi. Average canopy spread;
        vii. Classification (quality, heritage, landmark, secondary, or non-protected) and status (preserve or remove) for each tree; and

viii. Mitigation worksheet as shown in Table 7.C.

4. The tree survey and preservation/replacement plan shall be prepared by or under the supervision of an ISA certified or ASCA registered arborist, a SAF certified forester, botanist, professional land surveyor that has documented completion of at least eight hours of training in Texas tree identification, or a registered landscape architect.
5. Residential subdivisions that are to be developed in phases must provide a plan that complies with the preservation requirements at full build-out as approved on the preliminary plat or general development plan.
6. Any subsequent redevelopment of property shall preserve the minimum percentage dbh inches as indicated by the initial tree survey and preservation/replacement plan.
7. A notation must be placed on the preliminary plat, final plat, site plan, and building permit identifying the dbh of trees to be preserved and the location of the lots that contain preserved trees. The notation shall limit any future unauthorized land disturbing activity or construction that would impact and/or damage the tree(s) preserved.
8. A tree survey and preservation/replacement plan shall be approved if the minimum preservation and replacement requirements are met.
9. If there are no protected trees on a property, then a signed and notarized letter indicating such shall be prepared by or under the supervision of an ISA certified or ASCA registered arborist, a SAF certified forester, botanist, professional land surveyor that has documented completion of at least eight hours of training in Texas tree identification, or a registered landscape architect and submitted with the initial development application.

F. Alternative Tree Preservation/Replacement Plan

1. Description and Intent

The alternative tree preservation/replacement plan provides the option to further the purpose and intent of these regulations through a flexible process reviewed and approved by the Director for one of the following purposes:

a. To allow trees measuring below the minimum dbh to be counted for Protected Trees when:
   i. The allowance would result in the preservation of a greater number of post oak trees, regardless of dbh; or
   ii. The preservation of protected tree(s) would cause a substantial burden, but smaller dbh non-secondary trees are located in such a way that the trees can be incorporated into the site design such as the parking lot, buffer, or front yard landscaping.
b. To allow secondary trees to count towards the minimum required preservation instead of quality trees.

2. Criteria for Approval

a. The proposed alternative tree preservation/replacement plan adequately achieves, or is an improvement on, the intent of the requirements of this subsection; and
b. The proposed site design has minimized the loss of protected trees to the greatest extent possible or has maintained existing tree stands.

3. Replacement Trees

Required replacement and mitigation contained in paragraphs 7.7.4H and 7.7.4I shall be required for those alternatives in paragraph 7.7.4F.1 above.

G. Minimum Preservation Requirements

1. Tree Types and Required Preservation

a. Landmark Trees

One-hundred percent of all Landmark trees shall be preserved.

b. Heritage and Quality Trees

A minimum of 35 percent of the total dbh shall be preserved within the development impact area. Removal of trees shall be replaced in accordance with Subsection 7.7.4H or 7.7.4I.

i. The 35 percent minimum preservation requirement may be reduced to 25 percent provided:

a. The 25 percent preserved dbh is in either a dedicated conservation easement or in a preserved habitat. All protected and non-protected trees, unless dead or diseased, that are greater than six inches dbh may be counted toward meeting the 25 percent requirement.

b. Preserved habitats may be dedicated as a conservation easement, and if not dedicated as a conservation easement must otherwise be restricted on a plat. Preserved habitat shall contain the prescribed minimum preservation amount, contain a stand of trees and understory, and shall be the greater of 10 percent of the property or 5,000 square feet.

c. All other trees remaining in the development impact area but removed shall be replaced in accordance with subsection 7.7.4H or 7.7.4I., if applicable.

ii. Properties without a preserved habitat or conservation easement may reduce the 35 percent minimum to 25 percent provided:

a. The 10 percent reduction is mitigated at the following rates: heritage trees at two and three-quarters inches for every inch removed; and quality trees at two and one-quarter inches for every inch removed.

b. All other trees remaining in the development impact area but removed shall be replaced in accordance with Subsection 7.7.4H or 7.7.4I., if applicable.

c. Secondary Trees

There is no minimum preservation of secondary trees required when there are quality and heritage trees located on a property. In instances where there are no quality or heritage trees located on a property, then a minimum of 20 percent of the total dbh for secondary trees on the property must be preserved within the development impact area.

d. Preservation Relief

City Council may approve relief of the Preservation Requirements in accordance with Tree Preservation Relief Provisions in 7.7.4J, and where required by State law.

H. Tree Replacement

1. In the event that it is necessary to remove a protected tree(s) as allowed in this section, the applicant shall be required to replace the tree(s) being removed with healthy trees or pay a mitigation fee as explained hereafter.

a. If it is determined that tree replacement is required, the tree preservation/replacement plan must be approved prior to approval of a final plat or replat and a note shall be placed on that plat referencing the approved tree replacement plan.

b. If platting is not required, the tree replacement plan shall be included as part of a site plan approval or tree removal permit.

2. In accordance with TLGC, § 212.905, as amended, replacement trees must:
   a. Be planted on property in which they were removed; or
   b. Be planted at a location mutually agreed upon by the city and the property owner; and
   c. Measure at least two inches dbh when planted.
3. In order to ensure biodiversity and protect against tree diseases, if 20 or more replacement trees are planted, no one species of tree may exceed 30 percent of the total new trees on the site.
4. To determine the replacement inches required by this section, the applicant shall inventory and combine the total inches of dbh of all protected trees that are to be removed and that are located within the development impact area.
5. This inventory shall be separated into inches of dbh removed per protected tree classification as calculated using the following replacement rates:
   a. Heritage Tree – Three inches for every inch removed;
   b. Quality Tree – Two inches for every inch removed; and
   c. Secondary Tree – Four inches for every tree removed.
6. The total of the required inventories represents the replacement inches that shall be replaced through new tree plantings or preservation of existing trees. New trees required to satisfy the landscaping provisions of this section shall be counted towards satisfying this requirement.
7. Once each tree on the site is inventoried, tree mitigation shall be calculated as follows and as shown in Table 7.C: *Sample Tree Mitigation Worksheet*. The calculated dbh of each tree shall be the dbh of the tree multiplied by the appropriate classification ratio as described in paragraph 4 above. The total calculated dbh shall be the sum of all these trees.
8. In accordance with TLGC, § 212.905, as amended, a credit of 50 percent shall automatically be given to the total calculated dbh for all residential development, and 40 percent for nonresidential development. The preliminary mitigation dbh is 50 percent of the total calculated dbh for all residential, or 40 percent for nonresidential. Mixed-use developments shall be credited at the residential rate of 50 percent.
9. After calculating the preliminary mitigation dbh and subtracting the preserved credits, any remaining dbh is defined as the mitigation dbh. The mitigation dbh is required to be satisfied either by the planting of new trees on-site with an equivalent total dbh or by using one of the alternative methods described in Subsection 7.7.4J.
10. If any preserved and/or replacement tree(s) dies within three years of initial planting or issuance of certificate of occupancy, the current property owner shall be subject to the same replacement requirements per these requirements, unless otherwise exempt or deemed a non-protected tree.

I. Tree Preservation Credit

Additional credit shall be given for all protected trees that are preserved. Preserved credits shall be the sum of:

1. A four-inch credit against mitigation for each one-inch of preliminary mitigation dbh shall be applied to the preservation of any landmark tree, or any trees preserved within a conservation easement or preserved habitat;
2. A three-inch credit against mitigation for each one-inch preliminary mitigation dbh shall be applied to the preservation of any other heritage tree; and
3. A two-inch credit against mitigation for each one-inch of Preliminary Mitigation dbh shall be applied to the preservation of any other quality tree.
4. An additional preserved credit may be credited against preliminary mitigation dbh for preserved secondary trees, provided:
    a. The minimum preservation of 30 percent is achieved for heritage and quality trees;
    b. A one-half inch credit against mitigation for each one-inch preliminary mitigation dbh shall be applied to the preservation of secondary trees; and
    c. Credit for preserved secondary trees may not exceed 50 percent of the preserved dbh of quality trees.

Table 7.C: Sample Tree Mitigation Worksheet

dbh (Diameter at Breast Height)			
	Diameter at Breast Height (inches)		
Total dbh	120		
Non-protected dbh	20		
Total Protected dbh	100		
Required Preservation (35 percent unless exception applies)	35		
Dead Tree dbh	0		
Protected Trees Removed			
TYPE	**dbh Removed (inches)**	**Replacement Ratio**	**Calculated dbh (inches)**
Heritage	40	3:1	120
Quality	30	2:1	60
Subtotal	*70*		*180*
	Trees Removed	**Replacement Ratio**	**Calculated dbh**
Secondary	4	4": 1 tree	16
TOTAL			**196**
Preliminary Mitigation dbh		**50 percent reduction**	**98**
Trees Preserved			
TYPE	**dbh Preserved (inches)**	**Credit Ratio**	**Preserved Credit (inches)**
Heritage	20	3:1	60
Quality	10	2:1	20
Secondary	5	0.5:1	2.5
TOTAL	**30**		**82.5**
MITIGATION dbh			**15.5**

J. Tree Preservation Relief Provisions

1. Purpose

The purpose of this provision allows a determination of whether the application of this DDC, as applied to a tree removal application and related development applications, would if not modified or other relief granted, may unreasonably burden the development of the property.

2. Review Procedure

a. A property owner or his authorized agent may file an application for relief under this subsection following a final decision to deny or conditionally grant an application for a tree removal permit.

b. The Director has the authority to establish requirements for applications for tree preservation relief in the Application Criteria Manual. No application shall be accepted for filing until it is complete and the fee established by the City Council has been paid.

c. Upon approval of an application for relief in whole or in part by the City Council, the Director shall process the tree removal permit and related development applications pursuant to the relief granted on the application for relief approved by the City Council.

d. A denial of an application for relief by the City Council is a final determination.

3. Criteria for Approval

In deciding whether to grant relief to the applicant, the City Council shall consider whether there is any evidence from which it can reasonably conclude that the application of all or a part of the provisions of this DDC that apply to tree preservation may deprive the applicant of all economically viable use of the property, based on the following factors:

a. Whether there is a unique physical circumstance on the property.

b. Whether the proposed design has minimized the loss of trees to the extent possible.

c. Whether preservation and/or mitigation unduly burdens the development of the property.

K. Alternatives to Tree Replacement Requirements

In order to satisfy the mitigation dbh, the property owner may use any combination of alternative methods of compliance listed below. These alternative methods may also be used in combination with or in lieu of tree replacement, so long as the total replacement dbh is satisfied by one or all methods.

1. Payment in Lieu of Replacement

a. Payment in lieu may be made in the amount prescribed separately and periodically by ordinance, and, if made, such a payment shall be deposited into the tree fund for the purposes described in this subsection. This amount is calculated by the average cost incurred by the city for the purchase, planting, and irrigation of a two-inch tree for three years.

b. The applicant must pay the fees contributed to the tree fund prior to the issuance of a gas well site plan, or the filing of a final plat in the Denton County Clerk's Office. If platting is not required, payment shall be prior to issuance of a tree removal permit.

c. Notwithstanding any other provision in this subsection, no tree mitigation fee may be collected or enforced in contravention of state law.

2. Tree Donation

The developer may donate the replacement tree(s) to the City's Parks Department for planting within the city, with the approval of the Parks Director.

3. Conservation Easement

The property owner may request to grant a conservation easement by plat to the city that includes protected trees and non-protected trees beyond the minimum preservation amount, and with a combined dbh equal to or exceeding the dbh for which mitigation is being requested.

a. In addition to the tree survey and preservation/replacement plan, a detailed baseline document describing the property's physical and biological condition, the general age of any tree stands, locations of easements and construction, and the conservation values protected by the easement, shall be required.

b. The city may decline the request for a conservation easement for any reason; however a request so declined will not satisfy the mitigation requirement and mitigation must be achieved in a different manner as described above.

L. Tree Fund

1. The city shall administer and use the tree fund to:
   a. Purchase, plant, and maintain trees;
   b. Conduct maintenance on conservation easements dedicated in accordance with this subsection;
   c. Preserve wooded property remaining in a naturalistic state in perpetuity;
   d. Perform and maintain a city-wide tree inventory;
   e. Educate citizens and developers on the preservation, care, maintenance, benefits and value of trees within the City of Denton; and
   f. Support programs for the public purpose of increasing the tree canopy within the City of Denton as approved by City Council.
2. Proceeds from the tree fund shall not be used to meet any requirements for preservation, mitigation, landscaping, buffering, streetscaping, or similar requirements in this DDC or the Municipal Code of Ordinances.
3. Voluntary contributions for tree planting shall be placed in the tree fund.

M. Incentives

1. Energy Conservation Credit

Mitigated or preserved large canopy shade trees located on the western or southern exposures of a habitable building may receive additional tree replacement credit. The trees must be located a minimum of 10 feet but a maximum of 30 feet in distance from the building. Required tree replacement may be credited at 1.5 times the existing or newly planted trees;

2. Heritage Tree Credit

A replacement credit of 4.0 times the dbh of a heritage tree preserved beyond the minimum preservation requirements may be counted toward meeting the required replacement;

3. Conservation Easement Credit

Required replacement trees may be credited 2.0 times if planted within the dedicated Conservation Easement;

4. Tree Cluster(s)

In order to emphasize the importance of preserving trees in a cluster during development, additional mitigation credit will be given for a cluster(s) of three or more trees whose bases are located less than 10 feet apart and whose drip lines overlap. Credit shall be calculated at 1.15 times the dbh of each tree within the cluster; and

5. Parking Space Reduction

Upon application and verification by the Director, an individual shall be entitled to a reduction in the minimum parking to help meet the minimum tree preservation requirements. For the purpose of providing an incentive, the minimum parking requirements in Subsection 7.9.4, may be reduced by one parking space for every 12 inches

dbh of trees that have been protected or mitigated on a site. Up to 15 percent of the required spaces may be reduced; or

6. **Certification in Lieu of Mitigation**
The Director shall assist those who wish to have a site certified under the Denton Wildscape Program in lieu of meeting replacement requirements as long as 20 percent of existing trees on-site are preserved.

7. The enforcement and penalty provisions of Section 1.5 shall apply to this subsection.

7.7.5 Landscape and Tree Canopy Requirements

A. Applicability to the Development Impact Area

1. Single-family, Duplex, and Townhome Dwellings:
   a. Existing single-family, duplex, townhome, triplex, and fourplex lots that are currently developed are exempt from the minimum requirements contained in subsection (B).
   b. New detached single-family, duplex, townhome, triplex, and fourplex subdivisions are required to provide landscaping as specified in subsection E.
2. Multifamily and nonresidential developments are required to comply with all landscaping and tree canopy requirements in this section.
3. All replacement trees included as part of the approved tree preservation/replacement plan shall be credited against the trees planted, as required by this section.

B. Minimum Landscape Area and Tree Canopy Requirements

Landscape area is the portion of a development impact area which is comprised of trees, shrubs, and pervious groundcovers. The percentage of landscape area required shall be based on the property's zoning designation, as indicated in Table 7.D below.

Table 7.D: Minimum Landscaped Area and Tree Canopy Cover by Zoning Sub-district

Zoning Sub-district	Minimum Landscaped Area (percentage lot area)	Minimum Tree Canopy Cover (percentage lot area)
	Residential	
R4	50	50
R6	25	40
R7	20	40
	Mixed-Use	
MN	20	40
MR	25	30

C. Measurement and Calculation of Landscape and Tree Canopy Areas

1. Tree Canopy Measurement

a. Tree canopy is measured by computing the area that the mature canopy will encompass, based on the tree list contained in the Site Design Criteria Manual. The mature canopies may be estimated for existing trees on-site. Any tree not on the tree list may be estimated by a registered landscape architect.

b. The required percentage of tree canopy required shall be based on the zoning of the property as described in Table 7.D. The required tree canopy area shall apply to either:

   i. The entire development impact area, or

   ii. The entire lot being developed, minus the footprint area of any proposed buildings.

c. The selected method for calculating the required tree canopy must be explicitly stated on the Landscape Plan.

2. Qualifying Types of Landscaping and Tree Canopy - General

The following may count towards meeting the landscape and tree canopy requirements:

a. All landscaped areas planted and maintained within the development impact area;

b. Tree canopy in the adjacent public right-of-way;

c. All required mitigation trees may count towards landscaping (including street trees and yard trees) if planted trees have a minimum of three inches dbh; and

d. Plazas and pedestrian circulation areas if constructed with pervious material and not located within the public right-of-way.

3. Qualifying Types of Low Impact Development (LID) Designs

Low Impact Development (LID) options count toward required landscape if installed and maintained pursuant to the North Central Texas Council of Governments Integrated Storm Water Management (iSWM) strategies, including:

a. **Bioswales**: Bioswales are vegetated swales planted with wet tolerant species of plants or ornamental grasses. They transport, store, and allow infiltration of water, and can be designed as a landscape feature. Bioswales are not grassed, but are planted with a variety of plant species that can withstand occasional water inundation for short periods of time.

b. **Grassed Swales**: Grassed swales are designed conveyance devices used to transport water over the surface of the ground to a point of disposal that may be a catch basin, ditch, or water body that will filter, infiltrate, evaporate, and clean the water of total suspended solids and other pollutants. Swales are often appropriate along property lines, public streets, and around buildings.

c. **Bioretention Facilities:** (a.k.a. Rain Gardens): Bioretention facilities are small shallow depressions planted with a variety of native or ornamental plants that can treat small amounts of runoff to improve water quality. Bioretention facilities are generally small collections of flood-tolerant plants planted on a low site area that naturally collects rainfall.

d. **Sand Filters**: Sand filters are depressions, trenches, barriers, or sand lens, constructed of porous mineral matter that improve ground water recharge, to filter, clean and trap waterborne pollutants.

D. Appropriate Planting Materials

1. Ninety percent of plantings shall be from the approved landscape plant list in the Site Design Criteria Manual.
2. In order to ensure biodiversity and protect against tree disease, if 20 or more trees are planted, no one species of tree may exceed 30 percent of the total new trees on the site.
3. At least 50 percent of the trees planted must be native, indigenous, or adapted, as indicated on the approved landscape plant list.

E. Minimum Landscaping for Single-Family Detached Dwelling, Duplex, Townhome, Triplex, and Fourplex Lots

1. Except as otherwise provided in this paragraph, all single-family lots must contain a minimum of two large shade trees per dwelling. Single family lots developed under R7 standards, duplex lots, and townhome lots must contain a minimum of one large shade tree per dwelling.
2. All triplex and fourplex lots must contain a minimum of one large shade tree per lot.
3. At least 30 percent of the front yard shall be landscaped.
4. At least 20 percent of the rear yard shall be landscaped.

F. Landscape Plan and Point System

In addition to the above standards, the following requirements shall apply to all developments except single-family detached dwelling, duplex, and townhome lots:

1. A landscape plan is required for all developments demonstrating compliance with the required minimum landscape area requirements, at the time of application for whichever of the following comes first:
   a. Specific use permit;
   b. Site plan; or
   c. Building permit.
2. All landscape plans shall be drawn and sealed by a registered landscape architect.

3. All landscape plans shall contain at a minimum the following elements:
    a. A delineation of the property boundary, the development impact area, ESAs, preserved habitat areas, and any easements;
    b. Dimensioned buffer areas, right-of-way screening areas, and parking lot landscaping areas;
    c. Location and tabulation of all proposed plantings, including size at the time of planting and expected canopy area of all trees at maturity, as provided for in the Site Design Criteria Manual;
    d. Tabulation of how the required landscape and buffer points, as described in the sections below, are provided;
    e. Tabulation of the required and provided number of street trees, unless provided on a separate street tree plan at the time of platting; and
    f. Any additional information required to demonstrate compliance with the requirements of this section.
4. Landscape area and tree canopy shall be designed using a combination of elements from the point system described below.
    a. All developments are required to provide a combination of landscaping elements from Table 7.E, totaling at least 30 points and meeting the minimum required percentage of landscape area and tree canopy.
    b. At least two elements must be selected from both Sections A and B in Table 7.E, except as noted below. The remaining points may be selected from Sections A, B, or C.
        i. Right-of-way screening shall be provided between the front-most row of parking and the street. Screening area shall begin at the back edge of either the right-of-way or public utility easement, as necessary to prevent encroachment into those areas. The area dedicated to right-of-way screening must contain sufficient area to plant the proposed screening elements and allow for full growth potential. For developments where parking is not located between the building and the street, any drive aisles located in front of the building are required to be screened by at least one of the elements in Section A in Table 7.E.
        ii. Parking lot landscaping shall be provided internal to the parking lot. Turf grass does not satisfy requirements for planting materials in parking lot landscaping areas. Planting materials permitted include drought-tolerant plants, ornamental and/or native grasses, and pervious non-living ground cover installed with a permeable weed-barrier.
        iii. If proposed, living walls and living green roofs should be engineered in accordance with building industry standards to ensure building safety and longevity of the plant material. Living green roofs shall be installed in a manner allowing for inspection consistent with applicable OSHA standards, along with all other site landscaping.

Table 7.E: Landscape Area Point System

Section A. Right-of-Way Elements (Minimum 2 unless no front parking, then 1)	Points
A landscaped berm with a maximum 3:1 side slope on both sides	5
One large canopy tree planted every 40 linear feet	5
Three small accent trees clustered every 30 linear feet when space does not permit large canopy trees	5
A minimum three-foot high continuous hedge of evergreen shrubs	5
A minimum three-foot high continuous wall made of any combination of wrought iron, masonry, or stone. If wrought iron is used, vines shall be planted every 10 feet on center on the wrought iron to create a more opaque wall.	5
Section B. Parking Lot Landscaping Elements (Minimum 2)	**Points**
Internal landscape islands with an area of at least nine feet by 18 feet containing at least one large canopy tree placed evenly at an average of one for every ten spaces (or portion thereof). For lots of ten spaces or less, at least one internal landscape island is required but does not have to be centrally located within a row of parking spaces,	5
End caps with an area of at least 9-feet by 18-feet containing at least one large canopy tree.	5
A landscape median of at least 8-feet wide running the length of a parking row and containing at least one large tree per 30 linear feet.	5
Section C. Other Site Landscaping Elements	**Points**
A minimum 10-foot wide area provided for the length of the building frontage between the front of the building and the parking lot and containing a five-foot wide landscaped area abutting the building wall. This area may be paved as a walkway if pots or planters are provided along at least 75 percent of the building frontage.	3
Each planted tree meets or exceeds four caliper inches at the time of planting.	5
At least 75 percent of plants proposed are drought-tolerant as indicated in the approved landscape plant list or adaptive to Denton's plan hardiness zone as determined by the US Department of Agriculture.	5
Landscape area provided exceeds required minimum by an additional 10 percent or more.	3
No more than 30 percent of landscaped areas are covered in turf grass.	3
Tree canopy exceeding minimum requirement by an additional 25 percent or more	3
A mixture of bioswales, grassed swales, bioretention facilities, and sand filter (low-impact design techniques pursuant to 7.7.5C.3) as described in this section. If designed as part of a parking lot island or median, points may be counted for both elements.	7
Living walls/vertical gardens provided in a designated pedestrian area or as an architectural feature of a principal building wall. Living walls must account for at least 25 percent of the wall face.	5
Rooftop vegetation provided as part of an engineered green roof accounting for at least 25 percent of the roof area.	5
Butterfly or pollinator gardens that include native milkweed and nectar plants that are provided as part of a designated pedestrian amenity or plaza area and that comprise at least five percent of the required overall landscape area. Butterfly and pollinator gardens are encouraged due to Denton's designation as a Monarch City.	5

G. Landscape Installation and Maintenance

1. Landscaping installed as part of the requirements of the landscape standards shall be free from diseases and insects and maintained in a healthy and growing condition at all times.
2. The property owner is responsible for regular weeding, mowing, irrigation, fertilizing, pruning, litter removal, and other maintenance as needed for all plantings.
3. The property owner shall remove and replace any required landscaping as part of an approved landscape plan that dies with other approved living plants from the approved plant list contained in the Site Design Criteria Manual no later than 30 days after: The landscaping has died, or after the postmarked date of written notification from the city, whichever is sooner. The Director or designee may, in his sole discretion, extend this time period due to weather, appropriate planting season, or other events outside of the reasonable control of the property owner.

H. Irrigation

To ensure viability, landscape areas shall be irrigated by one or a combination of the following methods:

1. An automated underground system;
2. A drip irrigation system; and/or
3. The Director or designee may waive the irrigation system requirement if the approved landscape plan includes drought tolerant plants, a xeriscape system, or other approved materials. In such cases, a temporary irrigation system shall be installed and maintained until the plants are established.

I. Permits, Enforcement, and Drought

1. No permits will be issued for any nonresidential and multifamily development until a landscape plan is submitted as part of the site plan, specific use permit, or building permit review process.
2. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the approved landscape plan and applicant shall call for inspection of all landscape installation.
3. An as-built landscape plan shall be provided to the city upon final inspection.
4. Landscaping that dies shall be replaced by the owner with plants of similar variety and size no later than 30 days after the landscaping dies or 30 days after being notified from the Director or designee, whichever occurs first. The Director or designee may in his sole discretion, extend this time period due to weather or other events outside of the reasonable control of the property owner. Replacement trees of similar mature canopy may be replanted with approval from the Director or designee. Replacement trees must be a minimum of three-inch caliper, measured six inches above the ground.
5. A planting extension may be granted by the Director or designee, in his sole discretion, if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his agent. Seasons of drought, extreme heat, or heavy rainfall causing construction delays are examples of abnormal circumstances.

J. Payment in Lieu of Planting

In instances where easements, encumbrances, physical constraints, or life safety requirements limit the ability to plant the required trees needed to meet the minimum tree canopy coverage, an applicant may pay into the tree fund as an alternative. The Director may approve a reduction in minimum tree canopy area of up to 10 percent of the required amount. Any reduction in tree canopy area shall be mitigated by payment into the city's tree fund based upon the standard canopy size of a large canopy tree as specified in the Site Design Criteria Manual, assuming each required tree measures two caliper inches. The payment per inch shall be calculated as provided in the city's payment schedule.

7.7.6 Compatibility Landscape Buffer Requirements

Compatibility buffers are required to mitigate or minimize potential nuisances such as noise, light, glare, dirt, litter, signs, parking, or storage areas and to provide a transition between incompatible uses.

A. Minimum Buffer Required

1. All developing uses, unless exempted in subsection D below, shall be required to install a buffer as specified in Table 7.F below. All replacement trees included as part of an

approved tree preservation/replacement plan will be credited against trees required in this subsection.

Table 7.F: Buffer Points and Minimum Width Requirements

Developing Use	Adjacent Use				
	Agricultural	Single-family detached or duplex	Multifamily and townhome	Commercial and institutional	Industrial
Agricultural	None	None	None	None	None
Single-family detached and duplex	Minimum 10 points; no minimum width	None	Minimum 10 points; no minimum width Exception: If adjacent use is in MR or MN zoning subdistrict, minimum 15 points and minimum width 15 feet	Minimum 10 points; no minimum width Exception: If adjacent use is in MR or MN zoning subdistrict, minimum 15 points and minimum width 15 feet	Minimum 10 points; no minimum width Exception: If adjacent use is in MR or MN zoning subdistrict, minimum 15 points and minimum width 15 feet
Multifamily and townhome	Minimum 10 points; no minimum width	Minimum 20 points; Minimum width 10 feet	None	Minimum 20 points; Minimum width 10 feet	Minimum 20 points; Minimum width 10 feet
Commercial or Institutional	None	Minimum 30 points; Minimum width 15 feet Exception: For single family detached in the MR zoning sub-district, minimum points are 30 and minimum width is 25 feet	Minimum 30 points; Minimum width 15 feet	None	Minimum 20 points; Minimum width 10 feet
Industrial	None	Minimum 50 points; Minimum width 30 feet	Minimum 50 points; Minimum width 30 feet	Minimum 30 points; Minimum width 30 feet for institutional and 10 feet for commercial	None

2. For mixed-use buildings or development sites, buffers shall be provided based on the most intense use within such building or development site.

B. Buffer Point System

Buffers shall earn the designated point total by selecting a combination of elements as indicated in Table 7.G below. For buffers including more than two listed elements, vegetation may also include a combination of shrubs and trees. No more than one fence or wall type may be used to meet the buffer point requirements.

Table 7.G: Buffer Points

Buffer Element	Points
Solid opaque screening fence, minimum 6 feet in height, single-faced	5
Vinyl, composite, double-faced solid wood, or similar non-masonry screening fence, minimum 6 feet in height	10
Solid masonry wall, minimum 6 feet in height	20
5 or more additional feet in landscaped buffer width beyond required minimum	5
3 ornamental trees for every 50 linear feet of buffer (meeting planting standards of Site Design Criteria Manual)	5
3 ornamental trees for every 25 linear feet of buffer (meeting planting standards of Site Design Criteria Manual)	10
5 shrubs for every 20 linear feet of buffer (5-gallon size)	5
5 shrubs for every 20 linear feet of buffer (10-gallon size)	10
1 large canopy tree for every 30 linear feet of buffer (minimum 3-inch caliper)	10
Preservation of existing Landmark, Heritage, Quality, or Secondary trees within at least 50 percent of the buffer area	5
Construction of an improved connecting trail	5

C. Buffer Standards

1. Buffer Location

Buffers shall be located on the outer perimeters of a lots or parcels, and shall extend to the limits of the developed area of the site. Buffers shall not occupy any portion of an existing, dedicated, or reserved right-of-way, or be located on public property.

a. In instances where a required drainage or public utility easement is located within a buffer area, the easement area will count toward the buffer area requirement. No trees or shrubs are allowed within the easement. However, if the remaining buffer area outside the easement is 10 feet or greater, buffer elements are required.

b. In those instances where a perimeter fence or wall is used in conjunction with a buffer, the perimeter fence or wall shall have a minimum height of six feet, shall be constructed of material permitted by Subsection 7.7.8: *Walls, Fences, and Screening*, and shall be located on the outside boundary of the required buffer.

2. Buffer Design

a. The entire buffer area shall be landscaped with ground cover other than turf grass.

b. Vegetation included in the buffer shall meet the following requirements:

i. Plant species shall be selected from the approved landscape plant list or native plant list.

ii. At least 50 percent of the plants shall be evergreen.

iii. No more than 50 percent of the plants shall be from the same genus.

c. Buffers may contain pedestrian or bike trails to promote connectivity to adjoining properties as long as no required plant material is omitted from the design, and the buffer width is maintained.

3. Designated tree preservation areas occupying a portion of a required buffer satisfy the planting requirements for the portion they occupy.
4. When healthy protected trees are located within the required buffer, the protected trees should be preserved to the greatest extent possible. The Director may determine if additional buffer elements are required to mitigate or minimize potential nuisances based on specific site conditions.
5. When a preserved ESA is located in an area where a buffer would be required, the ESA may count as the required buffer for that portion of the property.

D. Exceptions to Buffer Requirements

1. Buffer requirements may be waived by the Director when the property is an internal site within a master planned development or within a mixed-use development. Buffers shall still be required around the perimeter of the development based on the requirements in this subsection.

7.7.7 Street Tree Requirements

A. Applicability

Applications for development shall propose and be required to plant street trees in accordance with the following standards, and in accordance with the spacing requirements identified in the Site Design Criteria Manual. The Director may approve alternative plans due to special site conditions, which may, for reasons such as safety or existing trees on the lot, affect the ability to meet these regulations. All replacement trees included as part of an approved tree preservation/replacement plan will be credited against the required street trees.

B. Street Tree Plan

A street tree plan shall be submitted with a site plan for multifamily or nonresidential developments and with a final plat for new residential subdivisions. Additionally, street trees should be specifically called out on building permits and landscape plans.

C. Street Tree Location

Street trees shall be located within the street right-of-way or within 10 feet of the street right-of-way.

D. Number and Spacing

1. At least one street tree is required for every 30 feet of street frontage.
2. Street trees are not required to be regularly spaced at 30-foot intervals; however, street trees shall not be planted further apart than 50-foot intervals and not closer than 25 feet apart.
3. Street trees shall be planted in accordance with the spacing requirements from utilities, intersections, and driveways described in the Site Design Criteria Manual.
4. To ensure biodiversity and protect against tree disease, if 20 or more street trees are planted, no one species of tree may exceed 30 percent of the total new street trees. Where multiple species are required within a single block, trees of the same species shall be planted non-contiguously to the greatest extent possible.

E. Tree Planting

1. Tree planting standards shall be in accordance with the Site Design Criteria Manual.
2. Each tree planted shall meet the most current version of American Standards for Nursery Stock ANSI Z60.1, and shall have a minimum size of three-inch caliper measured six inches

above grade, unless the trees are planted as replacement for the removal of existing trees, in which case the trees must have a minimum size of two inches dbh. Any tree that does not meet ANSI Z60.1 may be rejected by the Director.

F. Maintenance

1. Property Owner Responsibility

a. Street trees shall be maintained by the adjoining property owner.

b. It is the adjoining property owner's responsibility to water, prune, fertilize, and treat for insect and disease, as may be deemed necessary. All incurred costs are to be borne by the property owner.

c. It is the adjoining property owner's responsibility to remove any hazardous or dead tree, as may be deemed necessary. All incurred costs are to be borne by the property owner.

2. Tree Canopy Clearance Height

All trees shall be maintained by pruning and other necessary care by the adjacent property owner to ensure a minimum clearance of 15 vertical feet from the curb line, 15 vertical feet from an alley, and eight vertical feet from the sidewalk.

3. Removal of Trees or Plantings in Public Right-of-Way

The city may prune or remove any tree or planting that constitutes a hazard to person or property or for any other reason for trees and plantings located in public right-of-way or in a landscape maintenance easement.

4. Pruning

All pruning shall be in accordance with the most current version of American National Standards for Tree Care Operations ANSI A300.

5. Tree Replacement

The city may replace an approved street tree or other planting that has died or may have been removed for any reason, or plant additional street trees deemed appropriate and consistent with available resources.

6. Abuse or Mutilation

It shall be unlawful for any person to break, destroy, or mutilate any approved street tree, or to set fire or permit any fire to cause damage to any portion of any street tree, or to attach or place any rope or wire, sign, poster or other device on any street tree. Each occurrence shall constitute a distinct and separate offense.

7. Trees Adjacent to Overhead Electric Utilities

Street trees planted adjacent to overhead electric distribution lines shall be of a species having a mature height less than 30 feet to accommodate maintenance of a 10-foot minimum separation between vegetation and electric lines.

7.7.8 Walls, Fences, and Screening

A. Purpose

The purpose of these standards is to provide reasonable regulations for the appearance, location, type, and maintenance of fences and walls to ensure the safety of residents and the high-quality character and appearance of the city.

B. When Required

1. Residential Subdivision Perimeter Fences

A perimeter fence meeting the standards of this section shall be provided around the perimeter of residential subdivisions along all arterials and corridors.

2. Other Fences

Except for residential subdivision perimeter fences, fences are not mandatory; however, when used, all fences or walls shall be constructed in compliance with applicable Municipal Code of Ordinance provisions, and are subject to the standards of this subsection.

C. Perimeter Fence Standards

Perimeter fences surrounding residential subdivisions and nonresidential uses shall comply with the following fencing material standards:

1. Perimeter Fences Adjacent to and Fronting Public Right-of-Way

a. For new development, allowable materials include only masonry, wrought iron, , or a combination of masonry, and wrought iron.

b. For existing development, individual backyard fences along an arterial or collector are allowed to replace the existing originally constructed fence with the same materials or with higher quality materials.

2. Perimeter Fences not Adjacent to or Fronting Public Right-of-Way

a. Allowed Materials

i. Wood;

ii. Wrought iron;

iii. Masonry; and

iv. Brick.

b. Prohibited Materials

i. Barbed wire;

ii. Razor wire; and

iii. Electrified fences.

D. Fences on Individual Lots

1. Summary Table of Fence Standards

A summary of the standards for fences on individual lots is provided in Table 7.H, below.

Table 7.H: Fencing Standards on Individual Lots

Fence Type	Allowed Materials	Prohibited Materials	Maximum Height
Single-Family Detached, Duplex, Townhome, Triplex, and Fourplex			
Front yard and side yard facing right-of-way	Wood; wrought iron; masonry; brick; vinyl; PVC; architectural metal panels; or composite material	Galvanized or coated chain link; corrugated metal; barb wire; razor wire; and electrified fences	8 feet, provided such fence does not extend beyond the front building line of the principal structure; 4 feet otherwise

Table 7.H: Fencing Standards on Individual Lots

Fence Type	Allowed Materials	Prohibited Materials	Maximum Height
Interior side yard or rear yard	Wood; wrought iron; masonry; brick; vinyl; PVC; architectural metal panels; or composite material	Galvanized or coated chain link; barb wire; razor wire; and electrified fences	No maximum
Multifamily and Commercial Uses			
Front yard and side yard facing right-of-way	Masonry provided such fence does not extend beyond the front building line of the principal structure; wrought iron, elevated and sealed wood; or a combination of such materials	Any materials not listed as allowed materials	8 feet
Interior side yard or rear yard	Wood; wrought iron; masonry; brick; vinyl; PVC; architectural metal panels; or composite material	Galvanized or coated chain link; barb wire; razor wire, and electrified fences	No maximum
Institutional Uses			
Front yard and side yard facing right-of-way	Any materials approved by the City unless expressly prohibited and except that front yard fences extending beyond the front building line of the principal structure are limited to masonry; wrought iron; elevated and sealed wood; or a combination of those materials	Barb wire; razor wire; electrified fences; and corrugated metal	8 feet
Interior side yard or rear yard	Any materials approved by the City unless expressly prohibited	Barb wire; razor wire; electrified fences; and corrugated metal	No maximum
Industrial Uses			
Front yard and side yard facing right-of-way	Any materials approved by the City unless expressly prohibited and except that front yard fences extending beyond the front building line of the principal structure are limited to masonry; wrought iron; elevated and sealed wood; or a combination of those materials	None, except that front yard fences extending beyond the front building line of the principal structure are limited to allowed materials	8 feet
Interior side yard or rear yard	Any materials approved by the City	n/a	No maximum
Agricultural Uses			
Front yard and side yard facing right-of-way	Any materials approved by the City	n/a	8 feet
Interior side yard or rear yard	Any materials approved by the City	n/a	No maximum
Uses on City-Owned Properties			
Front yard and side yard facing right-of-way	Any materials approved by the City	n/a	8 feet
Interior side yard or rear yard	Any materials approved by the City	n/a	No maximum

2. Materials and Design

a. All fences shall be constructed of materials pursuant to Table 7.H and shall be designed and constructed to allow proper drainage flow. The structural support members shall not be visible from public view. Natural vegetative edge row is also permitted.

b. Barbed wire, razor wire, or electrified fences may only be used as specified in Table 7.H or to comply with federal or state law.

c. Fence design and materials shall be installed and maintained consistently for the entire length of the fence.

3. Fence Height

a. Fence height shall not exceed the maximum height specified in Table 7.H.

b. Fences over four feet tall in the front yard that extend beyond the front building line shall not exceed 50 percent opacity.

4. Fence Location

Fences shall not be located within any right-of-way, easement, designated fire lane, or within any required parking spaces. Fences shall not obstruct safe vehicular or pedestrian passage; ingresses or egresses; nor shall they obscure any sight visibility lines or sight visibility triangles contained in the Transportation Criteria Manual.

E. Screening

Screening is required for the following applications, as specified below:

1. Refuse Container Screen

a. Containers for commercial solid waste and recycling service shall be screened from public view. Refuse containers that are not visible to the public are not required to be screened.

b. Containers for solid waste and recycling service for nonresidential, mixed-use, and multifamily development shall be enclosed on all sides with a gated solid screening wall at least six feet in height.

c. Materials used for container enclosure construction shall be of masonry, metal, wood, vinyl, or composite material that is compatible with the principal structure and shall be maintained in a state of good repair at all times.

d. All refuse and recyclable materials shall be contained within the screened refuse and recyclables area. A concrete or asphalt pad shall be installed beneath the waste collection area.

e. All refuse and recycling collection areas shall meet applicable requirements of the Solid Waste and Recycling Criteria Manual.

2. Mechanical Equipment Screen

a. All mechanical equipment, including those on roof tops, shall be screened from all rights-of-way and residential uses or zoning districts or sub-districts.

b. Mechanical equipment shall not be located between the main structure on the site and any street adjacent to a front or side yard, and every attempt shall be made to place such equipment so that it is not visible from adjacent public streets.

c. Mechanical equipment may be placed in a side yard abutting a side street if there are lot or building constraints from placing it in the other side yard and the equipment is screened with a fence or landscaping.

d. Any installation of mechanical equipment shall require a building permit.

3. **Outside Storage**
   Except for industrial uses that are legally permitted, all outside storage shall be screened from all rights-of-way with a fence or wall at least six feet in height. No outside storage shall be stacked in a way that it becomes visible from the public right-of-way.

4. **Inoperable or Junk Vehicle**
   Unless otherwise provided, all inoperable or junk vehicles that are stored outside an enclosed structure shall be screened from all rights-of-way.

F. Exceptions to Screening Requirements

Screening requirements may be waived by the Director or his or her designee if an opaque screening of equivalent height or greater exists immediately abutting, and on the opposite side of the lot line.

G. Maintenance

Fencing and screening installed as part of the requirements in this Section shall be maintained in good working condition at all times. See Subpart A, Municipal Code of Ordinances, Chapter 17: *Property Maintenance*, Article VIII: *Fences*.

7.8 Access and Circulation

7.8.1 Purpose

The purpose of this section is to reduce the number and length of automobile trips and related greenhouse gas emissions by encouraging walking and bicycling by integrating sidewalks and bicycle routes in new development and redevelopment, and by providing for shorter and more direct routes between many destinations.

7.8.2 Applicability

Except as otherwise provided in this Section 7.8: *Access and Circulation*, the standards in this section, and the Transportation Design Criteria Manual shall apply as set forth in Section 7.2: *Applicability*.

7.8.3 Parking and Circulation Plan Required

A. All development, except for single-family, duplex, and townhouse residential uses within previously platted subdivisions shall prepare a parking and circulation plan. The plan shall meet the requirements of the Administrative Criteria Manual, Transportation Design Criteria Manual, and contain the following information:

1. Internal circulation and connectivity to existing street network;
2. Emergency and service vehicle access;
3. Parking layout;
4. Loading operations;
5. Turning radii based on uses;
6. Traffic calming measures where future "cut-through" traffic is likely;
7. Pedestrian, bicycle, and transit facilities; and
8. Other similar issues identified by the Director.

B. The Director may waive the requirement for a circulation plan on a case-by-case basis if a development is expected to have no impact upon circulation or proposes no change in existing circulation patterns. This standard shall not be construed to exempt development that includes additional parking, driveways, or substantial modifications to the existing pedestrian network.

C. A circulation plan shall be submitted with the respective site plan or subdivision application, as appropriate.

7.8.4 Compliance with Specifications

A. Developments shall provide for streets, sidewalks, bicycle, and transit facilities to serve the development in accordance with the requirements of this section, the design standards in the Transportation Design Criteria Manual, and the City Mobility Plan, as amended.

B. All street, sidewalk, bicycle, and transit improvements shall be constructed in accordance with Division II, Materials, and Division III, Methods, of the City's Standard Specifications for Public Works Construction, North Central Texas Council of Governments (NCTCOG Standard Specifications), as amended by the city.

C. Where any provision of this DDC conflicts with a provision or requirement of the NCTCOG Standard Specifications, the provisions of this DDC shall control.

D. Prior to construction of sidewalks or any other public pedestrian facility for developments where the total cost of pedestrian improvements will exceed $50,000, the developer must show proof of Texas Department of Licensing review and approval for accessibility.

E. For sidewalks or other pedestrian facilities proposed in a TxDOT right-of-way, Texas Department of Licensing review must occur prior to applying for a TxDOT Permit. Proof of review must be submitted with the Permit application.

7.8.5 Street Design

All streets shall be designed to comply with the Transportation Design Criteria Manual.

7.8.6 Street Connectivity

A. Purpose

Street and block patterns shall include a clear hierarchy of well-connected streets that distribute traffic over multiple streets and avoid traffic congestion on principal routes. Within each development, the access and circulation system should accommodate the safe, efficient, and convenient movement of vehicles, bicycles, and pedestrians through the development, and provide ample opportunities for linking adjacent neighborhoods, properties, and land uses consistent with the City's Mobility Plan, as amended. Local neighborhood street systems are intended to provide multiple, direct connections to and between local destinations such as parks, schools, and shopping.

B. Applicability

All developments shall provide the necessary street system to ensure safe and adequate access to each lot within the development in accordance with these standards, the Transportation Design Criteria Manual, and any other applicable City Ordinance.

C. General Standards

1. Alignment

All streets shall be aligned with existing streets by continuation of the centerline.

