

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												
Zoning Compliance Plan Review	2.5.1					◆		R	D			(A)
Specific Use Permit	2.5.2	✓	✓	✓	✓	◆	◆	R	R	[R]	[D]	
Temporary Use Permit	2.5.3							At Director discretion	D			(A)
Zoning Verification Letter	2.5.4								D			(A)
Environmental Sensitive Areas (ESAs) Field Assessment	2.5.5								D		(A)	
Business Registration	2.5.8							D				
Traffic Impact Analysis	2.5.9							D		(A)		
Real Estate Application	2.5.10						◆	R	R		(D)	
Gas Well Development Site Plan	6.2.4							R	D			(A)
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											
Rayzor Ranch Site Plan	See Appendix A											
Tree Survey and Preservation/Replacement Plan	See paragraph 7.7.4E: Tree Survey and Preservation/Replacement Plan											

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Subdivision Procedures														
Administratively Approved Plat (Amending Plat, Conveyance Plat, Minor Plat, Minor Replat)		2.6.2						◆		At Director discretion	D [1]			
Preliminary Plat		2.6.3						◆	◆	R	R	(D)		
Final Plat		2.6.4						◆	◆	R	R	(D)		
Development Plat		2.6.5						◆		R	D			
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)		
Civil Engineering Plans		2.6.9								D		(A)		
Plan and DDC Amendments														
Comprehensive Plan Amendment		2.7.1	✓	✓	✓	✓		◆	◆	R	R	[R]	[D]	
Zoning Amendment	Map	2.7.2	✓	✓	✓	✓		◆	◆	R	R	[R]	[D]	
	Rezone to PD	2.7.3	✓	✓	✓	✓		◆	◆	R	R	[R]	[D]	
	Text	2.7.4	✓		✓				◆	R	R	[R]	[D]	
Annexation		See Subsection 2.7.5: Annexation												
Flexibility and Relief Procedures														
Variance		2.8.1						◆		R	R			(D)
Minor Modification		2.8.2	Pursuant to application procedure warranting the request											
Appeal of Administrative Decision [3]		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/Replacement 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)
Subdivision Variance		2.8.7						◆		R	R	(D)	(A)	
Reasonable Accommodation		See Subsection 2.8.8: Reasonable Accommodation												
Alternative Landscape Plan		See paragraph 7.7.3C: Alternative Landscaping												
Tree Preservation Relief		See paragraph 7.7.4J: Tree Preservation Relief Provisions												
Alternative Water and Sewer Systems		See Subsection 7.6.16: Alternative Water and Sewer Facilities												
Historic Preservation Procedures														
Certificate of Appropriateness		See Subsection 2.9.2: Certificate of Appropriateness												

Commented [WJ1]: Create a separate review and approval procedure that is easy to find and apply.

Historic and Conservation District Designation	See Subsection 2.9.3: Historic and Conservation District Designation											
Historic Landmark Designation	See Subsection 2.9.4: Historic Landmark Designation											
Design Standards Review Procedures												
Certificate of Design Consistency-Administrative	2.10.1	✓				◆		R	D		(A)	
Certificate of Consistency - Design Standards Review City Council	2.10.1	✓				◆	◆		R		[D]	
Notes:												
[1] The Director, at his or her 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 the recommendation is denial.												
[2] Non-residential minor replats may be approved by Staff pursuant to TLGC § 212.0065, as amended. The Director at their discretion may refer a minor replat to the Planning and Zoning Commission. The Director shall not disapprove a minor replat but shall refer such plat to the Planning and Zoning Commission if the recommendation is denial. See Section 2.6.7 for notification requirements and public hearing requirements by type of replat.												
[3] 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.												
[4] The Director, City Engineer, or Building Official may make an interpretation based on the criteria in Subsection 2.8.6.												

