

# Staff Analysis

## DCA26-0002a/SEDO

### REQUEST:

This is a city-initiated Code amendment to add three new overlay districts to Denton Development Code (DDC) Subchapter 4 - Overlay and Historic Districts.

### CONSIDERATIONS:

Section 2.7.4D of the DDC states that an application for a DDC text amendment may be approved upon consideration of the following criteria as to whether and to what extent the proposed amendment:

1. *Is consistent with the Comprehensive Plan, other adopted plans, and other city policies;*

Throughout the most recent update to the City's comprehensive plan, the Planning and Zoning Commission and City Council emphasized area plans as a solution to address local challenges and an implementation priority. Additionally, Element 10 of the Denton 2040 Comprehensive Plan states that overlay districts are a primary tool to implement the land use components of area plans (page 10-11). Therefore, the Denton 2040 Comprehensive Plan includes numerous actions related to area plans and overlay districts:

- 2.8.2 Establish Overlay Districts as a result of Area Plans that apply revised development standards tailored to specific centers and corridors.
- 2.9.3 Identify and remove regulatory impediments to compatible infill and redevelopment. Consider zoning overlays, form-based codes, hybrid codes, and other code solutions to support compatible redevelopment and infill.
- 2.17.1 Create and apply additional Area Plans to address challenges and enhance unique character areas.
- 4.1.4 Work with community and neighborhood groups to identify areas that have significant community support for the formation of historic and conservation districts, or strong identification of cultural or neighborhood character to aid in development of Area Plans or local protection.
- 4.12.1 Create Area Plans for established neighborhoods and future development areas to ensure adherence to urban design policy and preserve and enhance the character of distinct areas.
- 4.12.3 Partner with and collaborate with the community in the formulation of Area Plans to ensure their reflection of neighborhood character and priorities in future development.
- 4.12.5 Adopt Overlay Districts following the creation of Area Plans as needed to ensure that appropriate guidelines are followed.

- 7.16 Establish Overlay Districts to apply revised development standards tailored to specific centers and corridors.
- 7.8.5 Couple neighborhood conservation strategies with local Historic Districts, Historic Conservation Districts, and Neighborhood Stabilization Overlay policies

Additionally, the proposed amendments are consistent with the goals, strategies, and actions outlined in the following adopted plan:

**Southeast Denton Area Plan:**

***Strategy 4.1: Establish overlay districts to protect existing neighborhood scale and character and the following recommended Actions***

As discussed in Exhibit 1, the proposed overlay districts are consistent with Strategy 4.1 and implement the Actions outlined in Strategy 4.1:

- **Action 4.1.1:** Create a Residential Overlay District (yellow hatching on Figure 32 in Exhibit 4) to maintain the scale and character of the neighborhoods while fostering community investment to create livable and inclusive neighborhoods for all who want to call Southeast Denton home. Overlay standards may include, but are not limited to, limiting height to two stories, allowing infill on small lots, requiring enhanced front elevations such as larger windows and covered porches.

The proposed Residential Overlay District has been designed to address the scale and character elements listed in SEDAP, including limiting height, requiring enhanced front elevations, and covered porches.

At this time, the proposal does not include regulations to encourage infill on small lots. During public engagement activities associated with the overlay districts, the community indicated it was not in favor of decreased setbacks in order to remove barriers to development on smaller lots. Therefore, SEDRO only includes the design-related regulations endorsed by the community.

- **Action 4.1.3:** Create a Live-Work Overlay District (pink hatching on Figure 32 in Exhibit 4) that focuses on allowing small mom and pop retail such as bookstore, toy shop, coffee shop, music store, barber shop, hair salon/spa, small incubator space, resale clothing etc. in a portion of a single family home with a portion being used as a residence simultaneously. Require design standards from the residential overlay in Action 4.1.1 to be applied in this Live-Work Overlay also.

The proposed Live/Work Overlay allows for these types of neighborhood-scale nonresidential uses, which would be required to follow the design standards of the Residential Overlay.

- Create a Height Overlay District (blue hatching on Figure 32 in Exhibit 4) that focuses on ensuring new development respects the scale of nearby homes and provides a gentle transition between residential and commercial areas.

The current zoning pattern in Southeast Denton is a progression from the Residential Districts (R3, R4, R7, PD) in the residential areas to Mixed Use Neighborhood (MN) District in areas previously developed with commercial and industrial uses. The community has indicated that building height is a concern, as taller buildings could overwhelm the existing neighborhoods and residential streets. Therefore, the proposed Height Overlay District reduces the maximum height for new construction from 65 feet to 40 feet, an overall reduction of 25 feet. This proposal will allow a gentle height transition from a maximum of 30 feet in residential areas to 40 feet in the adjacent commercial district.

2. *Does not conflict with other provisions of this DDC or other provisions in the Municipal Code of Ordinances;*

The proposed overlay districts do not conflict with other provisions of the DDC and aims to implement the Southeast Denton Area Plan and address community concerns.

3. *Is necessary to address a demonstrated community need;*

This proposed city-initiated overlay districts are needed to support the community's desire to protect their neighborhoods and allow appropriate commercial development as demonstrated during the extensive public engagement conducted for the creation of the Southeast Denton Area Plan.

4. *Is necessary to respond to a substantial change in conditions and/or policy; and*

The proposal is intended to implement three recommended Actions in the adopted Southeast Denton Area Plan.

5. *Is consistent with the general purpose and intent of this DDC.*

The proposed Code amendments are consistent with the general purpose and intent of the DDC.