2. Coordination with Surrounding Streets

a. The street system for each development shall connect with existing, proposed, and anticipated streets within and outside the development and shall extend to the property boundary to provide for adequate access and the safe and effective movement and circulation of traffic.

b. Street sections from an existing development shall continue to the first intersection of the new development. Requirements concerning block length, land use versus street sections and maximum traffic trips are all applicable in the extension of existing streets into a new development.

c. If there are no adjacent public streets, subdivisions and/or site plans shall provide for connections along each boundary abutting adjacent vacant land for future connections spaced at intervals not to exceed 1,000 feet for arterials, or 660 feet for other street types, or as otherwise approved.

d. An extension or connection of a public street and right-of-way to an abutting property shall include the extension or connection of associated bikeways and sidewalks.

3. **Temporary Turnarounds**

a. The Director and/or the City Engineer may require a temporary turnaround at the end of a roadway extension if needed to facilitate traffic flow or to accommodate emergency vehicles pending the roadway's connection to other roadways. In cases where a temporary turnaround is required, it shall be designed as a temporary cul-de-sac in accordance with the Transportation Design Criteria Manual.

b. Temporary dead-end streets may be approved by the City Traffic Engineer, based on the criteria set forth below, without a temporary cul-de-sac. If a temporary cul-de-sac is not required, signage shall be posted indicating that the street will be extended in the future is required.

D. Modifications to Street Connectivity

1. In limited circumstances, the City Traffic Engineer may modify the requirements or standards for the extension or connection of a public street from or to an abutting property if such extension or connection is impractical or undesirable because it would:

a. Require crossing a significant physical barrier or environmentally sensitive area (e.g., watercourses, floodplains, riparian areas, steep slopes; wildfire hazard areas);

b. Require the extension or connection of a proposed internal public street to an abutting property with existing development whose design makes it unlikely that the street will ever be part of a network of public streets (for example, the abutting existing development has no public streets, or there are no "stubbed-out" street rights-of-way or open corridors between the proposed development site and public streets in the abutting development to accommodate a current or future extension or connection);

c. Require the extension or connection of a proposed internal public street to an abutting property owned by a government or public utility to which vehicular access is restricted, or other property to which vehicular access is restricted by easement or deed; or

d. Require the extension or connection of a proposed internal public street to an abutting property that is developed or zoned for a use whose level and type of generated traffic would be incompatible with the proposed development.

2. Any modification that is not considered impractical as listed above shall follow the variance procedures established in Subsection 2.13.1: *Variance*.

7.8.7 Developer Responsibility for Access and Circulation Improvements

The requirements of this Subsection 7.8.7, shall be subject to the proportionality requirements in TLGC, Section 212.904.

A. Internal Streets

1. If a street is proposed within a development site, the developer shall provide street, bikeway, sidewalk, and other access and circulation improvements in accordance with the standards in this DDC, the Denton Transportation Design Criteria Manual, and the City Mobility Plan, as amended, or another adopted plan and shall dedicate or reserve any required rights-of-way or easements as determined necessary by the city.

2. If a development site includes the proposed corridor of a street designated on an adopted plan, the development shall incorporate a provision of the street into the design of the development, and shall dedicate right-of-way that meets the right-of-way width standards for the street, and an additional five feet to provide for any sloping needed between the pavement and the property line, as determined by the city.
3. All streets shall be provided with curb and gutter along the side abutting the development.
4. If the street is ultimately proposed to serve as a divided arterial street and the development is required to install half of the arterial street, then curb and gutter shall be provided on both sides of the street so as to provide the curb for the future median of the arterial street.

B. Perimeter Streets

1. Unimproved Perimeter Streets

a. Any development on the perimeter of an unimproved street shall dedicate the right-of-way and improve or reconstruct the street to the same extent as is required for new streets, unless the perimeter street has already been partially improved, in which case the development shall dedicate the additional right-of-way and make the additional street improvements necessary to complete the perimeter street to the classification required.

b. For the purpose of this subsection, an "unimproved perimeter street" shall mean a perimeter street which does not have curb and gutter or which does not substantially comply with the standards for street construction listed in the Transportation Criteria Manual or NCTCOG Specifications.

c. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way in accordance with the Transportation Criteria Manual shall be provided at the time of subdivision.

d. Any perimeter street required to be improved to meet the specifications for new streets shall be connected to existing off-site streets in accordance with the horizontal design specifications in the Transportation Criteria Manual.

e. The City Engineer may authorize a developer to not improve a street and instead pay the full impact fee in cases where the Engineering Department has determined that the entire street will need to be improved in the near future.

2. Phasing of Perimeter Paving Improvements

a. Perimeter paving improvements are required to be constructed adjacent to the property which is final platted.

b. In a development where final platting will occur in phases, the developer may choose to perform the required perimeter paving improvements adjacent to each phase as it is platted, or may choose to perform all perimeter paving improvements at one time with the platting of a latter phase as long as the paving is constructed prior to or with the phase of the development that includes 50 percent of the lots in the entire development and the subject perimeter road is not the sole access to the property.

c. The developer will be required to enter into a perimeter paving postponement escrow agreement.

3. Exemptions to Perimeter Street Requirements

The provisions requiring the improvement of existing unimproved perimeter streets to city specifications for new streets shall not apply to the following:

a. A plat for a single-family detached, duplex, or townhome residential lot, where such lot is not part of a larger general scheme of development or subdivision of land containing more than one residential lot;

b. A development that abuts less than 100 feet of an existing perimeter street, where the existing off-site perimeter street on either side of the abutting perimeter street is not improved to city specifications and there are no proposals or plans for improvements to the perimeter street on either side of the abutting perimeter street as evidenced by the City's Capital Improvement Plan or plats approved or pending approval;

c. A development that:

i. Is not required or does not propose to extend a city water line to the property to serve the development; and

ii. Is located more than 8,000 feet from an existing city water line, measured along a straight line from the nearest boundary of the development to the nearest water line; or

iii. A state or federal highway.

4. Rural/Suburban Streets

Upon recommendation of the City Engineer, a required perimeter street meeting standards outlined in the Transportation Criteria Manual for a rural/suburban street may be approved whenever:

a. The required perimeter street is for a residential development in rural district, as shown in the Future Land Use Element of the Comprehensive Plan;

b. The development is not located in an area where the pattern or intensity of development would create the need for improved urban drainage facilities in the foreseeable future; and

c. There are no existing or proposed improved drainage facilities, as shown by the City's Capital Improvement Plan or by plats approved or pending approval, in such proximity to the development that would connect to or receive the drainage waters from the required street drainage improvements.

C. Improvements to Existing Off-Site Streets

1. Fewer than 100 Daily Vehicle Trips

Developments generating fewer than 100 vehicles per day are not required to make pavement improvements to off-site streets, but shall be required to participate in the cost of any proposed signal improvements at the nearest intersection in accordance with the Transportation Design Criteria Manual if signalization in the future is expected.

2. Between 100 and 1,000 Daily Vehicle Trips and Less than 100 Trips per Hour

a. Developments expected to generate at least 100 but less than 1,000 vehicle trips per day and less than 100 vehicle trips per hour at full development shall improve or repair connecting off-site streets as necessary to provide a safe and adequate paved surface for the amount and type of traffic generated by the development.

b. The off-site street improvements or repairs need not meet the specifications for new streets, but shall be made to a standard determined to be necessary by the City Engineer to provide for the safe movement of vehicular traffic generated by the development, pursuant to a distress rating performed by the City Engineer in accordance with the Transportation Design Criteria Manual.

c. Off-site street improvements shall not be required to extend beyond the nearest existing intersecting arterial or collector street as indicated on the roadway component of the Mobility Plan.

d. Such developments accessing an arterial street shall provide right turn lanes into each entrance and left turn lanes into each entrance that left turns are possible.

e. Such developments shall be required to participate in the cost of any proposed signal improvements at nearby intersections determined by the City Engineer in accordance with the Transportation Design Criteria Manual if signalization in the future is expected.

3. More than 1,000 Daily Vehicle Trips and More than 100 Trips per Hour

a. Developments generating 1,000 or more vehicle trips per day or 100 or more vehicle trips per hour shall provide offsite street improvements as determined by the City Engineer in accordance with an approved Transportation Impact Analysis.

b. Offsite improvements may include but are not limited to installation of turn lanes, pavement widening, pavement reconstruction, signal construction, installation of pavement markings, signage or equitable participation in the cost of any of the listed types of improvements.

c. Such improvements shall be required to the extent that the effects of the increased traffic the development generates will not reduce level of service of surrounding streets rather than allowing absorption of existing street capacity on a first come first serve basis.

D. Payment in Lieu of Improvements

1. Where any development would be required by this DDC to improve an existing unimproved street to less than its full width and the city's approved Capital Improvement Plan proposes improvement of the existing perimeter street to city specifications within three years of the date the required improvements are to be undertaken, the development may elect, in lieu of making the required perimeter street improvements, to pay to the city prior to filing the plat, the total construction cost, excluding engineering and design cost, of the required street improvements.

2. The amount to be paid shall be determined by the City Engineer, based on the actual cost of providing for the improvements, as shown in the most recent public bids for the same or similar type street improvements.

3. If the money paid to the city is not used for the required improvements within five years of payment, the funds shall be returned to the person making the payment.

4. In the event that the plat is not filed until after the city has entered a contract with a contractor to construct the subject street improvements, the payment by the development is no longer required.

7.8.8 Transportation Impact Analysis (TIA)

A TIA shall be required for any proposed site development in accordance with the thresholds established in the Transportation Design Criteria Manual. A TIA shall be provided at the time of preliminary plat application, and shall address phasing of transportation improvements. The full right-of-way width of any road shall be dedicated at the time of platting. The ultimate onsite roadway buildout shall be required as stated in the TIA; however, if the roadway falls below a level of service C, the ultimate onsite roadway buildout shall be required to be constructed as part of the next plat for land adjacent to the roadway.

7.8.9 Driveways and Access

A. Applicability

No person shall construct, reconstruct, replace, relocate, alter, enlarge, improve or perform any work on or make use of any driveway for any property within the city, except in accordance with the requirements of this section, the Transportation Design Criteria Manual, and any other relevant standard in this DDC.

B. Compliance with Specifications

1. All driveway improvements shall comply with the design specifications, as contained in the Transportation Design Criteria Manual.
2. All driveway improvements shall be constructed in accordance with Division II, Materials, and Division III, Methods, of the City's Standard Drawings and Specifications for Public Works Construction, North Central Texas Council of Governments (NCTCOG Standard Specifications), as amended by the City. Where any provision of this DDC conflicts with a provision or requirement of the NCTCOG Standard Specifications, the provisions of this DDC shall control.
3. All driveways shall be designed, installed, located and constructed in accordance with the approved specifications, plans, conditions and requirements of the permit issued for the property and the requirements of this section.
4. No certificate of occupancy shall be issued for any building on any property for which a permit is required, until the construction, improvements, alterations or other work covered by the permit is completed in accordance with the permit issued, the requirements of this section or the provisions of any other applicable ordinance.
5. Where no building permit was required in connection with the requested permit, no driveway on the property for which the permit was issued shall be used until and unless the work is completed in accordance with the permit and this DDC.

C. General Standards

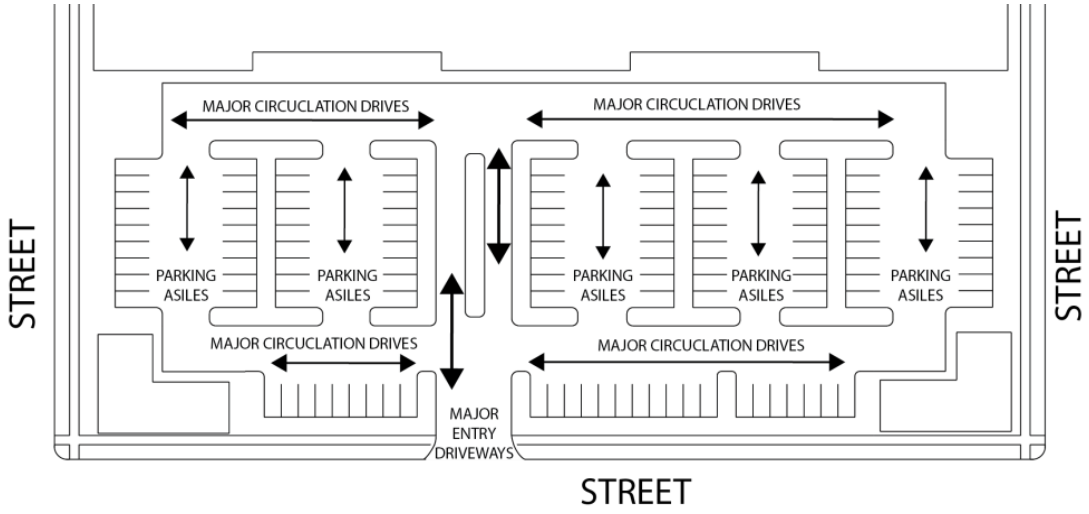
1. Every lot shall have sufficient access providing adequate means of ingress and egress for emergency vehicles and for those needing access to the property for its intended use.
2. All driveway entrances and other openings onto streets shall be constructed so that:
    a. Vehicles may safely enter and exit the property;
    b. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized; and
    c. Shared driveways are provided to the maximum extent feasible to minimize the number of access points to streets.

3. Unobstructed, direct, and convenient access for vehicles to and from a public street shall be provided for all off-street parking spaces. Access from any parking area to a public street shall be designed to allow vehicles to enter and exit in forward drive.
4. Driveways shall align with existing driveways and "T" intersections on the opposite side of the street, or shall be offset in accordance with the Transportation Design Criteria Manual.
5. Driveway approaches shall be paved with concrete surfacing constructed in accordance to City Standard Drawings and Specifications.

D. Vehicle Maneuvering

1. Except for single-family detached or duplex uses, groups of more than five parking spaces per lot shall be provided with adequate aisles or turn-around areas so that all vehicles may enter the street in a forward manner.
2. Except for single-family detached or duplex uses, more than five parking spaces shall be served by a driveway designed and constructed to facilitate the flow of traffic on or off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined.
3. Two-way and one-way driveways shall meet minimum and maximum widths established in the Transportation Design Criteria Manual.
4. Parking lots exceeding 100 spaces shall be designed with a clear hierarchy of circulation. The hierarchy shall consist of:
    a. Major entry driveways without parking spaces; then
    b. Major circulation drives with little or no parking; then
    c. Parking aisles for direct access to parking spaces.

Figure 7.8-A: Vehicle Maneuvering



E. Minimum Driveway Clearances to Street Corners

Driveways located near intersections shall maintain the corner clearances as indicated in the Transportation Design Criteria Manual.

F. Separation of Driveways

Driveways shall be separated in accordance the Transportation Design Criteria Manual.

G. Driveway Widths and Grades

Driveway widths and grades shall be designed in accordance with the Transportation Design Criteria Manual.

H. Access to Collector Streets

Access to collector streets for commercial, office, or industrial development is required and shall be designed and constructed in accordance with the standards provided in the Transportation Design Criteria Manual.

1. Driveway access to single-family detached or duplex dwelling units is not permitted.
2. Single-family and duplex lots developed prior to October 1, 2019, with exclusive frontage on a collector street and no alley, may be developed with a circular drive. Such driveways shall be designed and constructed in accordance with the standards for circular drives provided in the Transportation Design Criteria Manual.

I. Access to Arterial Streets

Access to an arterial street shall not be permitted unless there is no other reasonable means of providing safe access to the property.

1. No development shall be allowed access to an arterial street if property excluded from the development could have been used to provide reasonable access to a lesser classified street or if the property has been previously subdivided in violation of state law or City Ordinance, if access could have been provided to a lesser street except for such unapproved subdivision of the property.
2. Existing commercial or industrial lots created prior to October 1, 2019, by legal subdivision procedures with exclusive frontage on an arterial street may take access to the arterial in accordance with the access standards in the Transportation Design Criteria Manual.
3. Existing single-family detached and duplex lots created prior to October 1, 2019, by legal subdivision procedures with exclusive frontage on an arterial street may be developed with a circular drive. Such driveway shall be designed and constructed in accordance with standards for circular drives provided in the Transportation Design Criteria Manual.
4. When driveway access to an arterial street is the only reasonable means of providing safe and adequate access to the property as determined by the City Engineer, the driveway design, number of driveways, location and construction shall be in accordance with the Transportation Design Criteria Manual.

J. Access to Freeways

1. Direct access to freeway main lanes shall only be provided by ramps and interchanges.
2. Direct access to freeway frontage roads shall be prohibited in the vicinity of ramp connections and shall be subject to Texas Department of Transportation requirements.
3. Direct access to frontage roads may be provided in accordance with the standards for access to arterial streets in the Transportation Design Criteria Manual and shall be approved by the Texas Department of Transportation.

K. Temporary Driveways for Agricultural Purposes

A driveway that does not meet the minimum requirements of this DDC may be permitted for undeveloped property used for agricultural purposes under the following conditions.

1. No building or parking lot permit is being applied for;
2. The driveway will be located a minimum of 50 feet from adjacent intersections;
3. The driveway will not be paved;
4. The driveway will be a minimum of 15 feet wide, but no more than 24 feet wide;
5. All drainage structures associated with the driveway will be sized to carry a 100-year storm; and
6. If applicable, the driveway meets Texas Department of Transportation Design Criteria.

L. Residential

Residential driveways shall meet minimum and maximum widths established in the Transportation Design Criteria Manual.

M. Closing Driveways

1. Where the closing or relocating of one or more existing driveways or portions thereof is necessary to comply with this DDC or a curb cut permit issued, access shall be closed by the removal of the existing driveway approach and the installation of curb and gutter along the gutter line of the street, all in accordance with city specifications.
2. If there is no existing curb and gutter on the street, the driveway shall be closed in the manner specified by the City Engineer.
3. Where the closing or relocating of one or more existing driveways or portions thereof, drainage patterns must be maintained or improved to meet the standards of this DDC and vegetation shall be installed to meet the standards of this DDC.

7.8.10 Cross-Access between Abutting Development

A. All nonresidential development shall be designed to allow for cross-access to adjacent properties to encourage shared parking and shared access points on public or private streets. This may be established by one or more of the following:

1. Connecting streets and drives;
2. Coordinating parking structure and parking lot entrances;
3. Common service/delivery areas;
4. Legally shared parking structures and parking lots;
5. Linkages between parking lots and parking structures; or
6. Providing shared driveways for two adjacent lots from public rights-of-way to minimize curb cuts.

B. When cross-access is deemed impractical by the Director and/or City Engineer on the basis of topography, the presence of natural features, or vehicular or pedestrian safety factors, this requirement may be waived provided that appropriate bicycle and pedestrian connections are provided between adjacent developments or land uses.

C. Cross-access and maintenance agreements associated with such interconnections shall be recorded with the County Clerk and provided, if necessary, with the associated subdivision or development application.

7.8.11 Pedestrian and Bicycle Circulation

A. Applicability

All developments shall provide for the pedestrian and bicycle facilities necessary to serve pedestrian/bicycle traffic to, from, or across the development in accordance with the Transportation Design Criteria Manual and the Bicycle/Pedestrian component of the Mobility Plan.

B. Exemptions

Pedestrian and bicycle improvements required by this Subsection 7.8.11 shall not apply to the following:

1. Except for Planned Developments, along streets fronted by a subdivision in the RR zoning district provided that:
   a. All lots are platted and have a minimum lot area of five acres; and
   b. The lots do not have access from a street that serves more than 200 total vehicle trips per day.
2. For a replat of property zoned for single-family detached residential use if the preceding plat covering the same property did not require sidewalks or bicycle facilities and a zoning change to a district other than single-family detached residential use is not anticipated.
3. The development is not required to make perimeter street improvements in accordance with Subsection 7.8.7.
4. Improvements that result in an increase in the floor area of the existing building or buildings by less than 10 percent;
5. Improvements will not require the construction of additional parking spaces as required in Subsection 7.9.2, *Applicability*.

C. Types of Facilities

1. Sidewalk

a. Intended for the use of pedestrian traffic only and located outside of the street pavement.
b. Sidewalks are required along residential, collector, and arterial streets.
c. Required geometry, locations and materials shall be in accordance with the Transportation Design Criteria Manual.

2. On-Road Bicycle Path

a. Intended for the use of bicycle traffic only and required within the street pavement on arterial streets and where shown in accordance with the Bicycle/Pedestrian Component of the Mobility Plan.
b. Required geometry, location and materials shall be in accordance with the Transportation Design Criteria Manual.

3. Off-Road Combination Pedestrian and Bicycle Path

a. Intended for the use of bicycle and pedestrian traffic, located outside of the street pavement.
b. These facilities are required along residential, collector, arterial, and freeways and where shown in accordance with the Bicycle/Pedestrian Component of the Mobility Plan.

c. Required geometry, location and materials shall be in accordance with the Transportation Design Criteria Manual.

D. On-Site Pedestrian Walkways

1. On-Site Pedestrian Walkways Required

All development shall provide an on-site system of pedestrian walkways with a minimum width of five feet designed to provide direct access and connections to and between the following:

a. The primary entrance or entrances to each building, including pad site buildings;

b. Any sidewalks, walkways, or multi-use paths on adjacent properties that extend to the boundaries shared with the development. Interconnected walkways should be designed with similar and/or complementary details, colors, finishes, etc.;

c. Any parking areas intended to serve the development;

d. Any sidewalk system along the perimeter streets adjacent to the development;

e. Any public transit station areas, transit stops, park and ride facilities, or other transit facilities on-site or along an adjacent street.

f. Any adjacent residential neighborhoods (planned or existing) if sidewalk stubs are planned or existing; and

g. Any adjacent or on-site public park, trail system, open space, greenway, or other public or civic use or amenity.

2. On-Site Pedestrian Walkway Design

Required on-site pedestrian walkways shall:

a. Be a minimum of five feet in width;

b. Be distinguishable from areas used by vehicles using one or more of the following techniques:

i. Changing paving material, patterns, and/or paving color, but not including the painting of the paving material;

ii. Changing paving height;

iii. Decorative bollards;

iv. Raised median walkways with landscaped buffers;

c. Have adequate lighting for security and safety;

d. Be conveniently and centrally located on the subject property;

e. Be ADA accessible; and

f. Not include barriers that limit pedestrian access between the subject property and adjacent properties.

E. Pedestrian Access through Parking Areas

1. All parking lots that contain more than 100 parking spaces shall include pedestrian walkways through the parking lot to the principal building entrance or a sidewalk providing access to the principal building entrance. At a minimum, walkways shall be provided for every three driving aisles or at a distance of not more than 150 foot intervals, whichever is less.

2. Parking lots with 100 spaces or more shall be divided into separate areas and divided by landscaped areas or walkways at least 10 feet in width, or by a building or group of buildings.

F. Pedestrian Access through Parking Garages

Pedestrian walkways shall be provided through parking garages from the parking area to the abutting public right-of-way and/or to the primary entrance of the building served. Pedestrian walkways shall not use vehicle entrance or exit driveways from the parking area to a public right-of-way.

G. Crosswalks

1. Crosswalks shall be identified in consultation with the City Traffic Engineer to meet the specific need and functionality of pedestrian movement at a particular location.
2. The type and size of the crosswalk shall be determined based on federal and state guidelines described in the Manual on Uniform Traffic Control Devices (MUTCD).

H. Pedestrian Transportation Impact Analysis

For developments proposed within one-half mile of a public elementary, secondary school, or a University, a pedestrian TIA will be required in accordance with the Transportation Design Criteria Manual to determine the appropriate size and location of sidewalks and bicycle facilities to serve those uses.

I. Required Bicycle Access

1. All new development, except individual lot development of single-family detached, duplex, or townhome dwellings, shall be served by an internal bicycle circulation system (including shared roadway lanes, widened outside roadway lanes, bike lanes, shoulders, and/or separate bike paths) that permits safe, convenient, efficient, and orderly movement of bicyclists among the following origin and destination points within the development:
   a. Bicycle parking facilities or areas near the primary entrance(s) of principal buildings (or the buildable area of lots, for subdivisions), as well as any adjacent transit station areas, transit stops and shelters, public parks, greenways, schools, universities, community centers, and shopping areas;
   b. Any designated or planned bus stops and shelters; and
   c. Recreation facilities and other common use area and amenities.
2. The development's internal bicycle circulation system shall not conflict with the safe, convenient, efficient, and orderly movement of vehicles between the development's internal origin and destination points and adjacent parts of an existing or planned external, community-wide bicycle circulation system, as well as any adjacent transit stations, bus stops and shelters, public parks, trails, greenways, schools, community centers, and shopping areas.
3. Sidewalks shall not be used to satisfy the bicycle circulation requirement.
4. Required bike lanes shall be provided within the right-of-way of the street unless the City Engineer determines that location within the right-of-way is not practicable or preferable—in which case, alternatives may be allowed by the Director and/or the City Engineer.

J. Use and Maintenance of Pedestrian Connections

1. Restrictions on Use

Sidewalks, walkways, and trails are intended to provide pedestrian access. Vehicle parking, garbage containers, merchandise storage or display, utility boxes and poles, signs, trees,

and other obstructions shall not encroach into the required minimum clear width of any required sidewalk, trail, walkway, or other pedestrian way. Pedestrian amenities including bollards and trash receptacles for pedestrians are exempt from this requirement.

2. **Maintenance**
Sidewalks, trails, and walkways required by this title shall be maintained in usable condition throughout the year.

7.8.12 Public Transit

The requirements of this Subsection 7.8.12 shall be subject to the proportionality requirements in TLGC, Section 212.904.

A. Applicability

All developments shall provide for the transit facilities necessary to serve pedestrian/bicycle traffic to, from, or across the development in accordance with the Transportation Design Criteria Manual and the Bicycle/Pedestrian component of the Mobility Plan. This shall include major and minor bus stops and park and ride facilities, the specifications for which are in the Criteria Manual.

B. Location of Bus Stops

1. Major bus stops shall be provided on arterials or collector streets at intersections of arterial streets, or arterial and collector streets but no closer than one-half mile apart.
2. Minor bus stops shall be provided on arterials and collector streets at the intersections of collectors and intersections, which include a local street if there is not an arterial or collector intersection existing or proposed within a one-half mile distance along the street.
3. Bus stops shall be located on the approaching side of the intersection.
4. The City Engineer will determine which and how many quadrants of an intersection a bus stop will be required.

C. Pull Outs

Pull out lanes will be required in conjunction with any bus stops along any street where the posted speed limit is more than 40 miles per hour.

D. Payment in Lieu of Improvements

Where a development would be required by this DDC to provide a bus stop or stops, and the proposed development is not on an existing bus route, the developer may in lieu of providing signage, shelter and seating provide cash payment equal to the cost of such items to the city for future construction of the facility. In these instances, the developer shall still provide the additional street pavement for a pull out if required, a concrete loading area, and a concrete pad adjacent to the sidewalk for a future shelter or seating in accordance with the Transportation Design Criteria Manual.

E. Participation Funding for Park and Rides

Developments generating 1,000 vehicle trips per day or more that are located within or adjacent to MR or MD zoning district or sub-district may participate in the funding of the proposed park and ride for that district as shown on the Transit Component of the Mobility Plan in lieu of providing a portion of the required offsite traffic improvements identified by a review of the Transportation Impact Analysis (TIA). Participation shall be provided by a cash payment to the City to be used for future construction of the facility. The developer, at the discretion of the City Engineer, may donate a portion up to one-half of the monetary value of the required offsite improvements for park and ride facilities. If located appropriately, the city instead of cash

participation may accept donation of land for the facility. The remainder of the required offsite traffic improvements will be provided in accordance with the recommendations based on the TIA review. In the event that the park and ride facility is already constructed, this provision will not apply to developments in or adjacent to that district.

F. Development Adjacent to Park and Ride

All developments adjacent to an identified park and ride facility are required to provide vehicular, pedestrian and bicycle linkages to the park and ride facility from the development.

7.9 Parking and Loading

7.9.1 Purpose

This section is intended to provide off-street parking and loading facilities in proportion to the generalized parking, loading, and transportation demands of different land uses. This section is also intended to help protect the public health, safety, and general welfare by:

A. Avoiding and mitigating traffic congestion;

B. Providing necessary access for service and emergency vehicles;

C. Providing for safe and convenient interaction between motor vehicles, bicycles, and pedestrians;

D. Encouraging multi-modal transportation options and enhanced pedestrian safety;

E. Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the city;

F. Reducing stormwater runoff, reducing heat island effect from large expanses of pavement, improving water quality, and minimizing dust pollution; and

G. Avoiding and mitigating the adverse visual impact of large concentrations of exposed parking.

7.9.2 Applicability

A. General Applicability

Except as otherwise provided in this Section 7.9: *Parking and Loading*, the standards in this Section, and the Transportation Design Criteria Manual shall apply as set forth in Section 7.2: *Applicability*, with the following modifications:

1. New Development

a. A new principal structure is constructed; or

b. An existing principal structure is relocated on the lot.

2. Expansions and Enlargements

All expansions or enlargements shall be considered together with any other expansions or enlargements during the previous two-year period.

a. The entire site shall comply with this Section 7.9 when:

i. The number of multifamily dwelling units on a property is increased by 25 percent or more; or

ii. The square footage of a nonresidential building is expanded or enlarged by more than 50 percent; or

iii. The addition or expansion of one or more structures or uses that requires specific use permit approval.

b. The portion of the site being expanded and/or improved shall comply with this Section 7.9 when:

i. The number of dwelling units on a property is increased by 10 percent or 10 dwelling units, whichever is less; or

ii. The square footage of a nonresidential building is expanded or enlarged by between 10 and 50 percent; or

iii. Parking area improvements or expansions including reconfiguring, reconstructing, or other similar projects, but not including resurfacing or restriping.

3. **Change of Use**

Off-street parking and loading shall be provided pursuant to this section for any change of use that increases the minimum number of required vehicle parking or loading spaces by more than 25 percent above those that currently exist on the site or on permitted off-site locations.

B. Exemptions from Minimum Parking Requirements

Minimum required off-street parking spaces indicated in Table 7.9-I: *Minimum Required Off-Street Parking*, shall not apply to the following:

1. Properties containing less than 5,000 square feet of lot area, except for single-family detached, duplex, and townhome dwelling uses.
2. Expansions or enlargements that cumulatively increase the square footage of an existing structure or use by less than 10 percent of the gross floor area or 1,000 square feet, whichever is less, provided that the amount of existing off-street parking remains the same. For purposes of this standard, cumulative shall mean any construction, expansions, or enlargements initiated after October 1, 2019.

7.9.3 Calculations

A. All square-footage based parking and loading requirements shall be computed on the basis of gross floor area of the subject use. Structured parking within a building shall not be counted in such computation.

B. When measurements of the number of required spaces result in a fractional number, any fraction shall be rounded up to the next higher whole number.

C. The following types of parking spaces shall not count towards the maximum parking requirement:

1. On-street parking spaces provided pursuant to Subsection 7.9.5C;
2. Designated accessible parking;
3. Designated carpool parking;
4. Designated fleet vehicle parking; and
5. Structured parking, underground parking, and parking within, above, or beneath the building(s) it serves.

7.9.4 Amount of Off-Street Parking Required

A. Minimum Required Parking

Each development or land use subject to this section pursuant to Subsection 7.9.2, shall provide at least the minimum number of off-street parking spaces required by Table 7.9-I: *Minimum Required Off-Street Parking*, unless otherwise provided in this DDC.

B. Maximum Parking Allowed

In no case shall any use or development provide more than 125 percent of the minimum number of off-street parking spaces required by Table 7.9-I: *Minimum Required Off-Street Parking*, unless otherwise provided in this DDC.

C. Vehicle Stacking Space Requirements

All uses with drive-through facilities and those requiring stacking spaces shall comply with the minimum stacking space requirements in Section 7.9.7.C.

D. Outdoor Sales, Display, Leasing, and Auction Areas

All uses with outdoor sales, display, leasing, and/or auction facilities shall provide one parking space per 1,000 square feet of outdoor sales, display, leasing, or auction area in addition to the minimum parking requirement prescribed in Table 7.9-I: *Minimum Required Off-Street Parking*.

Table 7.9-I: Minimum Required Off-Street Parking

DU = dwelling unit sq ft = square feet GFA = gross floor area

Use Type	Minimum Parking Requirement
Residential Uses	
HOUSEHOLD LIVING	
Single-Family Detached Dwelling	4 spaces per DU (not including tandem parking in garages); for cluster subdivisions, 2 garage spaces per DU with deed restriction prohibiting residents from parking outside of garage and one on-street parking space per DU, consistent with the diagram provided in Section 8.3.4.F
Townhome	4 spaces per DU (not including tandem parking in garages)
Duplex	4 spaces per DU (not including tandem parking in garages)
Triplex	2 spaces per DU (not including tandem parking in garages)
Fourplex	2 spaces per DU (not including tandem parking in garages)
Multifamily Dwelling	One bedroom and efficiency units: 1.25 spaces per unit plus guest parking as required below. Two or more bedroom units: One space for each bedroom plus guest parking as required below. Developments with more than 10 units: guest parking shall be 10 percent of required number of parking spaces.
Work/Live Dwelling	1.5 spaces per DU
GROUP LIVING	
Chapter House	1 space per 2 persons design capacity
Community Home	1 space per 4 persons design capacity (See Table Note A)
Dormitory	1 space per 2 persons design capacity

Table 7.9-I: Minimum Required Off-Street Parking

DU = dwelling unit sq ft = square feet GFA = gross floor area

Use Type	Minimum Parking Requirement
Elderly Housing	Retirement or Senior Living Facilities: 1 space/ unit. Rest Homes, Homes for the Aged, or Assisted Living): 1 space per 2 patient beds or 1 space per apartment unit. Nursing and Convalescent Homes: 1 space per 3 patient beds. (See Table Note A)
Group Home	1 space per 4 persons design capacity (See Table Note A)
Public, Institutional, and Civic Uses	
COMMUNITY AND CULTURAL FACILITIES	
Club or Lodge	1 space per 300 sq ft GFA
Community Service	Director determination, see 7.9.4E
Day Care, Adult or Child	1 space per 500 sq ft GFA
Funeral and Internment Facility	1 space per 250 sq ft GFA
Homeless Shelter	Director determination, see 7.9.4.E
Park, Playground, Open Space	Director determination, see 7.9.4E
Religious Assembly	1 space per 250 sq ft GFA
EDUCATIONAL FACILITIES	
Business or Trade School	1 space per 300 sq ft GFA
College or University	1 space per 500 sq ft office, research, and library area; plus 1 space per 250 sq ft assembly areas and classrooms
School, Private	Elementary or middle: 1 space per 20 students design capacity High school: 1 space per 8 students design capacity
School, Public	Elementary or middle: 1 space per 20 students design capacity High school: 1 space per 8 students design capacity
HEALTHCARE FACILITIES	
Hospital Services	1 space per 3 patient beds design capacity
Medical Clinic	5 per 1000 sq ft GFA

Table 7.9-I: Minimum Required Off-Street Parking

DU = dwelling unit sq ft = square feet GFA = gross floor area

Use Type	Minimum Parking Requirement
Medical Office	5 per 1000 sq ft GFA
Commercial Uses	
AGRICULTURAL AND ANIMAL USES	
Community Garden	None
Urban Farm	None
Veterinary Clinic	1 space per 500 sq ft GFA
RECREATION AND ENTERTAINMENT	
Amenity Center	1 spaces per 300 sq ft GFA
Indoor Recreation Facility	Bowling or similar uses: 2 spaces per lane Skating Rink or similar uses: 1 space per 1,000 sq ft GFA Theaters, Auditoriums, Stadiums, Gymnasiums, or similar uses: 1 space per 4 seats in assembly areas Other Uses: 1 space per 1,000 sq ft GFA
Outdoor Recreation Facility	Theaters, Auditoriums, Stadiums, Gymnasiums, or similar uses: 1 space per 4 seats in assembly areas Golf Course: 8 spaces per hole Miniature Golf Course: 4 spaces per hole Other Uses: 1 space per 250 sq ft building area; plus 1 space per 10,000 sq ft site area
FOOD AND BEVERAGE SERVICES	
Bar, Tavern, or Lounge	Indoor Seating Area: 1 space per 200 sq ft; Outdoor Seating Area: 1 space per 350 sq ft
Private Club	
Restaurant	
Restaurant, with Drive-Through	
Mobile Food Court	1 space per mobile food business
OFFICE, BUSINESS, AND PROFESSIONAL SERVICES	
Administrative, Professional, and Government Office	1 space per 300 sq ft GFA

Table 7.9-I: Minimum Required Off-Street Parking

DU = dwelling unit sq ft = square feet GFA = gross floor area

Use Type	Minimum Parking Requirement
Bank or Financial Institution	
Musician Studio	
Credit Access Business	
Printing, Copying, and Publishing Establishment	
PERSONAL SERVICES	
Laundry Facility, Self-Service	1 space per 300 sq ft GFA
Personal Service, General	
Tattoo and Body Piercing Parlor	
RETAIL SALES	
General Retail Unless Otherwise Specified, Less than 5,000 Square Feet	1 space per 350 sq ft GFA
General Retail Unless Otherwise Specified, Between 5,000 Square Feet and 15,000 Square Feet	
General Retail Unless Otherwise Specified, More than 15,000 Square Feet	
Smoke Shop	
LODGING FACILITIES	
Bed and Breakfast	1 space per bedroom; plus 1 space for the owner/operator
Hotel	1 space per guestroom
Short-Term Rental	
VEHICLES AND EQUIPMENT	
Auto Wash	1 space per detailing bay
Automotive Fuel Sales	1 space per 350 sq ft GFA

Table 7.9-I: Minimum Required Off-Street Parking

DU = dwelling unit sq ft = square feet GFA = gross floor area

Use Type	Minimum Parking Requirement
Automotive Repair Shop, Minor	1 space per 500 sq ft of indoor sales/leasing/office area; plus 1 space per service bay
Automotive Sales or Leasing (Limited to Indoor Display)	
VEHICLES AND EQUIPMENT	
Automotive Repair Shop, Minor	1 space per 500 sq ft of indoor sales/leasing/office area; plus 1 space per service bay
Automotive Sales or Leasing Limited to Indoor Display	
Equipment Sales and Rental	Indoor: 1 space per 500 sq ft GFA Outdoor: 1 space per 1,000 sq ft
Parking Lot as a Principal Use	None
Industrial Uses	
MANUFACTURING AND PROCESSING	
Craft Alcohol Production	1 space per 1,000 sq ft production area; plus 1 space per 200 sq ft indoor seating/tasting area; plus 350 sq ft outdoor seating/tasting area
Food Processing, Less than 2,500 Square Feet	
Food Processing, More than 2,500 Square Feet	
Gas Well	Director determination, see 7.9.4E
Manufacturing, Artisan	1 space per 500 sq ft GFA
Manufacturing, Low-Impact	Director determination, see 7.9.4E
STORAGE AND WAREHOUSING	
Outdoor Storage	None
Self-Service Storage	1 space per 500 sq ft of office; plus 1 space per 30 storage units
Warehouse and Wholesale Facility	1 space per 1,000 sq ft GFA; plus 1 space per commercial vehicle generally stored on-site
Public and Semi-Public Uses	
Basic Utilities	None
Power Stations, Electric Substations, Interchanges, and Switch Stations	None

Table 7.9-I: Minimum Required Off-Street Parking

DU = dwelling unit sq ft = square feet GFA = gross floor area

Use Type	Minimum Parking Requirement
Solar Collector as Principal Use	None
Wind Energy Conversion System (WECS)	None
Wireless Telecommunications	None
Accessory Uses	
Accessory Dwelling Unit	1 space per bedroom
Home Occupation	1 space per non-resident employee
Outdoor Storage, Accessory	None
Sale of Produce and Plants Raised on Premises	1 space per 500 sq ft of retail area
Solar Collector (Ground- or Building-Mounted)	None
Wind Energy Conversion System (WECS), Small (Building-Mounted)	None
Temporary Uses	
Temporary Storage Containers and Other Portable Storage Units	Director determination, see 7.9.4E
Seasonal Sales	
Concrete or Asphalt Batching Plant, Temporary	
Farmer's Market or Open Air Market	
Field or Construction Office	
Special Event	
Portable Wireless Telecommunications Facility	
Sales and Leasing Office	None
Parking for Model Home	None

E. Director Determination

For uses in Table 7.9-I: *Minimum Required Off-Street Parking,* that reference this subsection and uses not expressly listed in *Table 7.9-I: Minimum Required Off-Street Parking*, the Director is authorized to:

1. Apply the minimum off-street parking space requirement specified in Table 7.9-I: *Minimum Required Off-Street Parking,* for the listed use that is deemed most similar to the proposed use; or

2. Establish the minimum off-street parking space requirement by reference to standards in parking resources published by the National Parking Association, American Planning Association, Institute of Traffic Engineers (ITE) or other acceptable sources of parking data; or
3. Establish the minimum off-street parking space requirement based on local or national best practices; or
4. Establish the minimum off-street parking space requirement based on a demand study prepared by the applicant. Such a study shall be prepared according to Subsection 7.9.4E.

F. Accessible Parking

All areas of newly designed or newly constructed buildings and facilities required to be accessible under federal and state law shall comply with the standards set forth in the Texas Accessibility Standards of the Architectural Barriers Act, Tex. Rev. Civ. Stat. Art. Ann. §9102 (Vernon Supp 2000.), the International Building Code (IBC) as adopted in the Municipal Code of Ordinances, and the American with Disabilities Act (ADA), as amended.

7.9.5 Parking Alternatives

The Director may approve parking alternatives that result in a cumulative adjustment not to exceed 50 percent of the minimum or maximum off-street parking spaces required by Table 7.9-I: *Minimum Required Off-Street Parking*, in accordance with the following standards.

A. Infill Development

1. Single-Family and Duplex Development

For single-family and duplex dwellings infill development, the minimum number of required parking spaces may be reduced to two parking spaces per dwelling unit if the reduction is consistent with the character of the existing area and the criteria in paragraph 7.9.5A.3 are met.

2. Mixed-Use and Non-Residential Development

For mixed-use and non-residential infill development, the minimum number of required parking spaces may be reduced by up to 10 percent, provided the criteria in paragraph 7.9.5A.3 are met. Such reduction in parking spaces shall not require approval of a minor modification in Section 2.16.2.

3. Qualifying Criteria

a. Granting the reduction will not cause excessive congestion, endanger public safety, substantially reduce parking availability for other uses or otherwise adversely impact the neighborhood, or that such lesser amount of parking will provide positive environmental or other benefits to the users of the lot and the neighborhood, including specifically, among other benefits, assisting in the provision of affordable housing units;

b. Granting the reduction does not impose an undue financial administrative burden on the city;

c. For every vehicular parking space reduced by means of this standard, four bicycle parking spaces shall be provided. These bicycle spaces are in addition to the minimum required bicycle parking spaces.

B. Shared and/or Off-Site Parking

The Director may approve shared parking and/or off-site parking subject to the standards established in 7.9.4E.

1. Location

a. For nonresidential uses, every shared and/or off-site parking space shall be located within 500 feet (measured along a legal pedestrian route) of the entrance to each building for which the shared and/or off-site parking is provided. If valet parking is provided, shared and/or off-site parking spaces may be located up to 1,000 feet from the entrance.

b. For residential uses, every shared and/or off-site parking space shall be located within 300 feet (measured along a legal pedestrian route) of the entrance to each building for which the shared and/or off-site parking is provided.

c. Shared and/or off-site parking is not permitted for single-family detached, duplex, and townhome dwelling uses.

2. Ineligible Activities

Accessible parking (ADA parking) shall not be permitted off-site.

3. Public Parking Facilities

Public parking facilities within 500 feet of the subject property may be counted toward up to 25 percent of the total amount of required off-street parking.

4. Documentation Required

a. The owners of record involved in the joint use of shared parking facilities shall submit written documentation of the continued availability of the shared parking arrangement to the Director for review.

b. The Director may approve the shared parking arrangement if the Director determines that the documentation demonstrates the continued availability of the shared parking facility for a reasonable period of time. No zoning or use approval shall be issued until the Director has approved the shared parking documentation.

c. If the shared parking arrangement is later terminated or modified and the Director determines that the termination or modification has resulted in traffic congestion, overflow parking in residential neighborhoods, or threats to pedestrian, bicycle, or motor vehicle safety, the property owners involved in the shared parking arrangement may be held in violation of this DDC.