(Ord. No. DCA18-0007e, § 3, 6-4-2019; Ord. No. DCA22-0002d, § 2(Exh. A), 7-19-2022)

2.8 Flexibility and Relief Procedures

2.8.1 Variance.

A. Purpose.

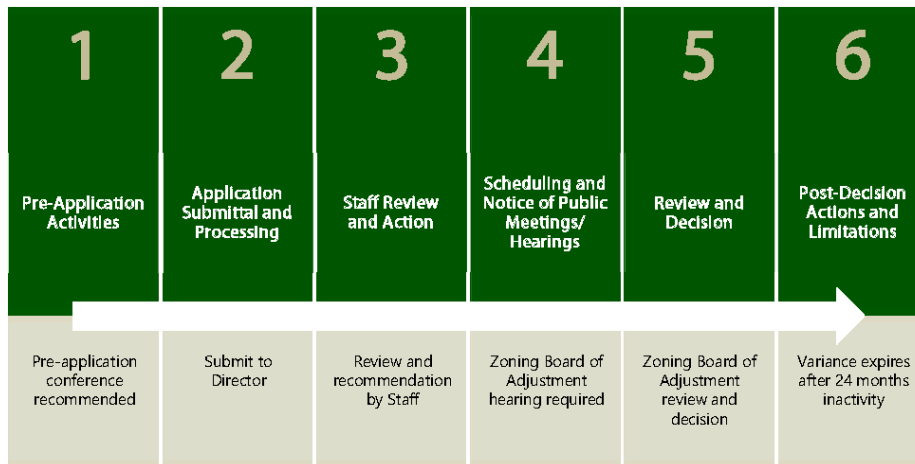
1. This section describes the process for gaining relief from the strict application of the DDC, where literal enforcement of the DDC will result in an unnecessary hardship and where the variance is necessary to develop a specific parcel of land which cannot otherwise be developed in the same manner allowed for other similar parcels due to unique conditions on the property.
2. The variance procedure may not allow a use in a zoning 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 2.8.1 D. 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 2.8.1D.

- C. **Variance Procedure.** The following variance procedure is established to comply with TLGC, §§ 211.008 and 211.009. Figure 2.8-1 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 2.8-1: Summary of Variance Procedure



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1. **Step 1: Pre-Application Activities.**
 - a. **Pre-Application Conference.** A pre-application conference is recommended 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 2.8.1D, 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 2.8.1D 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 six (6) 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.
 - d. All cases to be heard by the Zoning Board of Adjustment will always be heard by a minimum number of six (6) members.
 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 calendar 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 Adjustment 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 4.5: 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.

(Ord. No. DCA22-0002d, § 2(Exh. A), 7-19-2022)

2.8.2 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 2.8-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, excepted as specifically permitted in Table 2.8-A Allowable Minor Modifications;
 - 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 Subsection 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 2.8A: Allowable Minor Modifications.

Table 2.8-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:~~

Commented [WJ1]: Remove this section to allow for a new separate relief process outlined below.

~~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.~~

Commented [WJ2]: Current regulations are limited to no more than 10% change in facility spacing, building setback, height, building coverage, and landscaping. This menu may not capture all potential needs for residents with disabilities.

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 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, zoning compliance plan approval, or plat approval (minor, preliminary, final, conveyance, or replat).
- b. Each code standard in Table 2.8-A: shall be considered a separate minor modification request as it relates to the approval criteria in Subsection 2.8.2D, 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 2.8.2D. The Director may refer the minor modification to the Planning and Zoning Commission prior to making a decision.

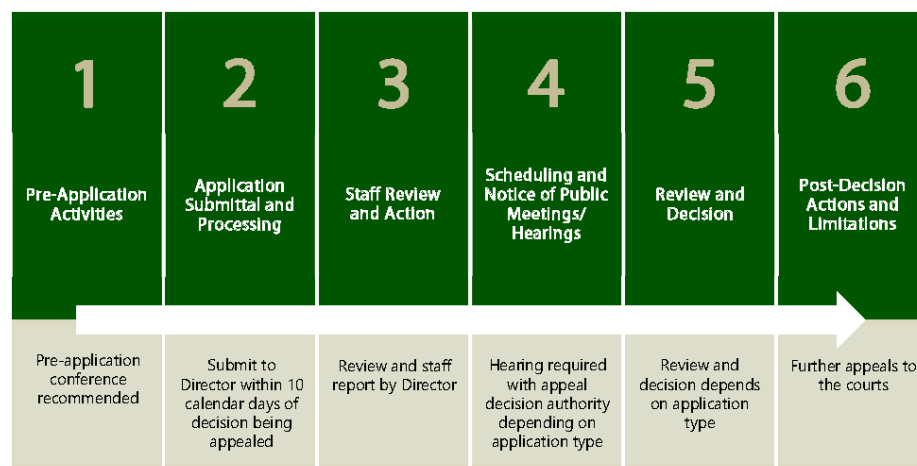
- b. Where the concurrently reviewed application requires review and approval by the Planning and Zoning Commission or City Council, the Commission or Council, as applicable, shall review and approve, approve with conditions, or deny the modification in accordance with the approval criteria in Subsection 2.8.2D.
 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.