C. On-Street Parking

On-street parking may be counted toward the minimum number of required off-street motor vehicle parking spaces on a one-to-one basis, subject to the following standards:

1. On-street parking may not be used to meet the minimum off-street parking requirements for single-family detached, duplex, or townhouse uses;
2. On-street parking that is subject to residential parking permit restrictions or other time restrictions shall not be used to meet any off-street minimum parking requirements for any use;
3. Only those street parking spaces abutting any lot line of the subject property, and with 22 linear feet of lot frontage located between the imaginary extension of the side property lines into the street right-of-way, may be counted.
4. Areas in front of or within ten feet of a driveway, within 20 feet of a street intersection or within five feet of a fire hydrant shall not be counted toward required parking.
5. Each on-street parking space may only be counted once toward the parking requirements of the abutting lot, regardless of the number of individual buildings or tenants on the lot.
6. No development or use approved with an on-street parking credit shall be considered nonconforming if the on-street parking is later removed by city action and the remaining off- street parking does not meet the minimum off-street parking requirements of this section.
7. On-street parking spaces shall be available for general public use at all times. No signage or actions limiting general public use of on-street spaces shall be permitted unless otherwise prohibited by City Ordinance.

D. Proximity to Transit

Except for single-family detached, duplex, and townhome dwelling uses, the minimum number of required off-street parking spaces required in Table 7.9-I: *Minimum Required Off-Street Parking,* for uses within one-quarter mile of a fixed transit station, measured radially in a straight line, shall be reduced by 10 percent.

E. Affordable and Senior Housing

The minimum number of required off-street parking spaces required in Table 7.9-I: *Minimum Required Off-Street Parking*, shall be reduced by 25 percent for affordable residential and senior housing developments that satisfy the following:

1. Have a minimum of 10 dwelling units; and
2. At least 25 percent of the dwelling units are restricted for purchase or occupancy at below-market rate levels approved by the Director; or
3. At least 75 percent of the dwelling units are restricted for purchase or occupancy by persons 65 years of age or older.

F. Bicycle or Motorcycle Spaces

Any existing or proposed parking facility may utilize, on a substitution basis, on-site parking spaces for motorcycle or bicycle spaces that are in addition to those spaces required by Subsection 7.9.8: *Bicycle Parking*.

1. Such bicycle spaces shall be raised a minimum of six inches from grade of the adjacent parking facility.
2. One parking space may be omitted for each four bicycle spaces provided.
3. One parking space may be omitted for each two motorcycle spaces provided.
4. Bicycle spaces shall measure at least two feet by seven feet and shall be located in groups of four and shall be of the following three types:

a. A rack that secures the frame, or

b. An enclosed bike locker, or

c. A fenced, covered, locked, or guarded bike storage area.

5. Motorcycle spaces shall measure four feet by eight feet and shall be provided with adequate unobstructed maneuvering areas to permit easy access to the space.

6. In no instance shall credit for motorcycle or bicycle parking or combination thereof exceed five percent of the total required parking spaces.

G. Modification of Minimum Parking Requirement by Director

If an applicant submits a parking demand study pursuant to Subsection 7.9.4E demonstrating that anticipated off-street parking demand for the proposed development, use, or combination of uses will be less than that calculated from Table 7.9-I: *Minimum Required Off-Street Parking*, and the Director determines that the information and assumptions used in the study are reasonable and that the study accurately reflects anticipated off-street parking demand for the proposed development, use, or combination of uses, the Director may authorize a reduction in required off-street parking spaces based on that study.

H. Modification of Maximum Parking Requirement by Director

No use shall provide off-street parking spaces in an amount exceeding the maximum established in Subsection 7.9.4B unless approved by the Director based on the following:

1. The proposed development has unique or unusual characteristics that typically does not apply to comparable uses, such as high sales volume per floor area or low parking turnover, that create a parking demand that exceeds the maximum ratio;

2. The applicant submits a demand study pursuant to Subsection 7.9.4E; and

3. Any parking provided above the maximum required in 7.9.4B is constructed with approved pervious surfaces.

7.9.6 Off-Street Parking Layout and Design

A. Dimensions of Parking Spaces and Drive Aisles

All parking and maneuvering areas shall be constructed according to the following dimensional standards:

1. If the applicant can provide different acceptable standards based on the Institute of Transportation Engineers (ITE) standards (current edition), or other professionally recognized sources, the Director may approve alternative standards pursuant to the minor modification process outlined in Subsection 2.16.2: *Minor Modification*. However, any alternative standards must also meet the intent and purpose of this DDC.

2. The length of a parking stall may be reduced to 16 feet allowing the front of vehicles to overhang the required parking space by two feet; provided that:

a. The curb is no more than four inches in height; and

b. The front of the parking space is located adjacent to a landscaped area or sidewalk that is at least six feet in width.

3. The minimum parking stall dimensions are illustrated in the figure below. Each letter in the figure is keyed to a corresponding dimensional requirement in Table 7.9-J.

Figure 7.9-1: Parking Design

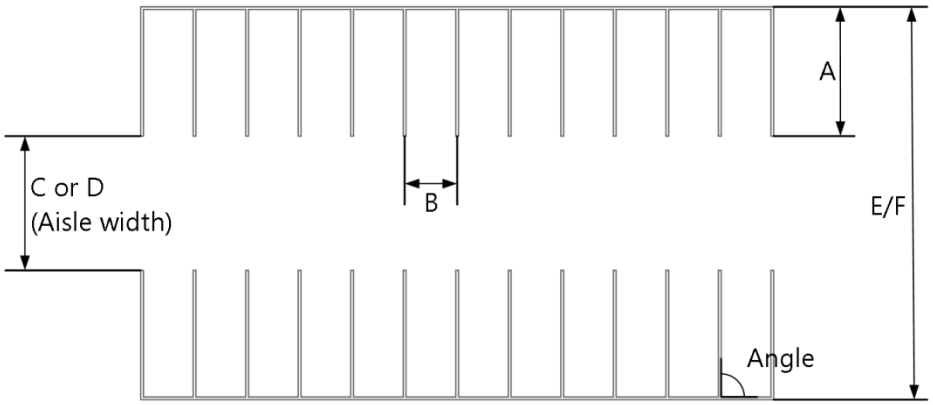


Table 7.9-J: Parking Dimensions (in feet)

Angle	Parking Space		One-Way Aisle [1]	2-Way Aisle [1]	1-Way Bay	2-Way Bay
	A	B	C	D	E	F
0° (parallel)	8.0	22.0				
30°	16.8	18.0	12.0	20.0	45.6	51.6
45°	19.1	12.7	13.0	20.0	51.2	58.2
60°	20.1	10.4	18.0	22.0	58.2	62.2
90°	18.0	9.0	26.0	26.0	N/A	62.0
Motorcycle (90°)	16.0	4.0	26.0	26.0	N/A	58.0
Bus and Large Vehicle (90°)	12.0	40.0				

Note:
[1] Minimum drive aisle widths may be modified subject to approval of the Fire Marshal.

B. Compact Car Parking

Up to five percent of the total parking spaces required may be designated for compact cars. Minimum dimensions for compact spaces shall be eight by 16 feet. Such spaces shall be signed or the space painted with the words "Compact Car Only."

C. Surface Materials

All parking areas, aisles, turn-arounds and driveways shall be paved with concrete, asphalt or other approved surface, constructed to standards on file in the office of the City Engineer.

1. Permanent surfacing shall be installed prior to receiving a certificate of occupancy.
2. Parking areas may be surfaced with a dust-free permeable material.
3. Parking spaces provided above the minimum number of required parking spaces pursuant to Table 7.9-I: *Minimum Required Off-Street Parking*, shall be designed in accordance with iSWM standards described in the iSWM Water Quality Technical Manual.
4. Stall markings and/or other vehicular control devices shall be provided to the specifications of the City Engineer.

D. Location of Parking Areas

1. Single-Family Detached, Duplex, and Townhome Dwellings

Off-street parking for single-family detached, duplex, and townhome dwelling uses shall only be allowed in a garage or on an approved surface. All other off-street parking within a required front setback area shall be prohibited.

2. All Other Uses

Off-street parking areas located between the front building façade and the adjacent street frontage is prohibited, unless the parcel satisfies all of the following standards:

a. It is located outside of the MN zoning district;

b. It adjoins either side of an Arterial or Collector, as defined in the City Transportation Plan;

c. It does not adjoin the following corridors:

   i. Fort Worth Drive (between Carroll Boulevard and Eagle Street);

   ii. Dallas Drive (between Teasley Boulevard and Eagle Street);

   iii. Elm Street (between University Drive and Eagle Street);

   iv. Locust Street (between University Drive and Eagle Street); and

d. The development satisfies the general regulations for parking in front of buildings as set forth in Subsection 7.9.6E.

3. Infill Development

Except as prohibited by paragraph 7.9.6D.2.c, infill parcels meeting the requirements of Subsection 7.9.6E are exempted from prohibitions against parking in front of buildings.

E. Front Parking Design Standards

1. Development with 100 or Fewer Off-Street Parking Spaces

Development with 100 or fewer off-street parking spaces located between the front building façade and the adjacent street frontage shall comply with the following:

a. Development shall be limited to no more than two rows of parking between the front building façade and the adjacent street frontage.

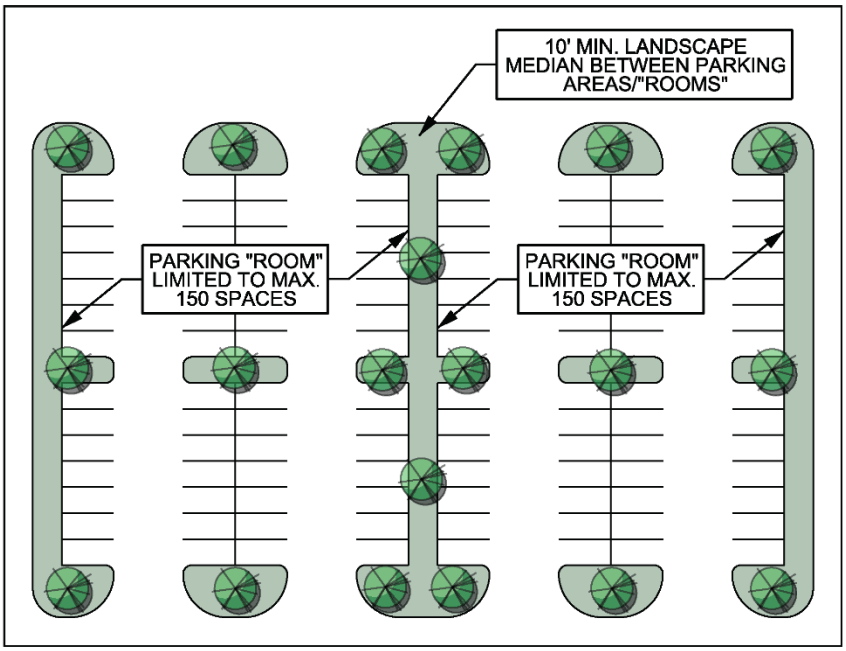
b. Landscaping and screening shall be provided per Section 7.7, *Landscaping, Screening, Buffering, and Fences*, unless the development includes pad sides pursuant to paragraph 7.9.6E.2 below.

2. Development with More than 100 Off-Street Parking Spaces

Development with more than 100 off-street parking spaces located between the front building façade and the adjacent street frontage shall comply with the following:

a. Parking lots with 150 spaces or more shall be divided into separate areas and divided by landscaped areas or walkways at least 10 feet in width, or by a building or group of buildings.

Figure 7.9-2: Parking Design



F. Parking Area Lighting

See Section 7.11.4.

G. Pedestrian and Bicycle Circulation

See Section 7.8.11.

7.9.7 Loading Areas and Drive-Throughs

A. Number and Size of Loading Berths Required

1. All commercial and industrial uses shall provide loading berths pursuant to the table below.
2. The Director may approve a variation from the required loading space requirements if warranted by the building use.
3. The minimum turning radius for truck traffic areas shall be 40 feet.

Table 7.9-K: Required Off-Street Loading Berths

Gross Floor Area	Minimum Number of Loading Berths	Size of Each Loading Berth
Less than 10,000 square feet	None	N/A
10,000 to 29,999 square feet	1	10 feet x 25 feet
30,000 to 100,000 square feet	2	12 feet x 50 feet
More than 100,000 square feet	2, plus 1 additional loading berth for every 100,000 square feet beyond the first 100,000 square feet	14 feet wide x 50 feet long x 14 feet high

B. Location of Off-Street Loading Areas

1. Required off-street loading spaces shall not be permitted in any front yard or in any required street side yard.
2. Loading areas shall be separated from pedestrian areas.
3. Off-street loading spaces may occupy all or any part of a required rear yard where visibility from public streets and windows of neighboring buildings will be minimized.
4. Loading areas shall not interfere with parking lot maneuvering areas.
5. City streets or rights-of-way shall not be utilized for loading and unloading purposes.

C. Drive Through Facilities

1. The minimum number of queue spaces, including the vehicle at the service window, shall be provided for each drive-through facility as follows:

Land Use Type	Minimum Queue Spaces
Bank teller Lane	5
Automated teller machine	3
Restaurant, drive-through	5
Car wash stall, automatic or full service	5
Car wash stall, self service	3
Oil change station	4

Dry cleaning or laundry	3
Photo lab	4
General retail	4
Gasoline pump island	30 feet from each end of the pump island
Kiosk with food	4
Kiosk without food	3

2. Queue space shall be a minimum of eight feet by 20 feet in dimension.
3. The applicant may submit a documented industry or national standard in lieu of the above requirements.
4. Drive through lanes are to be exclusive of drive aisles and parking spaces, and be within the property lines of the facility being served.
5. A bypass lane of nine feet in width shall be provided and may be part of a drive aisle.

7.9.8 Bicycle Parking

A. Minimum Required Bicycle Parking

Unless exempted by Subsection 7.9.8B, all multifamily and nonresidential development shall provide off-street bicycle parking spaces at a ratio of one bicycle parking space per 20 vehicle parking spaces, with no development providing less than two bicycle parking spaces.

B. Bicycle Parking Reduction

Subject to the approval of the Director, the number of bicycle parking spaces may be reduced because of building site characteristics.

C. Bicycle Parking Location and Design

1. Location

Required off-street bicycle parking spaces shall be provided with bike racks, bike lockers, or similar parking facilities that comply with the following standards:

a. Located in a visible, well-lit ground-level area;
b. Conveniently accessible to the primary entrances of a development's principal building(s);
c. Does not interfere with pedestrian traffic; and
d. Is protected from conflicts with vehicular traffic.

2. Multiple Building Developments

For developments with multiple buildings, bicycle parking shall be distributed evenly among principal buildings.

3. Design

a. Bicycle parking areas shall not be used for any other purposes.
b. Bicycle parking spaces shall be installed using standard requirements that are effective for storage and are permanently anchored to a hard surface.

7.10 Site and Building Design

7.10.1 Purpose

This Section 7.10 is intended to:

A. Promote high-quality development and construction;

B. Ensure compatibility between residential neighborhoods and adjacent commercial and mixed-use areas;

C. Mitigate negative impacts created by the scale and bulk of large buildings;

D. Provide variety and visual interest in the exterior design of buildings;

E. Enhance the streetscape and diminish the prominence of garages and parking areas;

F. Promote an environment that is friendly toward multiple modes of transportation and accommodates varying ages and abilities; and

G. Protect and enhance property values and encourage further investment and reinvestment.

7.10.2 Applicability

A. General Applicability

Except as otherwise provided in this Section 7.10: *Site and Building Design*, the standards in this section and the Site Design Criteria Manual shall apply as set forth in Section 7.2: *Applicability*, with the following modifications:

1. New Construction

a. A new principal structure is constructed; or

b. An existing principal structure is relocated on the lot.

2. Expansions and Enlargements

a. The entire site and buildings and/or dwelling units shall comply with this Section 7.10 when:

i. The number of multifamily dwelling units on a property is increased by more than 25 percent; or

ii. The square footage of a nonresidential or mixed-use building is expanded or enlarged by more than 50 percent; or

iii. The addition or expansion of one or more structures or uses that requires specific use permit approval.

b. The portion of the building and/or site being expanded and/or improved shall comply with this Section 7.10 when:

i. The number of dwelling units on a property is increased by between 10 and 25 percent or 10 dwelling units, whichever is less; or

ii. The square footage of a nonresidential or mixed-use building is expanded or enlarged by between 10 and 50 percent.

B. Exemptions

1. Expansion of a single-family detached dwelling, duplex, or townhome within the permitted building coverage.

2. Expansions and enlargements of a multifamily or nonresidential use less than the greater of 1,000 square feet or 10 percent of the building's square footage.

3. Conversion of a residential structure to a nonresidential use where no site improvements are required.

C. Conflicting Standards

Where the site and building design standards in this Section 7.10 conflict with the design standards applicable to an overlay district, the standards in the overlay district shall govern.

D. Alternative Compliance

Alternatives to these standards may be approved by the Director if the applicant demonstrates that the proposed alternative:

1. Achieves the intent of the subject standard to the same or better degree than the subject standard;
2. Advances the goals and policies of the Comprehensive Plan and this DDC to the same or better degree than the subject standard;
3. Results in benefits to the community that are equivalent to or exceed benefits associated with the subject standard; and
4. Imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this DDC.

7.10.3 Single-Family Detached, Duplex, Townhome, Triplex, and Fourplex Dwelling Site and Building Design

A. Applicability

This subsection applies to any single-family detached dwelling, duplex, townhome, triplex, or fourplex.

B. Orientation

Primary entrances shall face a public right-of-way to the maximum extent practicable. The Director may approve alternative orientations for primary entrances facing common green spaces or other common areas such as courtyards, plazas, and gathering spaces.

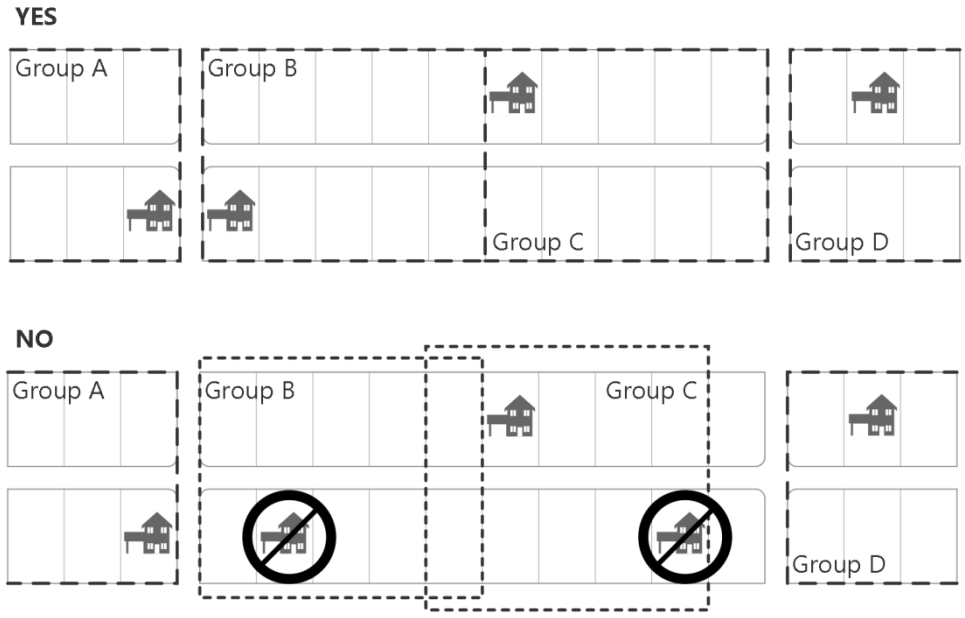
C. Open Space Requirements

Any development consisting of 10 or more duplex, townhome, triplex, and fourplex dwelling units shall set aside a minimum of five percent of the land area as open space for the use and enjoyment of the development's occupants and users. Such open space shall comply with the requirements of Subsection 0.

D. Architectural Variety

The same elevation shall not be used within any 10 lot grouping as defined by the two adjacent lots on either side of the subject property and the five lots immediately across the street from those same lots. This requirement shall not apply across a right-of-way dividing two adjacent blocks:

Figure 7.10-A: Architectural Variety

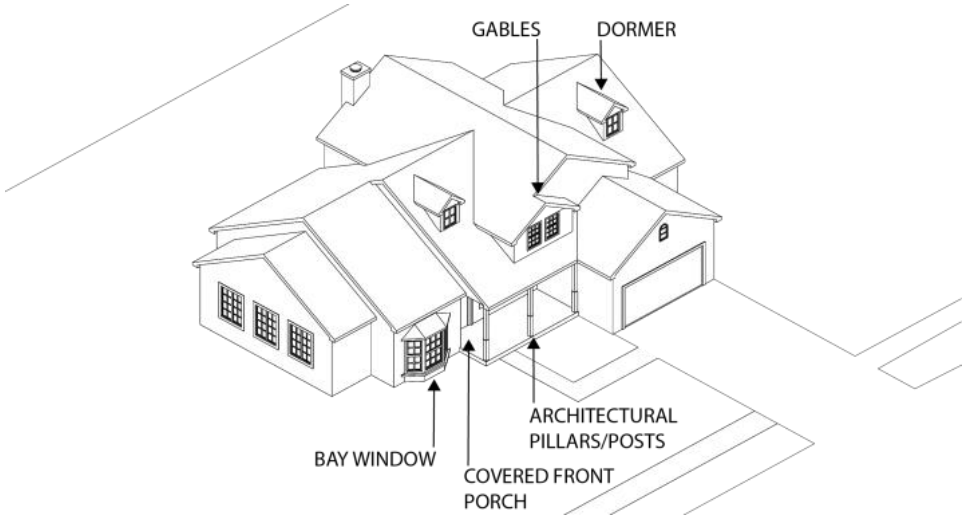


E. Building Mass and Form

Buildings shall incorporate at least three of the following design features to provide visual relief along the front of the residence:

1. Dormers;
2. Gables;
3. Recessed entries, a minimum of three feet deep;
4. Covered front porches;
5. Cupolas;
6. Architectural pillars or posts; and/or
7. Bay window with a minimum 24 inches projection.

Figure 7.10-B: Building Mass and Form



F. Garage Design

1. Where alleys are present, garages shall be accessed from the alley to the maximum extent practicable.
2. For front-entry garages:
   a. The garage shall be offset a minimum of three feet from the building; and
   b. The total width of the garage door(s) shall not occupy more than 40 percent of the ground-floor building frontage.
3. Side- and rear-entry garages are encouraged and may encroach into setbacks pursuant to Table 3.7-A: *Authorized Exceptions to Setbacks*.

G. Building Transparency/Windows

1. Within the front façade (front adjoining a public or private right-of-way where the entrance/address is located), windows and doors (excluding garage doors) shall comprise at least 15 percent of the wall area.
2. Windows shall be provided with trim or shall be recessed. Windows shall be provided with an architectural surround at the jamb. Shutters, trims, or false windows shall not count toward the minimum requirement.

H. Building Materials

1. Exterior finishes shall be of wood, masonry, or cementitious siding.
2. Masonry shall comprise a minimum of 50 percent of the exterior finishes of the total building elevation.
3. Other building materials may be approved by the Director provided they meet the intent of this section.

I. Minimum Pervious Area in the Front Yard

Each lot shall maintain a minimum 30 percent pervious area between the principal structure and the front property line, and shall be landscaped pursuant to Section 7.7: *Landscaping, Screening, Buffering, and Fences*. Pavers shall not count toward required pervious area. The minimum pervious area may be reduced by 10 percent for side-entry garages.

7.10.4 Multifamily Site and Building Design

A. Applicability

This subsection applies to any multifamily development, except those that are part of a mixed-use building.

B. Site Design and Orientation

1. Primary Building Access

Primary building access shall be oriented towards the adjacent street, and building access shall be provided from the street and/or sidewalk.

2. Multi-Building Developments

For developments with three or more buildings, the buildings shall be arranged using one or more of the following techniques:

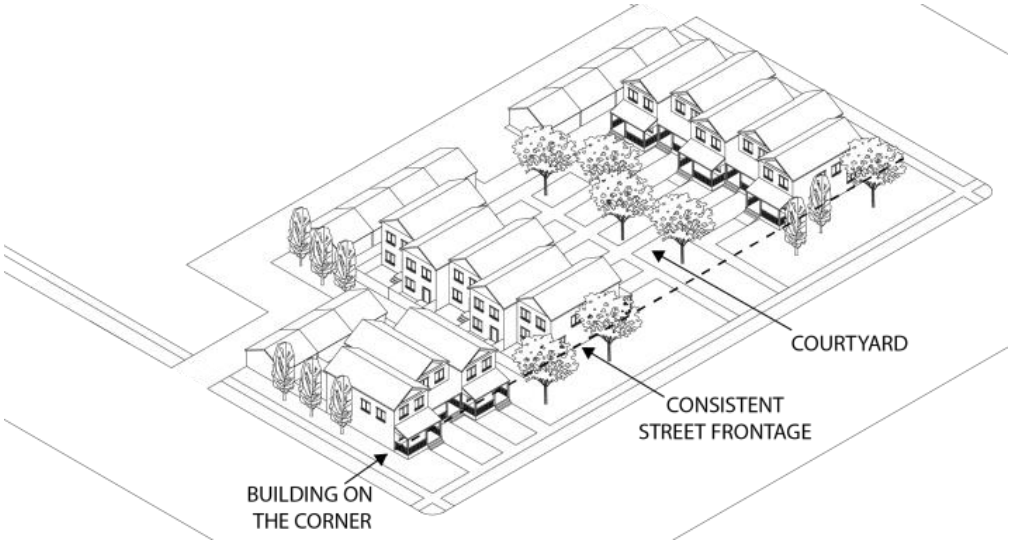
a. Organize units around a central courtyard that maintains a consistent side yard setback between units along the street frontage;

b. Locate the buildings on the corner of an adjacent street intersection or entry point to the development to frame the corner;

c. Provide common gathering spaces between buildings; and/or

d. Other site improvements as approved by the Director that do not conflict with this DDC.

Figure 7.10-C: Multi-Building Developments



3. Location of Trash Storage and Mechanical Equipment

Trash storage areas, mechanical equipment, and similar areas shall not be visible from public view, and shall not be located between the building and the street.

C. Open Space Requirements

Any development consisting of 10 or more dwelling units shall set aside a minimum of eight percent of the land area as open space for the use and enjoyment of the development's occupants and users. Open space serves numerous purposes, including preservation and protection of natural areas and features, providing opportunities for passive and active recreation, enhancing management of stormwater runoff to protect water quality and reduce flooding, and mitigating the heat island effect of developed areas.

1. Design of Open Space

Such open space shall meet the following design standards:

a. To the maximum extent practicable, required open space shall be located and configured to include, protect, or enhance natural resource or hazard areas (including but not limited to lakes, ponds, streams, flood hazard areas, and drainage ways);

b. Areas covered by shrubs, bark mulch and other ground covers that do not provide a suitable surface for human use may not be counted toward this requirement;

c. Required open space areas shall be compact and contiguous unless a different configuration is needed to continue an existing trail or accommodate preservation of natural features;

d. Required open space shall be located to be readily accessible and useable by occupants and users of the development. Where possible, a portion of the open space should provide focal points for the development through prominent placement or easy visual access from streets; and

e. If the development site is adjacent to existing or planned parks, greenways, or other public open space, required open space shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the park, greenway, or other public open space.

2. Ownership, Management, and Maintenance of Open Space

a. Required open space area shall be managed and maintained as permanent open space through one or more of the following options:

i. Open space may be held in common ownership by the owner(s) of the development, who will be responsible for managing and maintaining the land for its intended open space purposes.

ii. Open space areas may be conveyed to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintaining the land for its intended open space purposes.

iii. Open space areas may be conveyed to a third-party beneficiary such as an environmental or civic organization that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open space purposes.

iv. Open space areas may be dedicated to the public and conveyed to the city or other public agency that is organized for, capable of, and willing to accept

responsibility for managing and maintaining the land for its intended open space purposes.

b. Easements may be established on those parts of individually-owned lots including open space areas that require the areas to be managed consistent with their intended open space purposes and prohibit any inconsistent future development. Any options involving private ownership of required open space area shall include association by-laws, deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open space purposes and provide for the continued and effective management, operation, and maintenance of the land and facilities. Such instruments shall be approved by the city as sufficient to comply with this standard before or in conjunction with approval of any subdivision approval for the development, or any construction plan approval for the development (if no subdivision approval is required).

c. Responsibility for managing and maintaining open space areas lies with the owner of the land comprising the areas. Failure to maintain open space areas in accordance with the approved development shall be a violation of this DDC. Identification of who bears responsibility for managing and maintaining open space areas shall be shown on any recorded subdivision plat for the development or any approved construction plan for the development (if no subdivision approval is required).

D. Architectural Requirements

1. Limitation on Same Building Design

For projects with 30 dwelling units or greater, or more than three buildings, the same exterior design may not be used for greater than 30 units and/or more than three buildings in a project. A variety of compatible exterior materials' use and type, building styles, massing, composition, and prominent architectural features, such as door and window openings, porches, rooflines, shall be used.

2. Entries

a. Primary building entries shall be denoted through the use of distinctive architectural elements and materials, such as ornamental glazing or paving, over doors, porches, trellises, or planter boxes or as otherwise identified in this section.

b. In the mixed-use zoning sub-districts, residential units abutting a public street shall be designed with entries and windows facing the street. In all cases, buildings shall be designed to distinguish the private realm from the public realm through such features as, but not limited to, elevation change or fencing.

E. Building Mass and Form

1. General

a. Buildings shall be designed to prevent the appearance of straight, unbroken lines in the horizontal and vertical surface. Buildings shall have no more than 50 continuous feet without a horizontal and vertical break of at least three feet. Such breaks may include recesses, projections, windows, roofs, alcoves, porticoes, awnings, and other architectural features to provide visual interest and relief.

b. Façades shall be broken up to give the appearance of a collection of smaller structures. Elements including but not limited to balconies, recessions, and projections may be used to articulate individual units or collections of units.

c. Buildings visible from the public right-of-way or private street system shall include changes in relief such as columns, cornices, bases, fenestration, and fluted masonry, for at least 15 percent of the exterior wall area.

d. Stairwells shall not be a prominent feature of any building façade, and shall be shielded from view from public and private streets to the maximum extent practicable.

e. Any building constructed with a flat roof shall contain a distinctive finish consisting of a cornice, banding, or other architectural termination.

2. Additional Requirements in Mixed-Use Zoning Sub-districts

In the mixed-use zoning sub-districts, the following additional requirements apply:

a. Buildings shall be designed to reduce apparent mass by including a clearly identifiable base, body, and top, with horizontal elements separating these components. The component described as the body must constitute a minimum of 50 percent of the total building height;

b. The first floor of multifamily buildings shall be a minimum of 12 feet in height; and

c. Stoops and higher finish-floor elevations are encouraged on the street-facing elevation for multi-family buildings. Buildings that provide stoops and/or finish-floor elevations that rise at least two feet above the sidewalk may measure building height from the beginning of the first floor, instead of from grade.

F. Accessory Structure/Garage

1. Garages, carports, storage units, and other accessory structures (but not including leasing offices, club houses, or recreation centers) shall not be located along the portion of the building that fronts the public or private street.

2. Garages shall not occupy more than 40 percent of the total building frontage. This measurement does not apply to garages facing an alley or courtyard entrance.

3. Garages, carports, storage units, and other accessory structures visible from the public right-of-way, private street system, and/or adjacent residential properties shall include at least three of the following:

a. Façade modulation of at least six inches for every 30 feet of wall length;

b. Multiple building materials (e.g., brick, fieldstone, limestone, marble, granite, textured block, architectural pre-cast concrete, cementitious siding, wood clapboard siding, wood beaded siding, or stucco);

c. Multiple surface textures (e.g. rough, striated, imprinted, etc.) or patterns; or

d. Separation in roof pitch, variation in direction of roof pitches, inclusion or dormers, or other variation on roof design.

G. Building Transparency/Windows

1. Within the front façade (front adjoining a public or private right-of-way where the entrance/address is located), windows and doors (excluding garage doors) shall comprise at least 25 percent of the wall area.

2. For all other façades that face a public or private street or right-of-way (excluding alleys), windows and doors (excluding garage doors) shall comprise 15 percent of the wall area.

3. Windows shall be provided with trim or shall be recessed. Windows shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb.

4. Use of false door or window openings shall be defined by frames, sills, and lintels.

H. Building Materials

1. An amount equal to 40 percent of the total net exterior wall area of each building elevation, excluding gables, windows, doors and related trim, shall be masonry.
2. Other building materials may be approved by the Director provided they meet the intent of this section.

7.10.5 Nonresidential and Mixed-Use Buildings

A. Applicability

1. This subsection applies to any nonresidential or mixed-use development. The transparency/window requirements of this Section 7.10.5 do not apply to office buildings or upper floors of mixed use buildings with office above the ground floor.
2. Alternatives to these standards may be approved by the Director if:
   a. The building is not accessed by pedestrians, such as warehouses and industrial buildings without attached offices, automotive service uses such as gasoline sales and automobile sales; or
   b. The development is on an infill site; or
   c. The design results in a higher-quality product that exceeds the minimum standards in this subchapter.

B. Site Design and Orientation

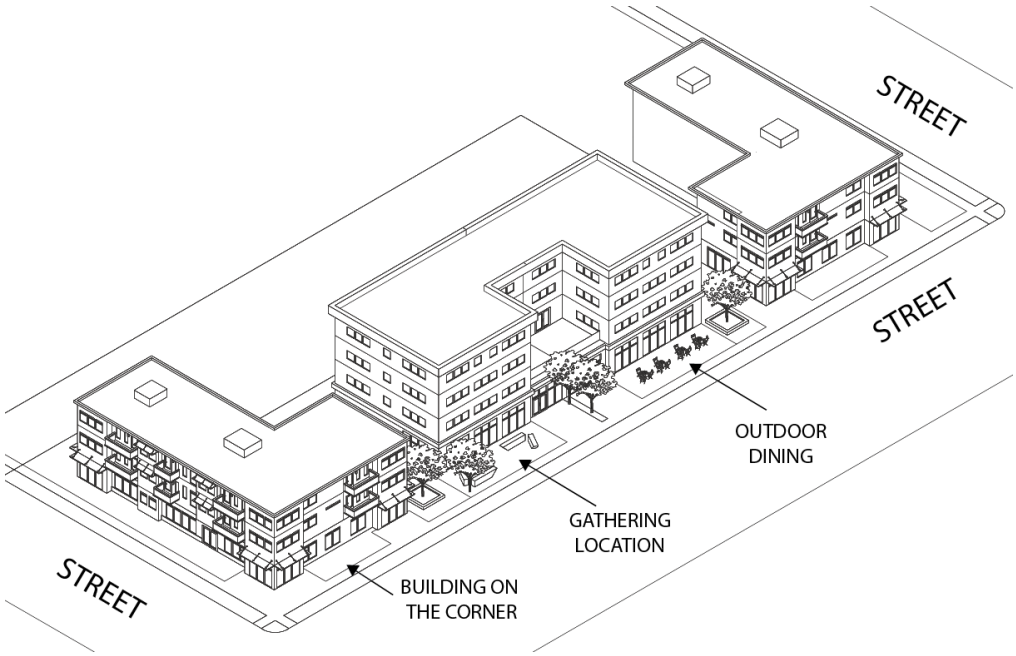
1. The primary entrance of a building shall have a clearly defined, highly visible customer entrance with distinguishing features such as a canopy, portico, or other prominent element of the architectural design.
2. Buildings shall have their primary orientation toward the street rather than the parking area.
3. Buildings that are within 30 feet of the street shall have an entrance for pedestrians from the street to the building interior.
4. Trash storage areas, mechanical equipment, loading areas, and similar areas shall not be visible from public view, and shall not be located between the building and the street.

C. Multi-Building Developments

For developments with three or more buildings, the buildings shall be arranged using one or more of the following techniques:

1. Organize units around a central courtyard that maintains a consistent side yard setback between units along the street frontage;
2. Locate the buildings on the corner of an adjacent street intersection or entry point to the development to frame the corner;
3. Provide outdoor dining and/or common gathering spaces between buildings; and/or
4. Other site improvements as approved by the Director that do not conflict with this DDC.

Figure 7.10-D: Multi-Building Development



D. Building Mass and Form

Buildings shall have no more than 50 continuous feet without a horizontal and vertical break of at least three feet. Such breaks may include recesses, projections, windows, roofs, alcoves, porticoes, awnings, and other architectural features to provide visual interest and relief.

E. Building Transparency/Windows

1. Use of glass for displays and to allow visual access to interior space is permitted. Buildings may not incorporate glass for more than 70 percent of the building skin.
2. Windows shall be provided with trim. Windows shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb.

F. Building Materials

1. Fronts and street sides of buildings visible from the public right-of-way shall be non-reflective and shall be of wood, masonry, stucco, EIFS (Exterior Insulation Finishing System), or cementitious siding.
2. Masonry shall comprise a minimum of 50 percent of the exterior finishes of the total building elevation. This requirement does not apply to office buildings or upper floors of mixed use buildings with office above the ground floor.
3. A maximum of 10 percent of architecturally finished metal can be used as an accent material or for embellishments on buildings classified as commercial uses.
4. Other building materials may be approved by the Director provided they meet the intent of this section.

G. Additional Standards in the MN Sub-districts

1. Applicability

a. These standards apply to nonresidential and mixed-use development in the MN sub-districts.

b. These standards are in addition to those required for nonresidential and mixed-use development in Subsection 7.10.5.

c. Where these standards conflict with the standards in Subsection 7.10.5, these standards shall apply.

2. Site Design and Orientation

a. At least 60 percent of the street frontage shall have buildings within 10 feet of the front property line.

b. A building shall be setback not more than 15 feet from the public right-of-way unless the area is used for pedestrian activities such as plazas or outside eating areas.

c. Buildings that are open to the public and are within 30 feet of the street shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be attractive and functional, be a distinctive and prominent element of the architectural design, and shall be open to the public during all business hours.

d. Buildings shall incorporate lighting and changes in mass, surface, or finish emphasizing entrances.

3. Building Mass and Form

a. The top floor of any building rising over four stories shall incorporate a distinctive finish, consisting of a cornice or other architectural termination.

b. Buildings shall be designed to reduce apparent mass by including a clearly identifiable base, body, and top, with horizontal elements separating these components. The component described as the body must constitute a minimum of 50 percent of the total building height.

4. Building Transparency/Windows

a. Any ground floor wall facing a main street, plaza, or other public open space shall contain at least 50 percent of the wall area facing the street in display areas, windows, or doorways.

b. At least 20 percent of each upper floor facing a main street, plaza, or other public open space shall contain windows or doorways.

c. Windows shall allow views into working areas or lobbies, pedestrian entrances, or display areas.

d. Walls facing side streets shall contain at least 25 percent of the wall space in windows, display areas, or doors, provided:

   i. Blank walls within 30 feet of the side street are prohibited.

   ii. Up to 40 percent of the length of the building can be exempted from this standard if oriented toward loading or service area.

5. Building Materials

a. A maximum of 10 percent of architecturally finished metal can be used as an accent material or for embellishments on buildings classified as nonresidential uses.

b. Buildings shall include changes in relief such as columns, cornices, bases, fenestration, and fluted masonry, for at least 15 percent of the exterior wall area.

6. Streetscape

Hardscape (paving material) shall be used to designate pedestrian-oriented areas. Sample materials could be pavers, scored and colored concrete, grass-crete, or combinations of the above.

7.10.6 Building Height in Transition Areas

A. Any portion of a building within 50 feet of a single-family detached development or a Residential District, as provided in Table 3.1-A: Zoning Sub-District Designations, shall not exceed a maximum building height of 40 feet.

B. Any portion of a building between 50 feet and 100 feet of a single-family detached development or a Residential District, as provided in Table 3.1-A: Zoning Sub-District Designations, shall not exceed the a maximum building height of 65 feet.

C. Any portion of a building between 100 feet and 150 feet from a single-family detached development or a Residential District, as provided in Table 3.1-A: Zoning Sub-district Designations, shall not exceed a maximum building height of 100 feet where the building is located. Portions of buildings beyond 150 feet shall be setback for an additional 25 feet for every 50 feet of building height. Any portion of a building that is 200 feet in height shall be 200 feet from a single family detached development or Residential District.

D. Building features referenced in Table 3.7-B: Authorized Exceptions to Height Standards, shall be designed to minimize visibility from adjacent single-family detached residential development or Residential Districts, as provided in Table 3.1-A: Zoning Sub-district Designations and fit within the allowed building height of the zoning sub-district where the building is located, to the maximum extent practicable.

E. Measurement shall be from the property line of a single-family detached development or Residential Districts, as provided in Table 3.1-A: Zoning Sub-district Designations .

Figure 7.10 (Figures A-C): Building Height in Transition Areas

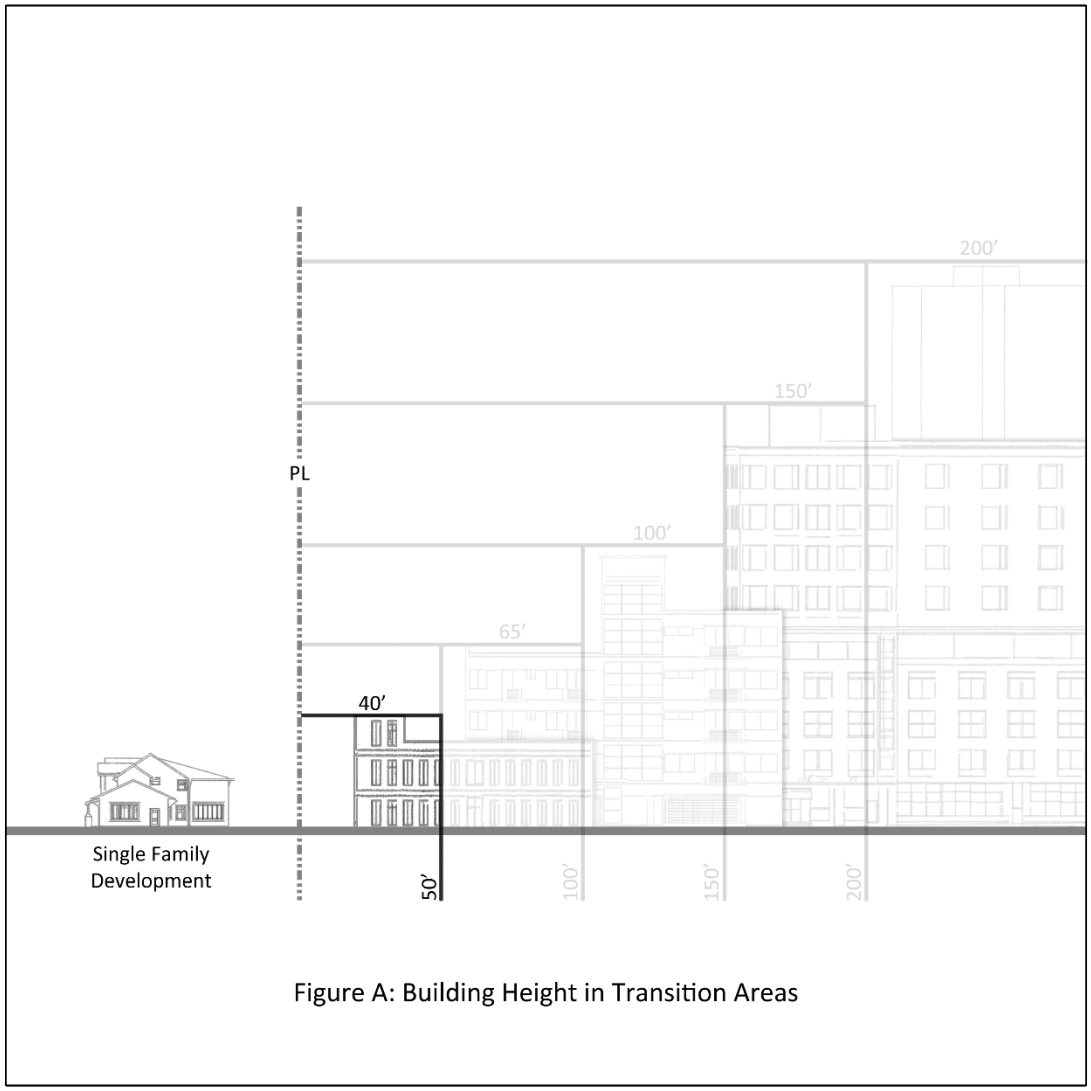


Figure A: Building Height in Transition Areas

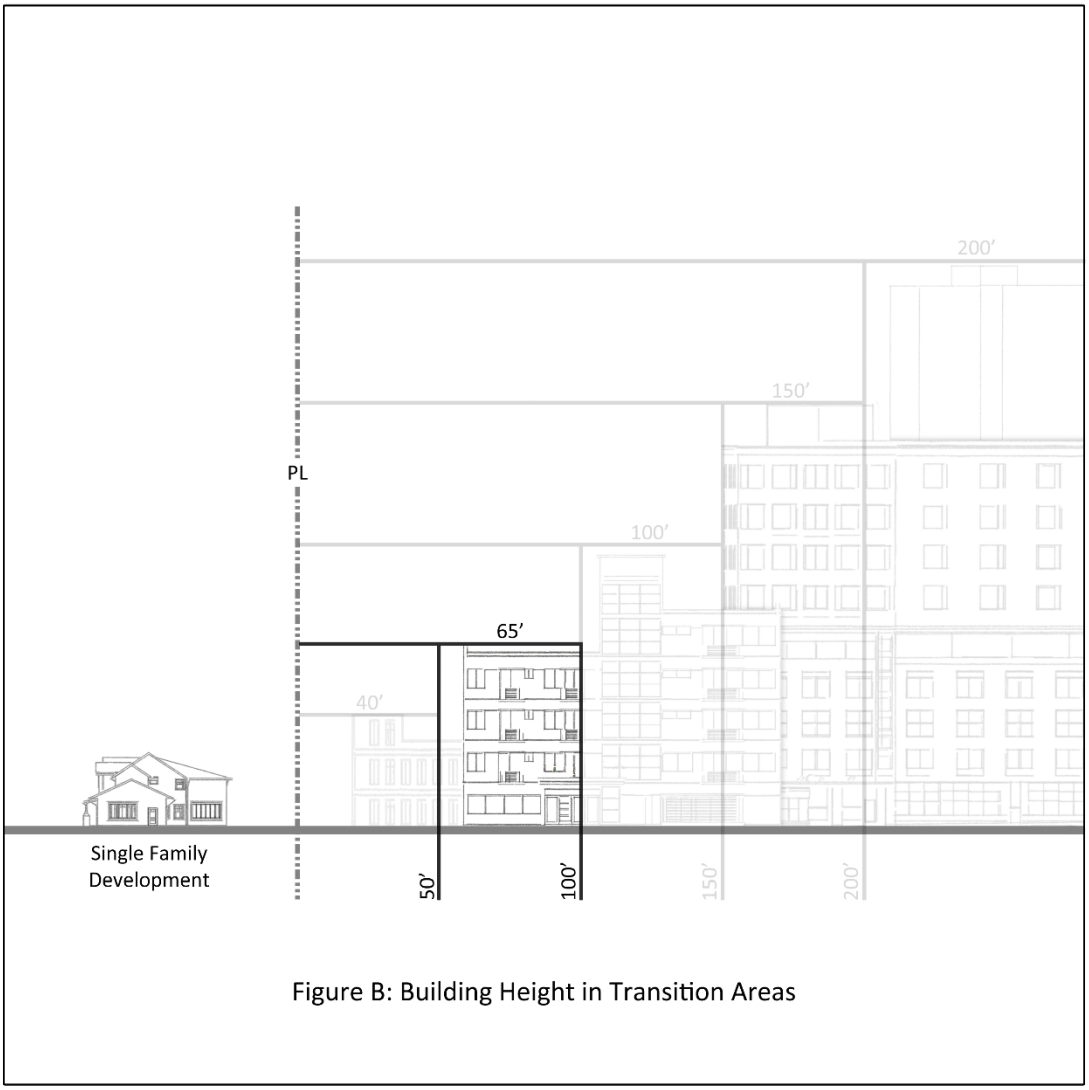


Figure B: Building Height in Transition Areas

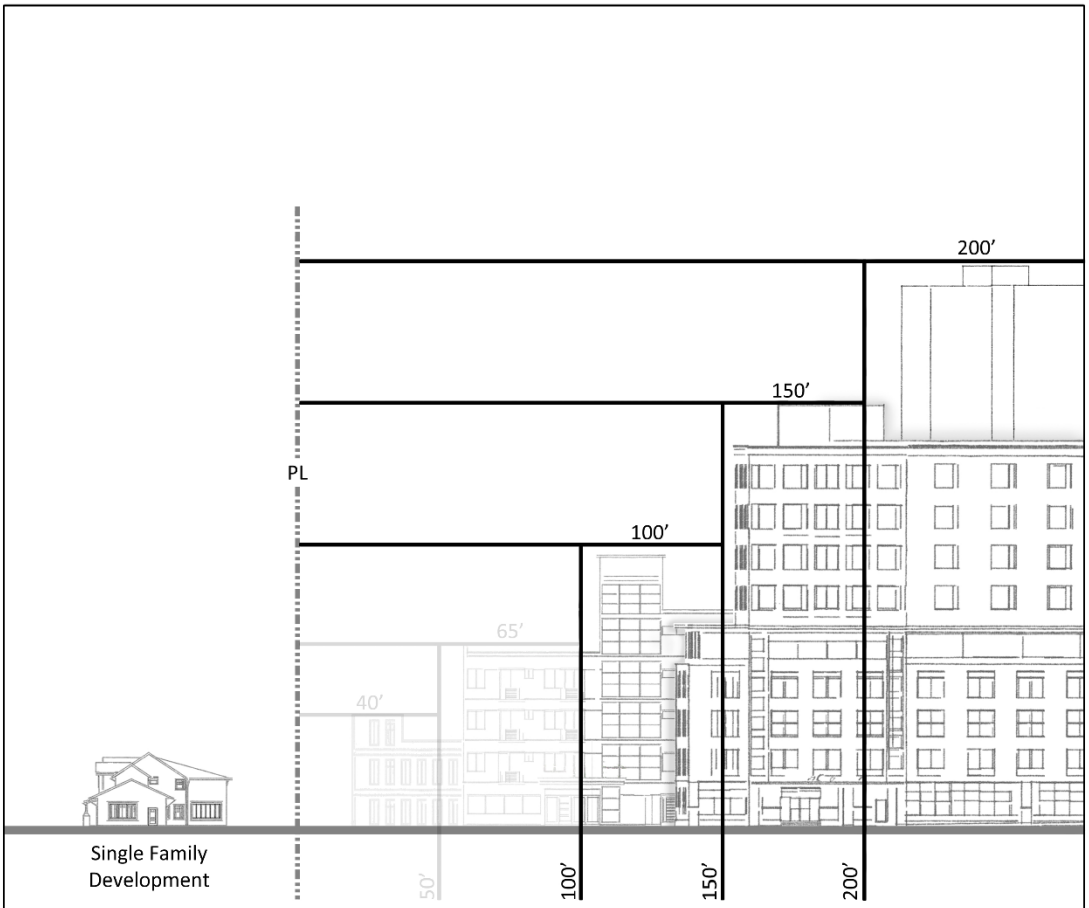


Figure C: Building Height in Transition Areas

7.11 Exterior Lighting

7.11.1 Purpose

The purpose of this Section 7.11 is to ensure that vehicle circulation areas, pedestrian areas, parking areas, public gathering spaces, and other areas have adequate outdoor illumination to provide safety at night, while limiting the negative impacts of outdoor lighting nuisance on adjacent properties.

7.11.2 Applicability

A. Generally

Except as otherwise provided in this Section 7.11: *Exterior Lighting*, the standards in this section shall apply as set forth in Section 7.2: *Applicability*, with the following modifications:

B. Exemptions

The following types of exterior lighting are exempt from the requirements of this section, provided they shall not create glare to motorists or result in light trespass onto adjacent properties:

1. Holiday Lighting

a. Temporary winter holiday lighting illuminated from November 1 to March 1 is allowed in mixed-use and nonresidential zoning sub-districts;

b. Residential zoning sub-districts may use holiday lighting any time of year; and

c. Holiday lighting shall not exceed one foot-candle at any property line, except where the property line is adjacent to walkways, driveways, and streets.

2. Single-Family Detached, Duplex, and Townhouse Uses

a. Soffit or wall-mounted lights permanently attached to the dwelling shall be exempt from the exterior lighting regulations, provided the lights do not exceed the height of the eave; and

b. Such lights shall be downcast and directed away from abutting properties.

3. Mixed-Use, Corridor, and Other Nonresidential Zoning Sub-districts

a. Twinkle lighting located on trees, bushes, or landscape features; and

b. Bistro lighting.

4. Special Events

Special events that have been issued a temporary use permit.

5. Lighting Required by FAA or FCC

Lighting required by the Federal Aviation Administration or the Federal Communications Commission.

6. Underwater Lighting

Underwater lighting used for the illumination of swimming pools and decorative water fountains shall not be subject to this Section 7.11, though they must conform to all other provisions of this DDC.

7. Lighting Required by Building Code

Any lighting that is required by the building code for life safety purposes such as stairway lighting, walkways, and building entrances, shall not be prohibited by this section, but shall be subject to the lighting standards.

7.11.3 Standards Applicable to All Development

The following standards apply to all development unless specifically exempted in Subsection 7.11.2B.

A. Sidewalks, internal pedestrian paths, and bicycle paths shall be lit with full cutoff shielded and downcast fixtures no more than 16 feet tall and providing consistent illumination of at least one foot-candle on the walking surface.

B. Lighting along public rights-of-way and landscaped areas for a specific development shall be designed uniformly.

C. Light spillover onto adjacent properties shall not exceed one foot-candle at any property line, except where the property line is adjacent to walkways, driveways, and streets or in nonresidential developments comprised of multiple lots, and when state and federal regulations apply.

7.11.4 Parking Area Lighting

A. Pole Height

Parking area lighting fixtures shall not exceed 25 feet in height.

B. Shielding of Lights

1. Parking area lighting shall be full cutoff shielded and downcast fixtures.
2. The source of light on any fixtures on a nonresidential use adjacent to a single-family, duplex, or townhouse use shall be shielded from sight.
3. Lighting fixtures for canopies or similar structures shall be flush-mounted or recessed above the lower edge of the canopy.

C. Illuminance

1. Maintained average illuminance values in commercial and multifamily parking areas shall be no less than two foot-candles.
2. The acceptable uniformity ratio for lighted areas shall comply with recommended ranges adopted by the International Engineering Society of North America (IESNA) for low, medium, and high activity areas.

7.11.5 Building Lighting

A. Location and Direction

1. Except for decorative lighting, building-mounted lights shall be installed so that all light is directed downward.
2. Wall packs and similar lights shall be prohibited unless the cutoff angle effectively eliminates glare from beyond the property lines.

B. Decorative Lighting

Decorative lighting shall be permitted provided all light is cast against the building surface.

7.11.6 Street Lighting

A. Street lights shall be installed for every new development, at the developer's expense to protect the public health, safety, and welfare of the site and/or surrounding neighborhoods.

B. All fixtures shall be compatible with the character of the neighborhood and city as a whole.

C. All street lighting fixtures shall be full cut-off and designed to direct lighting below a 90-degree horizontal plane extending from the lowest point of the light source.

D. All street lighting fixtures shall be designed and constructed to minimize or eliminate the direct visibility of the light source and so that they do not cast or reflect light on adjacent properties.

7.12 Solid Waste and Recycling Design Standards

7.12.1 Purpose

The purpose of this section is to provide basic criteria and standards for the development and maintenance of solid waste and recycling container enclosures.

7.12.2 Applicability

Except as otherwise provided in this Section 7.12: *Solid Waste and Recycling Design Standards*, the standards in this section, and the Solid Waste Criteria Manual shall apply as set forth in Section 7.2: *Applicability*.

7.12.3 General Design Standards

A. Non-residential on-site solid waste and recycling storage facilities (container enclosures) shall be located on each platted lot of non-residential property, except as otherwise provided within the Solid Waste Criteria Manual, and shall be constructed and maintained by the property owner or developer, and made available for use by the City of Denton Solid Waste Department and/or commercial recycling service provider. For purposes of these solid waste requirements, "non-residential development" includes any attached residential dwellings of five or more dwelling units.

B. Nonresidential on-site solid waste and recycling storage facilities (container enclosures) shall be available for the storage of all municipal solid waste and recyclables generated for each platted property. The city reserves the ability to determine which, if any parcels or areas (e.g., Downtown Square, strip centers, multi-family residential, etc.) may be recommended for shared container or other alternative service. Container enclosures shall be of adequate size to contain all solid and liquid wastes and recyclables generated on the property, which may include, but are not limited to, municipal solid waste, recyclables, grease and oils, process by-products and wastes, hazardous waste, medical waste, and any special wastes, contained as necessary to meet disposal standards published by the city. The container enclosures shall be constructed to such capacity prescribed by the Solid Waste Criteria Manual for non-residential solid waste and recycling facilities. Enclosures are not required for non-residential uses where the dumpster locations cannot be seen from the public right-of-way.

C. See Subpart A, Municipal Code of Ordinances, Chapter 24: *Solid Waste*, Article III: *Commercial Collection Service,* for solid waste services requirements.

7.13 Electric Standards

7.13.1 Purpose

The purpose of this section is to provide basic criteria and standards for the development and maintenance of electric transmission lines, distribution lines, substations, interchanges, and switch stations. These reasonable regulations serve to preserve the integrity of adjacent impacted lands and to prevent imminent destruction of property or injury to persons, while ensuring that these mitigating actions conform to the comprehensive plan and DDC. These regulations further serve to protect the

health, safety, and general welfare of the public and to accomplish the orderly and practical development of electric utilities, and to achieve the following broader objectives:

A. To protect and promote the public health, safety and general welfare of the community.

B. To define and establish the minimum clearances in an effort to safeguard persons against electrical hazards during the installation, operation, maintenance and replacement of electric supply lines, electric substations, interchanges, and electric switch stations.

C. To adopt the most current National Electrical Safety Code, as amended (NESC) and the most current North American Electric Reliability Corporation Critical Infrastructure Protection, as amended (NERC, CIP).

7.13.2 Applicability

Except as otherwise provided in this Section 7.13: *Electric Standards*, and the standards in this section shall apply as set forth in Section 7.2: *Applicability*.

7.13.3 General Design

A. All applicable electric industry practices and guidelines set forth in the National Electrical Safety Code, as it may be hereafter amended (NESC) are hereby adopted and shall apply to electric transmission lines, distribution lines, substations, interchanges, and switch stations. To the extent that this DDC conflicts with standards adopted in the NESC, the more restrictive standards shall apply.

B. All applicable protection standards set forth in the North American Electric Reliability Corporation Critical Infrastructure Protection Standards (NERC CIP), in its most current version, are hereby adopted and shall apply to electric transmission lines, distribution lines, and substations. To the extent that this DDC conflicts with standards adopted in the NERC CIP, the more restrictive standard shall apply.

C. Adequate consideration shall be given to design criteria to include route evaluation, topography, drainage, size in relation to setbacks, roadway access, distances to residences/schools/businesses, existing trees, unique ecology, and sensitivity to cultural resources in conformance with the DDC, NERC CIP and NESC standards, Electric Service Standards, and other local, State, and/or Federal law.

D. A development plat shall be required for proposed substation, interchanges, and switch station sites in accordance with the requirements established in TLGC, Ch. 211; Subchapter B, Municipal Code of Ordinances; and the DDC.

E. Unobstructed and adequate space shall be provided for all clearance areas required by this section that will allow ingress and egress for utility-related personnel and equipment to perform operations, maintenance and replacement of electric supply and communication lines. Such clearance provision shall be included in the design and construction when real property is developed or altered. Such clearance areas shall be recorded by the property developer or by the record owner on subdivision plats; or shall be evidenced by written instrument, duly recorded, in the Public Records of Denton County, Texas.

F. Regulations contained herein are intended to supplement any regulations contained in the Municipal Code of Ordinances, Chapter 26: *Utilities,* and not to replace such existing regulations.

7.13.4 Overhead Electric Transmission Line Clearance

A. New Electric Transmission Lines

1. 69kV Transmission Lines

A minimum of 60-foot wide electric transmission clearance is required on real property affected by 69kV electric transmission lines, said clearance shall be a minimum of 30 feet from either side of the centerline of the particular transmission pole(s). Clearance criteria in the National Electric Safety Code may require greater clearance widths in some instances.

2. 138kV Transmission Lines

A minimum of 75-foot wide electric transmission clearance is required on real property affected by 138kV electric transmission lines, said clearance shall be a minimum of 37.5 feet from either side of the centerline of the particular transmission pole(s). Clearance criteria in the National Electric Safety Code may require greater clearance widths in some instances.

B. Existing Electric Transmission Lines

1. For existing transmission lines and for transmission lines being constructed or reconstructed in developed areas, the utility may elect to perform NESC analysis and calculations to determine if safe and adequate reduced clearance widths can be utilized in lieu of the standard sixty- and seventy-five-foot widths as stated above.
2. Trees adjacent to overhead electric distribution lines shall comply with paragraph 7.7.7F.7: *Trees Adjacent to Overhead Electric Utilities*.

7.13.5 Overhead Electric Distribution Line Clearance

A. New Electric Distribution Lines

1. 13.2kV/7.62kV Grounded Wye

A minimum of 35-foot wide electric distribution clearance is required on real property affected by 13.2kV/7.62kV Grounded Wye electric distribution lines, said clearance shall be a minimum of 17.5 feet from either side of the centerline of the particular distribution pole(s). Clearance criteria in the National Electrical Safety Code may require greater clearance widths in some instances. Additional electric distribution service and clearance requirements are further defined within the Electric Service Standards.

B. Existing Electric Distribution Lines

1. For existing distribution lines and for distribution lines being constructed or reconstructed in developed areas, the utility may elect to perform NESC analysis and calculations to determine that safe and adequate reduced clearance widths can be utilized in lieu of the standard 35 foot width state above.
2. Trees adjacent to overhead electric distribution lines shall comply with Subsection 7.7.7F.7: *Trees Adjacent to Overhead Electric Utilities*.

7.13.6 Electric Easement Requirements

In all cases where primary electric lines which will feed adjacent properties are installed on private property, the following standards shall prevail:

A. All easements shall be dedicated as public utility easements and shall be sized per Table 7.13-L, Table 7.13-M, Table 7.13-N. The general criteria to define typical easement widths and sizes are listed in the following tables:

Table 7.13-L: Typical Overhead Electric Line Easement Widths

Line Type	Along Lot Frontage	Through Interior of Lot
138 KV Transmission Lines	As required to accommodate clearance specified in Section 7.13.4	75 feet (Line to be centered in easement)
69 KV Transmission Lines	As required to accommodate clearance specified in Section 7.13.4	60 feet (Line to be centered in easement)
13.2 KV Distribution	As required to accommodate clearance specified in Section 7.13.5 (Not required when clearance is accommodated by building setback)	35 feet (Line to be centered in easement)

Table 7.13-M: Typical Underground Electric Line Easement Widths

Line Type	Along Lot Frontage	Through Interior of Lot
13.2 KV Distribution	8 feet (Line typically installed 3-4' from R.O.W. line)	16 feet (Line typically installed 3-4' from edge of easement)
13.2 KV Distribution Duct Bank (Multiple Feeders)	20 feet (Duct bank typically centered in easement)	20 feet (Duct bank typically centered in easement)
Transmission Duct Banks	20 feet	20 feet

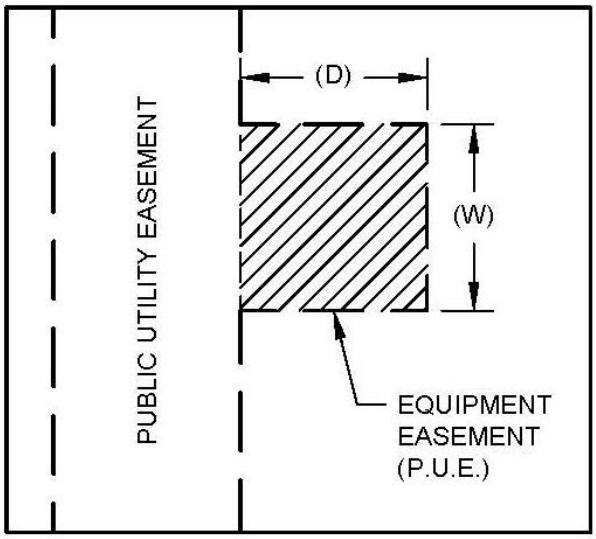
Table 7.13-N: Typical Pad-Mounted Electric Equipment Easement Sizes

Equipment Type	Equipment Easement
Single Phase Distribution Transformer	10 feet by 10 feet
Three Phase Distribution Transformer	16 feet by 16 feet
Distribution Switchgear	18 feet by 30 feet
Other Pad-Mounted Equipment	As Needed

B. Easement widths and sizes are subject to change at the discretion of Denton Municipal Electric (DME) in accordance with the applicable criteria manual.

C. DME may allow a utility easement to be dedicated within a fire lane for underground electric distribution lines in some cases, provided that equipment easements are dedicated outside of the fire lane for pad-mounted equipment.

Figure 7.13-A: Equipment Easement Location



D. Fences within utility easements are generally prohibited, subject to the following:

1. Fences shall not be built within or across dedicated utility or electric easements. DME, at their discretion, may allow fences to be built across an easement if access gates at least 12 feet wide are built.
2. Any existing fence located within dedicated utility or electric easements that conflicts with the purpose and intent of the easement may be removed by the city at any time.
3. The city is under no obligation to repair or replace any fence that is damaged or removed that encroaches within a dedicated easement for the purposes of operating, maintaining, replacing or installing electric facilities within the dedicated easement.

E. Employees of the city shall have the authority to enter premises at any reasonable time in the regular line of duty for the purpose of inspecting, repairing or constructing any electric line or any electric meter, etc. The landowner and occupant are responsible for any construction activities occurring over or within any on-site utility in a utility easement.

F. If utility inspection or repair or reconstruction is necessary, any pavement, structure, or improvement damaged within a dedicated utility or electric easement, shall not be the responsibility of the city for any repairs, but shall be the sole responsibility of the owner.

G. The landowner assumes responsibility for any and all improvements placed within a utility or electric easement at their own risk. Additionally, the provisions of this section do not permit or supersede the limits and restrictions prescribed by the conditions of any existing utility easement for allowing improvements to be placed within utility easements.

H. The following shall not be installed or planted within a utility or electric easement without approval by the city:

1. Trees; and
2. Any structures, including retaining walls and signs. No part of a structure, including its underground foundation, shall encroach into an easement.

I. The following items are typically allowed to be installed within a utility or electric easements:

1. Drive approaches and parking lots (alignment within drive aisles is preferred);
2. Sidewalks; and
3. Grass and small shrubbery.

7.13.7 Electric Substation, Interchange, and Switch Station Design

A. Generally

1. Standards in this subsection require a basic level of architectural variety, compatible scale, and mitigation of negative impacts.
2. Where the following provisions are silent, the regulations of Subchapter 7: *Development Standards*, will apply.

B. Screening

1. Generally

a. All screening shall comply with the minimum standards set forth in NERC and NESC. However, to the extent this DDC provides a stricter requirement, this DDC controls.

b. Screening is required to obstruct, to the greatest extent possible, internal substation or switch station components from view of the public rights-of-way. This does not require screening of structures, equipment, or buildings that exceed 10 feet in height.

2. **Screening Wall**

A minimum 10-foot masonry wall is required around the perimeter of the substation, interchange, or switch station to screen the view from public rights-of-way and adjoining properties.

3. **Landscaping**

a. Trees or any other landscaping shall not be placed within 20 feet of station fences (clearance zone of section G below).

b. Landscaping shall not interfere with the physical security of the site.

4. **Gates**

a. Gates shall be provided at all entrances.

b. Wrought Iron or similar metal gate material shall be permitted.

C. Buffering

Buffers are required to minimize potential nuisances such as noise, light, glare, and litter between electric stations and other abutting land uses. Station site expansions are not required to provide space for buffers. Buffering shall not be required when it would compromise station security. Trees shall not be required within clearance zones.

1. Substations or switch stations abutting any property other than an industrial zoning district, shall provide a 20 foot planted strip along the common boundary that includes a combination of five evergreen and deciduous trees and 30 shrubs per 100 linear feet.
2. When located within the clearance zones, low growing shrubs with a maximum mature height of 24 inches shall be used to meet the requirements of this section.
3. Buffering shall not be required when a substation, interchange, or switch station abuts property in an industrial zoning district.
4. Streets and easements shall be considered as buffer.

D. Street Tree Standards

1. Street trees are required in accordance with Subsection 7.7.7, *Street Tree Requirements*.
2. Street lights may be used in lieu of any required street trees provided they are of the same number and spacing required.

E. Tree Canopy Coverage

Tree canopy coverage is required in accordance with Subsection 7.7.4, but shall not be located within the clearance zone as prescribed in Subsection 7.13.7G. In determining the landscape area for the site, only the area located outside the screening wall, clearance zone prescribed in Subsection 7.13.7G, and any transmission easements shall be considered.

F. Access and Transportation

Access and transportation into and around the site should be provided to minimize the impacts on adjacent properties, intersections, and the overall street system. Access to the site should be carefully considered to limit the number of entrances that allow greater visibility into the site, while simultaneously allowing for adequate maneuvering of trucks and other heavy equipment necessary to construct, operate, and maintain the site. The following access and transportation standards shall be applicable.

1. Driveways shall be located on the perimeter streets of the lowest classification unless the only reasonable means of providing safe and adequate access to the property, as determined by the City Engineer, is to access a street of higher classification.
2. To the extent possible, driveways shall be located so as not to be directly across from the front yards of residential structures or uses, unless otherwise agreed to by the Director of Development Services or his/her designee.
3. No more than two driveways shall be located on each perimeter street.
4. Driveway separation is subject to the Transportation Criteria Manual. Due to unique access, large vehicular, and trailer turning radius requirements for electric stations, driveway geometry may differ from the Transportation Criteria Manual requirements.
5. Driveways shall be constructed of concrete from the back of edge of the curb to the entrance gate of the site. Gravel is not a permitted driveway material for any driveway outside of the site's perimeter screening wall, unless approved by the City Engineer due to the substation's distance from the roadway.
6. Sidewalks shall be required in accordance with Section 7.8: *Access and Circulation,* and the Transportation Criteria Manual. Enlarging of substation sites shall not be required to meet the requirements of this section.

G. Clearance Zones

1. A 20-foot clearance zone around the perimeter screening wall free of visual obstructions and climbing aids is required to protect the security and safety of the site.
2. Any landscaping that could be used as a climbing aid shall not be placed within 20 feet of a substation fence.

H. Miscellaneous Standards

Development shall comply with this DDC and the NESC and/or NERC standards as applicable and as amended:

1. Height;
2. Noise;
3. Voltage Limitations:
4. Warning Signs;
5. Lighting;
6. Internal Illumination:
7. Vibration:
8. Electric Interference; and
9. Other development standards established by NESC and/or NERC as amended.

I. Minor Modifications

Minor modifications on a site plan may be approved by the Director pursuant to Subsection 2.7.2: *Minor Modification*.

Subchapter 8: Subdivisions

8.1 Purpose

This subchapter establishes standards that regulate the subdivision of property in order to:

8.1.1 Facilitate the orderly growth and harmonious development of the city and to protect and promote public health, safety, and welfare;

8.1.2 Provide lots and parcels of sufficient size and appropriate design for the purposes for which they are to be used;

8.1.3 Protect the natural environment;

8.1.4 Promote the use of good design, landscape architecture, and civil engineering to preserve and enhance natural features, watercourses, drainage ways, floodplains, native vegetation, and trees;

8.1.5 Provide safe ingress and egress for vehicular and pedestrian traffic;

8.1.6 Ensure safe and efficient traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions, adjoining streets, and public facilities;

8.1.7 Provide adequate water supply, sewage disposal, storm drainage and other utilities and facilities;

8.1.8 Provide for adequate sites for schools, recreation areas, and other public purposes;

8.1.9 Protect or enhance real property values;

8.1.10 Facilitate the transfer of lands having accurate legal descriptions and to establish and assure the rights, duties and responsibilities of subdividers and developers with respect to land development;

8.1.11 Ensure that the costs of providing the necessary rights-of-way, street improvements, utilities and public areas and facilities for new developments are borne fairly and equitably; and

8.1.12 Encourage the clustering of dwellings and other structures to preserve open space, minimize adverse visual impacts, minimize public infrastructure costs, and prevent public safety hazards; and

8.1.13 Provide a common ground of understanding and an equitable working relationship between public and private interests, so that both independent and mutual objectives can be achieved in the subdivision of land.

8.2 Applicability

8.2.1 Regulatory Jurisdiction

A. Generally

1. This subchapter shall apply to all land and all developments within the regulatory jurisdiction of the City of Denton, except as otherwise provided for in this subchapter.
2. The regulatory jurisdiction of the city shall be defined as follows:
   a. The area within the corporate limits of the city; and
   b. Any other area to which the provisions of this subchapter are made applicable in accordance with and as permitted by federal, state or local law.

B. Land Included

Except where otherwise specifically provided for in this subchapter, all the provisions of this subchapter shall apply to the following lands located within the regulatory jurisdiction of the city:

1. Any tract of land which has not been recorded by plat in the plat records of Denton County, Texas, and which is intended to be sold, leased, or otherwise subdivided from another tract of land or which is intended or proposed to be used for the purpose of development.
2. Any tract of land which has been recorded as a lot or block by plat in the plat records of Denton County, Texas; prior to and upon which no development has been constructed or placed prior to the effective date of this subchapter.
3. The division of any previously platted lot into two or more parts.
4. The removal of one or more lot lines of any platted lot so as to permit the combining of two or more contiguous platted lots into one or more new lots.

8.2.2 Extraterritorial Jurisdiction

A. Official Regulatory Map

1. The extraterritorial jurisdiction of the City of Denton is classified into two divisions as indicated on the City of Denton Extraterritorial Jurisdiction map on file in the Development Services Department.
2. The Development Services Department is directed to consider amendments to the regulatory line map whenever the certificate of public convenience and necessity for water and wastewater services is amended by the state or when directed by the City Council. Any amendments shall not be effective until the revised regulatory line map is approved by the City Council.

B. Division 1

All subdivisions and developments within Division 1 are subject to all of the standards of this subchapter.

C. Division 2

Subdivisions and developments within Division 2 are not subject to the standards of this subchapter, but shall be subject to the standards of the County of Denton and state law, as amended.

8.2.3 Exemptions

A. Prior to the subdivision, re-subdivision, or development of any land within the city, or its extraterritorial jurisdiction, all plans, plats, and construction plans for public improvements shall first be approved in accordance with these regulations, except as provided in paragraph B below.

B. The following are exempt from the subdivision regulations of this subchapter, but are subject to all other standards in this DDC:

1. The division of land into two or more parts, other than for purposes of development, if the smallest resulting parcels, tract or site is five acres or larger in size where each part has access and no public improvement is being dedicated.
2. Development on a single tract which was subdivided prior to January 1, 1960, and for which extension of streets or public improvements (excluding sidewalks) are not required to support the proposed development.
3. Construction of additions or alterations to an existing building where no drainage, street, utility extension or improvement, additional parking or street access changes required to

meet the standards of this subchapter are necessary to support such building addition or alterations.

4. Construction of accessory structures or fences.
5. Dedication of easement or right-of-way by separate document recordable in the county records if approved by city.
6. Cemeteries complying with all state and local laws and regulations.
7. Divisions of land created by order of a court of competent jurisdiction.
8. A change in ownership of a property through inheritance or the probate of an estate.
9. Construction or reconstruction of a single-family residential structure in the extraterritorial jurisdiction, provided no utility extensions or right-of-way dedications are necessary.
10. Development of an agricultural use.

8.2.4 Compliance and Enforcement

A. It shall be unlawful for any person to begin, continue, or complete any development on any land within the regulatory jurisdiction of the city to which the provisions of this subchapter applies, except in accordance with and upon compliance with the provisions of this subchapter.

B. Except as otherwise authorized by this subchapter, the city shall not issue a building permit or certificate of occupancy required by any subchapter of the city for any land located within the corporate limits to which this subchapter applies, until and unless there is compliance with this subchapter.

C. The city may refuse to authorize or make utility connections on the grounds set forth in TLGC, § 212.012, as amended.

D. No improvements shall be initiated until the approval of the city has been given. Disapproval of a final plat by the city shall be deemed a refusal by the city to accept offered dedications shown thereon.

E. Approval of a final plat shall not be deemed an acceptance of the proposed dedications and shall not impose any duty upon the city concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the city have both given their written acceptance of the improvements and have actually appropriated the same by entry, use, or improvements.

8.2.5 Platting Requirements

A. Division of Property

1. No land may be subdivided or platted through the use of any legal description other than with reference to a plat approved pursuant to the procedures established in Section 2.5: *Subdivision Procedures,* and in accordance with the standards in this DDC.
2. Excepting agricultural leases, no land described in this subchapter shall be platted or sold, leased, transferred, or developed until the property owner has obtained approval of the applicable plat pursuant to the procedures established in Section 2.5: *Subdivision Procedures,* and in accordance with the standards in this DDC.
3. No person shall transfer, lease, sell, or receive any portion of a parcel of land before a conveyance plat or final plat of such parcel and the remaining parcel has been approved pursuant to the procedures established in Section 2.5: *Subdivision Procedures,* in accordance with the standards in this DDC, and filed with the county clerk.

4. The subdivision of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, lease or development is prohibited.

B. Permits for Construction Activity or Public Improvements

The city shall not issue permits for any construction activity or allow any public improvements for a development until a plat is approved and filed of record and all public improvements have been accepted (if applicable) except as provided in Section 8.2: *Applicability*, or for a plot or tract conveyed prior to January 1, 1960, and remaining in the same configuration, or for the following:

1. Model Homes

A developer may construct no more than eight model homes within a single-family detached, duplex, or townhome development phase containing public improvements that have not yet been finally accepted, provided that:

a. Each model home is inspected and found to meet all building, plumbing and fire code requirements prior to being opened to observation by the public;

b. The home will not be sold or occupied as a dwelling unit until all public improvements within that phase have been completed and accepted by the city; and

c. The homes comply with Section 7.3: *Land-Disturbing Activities*.

2. Multifamily or Nonresidential Development

Upon application and satisfaction of the following conditions, together with other DDC, City Ordinance, and Criteria Manual requirements, otherwise applicable to full building permits, the Building Official may issue a building permit for multifamily or nonresidential development to allow for limited construction subject to the following:

a. The applicant shall complete installation of all drainage and other regional improvements, including off-site improvements. This requirement may be satisfied by constructing temporary drainage improvements (such as detention ponds) that, in the opinion of the City Engineer, are adequate to offset the decrease in permeable surface of the permitted phase of development and prevent harm to downstream properties, pending completion and acceptance of required permanent regional improvements for drainage.

b. The applicant must enter into an agreement with the city, in a form approved by the City Attorney, which indemnifies and holds the city harmless for any failure of the applicant, owner, or builder to obtain necessary access and drainage easements and permits, or to build needed offsite improvements; and

c. A building permit issued in this manner may be withdrawn upon failure to meet any imposed condition, as set forth in Section 1.6: *Enforcement*.

d. The applicant shall install and demonstrate proper function of fire hydrants and all-weather access improvements for fire apparatus required by the Fire Code and Chapter 29 of the Municipal Code of Ordinances, prior to any construction above slab.

e. The applicant complies with Section 7.3: *Land-Disturbing Activities*.

8.3 Subdivision Design

8.3.1 General

A. Every subdivision shall comply with all other ordinances and regulations of the City and the TLGC.

B. Public infrastructure shall be constructed in accordance with City of Denton Criteria Manuals or, if no standard or specification can be found, then the standard or specification used shall be subject to approval by the City Engineer based on professional engineering practices.

C. The applicant shall make all required improvements, at his/her expense, according to city regulations, without reimbursement by the city, except for certain reimbursable costs as provided in Subsections 7.6.14 and 7.6.14A, or as determined as a result of an exaction proportionality determination and appeal under Section 2.10.15.

8.3.2 Lot Planning

A. General

The size, shape, and orientation of lots shall be appropriate to the location of the proposed subdivision and to the type of development contemplated. The following lot design standards shall apply to all subdivisions:

1. All lots created through the subdivision process shall be developable and conform to the minimum zoning, development, and floodplain standards stated in this DDC. No subdivision shall create lots that prohibit development due to configuration of the lots, steepness of terrain, location of watercourses or floodplain, natural physical conditions, or other existing conditions, except when in conflict with ESA regulations.
2. The minimum area and dimensions of all lots shall conform to the requirements of Subchapter 3: *Zoning Sub-districts,* and Subchapter 7: *Development Standards,* relating to the zoning sub-district in which the lot is located. This subsection does not apply to planned developments. Modifications may be granted pursuant to Subsection 8.3.2D of this subsection.
3. Side lot lines shall be at right angles or radial to street lines, except where other terrain makes such design impractical.
4. Double frontage lots may be allowed; however, driveways are only permitted on one frontage.
5. Flag lots and other irregularly shaped lots are discouraged.
6. Corner lots may be required to be wider than interior lots to facilitate conformance with setback requirements.
7. The city, county, school district, or other taxing agency boundary shall not divide a lot except in conformance with this DDC.
8. Each residential lot shall have a minimum of 15 feet of frontage along an existing or proposed public street except as provided in paragraph 8.3.2C.2.
9. Each mixed-use and nonresidential lot shall have a minimum 20 feet of frontage along an existing or proposed public street.
10. Refer to Section 7.10.3C: *Open Space Requirements*, for common open space requirements for single-family detached dwelling, duplex, townhome, triplex, or fourplex developments.

B. Drainage

Lots shall be designed and located to provide positive drainage away from all buildings and shall comply with the standards in Section 7.5: *Drainage*.

C. Access

1. Generally

a. Each lot shall be provided with adequate access to an existing or proposed public street.

b. Development adjacent to existing public streets shall include the required improvements in accordance with the city's perimeter street policy and in accordance with TLGC, § 212.904.

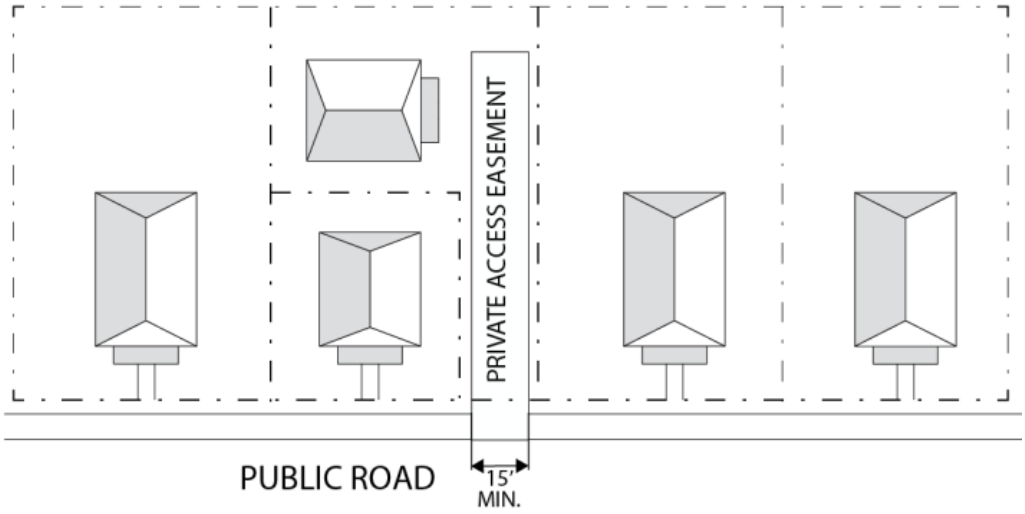
c. At least two points of vehicular access into the proposed subdivision shall be provided, where feasible, unless it can be shown to the satisfaction of the City Engineer that legal, topographical, and/or engineering constraints preclude such access.

2. Single-Family Residential Private Drive

a. Up to three single-family detached or townhome residential dwelling units may access a public road by means of a flag drive within a private access easement as provided in the Transportation Design Criteria Manual.

b. Each residential lot shall have a minimum of 15 feet of frontage on the private access easement.

Figure 8.3-A: Single0Family Residential Private Drive



3. Mixed-Use and Nonresidential Drives

a. Lots within a subdivision or addition that is surrounded by developed property making it unfeasible to provide street connectivity, do not have to abut a public street if such lots have access to a public street by a public access and fire lane easement approved by the city.

b. Such easement shall be at least 24 feet wide and constructed, marked, and maintained to meet the standards for parking lots as contained in the Transportation Design Criteria Manual and for fire lanes as contained in the Fire Code.

c. The stacking requirements for public streets shall apply to the public access and fire lane easement at the point where it intersects with a public street.

d. In addition, the public access and fire lane easement shall be considered a driveway or curb cut access to the public street for all such lots.

e. Each nonresidential lot shall have a minimum 20 feet of frontage on the public access and fire lane easement.

4. Drilling and Production Site Access

Truck traffic related to gas well drilling and production shall not be allowed to use a plat's neighborhood streets to access a gas well drilling and production site. In addition, no plat shall be allowed to eliminate or alter an access road or easement depicted on a gas well development plat or gas well development site plan, unless written consent of the gas well operator is obtained and a separate access road or easement on the plat is provided for access to a drilling and production site.

D. Common Area and Facilities

Such areas shall be noted on the plat and the association's covenants shall be filed with the county pursuant to Subsection **Error! Reference source not found.**. Alternatively, other arrangements for permanent maintenance of these areas and facilities may be approved by the decision-making body.

E. Flag Lots

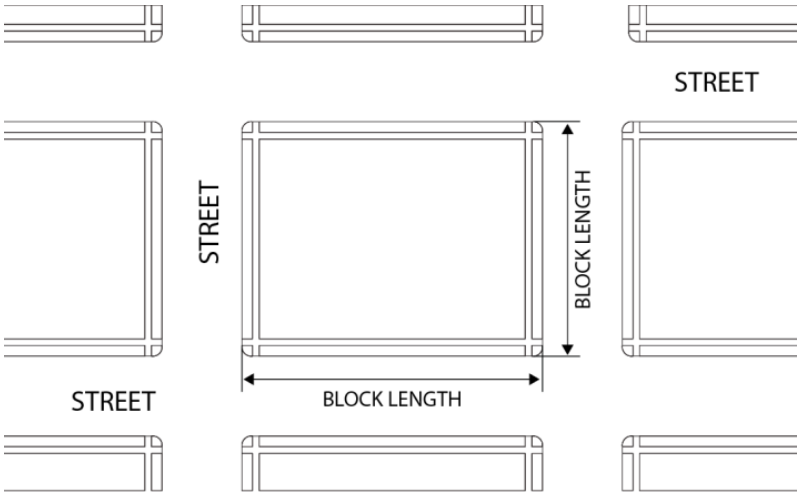
1. Notwithstanding any other provision of this DDC, the width of the flagpole portion of a flag-shaped lot shall be no less than:
   a. Thirty feet when both public water and sewer systems are to serve such a residential lot.
   b. Forty feet when both public water and sewer systems are to serve such a commercial or industrial lot.
   c. Twenty-four feet when only a public water or a public sewer system is to serve such a lot.
   d. Twenty-four feet when the lot will not be served by a public water or public sewer system.
2. The flagpole portion of the lot shall be ignored in measuring lot width.
3. The length of the flag pole portion of the lot shall not exceed 300 feet and shall comply with all other standards and measurements of this DDC and other regulating agencies.
4. Flag lots where the length of the flag pole portion exceeds 150 feet shall provide a permanent turn-a-round approved by the City Engineer and the Denton Fire Department.

8.3.3 Block Layout

A. Block Length

Residential blocks shall not be less than 300 feet nor more than 1200 feet in length. The city may approve a longer block length when necessary to accommodate natural features such as steep slopes, environmentally sensitive lands, and pedestrian linkages.

Figure 8.3-B: Block Length



B. Block Arrangement

Blocks shall have sufficient width to provide for two tiers of lots of depth meeting the minimum requirements of this DDC, except where lots back onto a collector or greater street, natural feature, or subdivision boundary, or where lots face an approved cul-de-sac.

8.3.4 Cluster Subdivisions

A. Purpose

This section provides optional standards for cluster subdivision development to protect sensitive lands and common open space areas and to implement the comprehensive plan and/or adopted area plans. A cluster subdivision is a residential subdivision in which some or all of the lots are allowed to be smaller in area and width, thus allowing flexibility in development density in those areas in exchange for permanent protection of common open space.

B. Applicability

Clustering is permitted for residential uses in the Hunter Ranch MPC on a maximum of 15 percent of the net developable area within the R7, MN, and MR zoning sub-districts. Net developable area remaining after excluding floodplain, roadways that are larger than a collector road, and gas well setbacks.

C. Review and Approval of Cluster Subdivisions

1. Cluster subdivisions shall be reviewed through the preliminary plat and final plat procedures in Section 2.11, *Subdivision Procedures*.

D. Cluster Subdivision Minimum Standards

The minimum standards for cluster subdivision lots are established in *Table 8.A: Cluster Subdivisions* below. The measurements and exceptions in Section 3.7, shall also apply to cluster subdivision lots unless otherwise stated in Table 8.A: *Cluster Subdivisions*.