(Ord. No. DCA22-0002d, § 2(Exh. A), 7-19-2022)

2.8.3 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. **Administrative Appeal Procedure.** Figure 2.8-3 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 2.8-3: Summary of Administrative appeal Procedure



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

- a. **Pre-Application Conference.** A pre-application conference is recommended 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. **Who May Appeal.**

- i. Any of the following persons may appeal a decision that is not related to a specific application, address, or project:
 - 1. A person aggrieved by the decision; or
 - 2. Any administrative official, department, or board of the City of Denton.
- ii. Any of the following persons may appeal a decision that is related to a specific application, address, or project:
 - 1. The applicant who filed the application that is the subject of the decision;
 - 2. The owner or representative of owner of the property that is the subject of the decision; or
 - 3. An owner of real property within 200 feet of the property that is the subject of the decision who is aggrieved by the decision; or
 - 4. Any administrative official, department, or board of the City of Denton.

- b. **Time Limit.** Appeals shall be made in writing and filed with the Director within 20 calendar days of the action or decision being appealed.

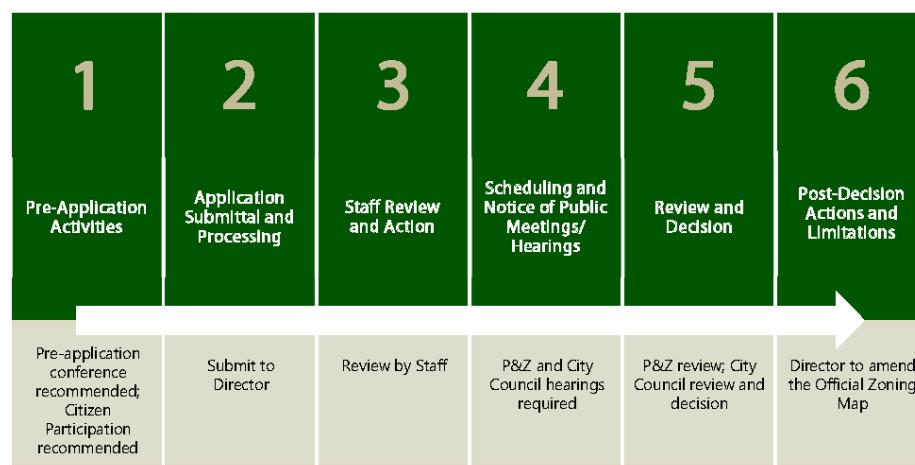
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- c. **Appeal Application Content.** The administrative appeal application shall include a written statement of the administrative decision being appealed, the specific section(s) in which the administrative decision was based on, the reason for the appeal, and any other information that supports the appeal.
 - d. **Stay of Proceedings.** An appeal stays all proceedings from further action unless the official from whom the appeal is taken determines and certifies in writing to the board that a stay would create adverse impacts to the health, safety, or welfare of the city or neighborhood. In that case, the proceedings may be stayed only by a restraining order granted by the board or a court of record on application, after notice to the official, if due cause is shown.
- 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 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 2.8.3D below.
 - b. When the appropriate decision-making body is the Zoning Board of Adjustment, the decision on the appeal shall be made at the next meeting for which notice can be provided following the public hearing of the appeal, and not later than the 60th calendar day after the date the appeal was submitted.
 - c. 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.
 - d. 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.

(Ord. No. DCA22-0002d, § 2(Exh. A), 7-19-2022)

2.8.4 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 procedure outlined in Section 2.7.2: Zoning Map Amendment.
- 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 2.8-4 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 2.8-4: Summary of Alternative ESA Plan Procedure



1. **Step 1: Pre-Application Activities.**
 - a. **Pre-Application Conference.** A pre-application conference is recommended 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.

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3. **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 2.8.4D below.
 4. **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.
 5. **Step 5: Review and Decision.**
 - a. **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 2.8.4D 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 alternative plan application in accordance with the approval criteria in Subsection 2.8.4D below.
 - ii. 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.
 - c. **Protest Procedure.**
 - i. 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.
 - ii. 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.
 6. **Step 6: Post-Decision Actions and Limitations.**
 - a. 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.
 - b. An approved Alternative ESA Plan shall expire after 24 months if progress has not been made toward completion of the project. Should an approved Alternative ESA Plan expire, a new Alternative ESA Plan must be applied for and approved before any permit may be released allowing encroachment upon or removal of the ESA.
- 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.