Table 8.A: Cluster Subdivisions

Type of Standard	Requirement
PROJECT SITE STANDARDS	
Subdivision size, minimum	5 acres
Block length, maximum	600 feet
Common open space, minimum	30 percent of total site area
INDIVIDUAL LOT STANDARDS (MINIMUM)	
Lot size	2,500 square feet
Lot width	20 feet
SETBACKS (MINIMUM) [1] [BUILDING ENVELOPES SHALL BE ESTABLISHED ON THE FINAL PLAT WITH ANY CLUSTER SUBDIVISION]	
Front	5 feet if accommodation of at least two off-street parking spaces can be demonstrated. Otherwise, pursuant to the zoning sub-district.
Side	5 feet, except side yards adjacent to a public right-of-way shall be 6 feet; or zero on one side and 10 feet on the other side (zero lot line)

Rear	5 feet for alley-loaded dwellings or dwellings developed with an auto court. Otherwise, pursuant to zoning sub-district.
PARKING	
Cluster subdivision parking requirements	See the diagram for parking in Section 8.3.4.F and the minimum parking requirement in Section 8.9.4 (4 spaces per DU (for cluster subdivisions, 2 garage spaces per DU with deed restriction prohibiting residents from parking outside of garage and one on-street parking space per DU, consistent with the diagram provided in Section 8.3.4.F)

Notes:
[1] Building envelopes shall be established on the final plat with any cluster subdivision.

E. Common Open Space

1. Minimum Required

A minimum of 30 percent of the total site area of the cluster subdivision shall be set aside as common open space for the use of the site's residents and visitors.

2. Identification and Maintenance

a. Common open space shall be identified on the final plat for a cluster subdivision, with a notation that indicates that those lands shall not be used for future development.

b. Common open space shall be identified on-site with appropriate permanent signage markers in order to distinguish these areas from private property.

c. Common open space shall be permanently maintained and preserved as:

i. Open space lots with deed restrictions; or

ii. Protected through a conservation easement; or

iii. Land dedicated and accepted to the city, at the city's sole discretion.

d. For any land not dedicated to the city, the developer shall provide a permanent mechanism acceptable to the City Attorney for the primary purpose of conservation, preservation, and management of protected/conserved lands.

e. There shall be no further subdivision of land in an area approved for cluster subdivision; however, dedication of easements for public utilities may be permitted.

3. Use of Common Open Space

a. Common open space shall be used for low-intensity recreation, agriculture, buffers, critical wildlife habitat, or other passive park or open space purposes. A pond may also count towards the minimum common open space requirement.

b. The use of common open space may be further limited or controlled at the time of final approval where necessary to protect adjacent properties.

4. Design of Open Space

Land set aside for common open space shall meet the following design criteria, as relevant:

a. The lands shall be contiguous unless the land shall be used as a continuation of an existing trail, or specific topographic features require a different configuration. An example of such topographic features would be the provision of a trail or private open area along a riparian corridor.

b. Where open space areas, trails, parks, or other public spaces exist adjacent to the tract to be subdivided or developed, the common open space shall, to the maximum extent feasible, be located to adjoin, extend, and enlarge the existing trail, park, or other open area land.

c. In larger projects, open space should flow through the site linking recreation facilities to dwellings with uninterrupted green belts.

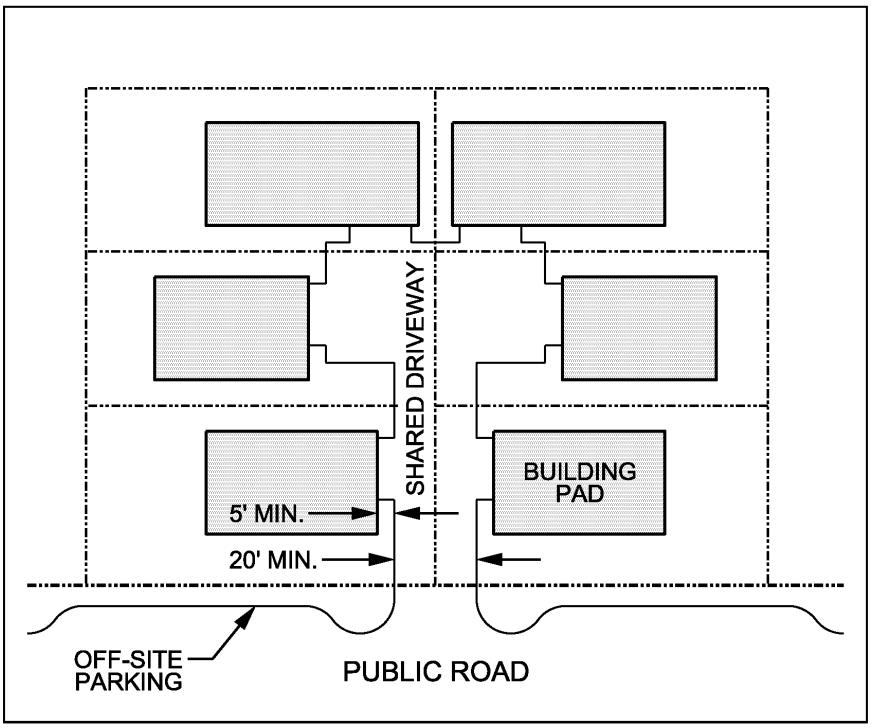
d. If an ESA is preserved to meet the open space requirement, the land shall be left in an undisturbed natural state. Other open space shall be landscaped pursuant to Section 7.7, *Landscaping, Screening, Buffering, and Fences*.

F. Auto Courts

Auto courts may be considered as an alternative layout for cluster subdivisions, and parking shall be provided in accordance with Table 7.9-1. Up to six single-family units (attached or detached) may share a single driveway access to a public street using an auto court arrangement, provided the layout is approved with a preliminary plat pursuant to Subsection 2.11.3, *Preliminary Plat*. Additionally, auto courts shall comply with the following:

1. The surface of the shared driveway in the auto court shall be at least 20 feet wide and shall be surfaced with concrete or other permeable paving approved by the Director.
2. Individual driveways leading from the shared driveway to each dwelling unit shall be at least 5 feet long, as measured from the front of the garage or carport to the closest edge of the shared driveway.
3. The shared driveway shall be designed to comply with the standards of the Transportation Criteria Manual.
4. The auto court design shall comply with the applicable off-street parking requirements.
5. Maintenance and repair of auto courts shall be the responsibility of a property owners association or adjacent property owners. The city shall approve provisions for maintenance and repair during the subdivision review process.
6. Parking on the shared driveway shall be prohibited and shall be clearly marked as such.
7. The auto court access shall be from a standard-width street and the applicant shall demonstrate that there is adequate guest parking available on the street.
8. The auto court shall comply with all other city standards including fire and emergency access, and utility provisions.

Figure 8.3-C: Auto Courts



8.3.5 Gas Well Notification Disclosure

A plat that proposes single-family or multifamily residential lots that will be within 1,000 feet of one or more drilling and production sites, except for those drilling and production sites and their subsurface mineral interests which are eliminated through plugging and abandonment, the developer shall be required to provide all of the following disclosure notifications to all lot purchasers:

A. A note shall be placed on the plat identifying the drilling and production site(s) and those proposed lots that are within 1,000 feet of the drilling and production site(s). Said note shall also include a statement that advises lot purchasers of the existence of producing wells on the drilling and production site(s), the possibility of new wells that may be drilled and fracture stimulated on the drilling and production site(s), as well as the possibility that gas wells on the drilling and production site(s) may be re-drilled and/or re-fracture stimulated in the future.

B. There shall be depicted on the plat, and on a lot survey submitted as part of a building permit application, the location of the drilling and production site(s) in relation to the lots that are within 1,000 feet of a drilling and production site(s).

C. A provision shall be included in the declaration of restrictive covenants that advises lot purchasers of the existence of producing wells on the drilling and production site(s), the possibility that new wells may be drilled and fracture stimulated on the drilling and production site(s), as well as the possibility that gas wells on the drilling and production site(s) may be re-drilled and/or re-fracture stimulated in the future.

D. A notice document that advises lot purchasers of the existence of producing wells on the drilling and production site(s), the possibility that new wells may be drilled and fracture stimulated on the drilling and production site(s), as well as the possibility that gas wells on the drilling and production site(s) may be re-drilled and/or re-fracture stimulated in the future, shall be recorded with the Denton County Clerk's Office.

E. The form of the disclosure notifications required in paragraphs C and D above shall be approved by the City Attorney.

8.3.6 [intentionally left blank]

8.4 Subdivision Improvements

8.4.1 Purpose

This section establishes the minimum acceptable standards for improvement of streets and utilities. All improvements in streets or easements which are required as a condition to plat approval shall be the responsibility of the subdivider.

8.4.2 Compliance Required

A. In addition to satisfying Section 7.6: *Water and Wastewater*, and all applicable City Criteria Manuals, the applicant shall demonstrate the ability to satisfy the requirements set forth herein prior to development, at each stage of the platting process, including applications for preliminary plats, and final plats.

B. The city may deny a preliminary plat if the applicant cannot demonstrate the ability to satisfy these requirements, the requirements of Section 7.6: *Water and Wastewater*, and applicable City Criteria Manuals, prior to approval.

8.4.3 Cost of Improvements and City Participation

The applicant shall make all required improvements at his expense, according to city regulations, without reimbursement by the city, except for certain reimbursable costs as provided in Subsections 7.6.14 and 7.6.15, or as determined as a result of an exaction proportionality determination and appeal under Subsection 2.5.7.

8.4.4 Applicant to Extend Mains and Streets to Subdivisions

A. If the existing city mains and/or streets are not within or adjacent to a subdivision, the developer shall construct the necessary extension as specified in this subchapter.

B. These mains or streets shall be constructed in accordance with the Mobility Plan of the city.

C. These facilities shall be in public easements, secured and paid for by the developer.

D. Such easements must be recorded before service is extended to the subdivision.

E. Transportation improvements shall be in accordance with the Cole Hunter Ranch Development Travel Demand Model Report dated March 9, 2020 and prepared for the City of Denton by: HDR Engineering, Inc., as updated by the submittal of a traffic impact analysis with each preliminary plat, unless otherwise agreed to by the City Council.

F. Phasing of improvements shall be consistent with the Phasing Map attached as Exhibit D.

8.4.5 Pre-Construction Phase Procedures and Requirements

A. Prior to beginning construction of public improvements the City Engineer shall schedule a preconstruction conference between the owner/applicant and applicable city departments.

B. Representatives of public and franchise utilities shall be notified and maybe required by the city to review the proposed improvements to be made and the requirements of this subchapter.

8.4.6 Development Contract Required

A. For all developments in which streets, drainage facilities, water or sewer lines or other improvements are to be constructed and dedicated or conveyed to the public, a development contract is required to ensure proper construction and completion of the improvements and payment is made.

B. The developer shall submit the development contract, along with all required documents in conformity with all city construction standards.

8.4.7 Construction, Inspection, and Acceptance

The construction, inspection of construction, and acceptance of public improvements after completion shall be approved by the City Engineer, if the construction conforms to the requirements of all city construction standards.

8.4.8 Streets

Streets and right-of-way shall conform to the Mobility Plan, the Transportation Design Criteria Manual, and the standards in this DDC, as amended.

8.4.9 Utilities

A. New utilities shall be installed underground unless an administrative determination is made that physical barriers render undergrounding utilities infeasible. Transformers, pedestals, fire hydrants, and other appurtenances normally associated with "underground" utility installations are permitted on the surface of the ground.

B. When overhead utility lines exist within the property being platted, including boundary easements, these utility lines and new installations within the platted area shall be placed underground.

C. When overhead utility lines exist on the periphery of the property being platted, they and any additions or replacements needed to increase capacity or improve service reliability may remain overhead; provided, that any service drops into the platted area from said peripheral overhead lines shall be underground.

D. Underground utilities may be extended and easements shall be required to the boundaries of the plat to provide service connections to abutting un-subdivided land.

8.4.10 Adequate Water System

A. Generally

1. The applicant shall demonstrate that the water system serving the development will be adequate to serve the development at the time of preliminary plat approval for development within the city limits, or at the time of final plat approval for developments within the city's extraterritorial jurisdiction.
2. Where a development plan or phased preliminary plat is proposed, the applicant shall demonstrate that each phase of the development will be served by an adequate water system under this standard.
3. The approach main shall be extended to serve the entire development subject to a development plan or phased preliminary plat prior to the time of final plat approval for the second phase of the development plan or phased preliminary plat, unless the extension is part of a funded capital improvement project that the City has initiated consistent with its adopted Capital Improvement Plan for water facilities.

B. Criteria for Adequate Facilities

The water system serving the subdivision shall be deemed adequate when in conformance with Section 7.6: *Water and Wastewater*, and one of the following options, as applicable:

1. City Facilities Not Used

a. Where the city is not the supplier, the applicant shall provide assurance of sufficient capacity, in accordance with the water capacity standards in the Administrative Criteria Manual, from the entity holding the certificate of convenience and necessity for the land to be subdivided.

b. Such entity shall have sufficient water supply, water treatment, and transmission capacity to serve the development, considering all other commitments, in accordance with city standards.

c. The applicant shall present written verification from the water supplier that it has agreed to provide water service to the development in conformance with Denton design and construction standards. The applicant shall provide assurances that water mains will be extended to serve the subdivision prior to the time of final plat approval for the second phase of a development plan or phased preliminary plat.

2. City Facilities are Used

a. Where city distribution mains are to be used for supplying water, and there is an existing distribution main with adequate capacity to serve the development within one mile of the boundary of the proposed subdivision, the applicant may, at his initial expense, and subject to standard city participation policies, extend one or more approach mains from the existing distribution main to the subdivision, of a size sufficient to serve the development.

b. The city reserves the right to require oversizing of the line in accordance with the provisions contained within Subsection 7.6.14: *Oversize Participation by the City*. This requirement does not apply where the approach main is already a component of a funded capital improvement project that the city has initiated, consistent with its adopted Capital Improvement Plan for water facilities.

C. Water and Sewer Utilities Connections

The city shall not provide any water or sewer utility connection to land proposed for subdivision under this DDC until all of the following requirements have been met:

1. The water supply, treatment, storage and off-site distribution system to serve the subdivision meet the requirements of Subsection 8.4.10;
2. The sanitary sewer treatment and collection system to serve the subdivision meet the requirements of Subsection 8.4.11;
3. The owner or developer of the subdivision or addition has executed a written agreement with the city, providing for the offsite extension of water and sewer mains to serve the development, in accordance with the existing water and sewer extension regulations;
4. Off-site mains have been extended to the subdivision pursuant to the agreement and this section, and water and sewer mains have been installed in accordance with the city's specification in the block facing the street on which the property is situated and accepted by the City; and
5. "As built" plans in digital format are required at the end of construction showing the actual location of all improvements.

8.4.11 Adequate Sewer System

A. Generally

1. No preliminary or final plat application shall be approved unless the applicant demonstrates that there will be an adequate sanitary sewer system to serve the subdivision concurrent with development.
2. The applicant shall demonstrate that the sanitary sewer system serving the development will be adequate at the time of preliminary plat approval for development within the city limits, or at the time of final plat approval for developments within the city's extraterritorial jurisdiction.

3. Where a development plan or phased preliminary plat is proposed, the applicant shall demonstrate that each phase of the development shall be served by an adequate sanitary sewer system under this standard.
4. The approach main shall be extended to serve the entire development subject to a development plan or phased preliminary plat prior to the time of final plat approval for the second phase of the development plan or phased preliminary plat, unless the extension is part of a funded capital improvement project that the city has initiated consistent with its adopted Capital Improvement Plan for wastewater facilities.
5. Adequacy of treatment facilities cannot be demonstrated by reliance upon package treatment plants.

B. Criteria for Adequate Facilities

The sanitary sewer system serving the development shall be deemed adequate when in conformance with Section 7.6: *Water and Wastewater,* and one the following options, as applicable:

1. City Facilities Not Used

a. Where the city's sanitary sewer system is not to be used, the applicant shall provide assurance that the entity collecting the sewage holds a certificate of convenience and necessity for the land to be subdivided, that collection systems are adequate to accommodate sewage flows from the development and that the treatment system to be used has adequate capacity in accordance with the standards in Section 7.6: *Water and Wastewater*.

b. The applicant shall provide assurances that sanitary sewer mains will be extended to serve the subdivision prior to the time of final plat approval for the second phase of a development plan, or phased preliminary plat.

2. City Facilities are Used

a. Where city collection mains are to be used for collecting sewage, and there is an existing collection main with adequate capacity to serve the development within one mile of the boundary of the proposed subdivision, the applicant may agree to extend one or more existing collection mains to the subdivision of a size adequate to serve the development, at his expense, including the cost to construct all necessary lift stations and force mains, in accordance with standard city participation policies.

b. The city reserves the right to require oversizing of the line in accordance with the provisions contained within Subsection 7.6.14: *Oversize Participation by the City*. This requirement does not apply where the approach main is already a component of a funded capital improvement project that the city has initiated, consistent with its adopted Capital Improvement Plan for wastewater facilities.

Subchapter 9: Definitions

9.1 Rules of Construction

9.1.1 General

All provisions, terms, phrases, and expressions contained in this DDC shall be liberally construed in order that the true intent and meaning of the City Council may be fully implemented. The Director is responsible for making any interpretations of this subchapter.

9.1.2 Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this DDC and any heading, caption, figure, illustration, table, or map, the text shall control.

9.1.3 Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as “for example,” “including,” and “such as,” or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

9.1.4 Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the city, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the city.

A. "Day" means a calendar day.

B. "Week" means seven calendar days.

C. "Month" means a calendar month.

D. "Year" means a calendar year.

9.1.5 Delegation of Authority

Whenever a provision appears requiring the head of a department or some other officer or employee to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate, and authorize a subordinate to perform the required act or duty, unless the terms of the provision or section specifies otherwise.

9.1.6 Nontechnical and Technical Words

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

9.1.7 Mandatory and Discretionary Terms

The words “shall,” “must,” and “will” are mandatory, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive.

9.1.8 Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

A. "And" indicates that all connected items, conditions, provisions, or events apply; and

B. "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

9.2 Definitions

100-Year Water Surface Elevation (100-Yr W.S.E.)
The water surface elevation established by hydrologic/hydraulic analysis of a stream, river, stream, or tributary, using the 100-year fully developed watershed, based upon the 100-year rainfall event.

Accessory Building
A building on the same lot with, and of a size and nature customarily incidental and subordinate to, the principal building.

Accessory Dwelling Unit
A subordinate dwelling unit added to, created within, or detached from a single-family residence, that contains a dwelling that is subordinate to a principal single-family detached dwelling and that provides basic requirements for living, sleeping, cooking, and sanitation. A HUD-Code manufactured home shall not be considered an accessory dwelling unit.

Accessory Use
A use incidental or secondary to the principal use of a lot, building or structure and located on the same lot as the principal use.

Administrative, Professional, or Government Office
A building in which services are provided and/or business is conducted including administrative, professional, governmental, or clerical operations. Typical examples include real estate, insurance, property management, investment, financial, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. This use includes accessory uses such as restaurants, coffee shops, health facilities, parking, limited retail sales, or other amenities primarily for the use of employees in the firm or building.

Adopted Plan
Any statement of goals, objectives, and policies adopted as an official plan by the City of Denton, Texas.

Adult Arcade
Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to 5 or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

Adult Bookstore/Adult Video Store
1. A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:
    a. Books, magazines, periodicals or other printed matter, or photo-graphs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"; or

b. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

2. For the purpose of this definition, a commercial establishment shall be considered to have as "one of its principal business purposes" the sale or rental of the materials described in subsection 1 above, if:
   a. The establishment makes use of a sign visible from any public street, whether located on or off the property of the establishment, advertising the availability at the establishment of any materials described in subsection 1;
   b. The establishment devotes more than 30 percent of its total floor area which is open to the public to the display of items for sale or rental that are materials described in subsection 1;
   c. More than 30 percent of the total number of items displayed for sale or rental by the establishment are materials described in subsection 1; or
   d. The establishment regularly maintains on the property for sale or rental materials described in subsection 1 whole total retail value is more than 50 percent of the total retail value of all materials kept on the premises for sale or rental.

Adult Cabaret

A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

1. Persons who appear in a state of nudity; or
2. Live performances which are distinguished or characterized by an emphasis on "specified sexual activities" or the exposure of "specified anatomical areas"; or
3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

Adult Entertainment Establishments

Adult entertainment establishments include: adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio and all other adult entertainment establishments.

Adult Motel

A hotel, motel, or similar commercial establishment that:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
2. Offers a sleeping room for rent for a period of time that is less than 10 hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

Adult Motion Picture Theater

A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

Adult Theater
A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are distinguished or characterized by an emphasis on "specified sexual activities" or the exposure of "specified anatomical areas."

Adverse Impact
An impact that:

1. Creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, unhealthy conditions on a site or degrades or damages environmental or cultural resources on a site proposed for development or on off-site property or facilities; or
2. Creates, imposes, or leads to a nuisance on a site proposed for development or on off-site property or facilities.

Advertise
As it applies to short-term rentals, the written, audio, oral or other methods of drawing the public's attention whether by brochure, written literature or on-line posting to a Short Term Rental in order to promote the availability of the short term rental.

Agriculture and Animal Uses
This category includes agricultural and farming activities, including nurseries and facilities for processing and selling agricultural products. Agricultural uses involve farming, dairying, pasturage, beekeeping, horticulture, floriculture, viticulture, and animal husbandry. Animal-related uses include the boarding and care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas.

Airport Hazard
Any structure or object of natural growth, or use of land, which obstructs the air space required for the taking off, landing and flight of aircraft, or that interferes with the visual, radar, radio or other systems for tracking, acquiring data relating to, monitoring or controlling aircraft.

Airport, City-Owned
A landing area, runway, or other city-owned facility designed, used, or intended to be used for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

Alley
A public way that provides access to abutting property and which is not intended for general travel or circulation. Alleys are typically a secondary means of access to a property.

Alley Access Garage
See “Garage, Alley Access”

Alternative Mounting Structure
A man-made tree, clock tower, church steeple, bell tower, utility pole, light standard, identification pylon, flagpole, or similar structure, designed to support and camouflage or conceal the presence of telecommunications antennas.

Amenity Center
A building or facility owned or operated by a corporation, association, person, or persons for a place of meeting, social, cultural, educational, or recreational purposes, to which membership or residency requirements is required for participation.

Antenna
A structure or device used to collect or radiate electromagnetic waves, including directional antennas, such as panels, wireless cable and satellite dishes, and omni-directional antennas, such as whips, but not including satellite earth stations.

Antenna Array
An arrangement of antennas and their supporting structure.

Antenna, Dish
A parabolic bowl shaped device that receives and/or transmits signals in a specific directional pattern.

Antenna, Panel
An antenna which receives and/or transmits signals in a directional pattern.

Antenna, Stealth
A telecommunications antenna that is effectively camouflaged or concealed from view.

Antenna, Telecommunications
An antenna used to provide a telecommunications service. This excludes lightning rods, private mobile radio systems, amateur radio antennas less than 50 feet (15 meters) in height and whip antennas less than four inches (10 cm) in diameter and less than 10 feet (three meters) in height.

Antenna, Whip
An omni-directional dipole antenna of cylindrical shape which is no more than 6 inches (15 cm) in diameter.

Applicant
Unless otherwise specified, an owner or other person with a legal property interest, including heirs, successors, and assigns, or an owner's authorized agent, who has filed an application for zoning, subdivision, or development activity.

Approach Surface
A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

Architectural Compatibility
Consistency in roof pitch, exterior construction materials, exterior color, and architectural design and detail.

Architectural Element
Authentic architectural projections and details.

Architectural Projection.
Eaves, decorative extensions, bay windows having no floor space, or other portions of a structure having neither living space nor key structural value.

Assisted Living Facility
An establishment that:

1. Furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment; and
2. Provides personal care services.

Auto Court
Auto court development is an arrangement of single-family, duplex, or townhome dwellings with a shared access to minimize curb cuts and/or provide shared parking facilities.

Auto Wash
The use of a site for washing, cleaning, and detailing of passenger vehicles, recreational vehicles, or other light-duty equipment. This use includes self-service and any facility attended by an employee.

Automotive Fuel Sales
An establishment where fuel, motor oil, automobile lubricants, travel aids and other supplies are sold to the motoring public. Outside storage of any automobiles or materials such as tires, auto parts, etc., is prohibited. The sale of motor vehicles is prohibited.

Automotive Repair Shop, Major
An establishment primarily engaged in providing vehicle repair, body work, mechanical servicing, and/or painting.

Automotive Repair Shop, Minor
An establishment primarily engaged in providing minor vehicle repair services such as lubrication, oil and tire changes, and tune-ups, brake repair, tire replacement, and detailing and polishing. Major repairs such as vehicle bodywork or painting or repair of engines or drive trains shall not be provided.

Automotive Sales or Leasing
The sale, display, lease, rental, or storage of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, ATVs, snowmobiles, and recreational vehicles. This definition shall not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.

Automotive Wrecking Service, Impound Lot, Junkyard and Salvage Yard
A business that stores, buys, or sells materials that have been discarded or sold at a nominal price by a previous owner and that keeps all or part of the materials outdoors until disposing of them. This definition includes activities such as junk or salvage storage or operation; vehicle wrecking and salvage operation; and vehicle storage at a state licensed facility. A licensed vehicle storage facility is a garage, parking lot, or other facility owned or operated by a person other than a governmental entity for storing or parking 10 or more vehicles per year.

Bank or Financial Institution
An establishment that provides retail banking, mortgage lending, and financial services to individuals and businesses. Accessory uses may include automatic teller machines, drive-through service, offices, and parking.

Bar, Tavern, or Lounge
An eating and drinking establishment providing or dispensing by the drink for on-site consumption fermented malt beverages, and/or malt, special malt, vinous, or spirituous liquors, and in which the sale of food products is secondary. A bar, tavern, or lounge may include the provision of live entertainment and/or dancing; however, shall not include any adult entertainment. Accessory uses may include the manufacture of alcoholic beverages for on-site consumption and/or retail sales.

Base Flood
A flood having a one percent chance of being equaled or exceeded in any given year based on a fully developed watershed. Also known as the 100-year flood.

Basement
A building story partially or completely underground. A basement shall be counted as a story in computing building height where any portion of a basement has more than one-half of its height above grade.

Basic Utilities
Infrastructure services and the structures necessary to provide those services including electricity, natural gas, telephone, telecommunications, water, or sewer. This definition includes water towers and water treatment plants.

Bed and Breakfast
A single-family detached dwelling that is owner-occupied or occupied by a resident manager in which rooms are rented and meals may be served to transient guests on an overnight basis for a period of time less than 30 consecutive days.

Bedroom
Any room other than a living room, family room, dining room, kitchen, bathroom, closets, or utility room, for the purpose of this DDC, shall be considered a bedroom. Dens, studies, etc. with or without closets and similar areas, which may be used as bedrooms shall be counted as bedrooms for the purposes of this DDC.

Block Length
The distance between intersections of through streets, such distance being measured along the longest street bounding the block and from right-of-way line to right-of-way line of the two intersecting streets.

Board of Adjustment/Board
The Board of Adjustment of the City of Denton, Texas.

Boarding or Rooming House
A building or portion of a building, other than a hotel, motel, or multifamily dwelling wherein non-transient lodging and/or meals are provided for compensation to more than four but fewer than 20 persons. Provision for meals may be made, provided cooking is done in a central kitchen and not in individual rooms or suites.

Buffer
A strip of land that includes landscaping, fencing, walls, vegetated earthen berm, or any combination thereof.

Building
Any permanent structure designed, used, or intended to be used for human occupancy or use or to support the human occupancy or use of land, including manufactured homes.

Building Coverage
The portion of the lot that is covered by the principal building and all accessory buildings. The coverage is expressed as a percentage of such area in relation to the total gross area of the lot or site.

Building Materials and Supply Store
A business involved in the sale, storage, and distribution of structure supplies and services including lumber, brick, tile, cement, insulation, floor covering, lighting, plumbing supplies, electrical supplies, cabinetry and roofing materials. Accessory uses may include repair or delivery services and outside sale of plants and gardening supplies.

Building Pad
The actual foundation area of the principal building and a 10-foot clear area extending from the foundation perimeter necessary for construction and grade transitions.

Building Permit
A document signed by the Building Official or their authorized representative as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, repair, remodeling, rehabilitation, alteration, conversion, demolition, moving, installment, or portion of a structure or building, which acknowledges that such use or building complies with the provisions of this Chapter or an authorized variance or specific use permit there from.

Building, Principal
A building in which the principal use of the lot on which the building is located is conducted.

Business or Trade School
A secondary school offering instruction in a professional, vocational, or technical field.

Calculated dbh
The combined dbh of the tree(s) to be removed, multiplied by the appropriate tree classification ratio, as described in paragraph 7.7.4H.5.

Carport
A partially enclosed structure used for the housing of motor vehicles, the property of, and for use only by the occupants of the lot upon which such structure is located. For purposes of zoning, a carport attached to a principal structure shall be regarded as part of that principal structure and not as an accessory structure. A detached carport shall be classified as an accessory structure.

Cementitious Siding
Siding used for exterior building finishes that is formed by combining water, wood pulp, fly ash, and Portland cement.

Cemetery, City-Owned
A city-owned facility or area used or intended to be used for the interment or burial of the dead, including graveyard, burial park, mausoleum, columbarium, or any other area containing one or more graves.

Certificate of Occupancy
Certificate issued by the Building Official for the use of a building, structure or land, when it is determined by the Building Official that the building, structure or proposed land use complies with the provisions of all applicable Codes of the City of Denton

Channel
An open conduit in which water flows with a free surface.

Chapter House
A place of residence other than a hotel, rooming or boarding house, or dormitory that is operated by a nationally chartered membership organization or a local chartered organization and used, occupied and maintained for persons enrolled in a college, university or other educational institutions, and which is recognized and subject to controls by such educational institution.

City
The City of Denton, Denton County, Texas, and its extraterritorial jurisdiction.

City Council
The City Council of the City of Denton, Texas.

City Engineer
The individual holding the office of City Engineer of the City of Denton, Texas, who shall actively maintain licensure in good standing as a professional engineer under the laws of the State of Texas. Those duties assigned by this DDC to the City Engineer which relate to the development review process may be

reassigned by the City Manager, in whole or in part, to one or more licensed professional engineers, as needed to adjust workflow or to provide specific expertise.

Civil Engineering Plans
Plans, profiles, cross-sections, and other required technical drawings and details for the construction of public and private improvements prepared by a registered engineer.

Clearing and Grading
The removal of vegetation by manual or mechanical means, or altering surfaces to specified elevations or slopes including stripping, cutting, filling, stockpiling, shaping, or any combination thereof.

Club or Lodge
A group of people associated with or formally organized for a common purpose, interest or pleasure, including organizations with facilities for the storage, sale, possession, or serving of any alcoholic beverage permitted by the law of the State of Texas and where none of such facilities are available except by membership qualifications, dues, or regular meetings.

College or University
An institution of higher learning providing facilities for teaching and research and authorized to grant academic degrees.

Co-Location
A single telecommunications tower and/or site used by more than one telecommunications service provider.

Commercial Greenhouse or Nursery
An establishment, including a building, part of a building, or open space, for the growth, display, and/or sale of plants, trees, and other materials used in indoor or outdoor planting for retail sales and incidental wholesale trade.

Commercial Incinerator
Establishments primarily engaged in the collection and disposal of refuse by processing or destruction for profit. Examples would be furnaces or similar devices for the burning to ash of trash or bodies.

Commercial Incinerator, Transfer Station
A commercial facility for the collection, source separation, storage, transportation, transfer, processing, treatment or disposal of solid waste that does not impose a present or potential hazard to human health or the environment, including pollution of air, land, surface water or ground water. This definition includes any commercial incinerator, boiler, percolator or other solid waste facility at which solid waste, including previously processed solid waste is burned for the purposes of volume and weight reduction or steam heat, power or energy generation.

Commercial Stable
A facility or area where horses, mules, or other domestic animals are kept, housed, boarded, lodged, fed, hired, trained, sold, or bred as a commercial activity. The definition includes accessory uses such as riding lessons, clinics, and similar activities.

Common Open Space
A portion of a development permanently set aside to preserve elements of the natural landscape for public or private use, which will not be developed or subdivided.

Community and Cultural Facilities
Uses including buildings, structures, or facilities owned, operated, or occupied by a governmental entity or nonprofit organization to provide a service to the public.

Community Center
A building used as a place of meeting, recreation, or social activity and not operated for profit and which neither alcoholic beverages or meals are normally dispensed or consumed, and typically for use by the residents of a particular development or the community.

Community Garden
A facility where members of the community have access to individual garden plots for the cultivation of fruits, flowers, vegetables, or ornamental plants.

Community Home
A community-based residential home containing not more than six disabled persons with two supervisory personnel which meets the requirements of the Community Homes for the Disabled Persons Location Act, Tex. Hum. Res. Code Chapter 123.001, et seq. (Vernon 1990), as amended.

Community Service
A structure or group of structures that are governmentally owned or controlled for social, educational, and/or recreational activities. Community Service facilities include federal, state, county, and City of Denton activities. Fire stations, libraries, and civic buildings are included in this definition.

Comprehensive Plan
The comprehensive plan of the City of Denton, Texas as adopted by the City Council. The comprehensive plan shall consist of a land use plan, a mobility plan, a water system plan, a sanitary sewer plan, a storm drainage plan, a parks and recreation plan, and such other plans as may be adopted by the City.

Concrete or Asphalt Batching Plant
A temporary facility where asphalt or concrete, or its ingredients or products, are ground up, mixed, or otherwise prepared for use on-site or for transportation to another site.

Conduit
Any open or closed device for conveying flowing water.

Conical Surface
A surface which extends outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.

Conservation District
Any neighborhood or region designated by the City Council as a conservation district.

Conservation Easement
A voluntary and permanent deed restriction which limits the development and/or subdivision of property for the purposes of protecting conservation values in the land. The easement is a recorded restriction, applies to and binds all subsequent owners, and may be held by either a non-profit entity or organization that manages open space, such as a land trust or other qualified entity, pursuant to Section 170(h) of the Internal Revenue Code, as amended, or a governmental entity.

For the purposes of tree preservation, the conservation easement shall contain the prescribed minimum preservation amount, included a stand of trees and understory, and shall be the greater of 10 percent of the property or 5,000 square feet.

Conveyance Plat
An interim plat recording the subdivision of property or defining a remainder of property created by the approval of a final plat for sole purpose of conveying land and not for development for a portion of property, where approval of final development plans is not sought.

Cornice
A continuous, molded projection that crowns a wall or other construction, or divides it horizontally for compositional purposes.

Craft Alcohol Production
A facility in which processing and production of beverages occurs, including canning, bottling, and packaging for sale and/or distribution to retailers, drinking establishments, restaurants, or wholesalers, but may also include onsite consumption and/or retail sales.

Credit Access Business
A credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of consumer credit in the form of a deferred presentment transaction or a motor vehicle title loan, as established in Section 393.601 of the Texas Finance Code, as amended.

Criteria Manual
A manual pertaining to the technical and design requirements of this DDC.

Critical Root Zone (CRZ)
The area of soil extending from the tree trunk where roots required for future tree health and survival are located. This area can also be defined as a circle with a minimum radius of one-foot for every one-inch in trunk diameter at 4.5 inches above ground.

Daycare, Adult or Child
A facility or area licensed, certified, or registered by the State to provide daytime care, training, education, custody, treatment, or supervision to children, adults, or elderly in a family setting for less than 24 hours a day, whether for compensation or not. This definition shall not include education facilities listed elsewhere in this DDC. The following are child- or adult-care facilities:

Adult Day Care
A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day. The facility provides services under an adult day-care program on a daily or regular basis but not overnight to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility.

Child-Care Institution
A child-care facility that provides care for more than 12 children for 24 hours a day, including facilities known as children's homes, halfway houses, residential treatment centers, emergency shelters, and therapeutic camps.

Day-Care Center
A child-care facility that provides care for more than 12 children under 14 years of age for less than 24 hours a day.

Family Home
A home that provides regular care in the caretaker's own residence for not more than six children under 14 years of age, excluding children who are related to the caretaker, and that provides care after school hours for not more than six additional elementary school children, but the total number of children, including children who are related to the caretaker, does not exceed 12 at any given time. The term does not include a home that provides care exclusively for any number of children who are related to the caretaker.

Group Day-Care Home
A child-care facility that provides care for seven to 12 children under 14 years of age for less than 24 hours a day.

Dead or Unhealthy Tree
Any tree certified by a certified arborist, certified forester, or a registered landscape architect, to be dead or significantly diseased beyond recovery, injured, or hazardous and in danger of falling or dying.

Detention
The storage of storm runoff for a controlled release during or immediately following the design storm. Regional detention refers to storage of storm runoff from an entire drainage area or basin.

Developed Floodplain
Area within the FEMA one-percent Annual Chance Floodplain (a.k.a. 100-year floodplain) for which the natural stream has been redesigned and no longer exhibits characteristics of a natural channel and/or its floodplain has been significantly modified, graded, filled, or otherwise disturbed.

Developer
The legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

Development
Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, paving, drainage or utilities. Development activities include: subdivision of land; construction or alteration of structures, roads, parking, fences, pools, signs, temporary uses, utilities, and other facilities; installation of septic systems; grading; excavation, mining or drilling operations; deposit of refuse, debris, or fill materials; and clearing of natural vegetative cover (with the exception of agricultural activities as defined and as permitted). Routine repair and maintenance activities are exempted.

Development Assistance Team
The Development Assistance Team of the City of Denton, Texas.

Development Impact Area
Means and includes any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, paving, drainage or utilities. Development activities include: subdivision of land; construction or alteration of structures, roads, parking, fences, pools, signs, temporary uses, utilities, and other facilities; installation of septic systems; grading; excavation, mining or drilling operations; deposit of refuse, debris, or fill materials; and clearing of natural vegetative cover (with the exception of agricultural activities as defined and as permitted). Environmental Sensitive Areas (ESA), Conservation Easements, and Preserved Habitat are excluded from the Development Impact Area.

Diameter at Breast Height (dDH)
The tree trunk diameter measured in inches at a height of 4.5 feet above ground level. For multi-trunk trees, combine the diameter of the largest stem or trunk with one-half of the diameter of each additional stem or trunk, all measured at four and one-half 4.5 feet above ground level.

Director
The Director of Development Services or his or her designee.

Disabled Persons
Persons whose ability to care for himself, perform manual tasks, learn, work, walk, see, hear, speak or breathe is substantially limited because the person has:

1. Orthopedic, visual, speech, or hearing impairments;
2. Alzheimer's disease;
3. Cancer;
4. Pre-senile dementia;

5. Heart disease;
6. Cerebral palsy;
7. Diabetes;
8. Epilepsy;
9. Mental retardation;
10. Muscular dystrophy;
11. Autism;
12. Multiple sclerosis; or
13. Emotional illness

District
An area, region, or section with a distinguishing character, or the regulations governing the height, area, use and design of the land and buildings.

Disturbed Area
An area of land subjected to erosion due to the removal of vegetative cover and/or earthmoving activities, including but not limited to filling.

Donation Box
A portable container for the acceptance of donations operated by a non-governmental entity, a for-profit company, or a non-profit organization that can be emptied and readily moved. Such uses shall be accessory to a primary business on the same lot.

Dormitory
A place of residence, other than a hotel, rooming house, or boarding house that is used, occupied, and maintained by at least 50 or more persons enrolled in a college, university, or other educational institution, with sleeping accommodations, common gathering rooms, and may include group cooking and dining facilities designed to service the entire residency of the dormitory, and that is recognized and subject to controls by such educational institution.

Drainage Area/Basin
The land area upon which all rainfall that falls on that area is directed towards or flows to a given point or stream.

Drainage Facilities/Systems
Physical provisions to accommodate and regulate stormwater runoff to preclude excessive erosion and sedimentation and to control and regulate the rate of flow. Facilities/systems can include natural features and conduits, channels, ditches, swales, pipes, detention devices or other devices designed or intended to carry, direct, detain or otherwise control stormwater.

Dripline
The outermost circumference of a tree canopy.

Dwelling, Duplex
A building containing two dwelling units, each of which is a separate household that has an individual exterior entrance and separate utility meters.

Dwelling, Fourplex
A single building on a single lot containing four dwelling units, each of which is a separate household that has an individual exterior entrance and separate utility meters.

Dwelling, Manufactured Home HUD-Code
A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on-site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 C.F.R. Section 3282.8(g).

Dwelling, Mobile Home
A structure that was constructed before June 15, 1976, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on-site, is 400 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems.

Dwelling, Modular Home
See definition of "Single-Family Detached Dwelling."

Dwelling, Multifamily
One or more buildings on a single lot containing five or more dwelling units. This definition includes single room occupancy, co-housing, and residential condominiums developed on a single lot. This definition does not include duplex, triplex, fourplex, or tiny home development.

Dwelling, Single-Family Detached
A building containing one dwelling unit not physically attached to any other principal structure. This definition includes "Modular Homes" and "Dwelling, Manufactured Home HUD-Code." This definition does not include "Manufactured Home Development" or tiny home development.

Dwelling, Tiny Home
A single-family detached dwelling that is less than 500 square feet and more than 300 square feet in size on a permanent foundation. This does not include "Recreational Vehicle" that are allowed only in a RV Park.

Dwelling, Townhome
Three to eight attached single-family dwelling units, each of which is a separate household on its own lot.

Dwelling, Triplex
A single building on a single lot containing three dwelling units, each of which is a separate household that has an individual exterior entrance and separate utility meters.

Dwelling, Work/Live
A dwelling unit containing an integrated living and working space in different areas of the unit.

Dwelling/Dwelling Unit
A structure or portion thereof that provides living, sleeping, eating, cooking, and sanitation accommodations. This term does not include short-term rental.

Easement
A grant of the right to use a strip of land for specific purposes.

Educational Facilities
Uses in this category include public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, trade or business schools, or colleges and college campuses.

Accessory uses commonly include play areas, cafeterias, recreational and sport facilities, auditoriums, and day care facilities.

EIA-222
Electronics Industries Association Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures."

EIFS
Exterior Insulation and Finish Systems (EIFS) is a non-load bearing exterior wall cladding system consisting of insulation board attached to the stubstrate, with a reinforced base coat and a textured protective finish coat.

Elderly Housing
A structure licensed by the Texas Department of Aging and Disability, 80 percent of whose occupants are 55 years of age and older, and that meets the definition of one of the four uses listed below:

Elderly Housing, Assisted Living
Services in these establishments include assistance with daily activities, such as dressing, grooming, bathing, etc.

Elderly Housing, Congregate Care Facility
A facility for long-term residence generally for persons 55 years of age or older, and which shall include, without limitation, common dining, social and recreational features, special safety and convenience features designed for the needs of the elderly, such as emergency call systems, grab bars and handrails, special door hardware, cabinets, appliances, passageways, and doorways designed to accommodate wheelchairs, and the provision of social services for residents which shall include at least two of the following: meals services, transportation, housekeeping, linen, and organized social activities.

Elderly Housing, Life Care Housing and Services
A residential complex, which may contain multi-family dwellings, attached dwellings, single-family dwelling and other types of dwellings and structures designed for and principally occupied by senior citizens. Such facilities will include one of the following: A congregate meals program in a common dining area, assisted living housing, nursing home facilities, congregate care facilities, or medical facilities.

Continuing Care Retirement Center
A facility that integrates multiple senior living options into one facility including skilled nursing, assisted living, dementia care, as well as independent living. This use is not considered a multi-family dwelling unit.

Electric Distribution Line
Any electric line or part of the power system which distributes electric power at less than 60kV when measured phase to phase, and is utilized to deliver and serve electric power to local utility customers. Electric Distribution Lines include both overhead and underground facilities and circuits that operate at our primary rated distribution voltage level of 13.2kV/7.62 kV Grounded Wye. The distribution system includes that part of the distribution line transformers and all other necessary equipment to step the primary voltage down to a lower secondary voltage level to meet service requirements.

Electric Substation
A structure that is part of an electric generation, transmission, and distribution system which either:

1. Converts electric energy to a lesser voltage for the purpose of subregional or localized distribution;
2. Functions as a transition point from overhead to underground electric transmission lines; or

3. Acts as the point of convergence for two or more transmission lines.

Electric Switch Station
A substation without transformers and operating only at a single voltage level.

Electric Transmission Line
Any electrical line operating at a nominal line-to-line voltage equal to or greater than 60,000 volts.

Environment
The physical condition which exists within the area that will be affected by a proposed development, including: land, air, water, mineral, flora, fauna, noise, and objects of historic or aesthetic significance.

Environment, Natural
This environment is characterized by severe biophysical limitations, presence of some unique or natural or cultural features intolerant of intensive human use, or its value is retained only in its natural condition. Management objectives are oriented toward preserving unique features, restricting activities that may degrade the actual or potential value of this environment, and severely restricting development in hazardous areas.

Equal Conveyance Principle
An area of the cross-section of a stream, in its existing condition, carrying a percentage of the stream flow, will continue to carry the same percentage of the stream flow after filling of the flood plain occurs, without any rise in the 100 year floodplain elevation.

Equipment Sales and Rental
An establishment engaged in the display, sale, and rental of equipment, tools, supplies, machinery or other equipment used for building construction, manufacturing, farming or agriculture. This use includes the sale of farm-specific vehicles such as tractors, tillers, farm trailers, back hoes, graders, boom lifts, and front-end loaders, but not including car or truck rentals.

Erosion
The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, or gravity, caused either by natural or human created conditions.

Escort
A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who, for consideration, agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency
A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.

Estate-Style Subdivision
Estate style subdivisions are those subdivisions using barrow ditches as drainage along streets, on public or private streets.

Existing Development
Development not otherwise exempted by this DDC that meets one of the following criteria:

1. It either is built or has established a statutory or common-law vested right as of the effective date of this DDC; or
2. It occurs after the effective date of this DDC, but does not result in a net increase in built-upon area and does not decrease the infiltration of precipitation into the soil.

Expansion
An increase in the floor area of an existing structure or building, or the increase of area of a use.

FAA
Federal Aviation Administration or any successor agency.

Fabricating
The process of assembling using standardized parts.

Family
One or more persons related by blood, marriage, or legal adoption.

FAR
See Floor-Area-Ratio.

Farmer's Market or Open Air Market
The seasonal selling or offering for sale at retail directly to the consumer of fresh fruits, vegetables, flowers, herbs, or plants, processed food stuffs and products such as jams, honey, pickled products, sauces, baked goods, crafts, and art, clothing and other goods, occurring in a pre-designated area, where the vendors are generally individuals who have raised the produce or have taken the same or other goods on consignment for retail sales.

FCC
Federal Communications Commission or any successor agency.

Feedlot, Slaughterhouse, or Packaging Plant
The feeding of livestock, poultry, pigs, or small animals for commercial purposes in lots, pens, ponds, sheds or buildings where food is supplied primarily by means other than grazing, foraging, or other natural means, and/or a facility for the slaughtering and processing of domestic farm animals and the refining, packaging, and distribution of their byproducts.

FEMA
Federal Emergency Management Agency.

Fence
A vertical device used as a boundary or means of providing protection, confinement or privacy.

Fence, Residential Subdivision Perimeter
Fences or walls that are placed within 50 feet of the edge of the right-of-way of an arterial or collector street for the horizontal distance around the perimeter of a subdivision that includes single-family detached, townhome, duplex, triplex, or fourplex dwellings. Fences or walls that have a surface area that is 25 percent or less opaque, and hedges and screens composed of living plant material, shall not be included in this definition.

Field or Construction Office
A temporary modular building located at a construction site which serves only as an office until the given construction work is completed. This definition shall also include leasing offices and sales trailers for new developments.

Filling
The depositing on land, whether submerged or not, of gravel, earth, or other natural materials in any combination.

Fire Code
The most recently adopted International Fire Code as published by the International Code Congress.

Flood Fringe
The area located within the floodplain and outside the floodway.

Flood Hazard Boundary Map (FHBM)
An official map of a community, issued by the Federal Insurance Administration, where special flood hazard areas have been designated.

Flood Insurance Rate Map (FIRM)
An official community map showing special flood hazard areas and the risk premium zones applicable to the community as issued by the Federal Insurance Administration.

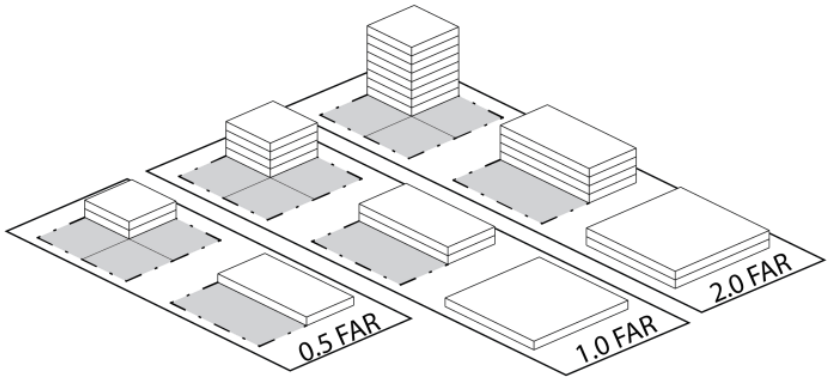
Floodplain
An area identified by the Federal Emergency Management Agency as possibly being flood-prone, or below the immediate flood line (100 year floodplain).

Floodway
Area regulated by federal, state, or local requirements to provide for discharge for the base flow, so that the cumulative increase in water surface elevation is no more than a designated amount within the 100-year floodplain. A river, channel or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Normally, the floodway will include the stream channel and that portion of the adjacent land areas required to pass the base flood (100-year flood) discharge without cumulatively increasing the water surface elevation at any point more than one foot above that of the pre-floodway condition, including those designated on the flood insurance rate map.

Floor Area
The floor area is the gross horizontal area of the one or more floors of a structure, excluding interior parking spaces. Residential floor space shall be exclusive of carport, basement, attic, patios and open porches. Same as Gross Leasable Floor Space.

Floor Area Ratio (FAR)
The ratio which is the result of dividing the total floor area of a structure by the area of the lot on which it is located. For example, a structure with a floor area of 20,000 square feet, located on a lot of 40,000 square feet has a floor area ratio (FAR) of one-half.

Figure 9.2-A: Floor Area Ratio (FAR)



Food and Beverage Services
Uses in this category include establishments that serve prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking.

Food Processing, Less than 2,500 Square Feet
A facility or area containing not more than 2,500 square feet of gross floor area in which food for human consumption in its final form, such as candy, baked goods, tortillas, and ice cream is produced, and the food is distributed to retailers or wholesalers for resale on or off the premises. This use does not include commercial feedlots, meatpacking, poultry dressing, stockyards, fat rendering, or the tanning, cutting, curing, cleaning or storing of green hides or skins.

Food Processing, More than 2,500 Square Feet
A facility or area containing more than 2,500 square feet of gross floor area in which food for human consumption in its final form, such as candy, baked goods, tortillas, and ice cream is produced, and the food is distributed to retailers or wholesalers for resale on or off the premises. This use does not include commercial feedlots, meatpacking, poultry dressing, stockyards, fat rendering, or the tanning, cutting, curing, cleaning or storing of green hides or skins.

Freeboard
The vertical distance between the design water surface level and the top of an open conduit left to allow for wave action, floating debris or any other condition or emergency without overtopping the structure.

Front yard
See "Yard, Front."

Frontage
That side of a lot, parcel or tract abutting a street right-of-way.

Funeral and Internment Facility
An establishment for the care, preparation, or disposition of the deceased for burial and the display of the deceased and rituals connected with, and conducted before, burial or cremation. This use includes mortuaries, which are facilities in which dead bodies are prepared for burial or cremation, crematoriums, columbariums, and funeral homes, and may include a facility for the permanent storage of cremated remains of the dead.

Garage, Alley Access
A garage with vehicular access from a public or private alley, typically from the rear of the lot.

Garage, Rear Access
A garage with vehicular access doors that faces the rear of the lot.

Garage, Side Access
A garage with vehicular access doors primarily oriented toward one of the side lot lines or perpendicular to the street.

Garage, Private or Public
A structure for the use of the owner or occupant of a principal structure for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

Gas Well
Any well drilled for the production of gas or classified as a gas well under the Texas Natural Resources Code.

Gated Community
A subdivision or housing development with two or more dwellings with private streets controlled through the use of a vehicular or pedestrian gate.

General Agriculture
The land use of animal husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, aquaculture, hydroponics, together with necessary accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing said products. This definition includes associated dwellings for those involved in agricultural uses. An accessory use may include incidental sales by the producer of products raised on the farm. This definition does not include feed lots or similar uses.

General Retail Unless Otherwise Specified, Between 5,000 Square Feet and 15,000 Square Feet
Retail sales containing between 1,500 square feet and 10,000 square feet of gross floor area.

General Retail Unless Otherwise Specified, Less than 5,000 Square Feet
Retail sales containing not more than 1,500 square feet of gross floor area.

General Retail Unless Otherwise Specified, More than 15,000 Square Feet
Retail sales containing more than 10,000 square feet of gross floor area.

Grade
1. The inclination or slope of a conduit, channel or natural ground surface, usually expressed in the percentage of units of vertical rise or fall per unit of horizontal distance;
2. The elevation of the invert at the bottom of a conduit, canal, culvert, sewer, etc.; or
3. The finished surface of a canal bed, roadbed, top of an embankment or bottom of excavation.

Grade Separation
The physical development of structures or intersections that separate motor vehicle from motor vehicles; motor vehicles, pedestrians, and bicyclists from trains and other transit; motor vehicles from pedestrians and bicyclists; as well as pedestrians from bicyclists.

Grade, Existing
The vertical elevation of the ground surface prior to excavation or filling; the surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a development regulated by this DDC; or, the vertical elevation of a site which is currently developed and built upon.

Grade, Ground Level
The average of the finished ground level at the center of all walls of the structure. In case a wall is parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

Grade, Natural
The existing grade or elevation of the ground surface that exists in its unaltered state.

Grade, Percentage of
The rise or fall of a slope in feet and tenths of a foot for each 100 feet of horizontal difference.

Grading
The mechanical or physical act of disturbing, moving, removing, transferring, or redistributing soil.

Gross Leasable Floor Space
The gross horizontal floor area of the one or more floors of a structure, excluding interior parking spaces. Residential floor space shall be exclusive of carport, basement, attic, patios, and open porches.

Ground Cover
Low growing plants, vines, or grasses that form dense, extensive growth, and have a positive effect against soil erosion and soil moisture loss. Permeable natural landscape materials, such as mulch and rock, are also considered ground cover to the extent they are used in combination with live plant materials.

Group Home
A profit or nonprofit facility, home, or structure for the protective care of persons, both adult and adolescent, who need a watchful environment, but do not have an illness, injury, or disability which requires chronic or convalescent care, including medical and nursing services. Protective care and watchful oversight includes, but is not limited to, a daily awareness by management of the residents' whereabouts, the asking and reminding of residents of their appointments for medical checkups, the ability and readiness of management to intervene if a crisis arises for a resident, and supervision by management in areas of nutrition, medication, and actual provision of transient medical care, with a 24-hour responsibility for the well-being of residents of the facility. Personal care facilities are exempt from the definition of a family and shall be classified in one of the following ways:

1. Individual: One to three clients, plus manager.
2. Family: Four to six clients, plus manager.
3. Group: Seven to 15 clients, plus manager.
4. Congregate: 16 or more clients, plus manager.

Group Home for Disabled Persons
A shared residential living arrangement which provides a family-type environment for six or more handicapped persons supervised by one or more primary caregivers and has obtained a license to operate under the Personal Care Facilities Licensing Act. Tex. Health & Safety Code § 247.001 et. seq. A group home for disabled persons does not include community homes for disabled persons.

Grubbing
The mechanical or physical act of removing stumps, underbrush, and rocks, prior to clearing and grading. Grubbing does not allow for any grade changes, only vegetation removal down to bare soil. A tree removal permit is required for all trees with a three-inch or greater diameter, measured at four and a half feet above natural grade.

Handicap
A physical or mental impairment which substantially limits one or more of such person's major life activities, a record of having such an impairment or being regarded as having such an impairment, but such term does not include current, illegal use of or addition to a controlled substance as defined by Chapter 481 of the Texas Health & Safety Code.

Hazardous Materials or Waste
A substance classified as a hazardous material under state or federal law or a chemical, petroleum product, gas, or other substance that if discharged or released, is likely to create an imminent danger to individuals, property or the environment. A hazardous material includes, but is not limited to any one of the following, as defined by 40 C.F.R 173, or, with respect to hazardous waste, listed as a substance subject to 40 C.F.R. 262: Radioactive material; Explosives, Class A; Explosives, Class B; Poison A; Poison B; Flammable gas; Nonflammable gas; Flammable liquid; Oxidizer; Flammable solid; Corrosive material; Combustible liquid; Etiologic agent; other regulated material (ORM); or, Hazardous waste.

Healthcare Facilities
Uses characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories,

outpatient, or training facilities, and parking, or other amenities primarily for the use of employees in the firm or building.

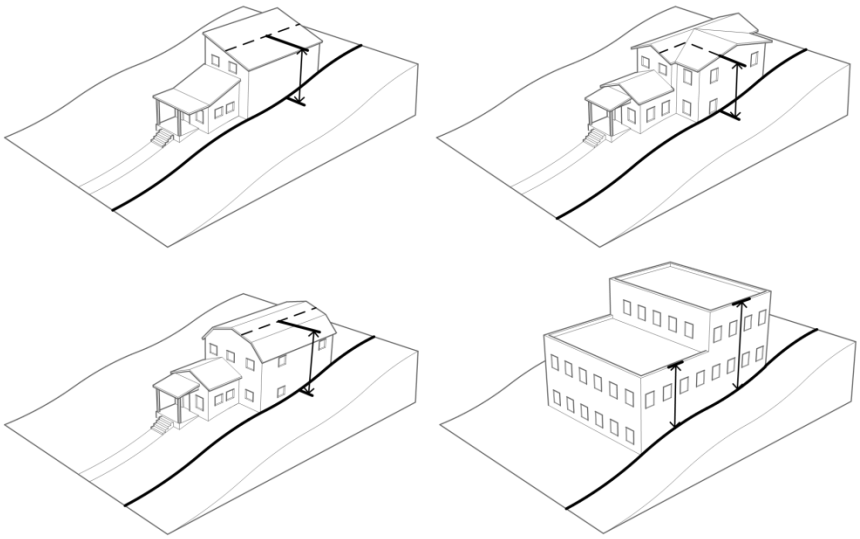
Height, Airport Overlay Zone

For the purpose of determining height limitations in all zones established in **Error! Reference source not found.** ***Error! Reference source not found.***, and shown on the Development Plan Map attached as Exhibit C, the vertical distance of an object above mean sea level elevation unless otherwise specified.

Height, Building or Structure

Height shall be measured as the vertical distance above finished grade measured to the highest point of the roof of a flat roof or to the deck line of a mansard roof, or to the midpoint of the highest gable of a pitched or hipped roof.

Figure 9.2-B: Examples of Building Height Measurement



Helipad

A small landing pad for occasional use by rotary wing aircraft located at last 500 feet from the nearest residential district.

Heliport

A facility for the landing and taking off of rotary wing aircraft located at least 500 feet from the nearest residential district.

Heritage Trees

All Quality trees with a dbh greater than 18 inches and all Post Oaks with a dbh of six inches or greater.

Historic District

Any neighborhood or region designated by City Council as a historic district.

Home Occupation

An occupation commonly carried on within a dwelling by members of the family occupying the dwelling. The use of the home as an occupation shall be incidental and subordinate to the use of the home as a dwelling.

Homeless Shelter

A supervised private facility that provides temporary living accommodations for homeless individuals.

Horizontal Surface

A horizontal plane 150 feet above the established airport elevation of, the perimeter of which is constructed by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of runways 17L-35R and 17R-35L of the airport, and connecting the adjacent arcs by lines tangent to those arcs.

Horticulture

The cultivation of row crops, a garden, or an orchard for noncommercial purposes.

Hospital Services

An institution providing primary health services, psychiatric services, and medical or surgical care to persons primarily on an inpatient basis. This use differs from medical clinics in that it may require stays for longer than 24 hours. This definition includes birthing center, general hospital, private psychiatric hospital, niche hospital, special hospital, and trauma facilities. This definition does not include nursing home and institutions where persons suffering from permanent types of illness, injury, deformity, deficiency, or age are given care and treatment on a prolonged or permanent basis.

Hotel

A facility offering transient lodging accommodations at a daily rate for a period of time not to exceed 30 days, and providing additional services, such as restaurants, meeting rooms, and recreational facilities. Guest quarters are accessible through a main entrance and by hallways.

Hotel Occupancy Tax

The hotel occupancy tax as defined in the Municipal Code of Ordinances, and Chapter 351 of the Texas Tax Code.

Household Living

Uses in this category are characterized by residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Common accessory uses include recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and resident parking. Specific use types include:

Impact Fee
A fee levied by the City pursuant to TLGC, Chapter 395, as a total or partial reimbursement for the total or partial cost of providing additional facilities or services needed as a result of new development.

Impairment, Physical or Mental
1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems; neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
2. Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.
3. The term includes but is not limited to such diseases and conditions as orthopedic, visual, speech dementia, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction (other than drug addiction caused by illegal use of a controlled substance).

Impervious
Any hard-surface, man-made area that does not readily absorb or retain water, including but not limited to building slabs, building roofs, swimming pools, parking and driveway areas, sidewalks, paved recreation areas, and other surfaces that do not generally absorb water and are not considered by the City to be pervious surfaces.

Impervious Surface
A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

Imported Fill
The mechanical or physical act of bringing soil in from offsite. When stockpiling imported fill, it shall occur on private property only.

Indoor Recreation Facility
A commercial recreational use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, bowling alley, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, and tennis court. Accessory uses may include limited retail, concessions, parking, and maintenance facilities.

Infill Development
Development on a vacant parcel or groupings of vacant lots within an existing block surrounded by existing development that is contiguous on at least two sides for corner lots and contiguous on at least three sides for interior lots (existing development located directly in front on the other side of the street may count as a side for interior lots only), no greater than two acres in size, and is served with all or most public services and facilities, including but not limited to water, wastewater and drainage. Annexed areas on the periphery of the City limits are not considered infill sites.

Infrastructure
The provision of systems that provide transportation, water, waste water, solid waste, stormwater drainage, electrical and franchise facilities typically required to service development.

Inlet
An opening into a storm drain system for the entrance of surface storm runoff.

Institution
An establishment that:

1. Furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment; and
2. Provides minor treatment under the direction and supervision of a physician licensed by the Texas State Board of Medical Examiners, or other services that meet some need beyond the basic provision of food, shelter, and laundry; or
3. A foster care residential facility that provides room and board to fewer than five persons who:
    a. Are not related within the second degree of consanguinity or affinity, as determined under Chapter 573, Government Code, to the proprietor; and
    b. Because of their physical or mental limitation, or both, require a level of care and services suitable to their needs that contributes to their health, comfort, and welfare.

Institutional Use
A non-profit or quasi-public use, such as a religious institution, library, public or private school, hospital services, or government-owned or government-operated structure or land used for public purpose.

Kennel
Any establishment where domestic animals (usually dogs and cats) are boarded (overnight), bred or raised for sale, or trained, exclusive of veterinary care.

Land-Disturbing Activity
Alteration of the land surface by:

1. Any grading, scraping, excavating, dredging, transporting or filling of land;
2. Any clearing of vegetation;
3. Any construction, rebuilding, or alteration of a building, road, driveway, parking area, or other structure, not including routine maintenance such as painting, repair, or reconstruction of existing structures or surfaces;
4. Any substantial activity or use which may result in soil erosion from water or wind and the movement of sediments into waters or lands protected by this Chapter; and,
5. It shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, repairs, additions or minor modifications of an existing single-family dwelling, and the cutting of firewood for personal use.

Landfill, City-Owned
A city-owned facility for the collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste, including the destruction/conversion of solid waste into energy. Uses may include a sanitary landfill, debris landfill, facility treatment of natural gas, and a fueling station.

Landmark Trees
A healthy tree that is designated by the property owner on the Texas Big Tree Registry regardless if the tree is protected or a non-protected tree; or a tree designated as a historic tree where an event of historic significance occurred that had local, regional, or national importance; or at the home of a citizen who is famous on a local, regional, or national basis; or that has taken on a legendary stature in the community, is mentioned in literature or documents of historic value, or is considered unusual due to size, age, or other landmark status. Historic trees shall be designated following the historic landmark designation procedure.

Landscaping
A planted area containing trees, shrubs, and groundcovers providing a transition between structures on a site and the property line, adjacent structures, or street rights-of-way.

Lane
A driving surface with a width as specified in the street design standards for that class of street.

Large Secondary Trees
All healthy Bois d'Arc, Hackberry, or Cottonwood trees with a 12-inch or greater dbh.

Laundry Facility, Industrial
An establishment that cleans clothing, carpeting, drapes, and other cloth or synthetic fiber materials using a chemical process. This definition includes uses such as rug cleaning or repair service; pressing of garments or fabrics; carpet or upholstery; power laundry; industrial launderers; and linen supply. Such establishments may also include self-service laundering facilities.

Laundry Facility, Self-Service
An establishment providing washing, drying, or ironing machines for use on the premises by rental to the general public. This definition includes automatic, self-service, or hand laundries only.

Legal Nonconforming
The continued existence of land, buildings, structures, uses, and site features that were lawfully established prior to the time of adoption, revision or amendment of this DDC, or granted variance of the DDC, but that fails, by reason of such adoption, revision, amendment or variance, to conform to the present requirements of this DDC.

Living Space
Space within a dwelling unit used for living, sleeping, eating, cooking, bathing, washing, and sanitation purposes.

Loading Space, Off-Street
Space logically and conveniently located for bulk pickups and deliveries, and scaled to delivery vehicles expected to be used.

Local Drainage System
Any drainage facility or system, which serves an area having a contributing drainage basin of less than one square mile in area.

Local Emergency Contact
An individual other than the applicant, who resides within 20 miles of the subject property, and who is designated by the owner/applicant to act as the owner's authorized agent if the owner has traveled outside of the immediate area or is otherwise unavailable. The local emergency contact should reachable on a 24-hour basis, have access to the Short Term Rental Property, and be authorized by the owner to act in the owner's absence to address any complaints, disturbances, and emergencies.

Lodging Facilities
For-profit facilities where lodging, meals, and the like are provided to transient visitors and guests for a defined period.

Lot
A designated parcel, tract or area of land established by a plat or otherwise permitted by law to be used, developed or built upon as a unit.

Lot Area
The total horizontal area within the lot lines of a lot, said area to be exclusive of street right-of-way.

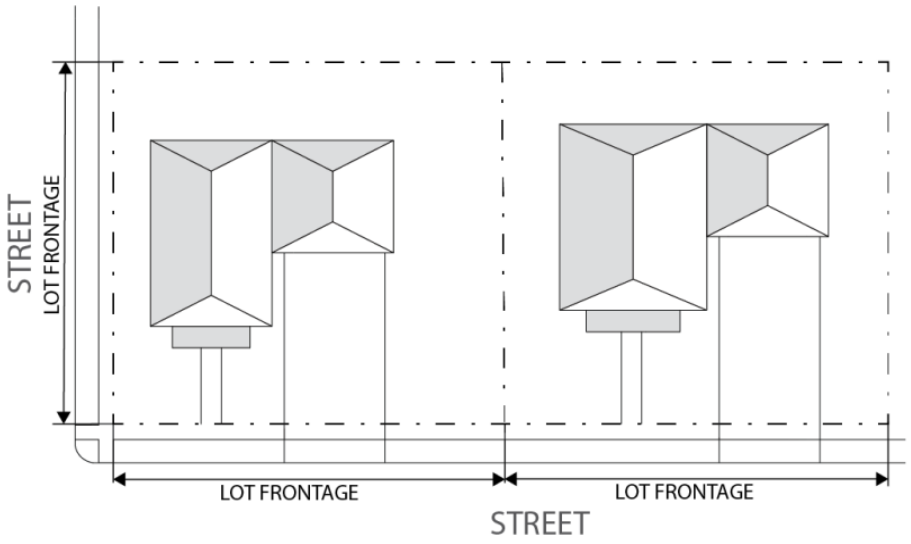
Lot Depth

The horizontal distance from the midpoint of the rear of lot line to the midpoint of the front lot line.

Lot Frontage

That portion of a lot adjacent to a street.

Figure 9.2-C: Lot Frontage



Lot Line
A boundary of a lot. "Lot line" is synonymous with "property line."

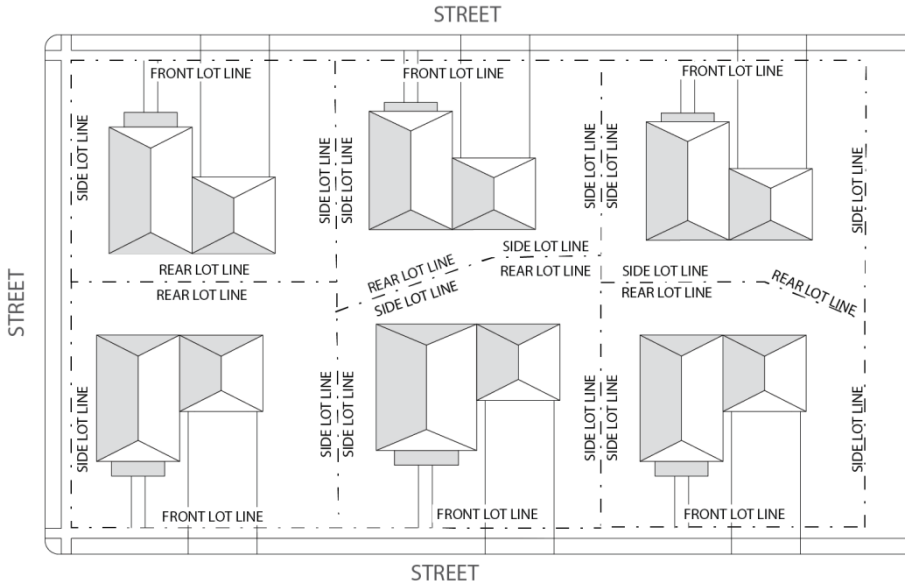
Lot Line, Front
The lot line separating the lot from the street other than an alley. In the case of a corner lot, there shall only be one street line considered the front lot line. The front lot line adjoins the public or private rights-of-way where the entrance/address is located.

Lot Line, Rear
A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.

Lot Line, Side

Any lot line not a front or rear lot line.

Figure 9.2-D: Side Lot Line



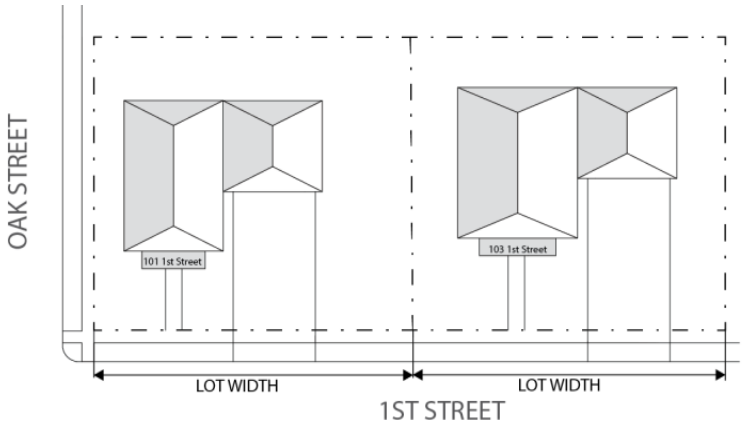
Lot of Record

An individual lot or a lot which is a part of a subdivision, the map of which has been legally recorded in the office of the Denton County Clerk; or a parcel of land the deed of which has been recorded in the office of the Denton County Clerk.

Lot Width

The horizontal distance between the side lines, measured at the front property line adjacent to the public right-of-way. The lot width for a corner lot shall be measured along the right-of-way upon which the address is assigned. The flagpole portion of a flag lot shall be ignored in measuring lot width.

Figure 9.2-E: Lot Width



Lot, Corner
A lot abutting the intersection of two or more streets other than an alley.

Lot, Double Frontage
A lot having frontage on two nonintersecting streets, as distinguished from a corner lot.

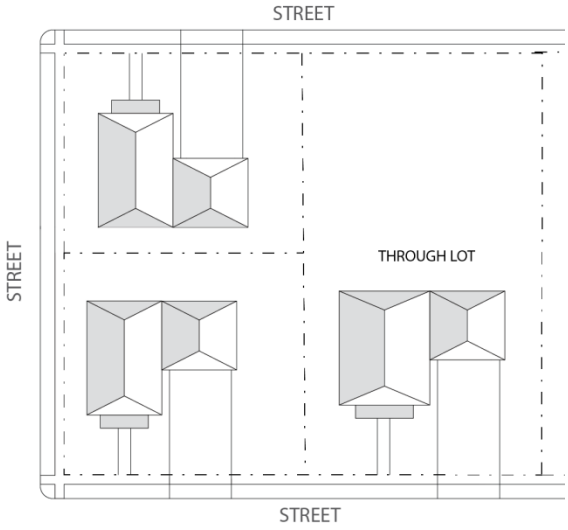
Lot, Flag
Any lot without standard legal access to a city street, and that is provided with access by a driveway parallel to the lot line of a lot having standard access to a public right-of-way.

Lot, Gross Area
An area under public or private property ownership, whose lot lines are described by plat or deed.

Lot, Interior
A lot other than a corner lot or a through lot.

Lot, Through
An interior lot having frontage on two parallel or approximately parallel streets other than alleys. Through lots are prohibited.

Figure 9.2-F: Through Lot



Manufactured Home Development (HUD Code)
A development of a single lot divided into more than one stand for the placement of HUD-Code manufactured homes, accessory uses, and service facilities, meeting all requirements of this DDC and any applicable deed restrictions and state laws.

Group Living
Uses in this category are characterized by residential occupancy of a structure by a group of people who do not meet the definition of "household living." Tenancy is arranged on a monthly or longer basis and the size of the group may be larger than a family. Generally, group living structures have a common eating area for residents. Residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff.

Manufacturing and Processing
Uses including all transformative processes, regardless of whether or not the new product is finished or semi-finished. Production is typically for commercial wholesaling rather than for direct sales. Accessory uses may include retail sales, offices, storage, cafeterias, employee amenities, parking, warehousing, and repair facilities.

Manufacturing, Artisan
An establishment or business where an artist, artisan, or craftsperson teaches, makes, or fabricates crafts or products by hand or with minimal automation and may include direct sales to consumers. This definition includes uses such as small-scale fabrication, manufacturing, and other industrial uses and processes such as welding and sculpting.

Manufacturing, High-Impact
An establishment or business that uses hazardous inputs or creates hazardous by-products in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts on the environment or surrounding areas. Examples include but are not limited to: acid manufacture; acid bulk storage; cement, lime, gypsum or plaster manufacture; central concrete mixing or concrete proportioning plant; distillation, manufacture or refining of bones, coal or tar asphalt; explosives, manufacture or storage; fat, grease, lard or tallow rendering or refining; fertilizer manufacture from organic matter; glue or size manufacture; paper manufacture; petroleum or asphalt refining or storage; smelting of tin, copper, zinc or iron ores; and storage or processing raw hides or fur.

Manufacturing, Low-Impact
Industrial operations relying on the assembly, distributing, fabricating, manufacturing, packaging, processing, recycling, repairing, servicing, storing, or wholesaling of goods or products, using parts previously developed from raw material. Low-impact manufacturing uses include only those uses that will not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building where such assembly, fabrication, or processing takes place.

Manufacturing, Medium-Impact
Industrial operations relying on the assembly, distributing, fabricating, manufacturing, packaging, processing, recycling, repairing, servicing, storing, or wholesaling of goods using raw materials and mechanical power and machinery.

Masonry
Building materials consisting of clay brick, natural and manufactured stone, granite, marble, architectural concrete block, tilt wall concrete panels and other similar materials. This definition does not include cementitious siding or EIFS.

Maximum Extent Feasible
As determined by the Director, no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent feasible."

Maximum Extent Practicable
The degree to which a project meets an adopted standard in which all possible efforts to comply with the standard or to minimize harmful or adverse effects have been undertaken by the applicant, but full compliance cannot be achieved, and no feasible or practical alternative exists. Economic considerations may be taken into account, but shall not be the overriding factor determining "maximum extent practicable."

Mechanical Equipment
Equipment or devices installed for a use appurtenant to the principal use. Such equipment shall include heating and air conditioning equipment, solar collectors, parabolic antennas, disc antenna, radio or TV receiving or transmitting antennas, and any power generating devices. The following equipment or devices are exempt:

1. Private, noncommercial radio and television antennas not exceeding a height of 70 feet above grade or 30 feet above an existing structure, whichever height is greater. No part of such antenna shall be within the yards required by this Chapter. A structure permit shall be required for any antenna mast, or tower over 50 feet above grade or 30 feet above an existing structure when the same is constructed on the roof of the structure.
2. Parabolic antennas under three feet in diameter.

Medical Clinic
An establishment for the provision of medical, psychiatric, or surgical services on an outpatient basis. These facilities can be differentiated from a medical office in that such facilities may either be open to and operated for the general, walk-in public, or require an appointment. This definition includes ambulatory surgical center (ASC); end-stage renal disease facility (dialysis), outpatient services, freestanding emergency medical care facility.

Medical Office
An establishment where patients receive consultation, diagnosis, therapeutic, preventative, or corrective personal treatment by doctors, dentists, or similar practitioners of medical and healing arts for humans, medical or dental laboratories. These facilities can be differentiated from a medical clinic in that such facilities primarily operate on an appointment basis, are generally not open to the general walk-in public, and offer specialized services or attention. This definition includes dentist's office and doctor's office.

Minor Plat
A subdivision resulting in four or fewer lots, where all lots involved front an existing public street, and that does not require the creation of any new street or the extension of municipal facilities.

Mitigation dbh
The total combined dbh of trees removed that must be mitigated by replanting, or by alternative means as described in Subsection 7.7.4F. This total is determined by subtracting credits granted for preserved trees from the Preliminary Mitigation dbh.

Mixed-Use Building
A building containing more than one type of use, such as governmental, institutional, office, personal service, retail, and residential; including a mix of residential and non-residential uses.

Mobile Food Business
A business that serves food or beverages from a self-contained unit either motorized or in a trailer on wheels, and is readily movable, without disassembling, for transport to another location.

Mobile Food Court
The lot or parcel where mobile food truck(s) or trailer(s) can be located for the business of selling food.

Mobile Food Trailer
A mobile food business that serves food or beverages from a nonmotorized vehicle larger than three feet in width and eight feet in length that is normally pulled behind a motorized vehicle.

Mobile Food Truck
A mobile food business that serves food or beverages from an enclosed self-contained motorized vehicle.

Motel
A structure or group of structures on the same lot containing individual guest units for rental to transients, with separate exterior entrances, and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities.

Musician Studio
A facility where the principal use is the production, editing, and/or storage of audio media occurs, or formal private instruction in playing a musical instrument or singing.

Neighborhood
A sub area of the City of Denton in which the residents (or non-residential uses) share a common identity focused around a school, park, or community business center that are generally within walking distance of the homes or businesses, architecture, or other features with boundaries that may include highways, railroads or such natural features as rivers. The neighborhood character shall be deemed to be the prevailing character of structures within 300 feet in either direction along street frontages, irrespective of intervening streets.

New Development
Development of a site that was previously unimproved (with no existing principal structures or uses) or has been or will be cleared of structures. New development is distinguished from existing development and the expansion or alteration of existing development.

Nonconforming Lot
A lot that was legally established before the effective date of this DDC or subsequent amendment thereof, but that does not comply with the dimensional standards that apply in the zoning district in which the lot is located.

Nonconforming Site Feature
Any site feature established or constructed legally at the time of passage or amendment of this DDC which does not conform, after the passage or amendment of this DDC, with the regulations of the district in which it is located.

Nonconforming Structure
Any structure established or constructed legally at the time of passage or amendment of this DDC which does not conform, after the passage or amendment of this DDC, with the regulations of the district in which it is located.

Nonconforming Use
Any use of land established legally at the time of passage or amendment of this DDC that does not conform, after the passage or amendment of this DDC, with the regulations of the district in which it is located.

Non-Protected Tree
The following are considered Non-Protected Trees:

1. Dead or Unhealthy Trees;
2. Trees that pose an imminent or immediate threat to persons or property;
3. Crepe Myrtles and ornamental pears;
4. Mesquite unless part of a Preserved Habitat or Conservation Easement;
5. Honey Locust, unless part of a Preserved Habitat or Conservation Easement; or
6. Any tree listed on the Texas Department of Agriculture Noxious and Invasive Plant List.

Nude Model Studio
Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nudity or a State of Nudity
1. The appearance of a human bare buttock, anus, male genitals, female genitals, or female breasts; or
2. A state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast.

Nuisance
Physical or environmental conditions resulting in regular and/or continuous problems affecting the health, safety, and quality of life of citizens.

Nursing Home
A home for the aged, chronically ill, or incurable persons who are unable to care for themselves and in which three or more persons not of the immediate family are kept or provided with food and shelter or care for compensation; but not including hospitals, clinics, or other similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Obstruction
Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 4.1: *Highway Buffer Zone*

No single family detached platted lot line in the MR sub-district shall be located within the buffer area shown on the Development Plan Map attached as Exhibit C (the Highway Buffer Zone). The 600-foot Highway Buffer Zone shall be measured from the edge of the future Loop 288 and I-35W rights-of-way, as shown on the Texas Department of Transportation construction plans in effect on the date of the adoption of this Ordinance, and identified as CSJ No. 2250-02-013 and CSJ No. 2250-02-014 (for Loop 288) and CSJ No. 0081-13-050 (for I-35W). The purpose of the Highway Buffer Zone is to prohibit single family detached development in close proximity to highways.

9.3 Adjacency to Robson Ranch

A. Robson Ranch Adjacency – Special Conditions

The following conditions from Ordinance No. 2008-286 are carried forward and shall continue to apply:

1. Along the common property line between the Hunter Ranch MPC and Robson Ranch, adjacent to the Common Open Space identified as Lot 22X, Block F, Robson Ranch 2, Phase 1 and Lot 16X Robson Ranch 5-:

    a. The HOA shall construct and maintain either: (1) an eight foot (8') wood frame fence, finished on both sides with a decorative weather-resistant fiber-cement siding material, compliant with ASTM Standard Specifications C1186 Grade II, Type A, and supported by steel support posts, or (2) an eight foot (8') high masonry wall with masonry support columns. In either case, spans shall not exceed thirty-four feet (34') between supports. The fence or wall is not required in areas designated as Environmentally Sensitive Areas (ESAs). The fence or wall must be constructed upon plat approval of each Inspiration subdivision abutting this area.

    b. The HOA shall construct and maintain an open space buffer twenty-eight feet (28') or greater in width, as depicted in Exhibit G, attached hereto and incorporated herein by reference

    c. Single-family lots adjacent to the new twenty-eight (28') foot wide buffer shall have a minimum width of sixty-two feet (62') and a minimum depth of one hundred feet (100').

    d. All of the single-family houses constructed adjacent to the new twenty-eight foot (28') wide buffer shall be single story

2. Schools shall not be located adjacent to the Robson Ranch property

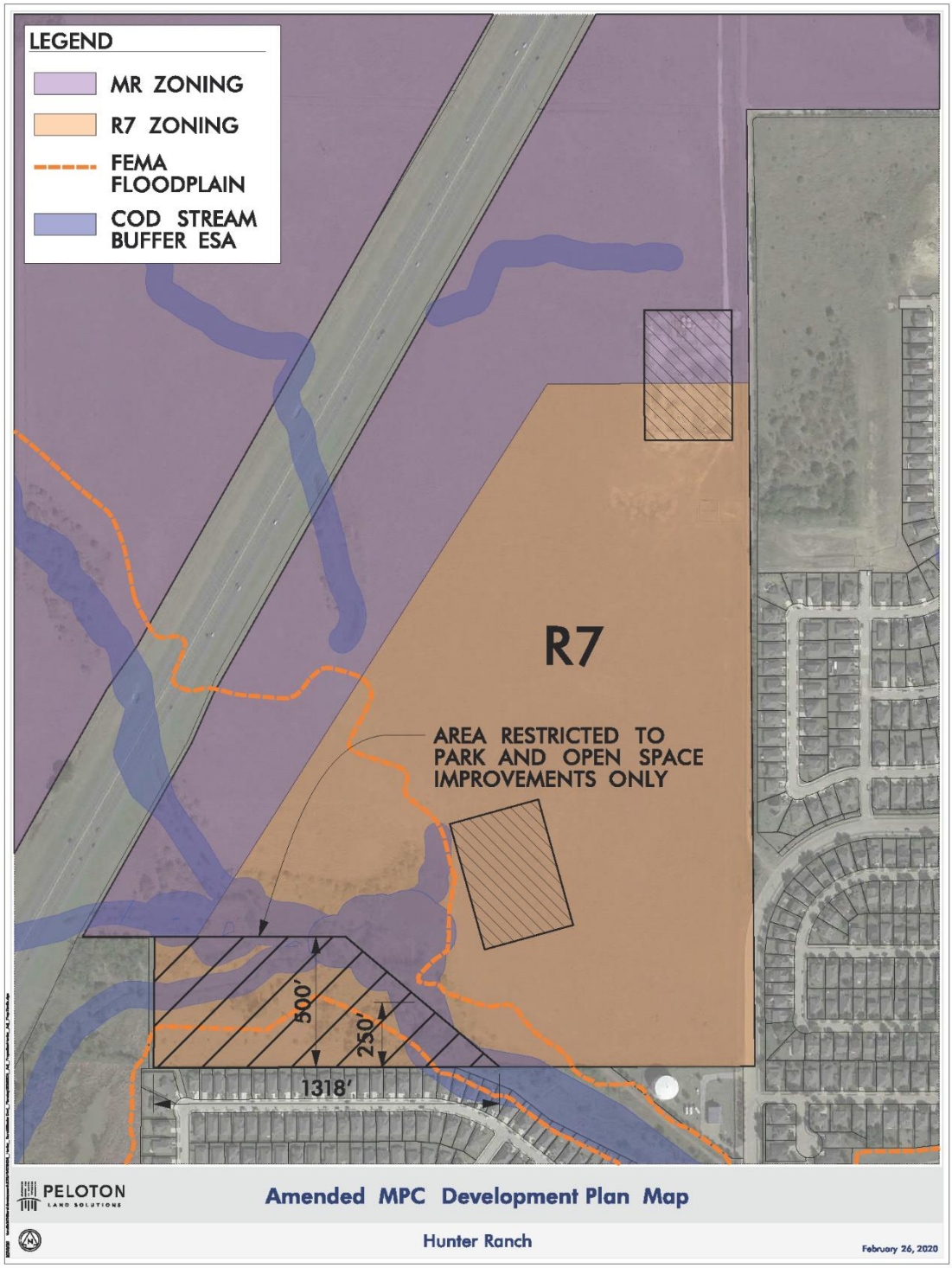
3. Private Parks shall not be located adjacent to the Robson Ranch property

4. There shall not be any multi-family development abutting Robson Ranch Road or the Robson Ranch Development.

5. Residential lots adjacent to the Robson Ranch property shall have the same or larger square footage as the minimum allowable lot size under applicable zoning in effect on the date of this Ordinance on abutting lots within Robson Ranch, unless the approved MPC development standards or these conditions specify or necessitate a larger square footage requirement.

9.4 Area Restricted to Park and Open Space Improvements

Development shall be restricted to park and open space improvements for the hatched area adjacent to Country Lakes as noted and shown on the following graphic:


LEGEND
MR ZONING
R7 ZONING
FEMA FLOODPLAIN
COD STREAM BUFFER ESA
R7
AREA RESTRICTED TO PARK AND OPEN SPACE IMPROVEMENTS ONLY
500'
250'
1318'
PELOTON
LAND SOLUTIONS
Amended MPC Development Plan Map
Hunter Ranch
February 26, 2020

9.5 Intentionally left blank

MAO – Municipal Airport Overlay District.

Occasional Sales

Occasional sales are the sale, or offering for sale, of tangible personal property to the public, upon the premises of an existing residential dwelling, by the owner or lessee of the residential dwelling. Such sales commonly include garage or yard sales.

Odor Threshold

The concentration of odorous matter in the atmosphere necessary to be perceptible to the olfactory nerve of a normal person. Determination of the odor threshold is prescribed by A.S.T.M.D. 1931-57, Standard Method for Measuring Odor in Atmosphere.

Office, Business, and Professional Services

Uses in this category provide executive, management, administrative, governmental, or professional services, but do not sell merchandise except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

Off-Site

Located outside the boundary of a development.

On-Site

Located within the boundary of a development.

Open Space

See "Park, Playground, Open Space."

Outdoor Recreation Facility

Uses in this category provide recreation and entertainment activities mostly outdoors or partially within a building, including golf courses, outdoor swimming pools, tennis courts, basketball courts, amphitheater, outdoor arena, and outdoor theater. Accessory uses may include limited retail, concessions, parking, and maintenance facilities.

Outdoor Storage

As a principal use, a property or area used for the long term (more than 24 hours) storage of materials, merchandise, products, stock, supplies, machines, operable vehicles, equipment, manufacturing materials, or other items not kept within a structure having at least four walls and a roof. New or used automobile sales and leasing display and parking, and outdoor sales and display areas shall not be defined as outside storage.

Outdoor Storage, Accessory

The keeping of goods, materials, or equipment as an accessory use to a principal use located on the same lot, where such goods, materials, or equipment are not kept in a structure having at least four walls and a roof. New or used motor vehicle sales and rental display and parking areas shall not be defined as accessory outside storage.

Outside Storage

The storage of objects, items, products or materials outside an enclosed building, and not intended for immediate sale.

Owner
The owner of a tract of land as recorded in the Denton County Deed Records. An owner may include: a person, firm, corporation, partnership or agent, attorney-in-fact, manager or Director, or developer. Such term as used in this chapter always includes one or more of the persons enumerated in this section who own all or any part of the land which is contemplated to be developed.

Owner-Occupied
A lot or structure that is occupied by the legal owner of record or, where there is a recorded land sales contract in effect, the purchaser thereunder.

Park, Playground, Open Space
Any parcel or area of land or water set aside, dedicated, designated, or reserved for public use or enjoyment of for the private use and enjoyment of owners and occupants of neighboring or adjoining land that are designed or used for recreational purposes and are available to the general public. Uses include neighborhood park, an urban park or plaza, a historic site, a community-wide park, a natural area, public swimming pools, golf courses, tennis courts, recreational centers, and city-owned athletic complexes.

Parking Lot as a Principal Use
The ownership, lease, operation, or management of a surface parking lot, above-ground structure, or below-ground structure.

Parking Space
A space within a public or private parking area, exclusive of driveways, ramps, columns, offices and work areas, which is for the temporary parking or storage of one motor vehicle.

Particulate Matter
Finely divided solid or liquid matter, other than water, which is released into the atmosphere.

Pedestrian Path
A graded, cleared way for individuals who travel on foot. When located along any improved street or parking area, these paths shall be adjacent to the curb at curb level.

Pedestrian Way
A right-of-way for pedestrian traffic.

Permitted Use
That use of a lot which is among the uses allowed as a matter of right, and subject to the restrictions of the zoning district.

Person
An individual, firm, partnership, proprietorship, association, corporation, estate, receiver, syndicate, branch of government, social or fraternal organization, or any other group or combination acting as a legal entity, and including any trustee, assignee, or other representative.

Personal Service, General
An establishment that provides repair, care, maintenance or customizing of wearing apparel or other personal articles or human grooming services and includes such uses as beauty/barber shops, dry cleaning, shoe repair, alterations, spas, and tanning salons, photography studios, house cleaning services, weight reduction centers, florist, or pet grooming shops. This use does not include commercial laundry and dry cleaning facilities.

Phase
One final platted section of a larger overall development.

Photovoltaic System (also "Photovoltaic Installation")
An active solar energy system that converts solar energy directly into electricity.

Photovoltaic System, Ground-Mounted
An active solar energy system that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).

Photovoltaic System, Roof-mounted
An active solar energy system that is structurally mounted atop a structure.

Pilot Channel
A concrete channel section used to convey normal low flows, fix the location of the flow line of a channel, minimize erosion and provide access for maintenance.

Planning and Zoning Commission
The Planning and Zoning Commission for the City of Denton, Texas. Also referred to as the "Commission."

Planting Area
An outdoor area, the surface of which shall not be covered by impervious surface materials or structures, and devoted entirely to the planting or maintenance or plant materials, except as otherwise allowed by this DDC, such as walls, fences, plazas, landscape architectural features such as gazebos, pergolas, arbors, fountains, or sculpture. Landscape architectural features shall not include tennis courts, basketball courts or other pervious recreational facilities.

Plants, Plant Material
Live plant material, including grasses, annuals, perennials, bulbs, groundcover, shrubs, and trees, are botanical plants that are nourished through the processes of air, water, and soil nutrients. Plastic, fibrous, silk, or other non-live materials, are not considered live plant materials.

Plat or Final Plat
A map of a subdivision, addition, or development to be recorded in the County Clerk Plat Records after approval by the city.

Pole-Mounted Antenna
Any antenna which is preassembled off-site and designed to be moved from site to site.

Power Stations, Electric Substations, Interchanges, and Switch Stations
A structure that is part of an electric generation, transmission, and distribution system that:

1. Converts electric energy to a lesser voltage for the purpose of subregional or localized distribution;
2. Functions as a transition point from overhead to underground electric transmission lines; or
3. Acts as the point of convergence for two or more transmission lines.

Precision Instrument Runway
A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Preliminary Mitigation dbh
The numeric result determined by multiplying the total calculated dbh of trees to be removed by 50 percent.

Preliminary Plat
A map showing the salient features of a proposed development as required by this DDC submitted for the purpose of preliminary consideration prior to the submission of a final plat.

Preserved Habitat
Areas adjacent to an ESA where vegetation is retained to preserve natural ecological conditions and protect wildlife.

Primary Residence
The usual dwelling place of the applicant's residential dwelling and is documented as such by at least two of the following: motor vehicle registration, driver's license, Texas State Identification card, voter registration, property tax documents, or utility bill. For purposes of the short-term rental standards, a person may have only one primary residence.

Primary Surface
A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Printing, Copying, and Publishing Establishment
An establishment where printed material is produced, reproduced and/or copied by either a printing press, photographic reproduction techniques, or other similar techniques. This use does not include the on-site manufacture of paper products.

Prior Regulations
Any ordinance adopted by the City of Denton related to issues addressed within this DDC and replaced by this DDC.

Private Club
An organization that owns, leases, or occupies a building used exclusively for club purposes at all times and:

1. Is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain;
2. Sells alcoholic beverages only incidentally to its operation;
3. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting;
4. Has established bylaws or a constitution to govern the club's activities; and
5. Is exempt from federal income taxation under Section 501(a), Internal Revenue Code, as a club described by Section 501(c)(7) of that Code.

Private Covenants
Private legal restrictions on the use of land contained in the deed, plat, and other legal documents pertaining to the property.

Private Utility Provider
The owner of a wire network (i.e. cable, electric, or telephone company) utilized in connecting the various cell sites to telephone switching offices, long distance providers or the public switched telephone network.

Protected Trees
Landmark, heritage, quality, or secondary trees.

Public Improvements
The public infrastructure needed or required by the development, or by a single phase within a larger overall development.

Public Right-of-Way
Any designated public street, sidewalk, or alley.

Public Street
A street which is owned or maintained by city.

Public Utilities
The term Public Utilities means:

1. Entities franchised by the city to use public rights-of-way for the conduct of their business;
2. Entities that are "public utilities" under pertinent provisions of the Texas Utilities Code or Texas Water Code but are specifically exempted by state law from the requirement that they receive a franchise from the city for the use of public rights-of-way;
3. Public sanitary sewers;
4. Public water mains;
5. Public streets;
6. Public storm sewers;
7. Public detention ponds;
8. Municipally-owned electric utilities; and
9. Any contractor hired by these entities.

Quality Trees
All healthy non-secondary trees, except Post Oaks, that measure between six inches and 18 inches dbh.

Rear Access Garage
See “Garage, Rear Access”

Rear Yard
See "Yard, Rear."

Recreation and Entertainment
This category includes indoor and outdoor recreation and entertainment activities. Accessory uses may include limited retail, concessions, parking, and maintenance facilities.

Recreational Vehicle (“RV”)
A motorized vehicle or recreational trailer, designed or maintained for use as a temporary dwelling or sleeping place for travel or recreation purposes exclusively, having no foundation other than wheels or jacks.

Recreational Vehicle Park
A parcel of land which is used solely for the rental or lease of lots for transient campers, trailers, motor homes, or temporary parking of any other recreational vehicle that is not a HUD-code manufactured home or tiny home.

Redevelopment
Development on a tract of land with existing structures where all or a majority of the existing structures would be razed and a new structure or structures built.

Regional improvements
Those public improvements which are required of the development for the protection of either:

1. Health, safety and welfare of the public at large; or
2. Property outside or surrounding the development;

Examples of Regional improvements include, but are not limited to:

1. Water line "loops" or extensions for service;
2. Regional detention facilities;
3. Off-site drainage improvements.

Regional improvements include Development Off-site Improvement Projects in the Operating Agreement between the City and the municipal management district.

Religious Assembly

A structure used by a religious organization or congregation for regular organized religious activities.

Replacement Inches

The total combined dbh, in inches, of all protected trees that are proposed to be removed and that are located within the development impact area.

Replat

A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use or any lot line or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Residential Use

A single-family detached dwelling, townhome, duplex, triplex, fourplex, multifamily dwelling, manufactured home development, and tiny home development.

Residential Zoning District

A one-family, two-family, or multi-family zoning district, or any area within a planned development zoning district which is designated for residential use, as shown on the approved site plan for the zoning district. A residential zoning district also includes any MPC zoning sub-district of R4, R6, or R7, or any identifiable portion of an MR or MN zoning sub-district that has been platted for single family attached or detached development.

Restaurant

A food establishment that is open to the public, where food and beverages are prepared, served, and consumed primarily within the principal building. Accessory uses may include an outdoor dining area or sidewalk café, and the manufacture of alcoholic beverages for on-site consumption and/or retail sales.

Restaurant with Drive-Through

Any restaurant designed to permit or facilitate the serving of food or beverages directly to, or permitted to be consumed by, patrons in or on motor vehicles on the premises.

Retail Sales

Uses involving the sale, lease, or rent of new or used products directly to the final consumer for whatever purpose but not specifically or exclusively for the purpose of resale. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on-site sale.

Rezoning

To change the zoning of a parcel of land, also referred to as a zoning amendment. Rezoning may require an amendment to the comprehensive plan.

Right-of-way

A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another Specific Use. The usage of the term "right-of-way" for land platting purposes means that every right-of-way established and as shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way

intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the Plat on which such right-of-way is established.

Riparian Buffer
Areas within 100 feet, measured from both sides of the stream centerline, with drainage areas greater than one square mile, and 50 feet from both sides of any streams centerline that drain areas of one square mile or less. This also applies to the outer edges of surface water bodies.

Runway
A defined area in an airport for landing and take-off of aircraft along its length.

Sale of Produce and Plants Raised on Premises
The incidental on-site sale of feed, grain, fruits, flowers, vegetables, ornamental plants, or similar goods.

Salvage Yard
Any lot or parcel of land on which wastes or used secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials include but are not limited to: scrap iron and other ferrous metals, paper; rags, rubber tires, bottles, discarded goods, machinery, or two or more inoperable motor vehicles.

Satellite Earth Stations
Are considered to be accessory structures and are defined as a combination of:

1. An antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources;
2. A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals;
3. A coaxial cable whose purpose is to carry the signals into the interior of the structure; and,
4. The station must be located to the side or rear of the structure unless a usable satellite signal cannot be obtained; in which case, the property owner may request a variance from the requirement through the Board of Adjustments. Ground-mounted stations shall be no more than 10 feet above the maximum height requirement of the zoning sub-district in which they are located.

School, Private
Any private school meeting all requirements of the compulsory education laws of the State of Texas. A facility or area for pre-kindergartens, kindergartens, elementary, or secondary education supported by a private organization, including a church or parish organization. This definition includes licensed private preschool facilities in which the principal use of the property is for preschool. This does not include home-schooling facilities that are located within residential structures or other structures on a part time basis.

School, Public
Any public school meeting all requirements of the compulsory education laws of the State of Texas. A facility or area for pre-kindergartens, kindergartens, elementary, or secondary education supported by a public organization. This definition includes licensed public preschool facilities in which the principal use of the property is for preschool.

Screening
A method of visually shielding or obscuring land-uses or structures via fencing, opaque buffer, or some other opaque physical barrier.

Seasonal Sales
The temporary sale of goods or products associated with the season or a cultural event, including but not limited to the sale of healthy, nonhazardous, cut or live evergreen trees, wreaths, tree stands, pumpkins, and seasonal produce. This use does not include the sale of fireworks.

Secondary Tree
A healthy Ash, Bois D' Arc, Hackberry, or Cottonwood tree, with a dbh greater than six inches.

Self-Service Storage
A building or group of buildings consisting of individual, self-contained units that are leased to individuals, organizations, or businesses for self-service storage of personal property.

Semi-Nude
A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Setback
The minimum distance between by which any building or structure must be separated from a street right-of-way or lot line.

Sexually Oriented Business
An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, or nude model studio.

Shared Drive
A common driveway or access shared by adjoining properties.

Short-Term Rental
The rental of an entire dwelling unit for monetary consideration for a period of time less than 30 consecutive days, not including a bed and breakfast, boarding or rooming house, hotel, or motel. This definition does not include offering the use of one's property where no fee is charged or collected.

Side Access Garage
See "Garage, Side Access"

Side Yard
See "Yard, Side."

Site Plan
A graphic representation, drawn to scale, indicating the outlines of the land included in the plan and all proposed use locations, accurately dimensioned, and indicating the relation of each use to that adjoining and to the boundary of the property.

Site Plan Review
The comprehensive evaluation of a development and its impact on neighboring properties and the community as a whole, from the standpoint of: land use, site design, landscape design, environmentally sensitive areas protection, architecture, lighting, signs, clearing and grading, engineering design, health and safety, other adopted standards and criteria of this DDC, all other adopted codes and ordinances of the City.

Smoke
The visible discharge of particulate matter from a chimney, vent, exhaust or combustion process.

Smoke Shop
An establishment primarily engaged in the sales of tobacco products, smoking equipment, or smoking accessories. Establishments engaged in sales of tobacco products and/or smoking equipment as an incidental or accessory use shall not be classified as a smoke shop.

Solar Access
The access of a solar energy system to direct sunlight.

Solar Energy
Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System
An energy system that consists of one or more solar collection devices, solar energy related "balance of system" equipment, and other associated infrastructure with the primary intention of generating electricity, storing electricity, or otherwise converting solar energy to a different form of energy. Solar energy systems may generate the energy requirements of a property in accordance to applicable local and national codes, standards, ordinances, and laws.

Solar Energy System, Interconnected
A photovoltaic system that is physically connected to the city's electrical system so that parallel operation (on-site generation) can occur.

Solar Energy System, Stand-Alone
A photovoltaic system that is not connected to the city's electrical system in any way.

Special Events
A temporary outdoor use on private property that extends beyond the normal uses and standards allowed by this DDC. "Special events" include, but are not limited to, outdoor entertainment, educational and cultural events, art shows, sidewalk sales, haunted houses, carnivals, fairs, special auto sales, grand openings, festivals, home exhibitions, and church bazaars.

Specific Use Permit
A use that is not automatically permitted by right, but that may be permitted within a zoning sub-district subject to meeting specific conditions contained in this DDC.

Specified Anatomical Areas
Human genitals in a state of sexual arousal.

Specified Sexual Activities
Includes any of the following:

1. The fondling or other erotic touching of the human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or stimulated, including intercourse, oral copulation, or sodomy;
3. Excretory functions as part of or in connection with any of the activities set forth in 1 through 2 above.

Stealth
See "Antenna, Stealth."

Stockpiling
The holding on land of material or products such as any soil, sand, gravel, clay, mud, debris, vegetation, or any other material, organic or inorganic, in a concentrated state.

Storage and Warehousing
Uses in this category are engaged in the storage or movement of goods for themselves or other businesses. Goods are generally delivered to other businesses or the final consumer, except for some will-

call pickups. There are typically few customers present. Accessory uses may include offices, truck fleet parking, and maintenance areas.

Storage Containers and Other Portable Storage Units
Temporary storage containers and other portable storage units used for the storage of items on a property (excluding use for storing equipment during multi-family dwelling and nonresidential alterations and construction projects).

Storage of Hazardous Materials
A facility or site engaged in the storage and handling of flammable or otherwise hazardous materials, liquids, waste, or gasses.

Story, Building
That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Stream
Linear geographic feature that conveys flowing waters. Headwater streams are the uppermost, low-order streams of a watershed and comprise the majority of streams in the United States, both in terms of number and length. Streams can be perennial, intermittent, or ephemeral.

Street
A public right-of-way for roadway, sidewalk, and utility installation including the terms "road," "highway," "land," "place," "avenue," "alley," or other similar designations. The entire width between the right-of-way lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic.

Structure
An edifice of any kind or any piece of work artificially built up or composed of parts joined together which requires location on, in, or above the ground or which is attached to something having a location on, in or above the ground. Flatwork or in-ground swimming pools are excluded.

Structure, Accessory
Any structure on the same lot with and that is incidental and subordinate to the principal structure. Flatwork, in-ground swimming pools and fences or walls used as fences are excluded.

Structure, Principal
The structure in which the principal permitted use of the lot on which the structure is located is conducted.

Subdivision
The division or redivision of land into two or more lots, tracts, sites, or parcels that are either improved or unimproved and can be separately conveyed by sale or lease.

Surface Water Body
Term to include streams, ponds, lakes, and freshwater wetlands.

Tattoo and Body Piercing Parlor
An establishment where permanent marks, scars, or designs are made on the skin by a process of pricking and ingraining an indelible pigment or by raising scars; or in which other bodily decorations, such as piercing, are provided. For the purposes of zoning, jewelry stores or other retail facilities or clinics that provide piercing as an incidental and accessory use shall not be classified as a tattoo and body piercing parlors.

Telecommunications
The transmission, between or among points specified by the user, of audio and/or visual information of the user's choosing, without change in the form or content of the information as sent and received.

Telecommunications Service
The offering of telecommunications for a fee directly to the public, or to such classes of users to be effectively available directly to the public, regardless of the facilities used.

Temporary Portable Wireless Telecommunications Facility
A portable self-contained telecommunications facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A temporary portable wireless telecommunications facility is normally vehicle-mounted and contains a telescoping boom as the Antenna support structure.

Temporary Storage Container
See "Storage Containers and Other Portable Storage Units."

Temporary Structure
A structure without any foundation or footings which is attached to the ground or other structure in some nonpermanent fashion. Temporary structures shall require a permit from the Building Inspection Department and shall be removed from the site when the designated time period, activity, or use for which the temporary structure was established has ceased, but not exceeding six months in duration unless an extension is obtained from the Building Inspection Department upon just cause.

Temporary Uses
Temporary uses are defined as those activities permitted and described in Section --.

Thoroughfare Plan
The thoroughfare component of the Mobility Plan, the official map depicting the city's existing and future street system and roadway network, together with explanatory text.

Tiny Home Development
A development that has been subdivided into separate platted lots or a single lot divided into stands for the placement of tiny homes, accessory uses, and service facilities, meeting all requirements of this DDC and any applicable deed restrictions and state laws.

Topography
The physical land surface relief describing the terrain elevation, position of land features and slope. Topography includes land forms, water and other drainage features, and features such as gravel pits. A single feature such as a hillside or valley is called a topographic feature.

Tower, Electric Transmission
A self-supporting structure in excess of 50 feet (15 meters) in height designed to support high voltage electric lines. This does not include local utility or distribution poles (with or without transformers) designed to provide electric service to individual customers.

Tower, Guyed
Any telecommunications tower supported in whole or in part by cables anchored to the ground.

Tower, Monopole
A self-supporting telecommunications tower which consists of a single vertical pole fixed into the ground and/or attached to a foundation.

Tower, Self-supporting Lattice
A telecommunications tower which consists of an open network of metal braces forming a tower which is usually triangular or square in cross-section.

Tower, Telecommunications
A self-supporting or guyed structure more than 20 feet (6 meters) in height, built primarily to support one or more telecommunications antennas.

Toxic and Noxious Matter
Any solid, liquid or gaseous matter which is present in sufficient quantities to endanger health, safety and comfort of persons in the vicinity or which may cause injury or damage to property.

Trailer
A non-motorized vehicle, pulled by an automobile or truck designed or maintained for use as a temporary dwelling or sleeping place for travel or recreation purposes exclusively.

Transfer Station
A temporary storage facility for the consolidation and eventual transfer of solid waste to a landfill.

Transitional Surface
A surface extending outward and upward at right angles to the runway centerline at a slope of 7:1 from the sides of the primary surface and from the sides of the approach surface. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

Transportation Impact Analysis
A study performed by a registered traffic engineer analyzing the impacts of the expected traffic generated by a development on the existing and proposed road system including recommendations for mitigating such traffic.

Travel Plaza
An establishment that provides refueling, servicing, repair, parking (rest), and other services to motorists. A travel center may also include the sale of accessories and equipment for vehicles, overnight accommodations, showers and restaurant facilities.

Tree Protection Zone (TPZ)
An area shown on a tree survey and preservation plan and field inspected where construction activities are prohibited or restricted to prevent injury to preserved trees, especially during pre-construction and construction, and includes the critical root zone and/or beyond.

Ultimate Developed Condition
A fully developed area based on current approved land use plans or "C" factor of six tenths (0.6) for remaining undeveloped land in a watershed.

Understory
A grouping of native, noninvasive low-level woody, herbaceous, or ground covers species with stems less than one inch dbh.

Undeveloped Floodplain
Areas within the FEMA one-percent Annual Chance Floodplain (a.k.a. 100-year floodplain), that are undeveloped and in their natural state.

Upland Habitat or Cross Timbers Upland Habitat
Contiguous areas ten acres or larger of cross timbers habitat.

Urban Farm
A private facility for the primary purpose of farming fruits, flowers, vegetables, or ornamental plants.

Use
The purpose or purposes for which land or a structure is designed, arranged, or intended, or to which such land or structure is occupied, maintained, or leased.

Vacating Plat
The termination of, or termination of interest in, an easement, right-of-way, or public dedication of land.

Valley Storage
Water storage capacity of a stream and is a volume that is measured below the base flood elevation.

Variance
A deviation from the specific terms of this DDC that will not be contrary to public interest and is justified because, owing to special conditions, a literal enforcement of this DDC's provisions will result in practical difficulties and/or hardship.

Vegetation
All plant life; however, for the purposes of this Chapter shall be restricted to mean trees, shrubs, ground cover, annuals, perennials, bulbs, grasses, vines, and aquatic plants, with the exception of state and federally protected and endangered vegetative specie which in all cases shall be preserved.

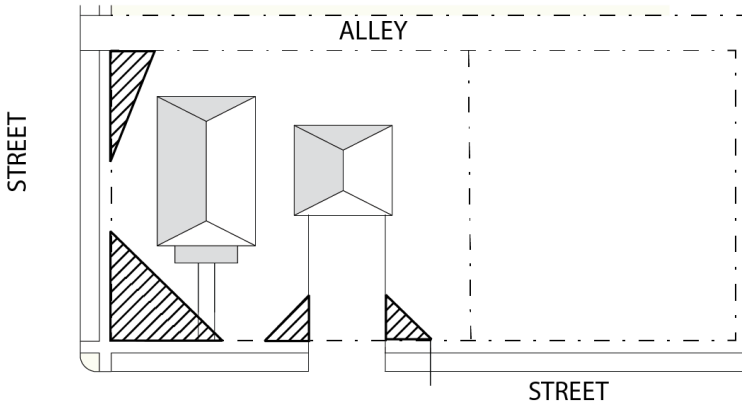
Vehicles and Equipment
Uses include a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair and storage and offices.

Veterinary Clinic
Facility for the diagnosis, treatment, or hospitalization of domestic animals, operated under the supervision of a licensed veterinarian. The incidental temporary overnight boarding of animals that are recuperating from treatment is included in this definition.

Vibration
A periodic displacement of the earth measured in inches.

Vision Clearance Area
A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines for a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines or intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

Figure 9.5-A: Vision Clearance Area



Warehouse and Wholesale Facility
A building or area for storage, wholesale, and/or distribution of goods and materials, supplies, and equipment that are manufactured or assembled off-site. This definition excludes the bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions. Accessory uses may include retail and office uses.

Water-Related Habitat
Areas designated as wetlands, and trees and understory vegetation containing 50 percent or more of predominately native bottomland hardwood. Bottomland hardwoods occur on the first terrace of floodplains and flats along channels. Periodic inundation prevents establishment of upland species and maintains the functioning of this type of vegetation.

Watershed
The land area(s) that contribute surface runoff or drainage to a water system or body.

Wind Energy Conversion System (WECS)
A large wind energy conversion system (WECS) that has an output rating greater than 100 KW that converts wind energy into electrical power for the primary purpose of sale, resale, or off-site use.

Wind Energy Conversion System (WECS), Small (Building-Mounted)
A small wind energy conversion system (WECS), mounted to a legally existing building or structure, other than a building or structure accessory to a WECS facility, that has a rated capacity of 100 KW or less and is an accessory use within a zoning sub-district. The small wind system shall support the energy needs of the principal use on the site.

Wind Energy Conversion System (WECS), Small (Ground-Mounted)
A small wind energy conversion system (WECS), mounted to the ground, that has a rated capacity of 100 KW or less and is an accessory use within a zoning sub-district. The small wind system shall support the energy needs of the principal use on the site.

Wetland
Area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Includes adjacent and isolated wetlands.

Window
An opening in the wall of a building or structure for admitting light and fitted with a frame containing panes of glass.

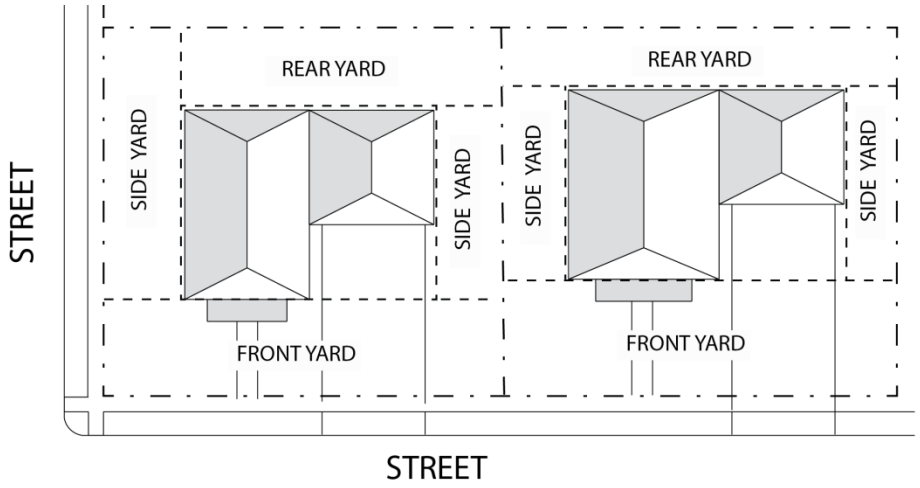
Window, False
A device in the wall of a building or structure fitted with a frame containing panes of glass so as to resemble a window, but not admitting light.

Wireless Telecommunications
A structure that is designed and constructed primarily for the purpose of supporting one or more antennae that transmit information (audio, video, data) in the form of electromagnetic signals to one or more receivers without the use of a physical connection between the transmitting and receiving source.

Yard

A required open space located on the same lot as the principal structure, unoccupied and unobstructed except for accessory uses and landscaping.

Figure 9.5-B: Yards

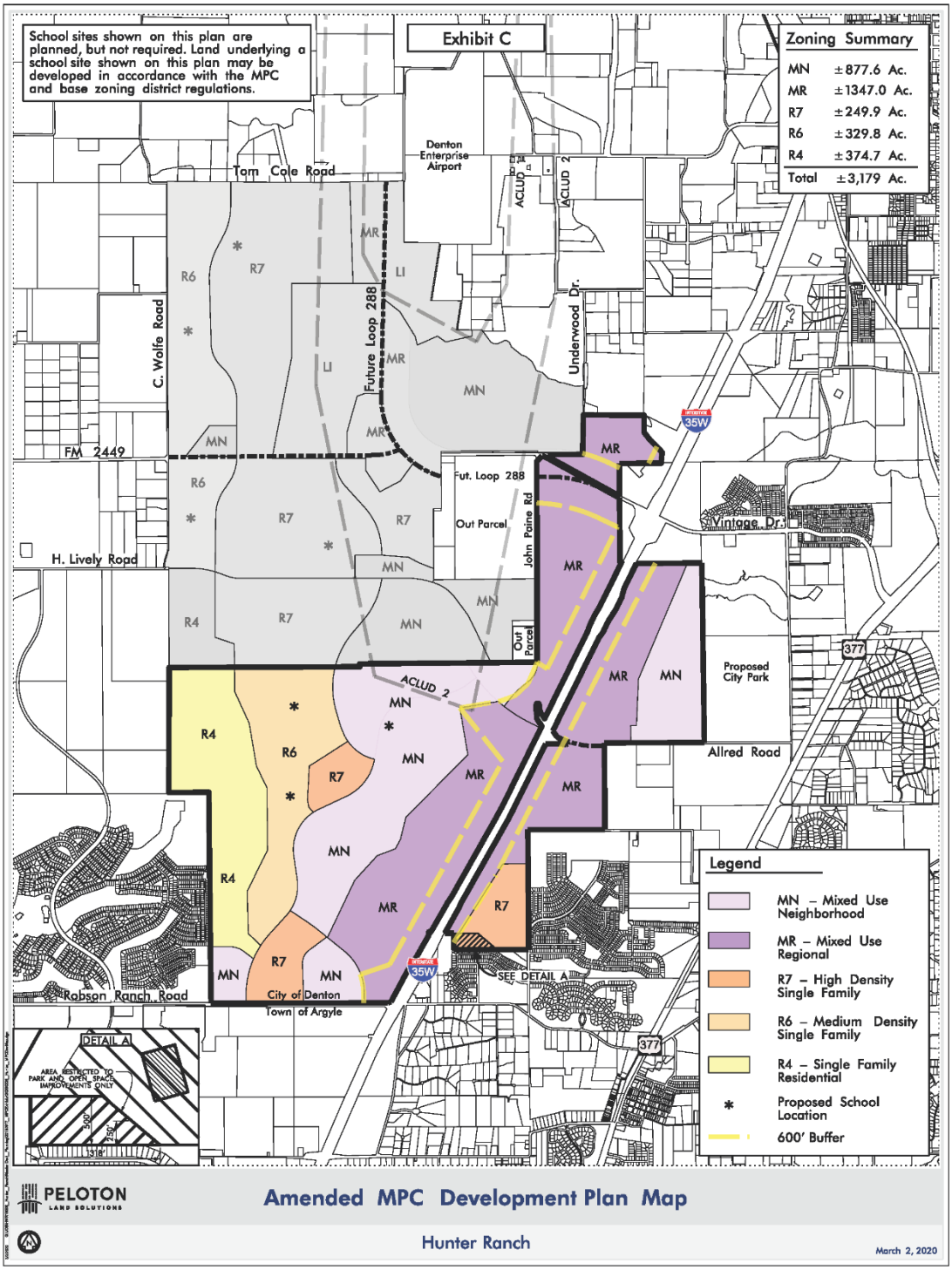


Yard, Front
A yard extended across the full width of and situated between the front lot line and the principal structure extending to the side lot lines. In the case of a corner lot, the front yard adjoins the public or private rights-of-way where the entrance/address is located.

Yard, Rear
A yard extended across the full width of and situated between the rear lot line and the principal structure extending to the side lot lines. In the case of a corner lot, the rear yard shall not extend past the corner side yard.

Yard, Side
A yard extended across the full width of and situated between the side lot line and the principal structure extending from the front yard to the rear yard. In the case of a corner lot, the corner side yard shall extend from the front yard to the rear lot line

Exhibit C
Development Plan Map (including Gas Well Site Map)



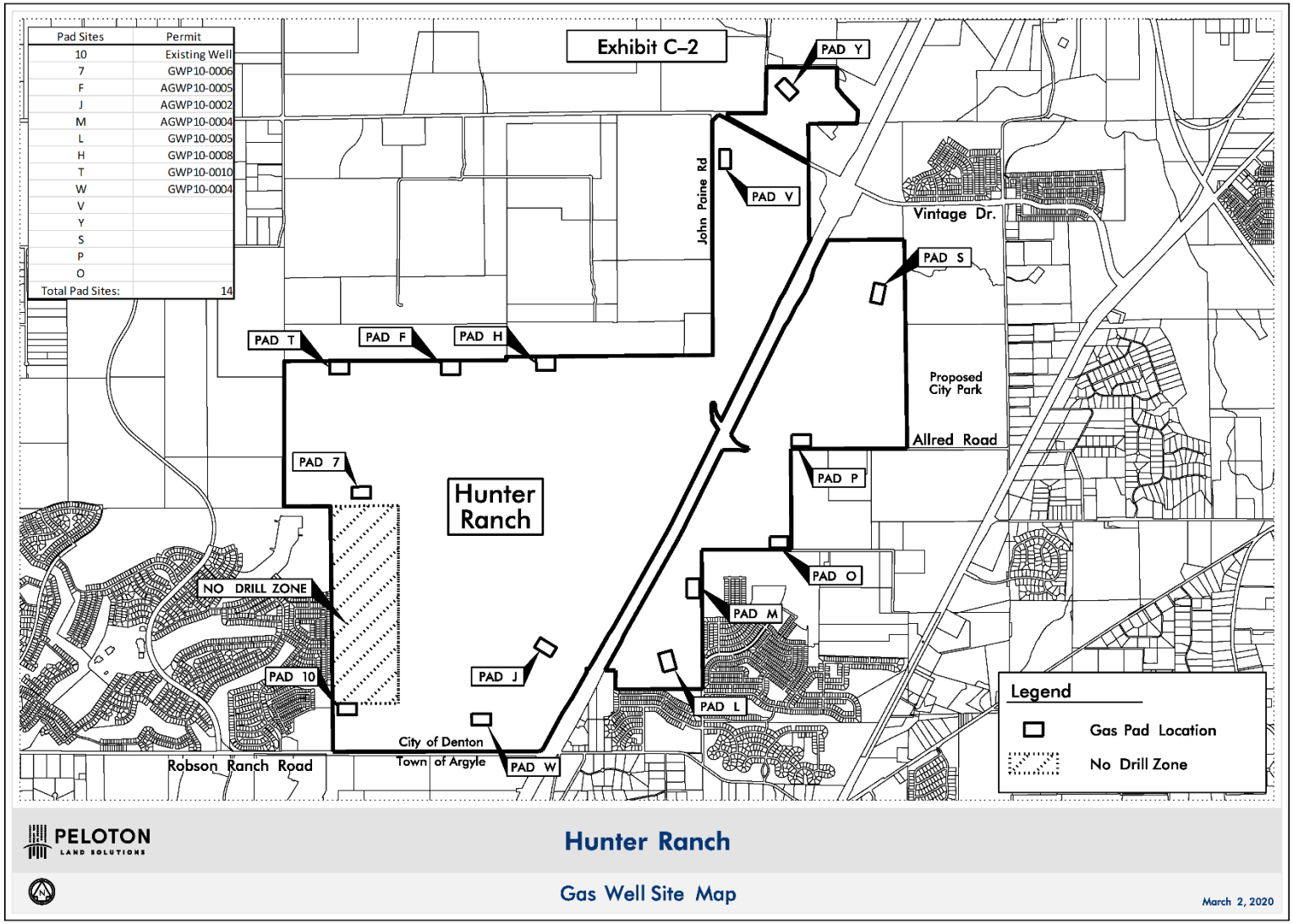

Exhibit C–2
Pad Sites | Permit
10 | Existing Well
7 | GWP10-0006
F | AGWP10-0005
J | AGWP10-0002
M | AGWP10-0004
L | GWP10-0005
H | GWP10-0008
T | GWP10-0010
W | GWP10-0004
V
Y
S
P
O
Total Pad Sites: 14
PAD Y
PAD V
PAD S
PAD T
PAD F
PAD H
PAD 7
PAD P
PAD O
PAD M
PAD J
PAD L
PAD 10
PAD W
John Paine Rd
Vintage Dr.
Proposed City Park
Allred Road
Hunter Ranch
NO DRILL ZONE
City of Denton
Town of Argyle
Robson Ranch Road
Legend
Gas Pad Location
No Drill Zone
PELOTON LAND SOLUTIONS
Hunter Ranch
Gas Well Site Map
March 2, 2020

Exhibit D
Phasing Map

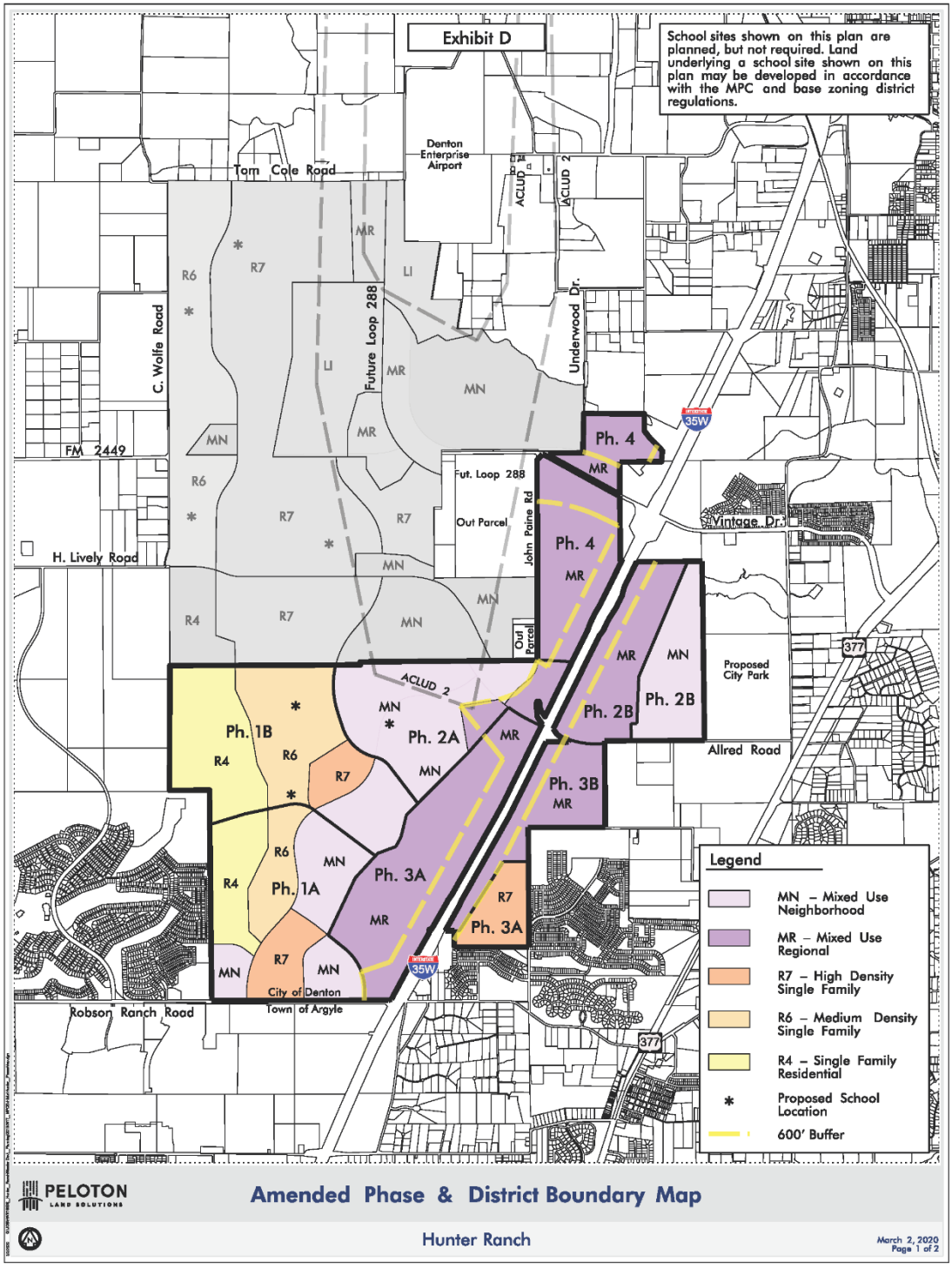


Exhibit D

Hunter Ranch - Cole Ranch - Developer On-Site Infrastructure Development Matrix

Development	Roads	Lakes	Potable Water	Sanitary Sewer	SF Units	MF Units	Commercial / Industrial (SF)	Park AC	School
Hunter Ranch									
Phase 1	R-1(p), R-4(p), R-12(p)	-	D-1 , D-2, D-4(p), D-8	D-2, D-4(p), D-9(p), D-5(p)	2,500	0	450,000	54, 5, Dog	Elem, Mid
Phase 2	R-1(p), R-2(p), R-13, R-12(p), R-11(p)	LDDS-1	D-8, D-4(p)	D-9(p), D-8(p)	2,000	1,000	800,000	5	Elem
Phase 3	R-11(p), R-9, R-19, R-20	-	D-4(p), D-8(p)	D-8(p), D-3, D-10(p)	1,300	1,200	2,080,000	-	-
Phase 4	R-14, R-1(p)	-	D-3(p)	D-1(p)	1,200	1,050	690,000	-	-
Cole Ranch									
Phase 1	R-8, R-18, R-10, R-3(p), R-7(p), R-16	LDDS-3	D-2(p), D-3(p), D-6, D-9(p)	D-1(p), D-6(p)	800	1,240	5,400,000	5, Dog	-
Phase 2	R-7(p), R-6(p), R-3(p)	LDDS-2	D-7, D-9(p)	D-6(p)	2,250	650	180,000	50	Elem, Mid
Phase 3	R-5(p), R-6(p), R-2(p), R-15, R-3(p)	-	D-4(p), D-10, D-5(p)	D-5(p), D-9(p)	1,650	1,050	2,430,000	5	Elem, High
Phase 4	R-2(p), R-1(p), R-5(p), R-17	-	D-5(p), D-8(p)	D-4(p), D-7	1,200	260	70,000	-	-

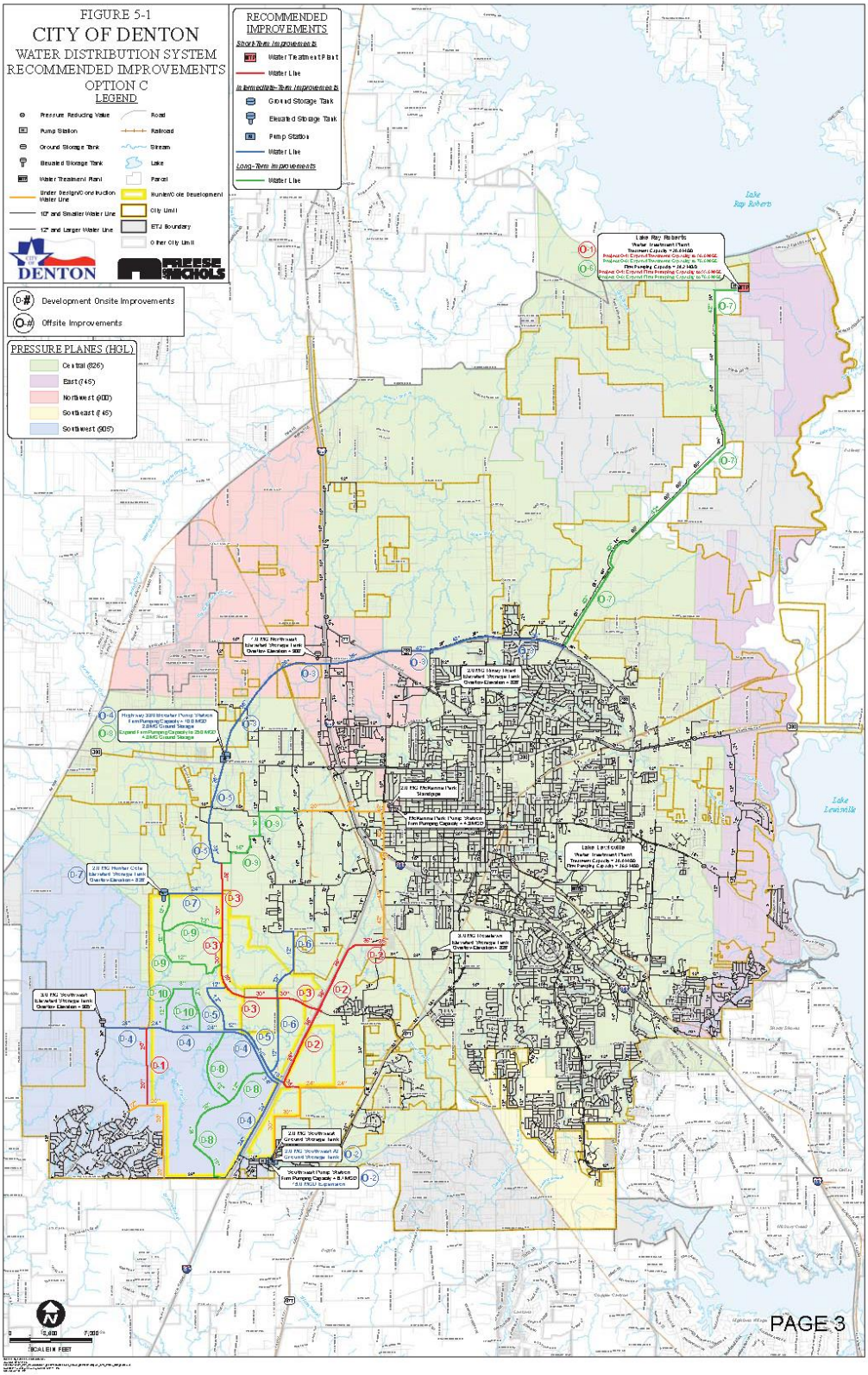
(p) - Portions of these infrastructure items will be built in multiple phases and as needed per approved studies.

PELOTON LAND SOLUTIONS

Amended Phase & District Boundary Map

Hunter Ranch

March 2, 2020
Page 2 of 2


FIGURE 5-1
CITY OF DENTON
WATER DISTRIBUTION SYSTEM
RECOMMENDED IMPROVEMENTS
OPTION C
LEGEND
RECOMMENDED IMPROVEMENTS
Short-Term Improvements
Water Treatment Plant
Water Line
Intermediate-Term Improvements
Ground Storage Tank
Elevated Storage Tank
Pump Station
Water Line
Long-Term Improvements
Water Line
Development Onsite Improvements
Offsite Improvements
PRESSURE PLANES (HGL)
Central (826)
East (745)
Northwest (900)
Southeast (745)
Southwest (905)
Lake Ray Roberts
Lake Lewisville
Lake Lewisville
PAGE 3

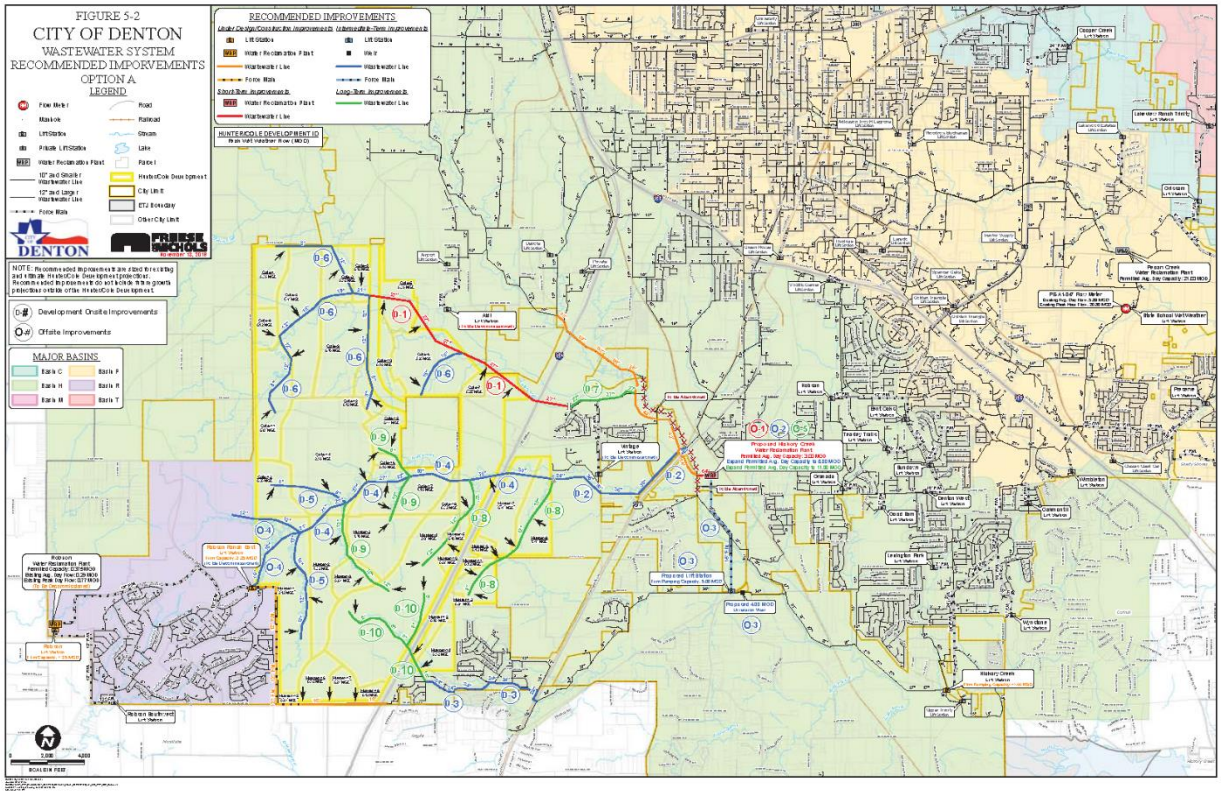

FIGURE 5-2
CITY OF DENTON
WASTEWATER SYSTEM
RECOMMENDED IMPORVEMENTS
OPTION A
LEGEND
RECOMMENDED IMPROVEMENTS
MAJOR BASINS
Development Onsite Improvements
Offsite Improvements

Figure 10 - Planning Level Infrastructure Development Phasing Map –All Roadways with Phase Boundaries

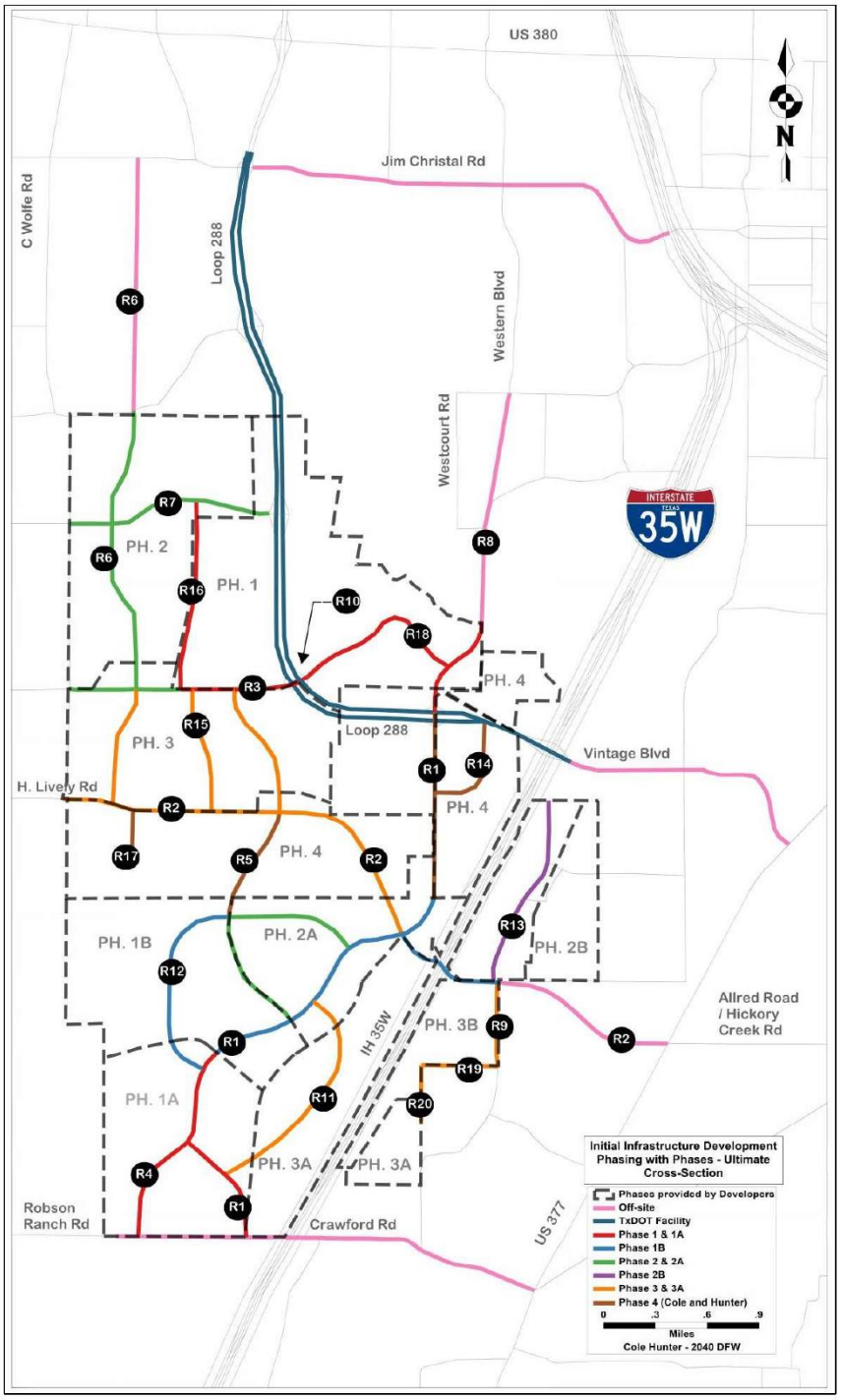
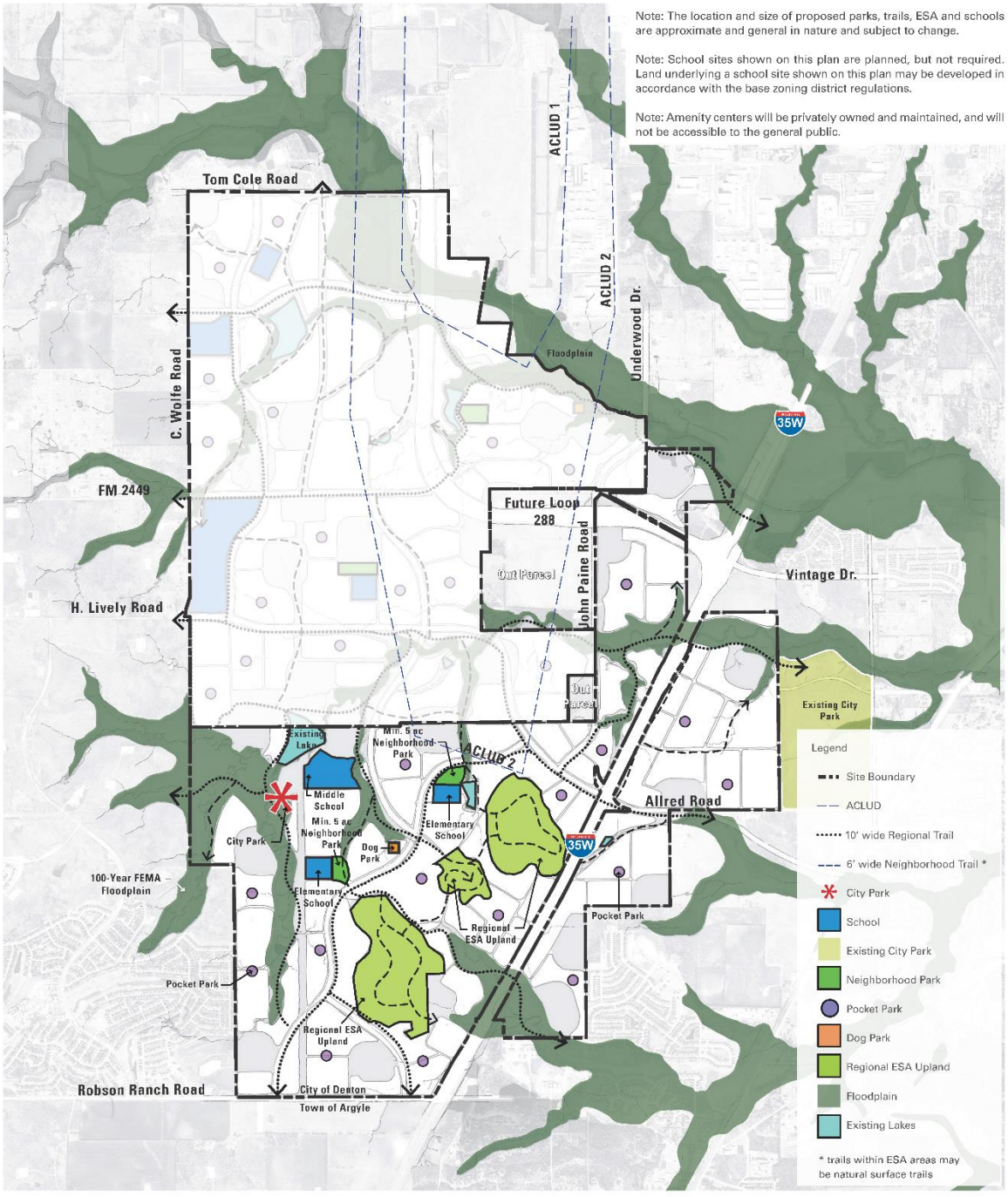


Exhibit E
Park Plan



HILLWOOD COMMUNITIES Live Smart™ STRATFORDLAND

Hunter Ranch

Park Plan

March 04, 2020

TBG

Exhibit F
ESA Map

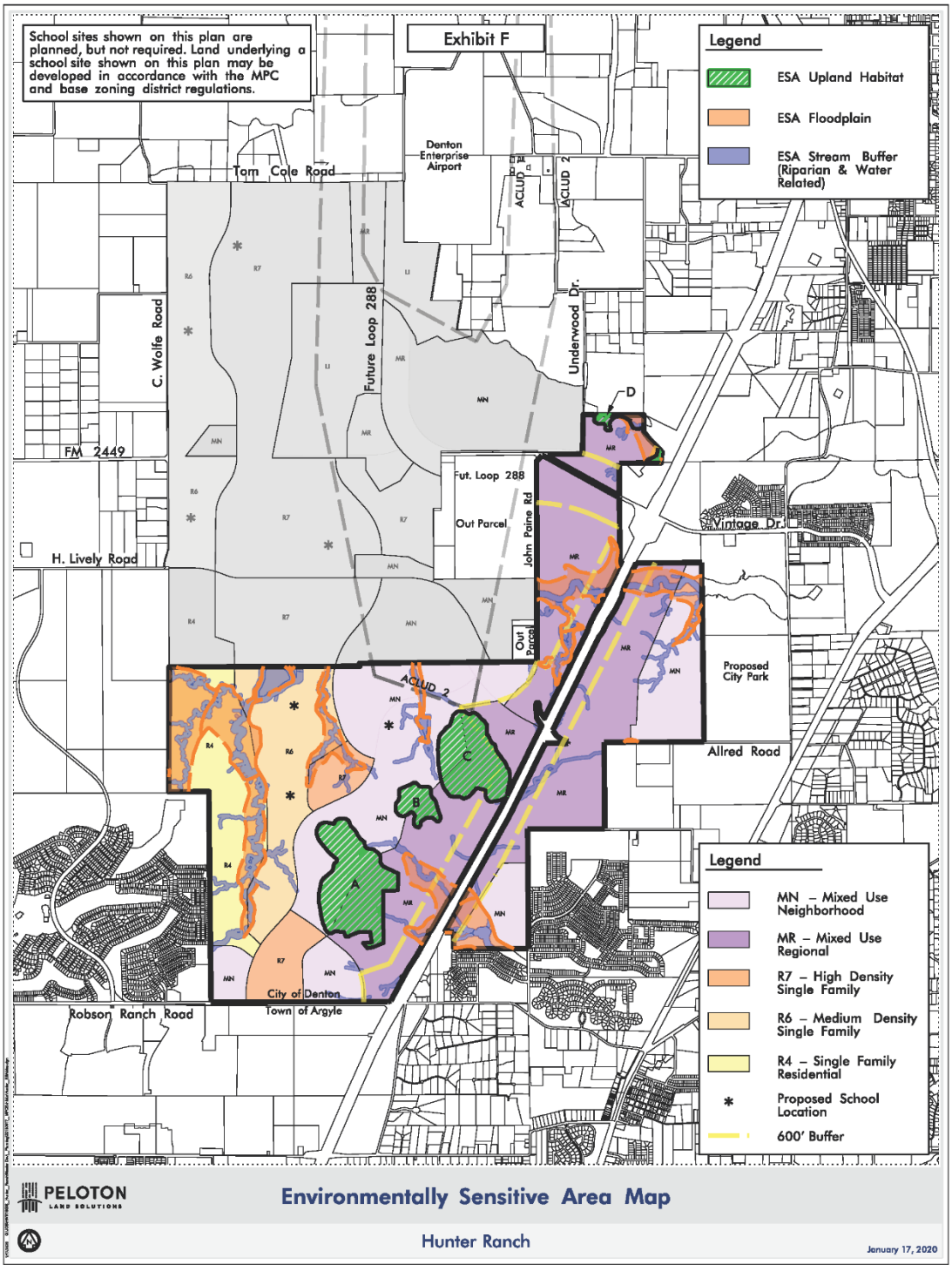
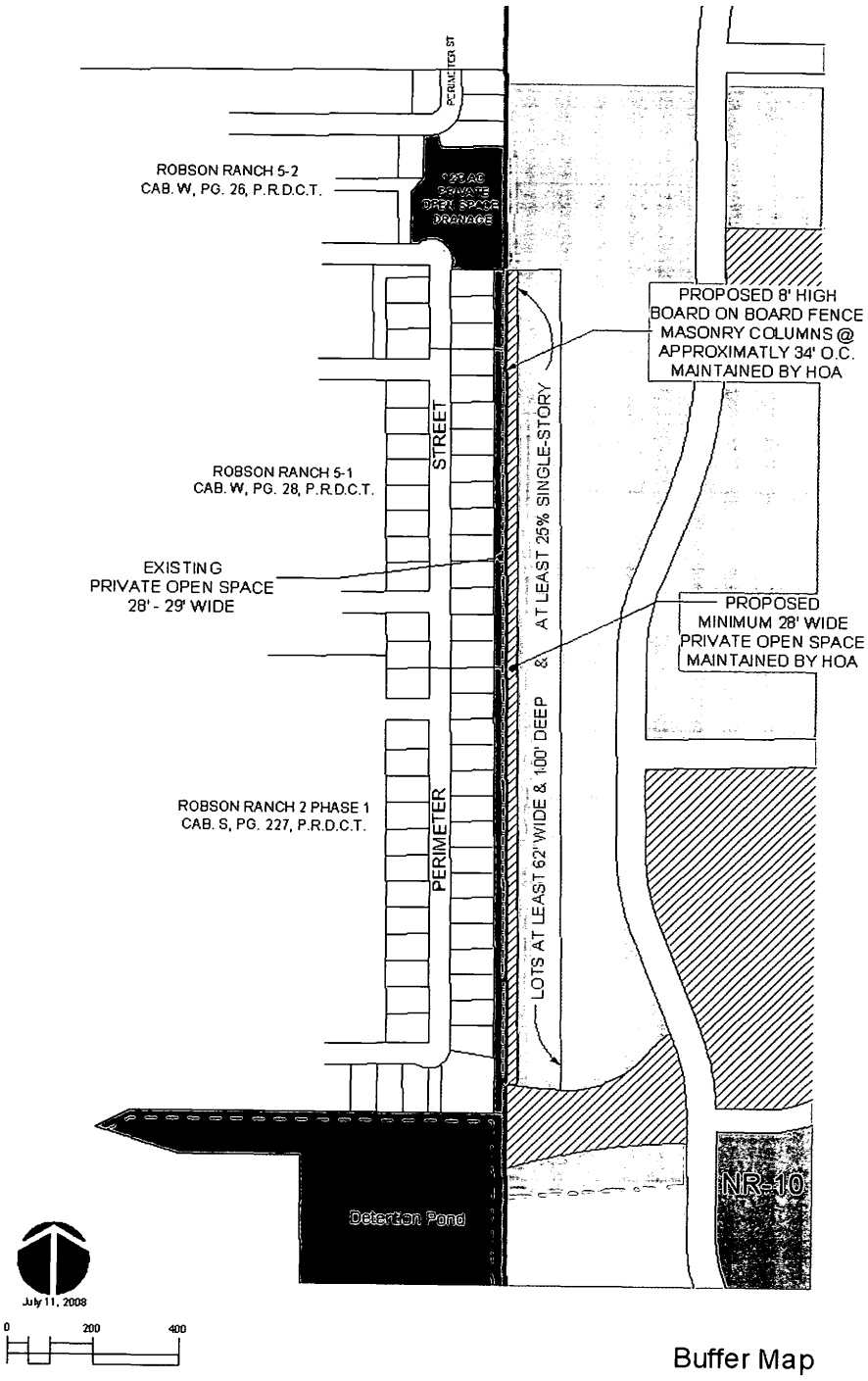


Exhibit G
Buffer Map



Buffer Map

Appendix A

Illustrative Examples of Design Elements to Demonstrate Quality Development







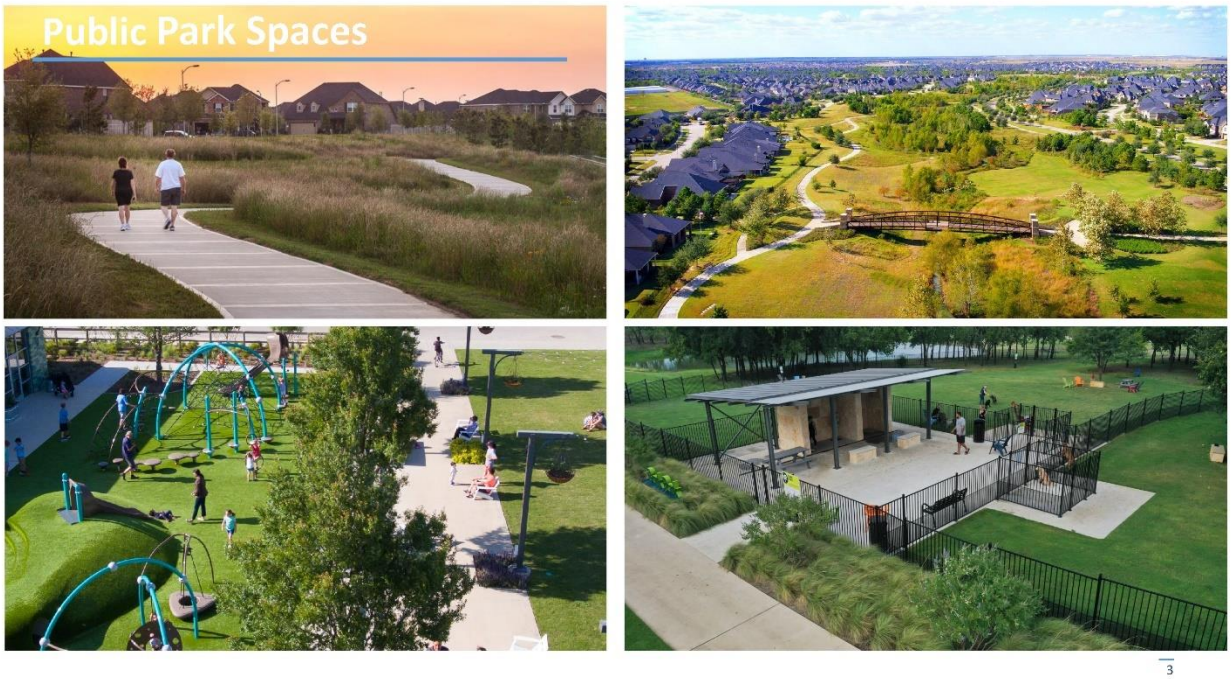











Public Park Spaces
3

School sites shown on this plan are planned, but not required. Land underlying a school site shown on this plan may be developed in accordance with the MPC and base zoning district regulations.

Exhibit C

Zoning Summary

MN	±877.6 Ac.
MR	±1347.0 Ac.
R7	±249.9 Ac.
R6	±329.8 Ac.
R4	±374.7 Ac.
Total	±3,179 Ac.

Tom Cole Road
Denton Enterprise Airport
ACLUD
ACLUD 2
C. Wolfe Road
Future Loop 288
Underwood Dr.
FM 2449
Fut. Loop 288
Out Parcel
John Paine Rd
Vintage Dr.
H. Lively Road
Out Parcel
ACLUD 2
Proposed City Park
377
Allred Road
Robson Ranch Road
City of Denton
Town of Argyle
SEE DETAIL A
377

DETAIL A
AREA RESTRICTED TO PARK AND OPEN SPACE IMPROVEMENTS ONLY
500'
250'
1318'

Legend

- MN – Mixed Use Neighborhood
- MR – Mixed Use Regional
- R7 – High Density Single Family
- R6 – Medium Density Single Family
- R4 – Single Family Residential
- * Proposed School Location
- 600' Buffer

PELOTON LAND SOLUTIONS

Amended MPC Development Plan Map

Hunter Ranch

March 2, 2020

Pad Sites	Permit
10	Existing Well
7	GWP10-0006
F	AGWP10-0005
J	AGWP10-0002
M	AGWP10-0004
L	GWP10-0005
H	GWP10-0008
T	GWP10-0010
W	GWP10-0004
V	
Y	
S	
P	
O	
Total Pad Sites:	14

Exhibit C–2

PAD Y
PAD V
PAD S
PAD T
PAD F
PAD H
PAD 7
PAD P
PAD O
PAD M
PAD L
PAD J
PAD W
PAD 10
NO DRILL ZONE

John Paine Rd
Vintage Dr.
Proposed City Park
Allred Road
Hunter Ranch
City of Denton
Town of Argyle
Robson Ranch Road

Legend

- Gas Pad Location
- No Drill Zone

PELOTON LAND SOLUTIONS

Hunter Ranch

Gas Well Site Map

March 2, 2020

Exhibit D

School sites shown on this plan are planned, but not required. Land underlying a school site shown on this plan may be developed in accordance with the MPC and base zoning district regulations.

Tom Cole Road
Denton Enterprise Airport
ACLUD 1
ACLUD 2
C. Wolfe Road
Future Loop 288
Underwood Dr.
FM 2449
Fut. Loop 288
Out Parcel
John Paine Rd
Vintage Dr.
H. Lively Road
Out Parcel
ACLUD 2
Proposed City Park
377
Allred Road
Robson Ranch Road
City of Denton
Town of Argyle
INTERSTATE 35W

Ph. 1A
Ph. 1B
Ph. 2A
Ph. 2B
Ph. 3A
Ph. 3B
Ph. 4

R4
R6
R7
MN
MR
LI

Legend

- MN – Mixed Use Neighborhood
- MR – Mixed Use Regional
- R7 – High Density Single Family
- R6 – Medium Density Single Family
- R4 – Single Family Residential
- * Proposed School Location
- 600' Buffer

PELOTON LAND SOLUTIONS

Amended Phase & District Boundary Map

Hunter Ranch

March 2, 2020

PELOTON LAND SOLUTIONS

Amended Phase & District Boundary Map

Hunter Ranch

Exhibit D

Hunter Ranch - Cole Ranch - Developer On-Site Infrastructure Development Matrix

Development	Roads	Lakes	Potable Water	Sanitary Sewer	SF Units	MF Units	Commercial / Industrial (SF)	Park AC	School
Hunter Ranch									
Phase 1	R-1(p), R-4(p), R-12(p)	-	D-1 , D-2, D-4(p), D-8	D-2, D-4(p), D-9(p), D-5(p)	2,500	0	450,000	54, 5, Dog	Elem, Mid
Phase 2	R-1(p), R-2(p), R-13, R-12(p), R-11(p)	LDDS-1	D-8, D-4(p)	D-9(p), D-8(p)	2,000	1,000	800,000	5	Elem
Phase 3	R-11(p), R-9, R-19, R-20	-	D-4(p), D-8(p)	D-8(p), D-3, D-10(p)	1,300	1,200	2,080,000	-	-
Phase 4	R-14, R-1(p)	-	D-3(p)	D-1(p)	1,200	1,050	690,000	-	-
Cole Ranch									
Phase 1	R-8, R-18, R-10, R-3(p), R-7(p), R-16	LDDS-3	D-2(p), D-3(p), D-6, D-9(p)	D-1(p), D-6(p)	800	1,240	5,400,000	5, Dog	-
Phase 2	R-7(p), R-6(p), R-3(p)	LDDS-2	D-7, D-9(p)	D-6(p)	2,250	650	180,000	50	Elem, Mid
Phase 3	R-5(p), R-6(p), R-2(p), R-15, R-3(p)	-	D-4(p), D-10, D-5(p)	D-5(p), D-9(p)	1,650	1,050	2,430,000	5	Elem, High
Phase 4	R-2(p), R-1(p), R-5(p), R-17	-	D-5(p), D-8(p)	D-4(p), D-7	1,200	260	70,000	-	-

(p) - Portions of these infrastructure items will be built in multiple phases and as needed per approved studies.

G:\JOB\HWR18008_Hunter_Ranch\Master Dev_Planning\20200122 - INFRASTRUCTURE\20200114 - UPDATED DPC - PER CoD LABELS\MASTER - ALL

FIGURE 5-1

CITY OF DENTON

WATER DISTRIBUTION SYSTEM RECOMMENDED IMPROVEMENTS OPTION C

LEGEND

- Pressure Reducing Valve
- Pump Station
- Ground Storage Tank
- Elevated Storage Tank
- Water Treatment Plant
- Under Design/Construction Water Line
- 10" and Smaller Water Line
- 12" and Larger Water Line
- Road
- Railroad
- Stream
- Lake
- Parcel
- Hunter/Cole Development
- City Limit
- ETJ Boundary
- Other City Limit

CITY OF DENTON

FREESE AND NICHOLS

RECOMMENDED IMPROVEMENTS

Short-Term Improvements
- Water Treatment Plant
- Water Line

Intermediate-Term Improvements
- Ground Storage Tank
- Elevated Storage Tank
- Pump Station
- Water Line

Long-Term Improvements
- Water Line

D-# Development Onsite Improvements

O-# Offsite Improvements

PRESSURE PLANES (HGL)
- Central (826')
- East (745')
- Northwest (900')
- Southeast (745')
- Southwest (905')

Lake Ray Roberts

Lake Lewisville

Lake Dallas

Lake Ray Roberts Water Treatment Plant
Treatment Capacity = 20.0 MGD
Project O-1: Expand Treatment Capacity to 50.0 MGD
Project O-6: Expand Treatment Capacity to 70.0 MGD
Firm Pumping Capacity = 38.2 MGD
Project O-1: Expand Firm Pumping Capacity to 55.0 MGD
Project O-6: Expand Firm Pumping Capacity to 70.0 MGD

1.0 MG Northwest Elevated Storage Tank
Overflow Elevation = 900'

2.0 MG Riney Road Elevated Storage Tank
Overflow Elevation = 826'

Highway 380 Booster Pump Station
Firm Pumping Capacity = 10.0 MGD
2.0 MG Ground Storage
Expand Firm Pumping Capacity to 25.0 MGD
4.0 MG Ground Storage

2.0 MG McKenna Park Standpipe

McKenna Park Pump Station
Firm Pumping Capacity = 4.3 MGD

Lake Lewisville Water Treatment Plant
Treatment Capacity = 300 MGD
Firm Pumping Capacity = 36.5 MGD

2.0 MG Hunter Cole Elevated Storage Tank
Overflow Elevation = 826'

3.0 MG Roselawn Elevated Storage Tank
Overflow Elevation = 826'

3.0 MG Southwest Elevated Storage Tank
Overflow Elevation = 905'

2.0 MG Southwest Ground Storage Tank
2.0 MG Southwest #2 Ground Storage Tank

Southwest Pump Station
Firm Pumping Capacity = 6.1 MGD
15.0 MGD Expansion

0 3,600 7,200 SCALE IN FEET

FIGURE 5-2

CITY OF DENTON

WASTEWATER SYSTEM RECOMMENDED IMPORVEMENTS OPTION A

LEGEND

- Flow Meter
- Manhole
- Lift Station
- Private Lift Station
- Water Reclamation Plant
- 10" and Smaller Wastewater Line
- 12" and Larger Wastewater Line
- Force Main
- Road
- Railroad
- Stream
- Lake
- Parcel
- Hunter/Cole Development
- City Limit
- ETJ Boundary
- Other City Limit

CITY OF DENTON

FREESE AND NICHOLS

November 13, 2019

NOTE: Recommended improvements are sized for existing and ultimate Hunter/Cole Development projections. Recommended improvements do not include future growth projections outside of the Hunter/Cole Development.

D-# Development Onsite Improvements

O-# Offsite Improvements

MAJOR BASINS

- Basin C
- Basin H
- Basin M
- Basin P
- Basin R
- Basin T

RECOMMENDED IMPROVEMENTS

Under Design/Construction Improvements

- Lift Station
- Water Reclamation Plant
- Wastewater Line
- Force Main

Intermediate-Term Improvements

- Lift Station
- Weir
- Wastewater Line
- Force Main

Short-Term Improvements

- Water Reclamation Plant
- Wastewater Line

Long-Term Improvements

- Wastewater Line

HUNTER/COLE DEVELOPMENT ID
Peak Wet Weather Flow (MGD)

Robson
Water Reclamation Plant
Permitted Capacity: 0.375 MGD
Existing Avg. Day Flow: 0.29 MGD
Existing Peak Day Flow: 0.77 MGD
(To Be Decommissioned)

Robson Ranch East
Lift Station
Firm Capacity: 2.25 MGD
(To Be Decommissioned)

Robson
Lift Station
Firm Capacity: 1.25 MGD

Robson Southwest
Lift Station

Aldi
Lift Station
(To Be Decommissioned)

Vintage
Lift Station
(To Be Decommissioned)

Proposed Hickory Creek
Water Reclamation Plant
Permitted Avg. Day Capacity: 3.00 MGD
Expand Permitted Avg. Day Capacity to 6.00 MGD
Expand Permitted Avg. Day Capacity to 11.00 MGD

To Be Abandoned

Proposed Lift Station
Firm Pumping Capacity: 5.00 MGD

Proposed 4.00 MGD
Diversion Weir

Hickory Creek
Lift Station
Firm Pumping Capacity: 11.00 MGD

Pecan Creek
Water Reclamation Plant
Permitted Avg. Day Capacity: 21.00 MGD

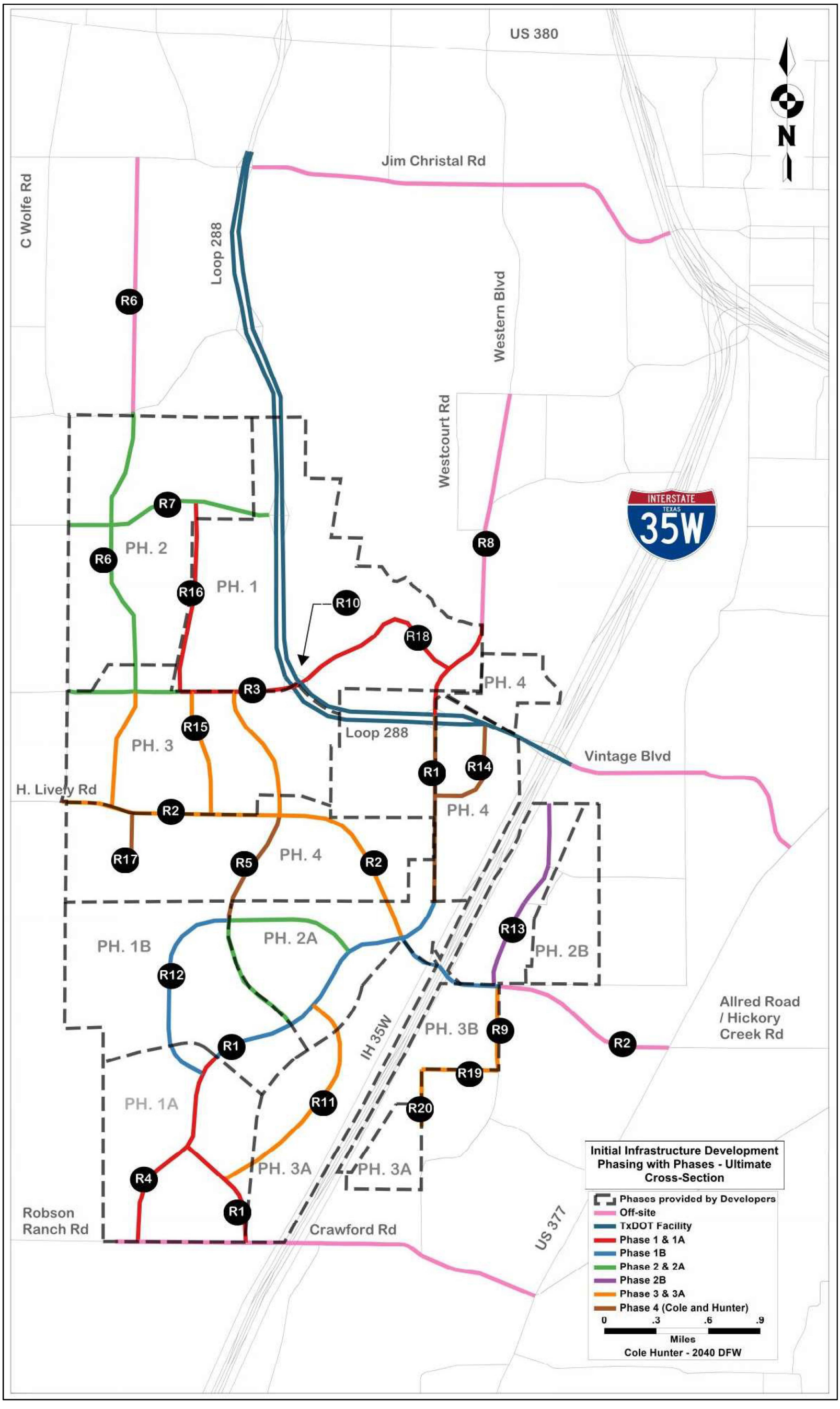
PE-A1-047 Flow Meter
Existing Avg. Day Flow: 5.89 MGD
Existing Peak Hour Flow: 20.80 MGD

Cooper Creek Lift Station
Lakeview Ranch Trinity Lift Station
Grissom Lift Station
State School Wet Weather Lift Station
Preserve Lift Station
Classic Used Car Lift Station
Wimbleton Lift Station
Oakmont II Lift Station
Wynstone Lift Station
Upper Trinity Lift Station
Lexington Park Lift Station
Good Sam Lift Station
Denton West Lift Station
Sundown Lift Station
Granada Lift Station
Teasley Trails Lift Station
Bent Oaks Lift Station
Hobson Lift Station
Lakewood Estates Lift Station
Woodrow Buchanan Lift Station
Adkisson Troy H Lagrone Lift Station
University Lift Station
Tractor Supply Lift Station
Laredo Lift Station
Ruidosa Lift Station
Green House Lift Station
Sponcer Oaks Lift Station
Golden Triangle Lift Station
S I-35E Garner Lift Station
Dakota Lift Station
Airport Lift Station
Private Lift Station

0 2,000 4,000

SCALE IN FEET

Figure 10 - Planning Level Infrastructure Development Phasing Map –All Roadways with Phase Boundaries



Note: The location and size of proposed parks, trails, ESA and schools are approximate and general in nature and subject to change.

Note: School sites shown on this plan are planned, but not required. Land underlying a school site shown on this plan may be developed in accordance with the base zoning district regulations.

Note: Amenity centers will be privately owned and maintained, and will not be accessible to the general public.

Tom Cole Road
ACLUD 1
ACLUD 2
Underwood Dr.
Floodplain
C. Wolfe Road
FM 2449
H. Lively Road
Future Loop 288
Out Parcel
John Paine Road
Vintage Dr.
Out Parcel
Existing City Park
Existing Lake
Min. 5 ac Neighborhood Park
Middle School
Elementary School
Min. 5 ac Neighborhood Park
Dog Park
City Park
Elementary School
100-Year FEMA Floodplain
Regional ESA Upland
Allred Road
Pocket Park
Pocket Park
Regional ESA Upland
Robson Ranch Road
City of Denton
Town of Argyle

Legend

- Site Boundary
- ACLUD
- 10′ wide Regional Trail
- 6′ wide Neighborhood Trail *
- City Park
- School
- Existing City Park
- Neighborhood Park
- Pocket Park
- Dog Park
- Regional ESA Upland
- Floodplain
- Existing Lakes

* trails within ESA areas may be natural surface trails

HILLWOOD® COMMUNITIES Live Smart℠

STRATFORDLAND

Hunter Ranch

Park Plan

TBG

March 04, 2020

0 400′ 800′ 1600′

School sites shown on this plan are planned, but not required. Land underlying a school site shown on this plan may be developed in accordance with the MPC and base zoning district regulations.

Exhibit F

Legend

- ESA Upland Habitat
- ESA Floodplain
- ESA Stream Buffer (Riparian & Water Related)

Denton Enterprise Airport

Tom Cole Road

ACLUD 1

ACLUD 2

Underwood Dr.

C. Wolfe Road

Future Loop 288

FM 2449

H. Lively Road

Fut. Loop 288 Out Parcel

John Paine Rd

Out Parcel

Vintage Dr.

Proposed City Park

Allred Road

377

Robson Ranch Road

City of Denton

Town of Argyle

A

B

C

D

MR

MN

R7

R6

R4

LI

Legend

- MN – Mixed Use Neighborhood
- MR – Mixed Use Regional
- R7 – High Density Single Family
- R6 – Medium Density Single Family
- R4 – Single Family Residential
- * Proposed School Location
- 600' Buffer

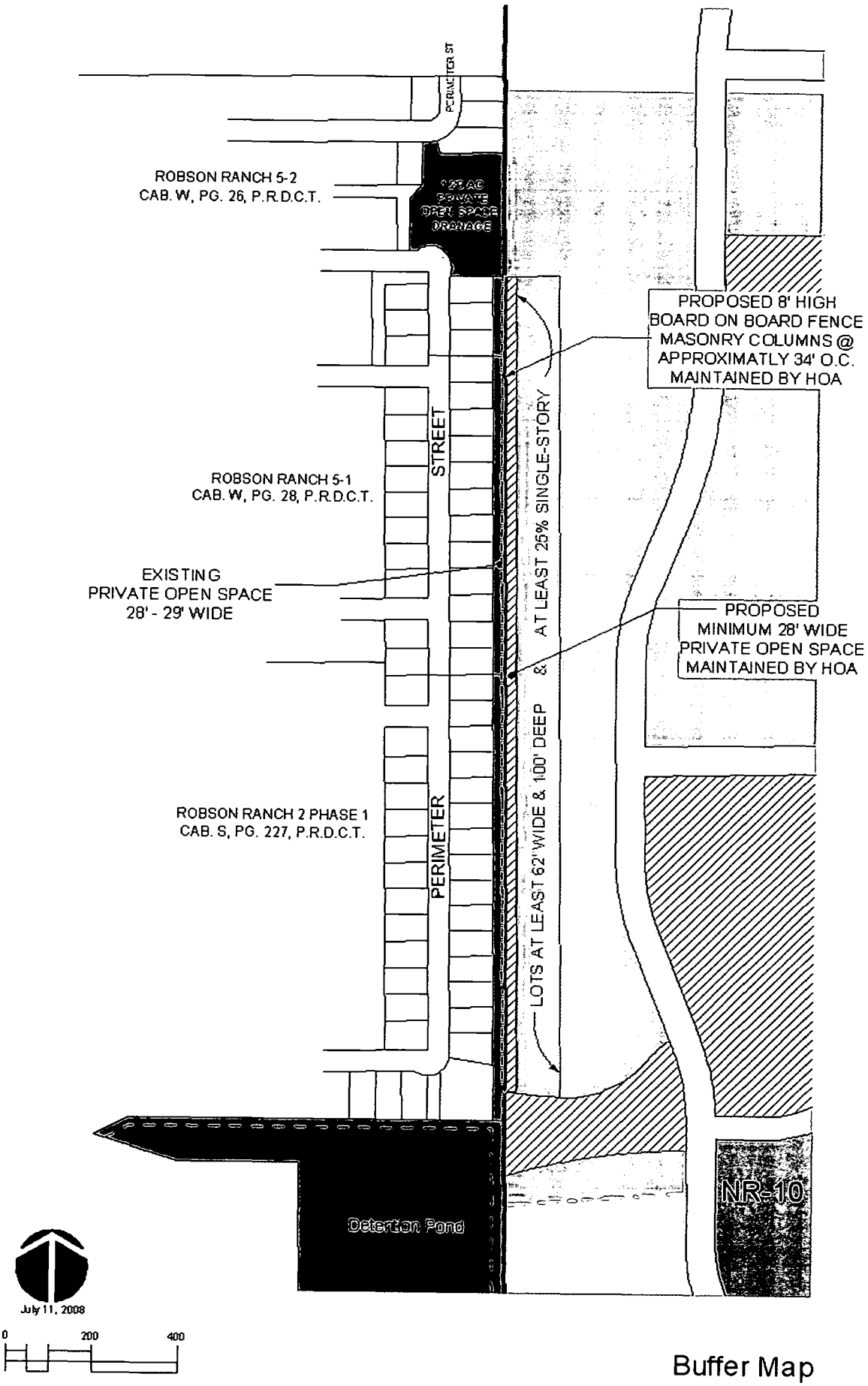
PELOTON LAND SOLUTIONS

Environmentally Sensitive Area Map

Hunter Ranch

March 2, 2020

EXHIBIT 'G'



Buffer Map