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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.

E. Establish Revegetation.

1. Vegetation established as a part of the approved revegetation plan are to be planted or seeded and maintained by the current property owner/developer for a period of three (3) years following installation. Any plants that are removed, destroyed, or die within that three (3) year period are required to be replaced by the current property owner/developer to achieve a minimum 90% survivability of trees and shrubs and 90% land cover rate for grasses and herbaceous plants.
2. Following the installation and inspection of the revegetation, the property owner shall submit an annual report to the Environmental Services Director during the first three (3) years describing the cumulative mitigation work performed and the survivability of the plantings for staff review and inspection on the anniversary of the planting date. Within 30 calendar days of approval of the report by staff, the applicant shall replace any plants that were identified in the report as removed, destroyed, or dead.

(Ord. No. DCA19-0024b, § 2(Exh. A), 3-3-2020; Ord. No. DCA22-0002d, § 2(Exh. A), 7-19-2022)

2.8.5 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 calendar days.
- C. **Application Submittal and Processing.**
 1. The Director has the authority to establish requirements for applications in the Development Handbook. 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 claim 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 Subsection 2.7.2: Zoning Map Amendment (Rezoning). 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.

(Ord. No. DCA22-0002d, § 2(Exh. A), 7-19-2022)

2.8.6 Interpretations.

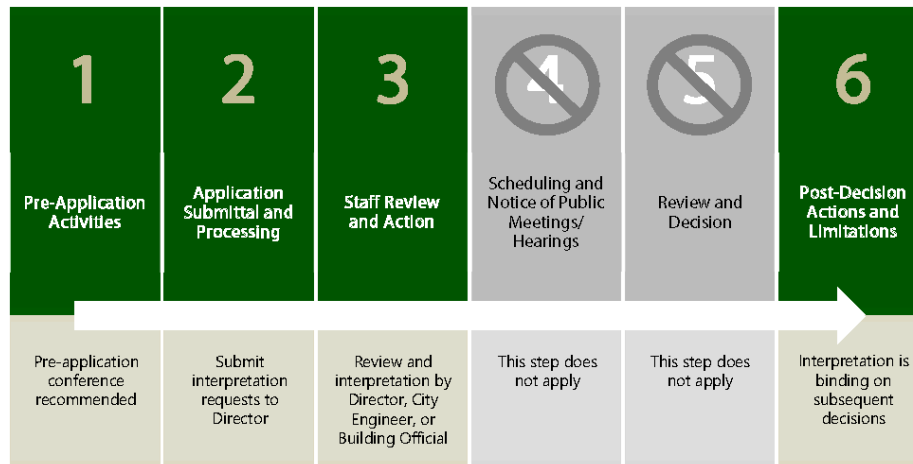
- A. **Purpose.** The purpose of this section is to provide a uniform mechanism for rendering formal written interpretations of this DDC.

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(Supp. No. 22)

- 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 district; and
 - d. Interpretations of the zoning 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 2.8-6 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 2.8-6: Summary of Interpretation Procedure



1. **Step 1: Pre-Application Activities.**
 - a. **Pre-Application Conference.** A pre-application conference is recommended 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 2.8.6D. 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 Adjustment 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.
 - c. **Appeal to Zoning Board of Adjustment.** Final decision on an Interpretation may be appealed to the Zoning Board of Adjustment in accordance with Section 2.8.3.

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 1.2: Purpose; and
 - e. Consistency with the Comprehensive Plan.
3. **Unspecified Uses.** Interpretation of whether an unspecified use falls within a use classification, use category, or use type allowed in a zoning district shall be based the standards in Section 5.2.4: Clarification of New and Unlisted Uses, and the Comprehensive Plan.
4. **Zoning Map Boundaries.** Interpretation of zoning district boundaries on the Official Zoning Map shall be in accordance with the standards in Subsection 3.1.1 B: District Boundaries, and consistent with the Comprehensive Plan.

(Ord. No. DCA22-0002d, § 2(Exh. A), 7-19-2022)

2.8.7 Subdivision Variance.

A. Purpose.

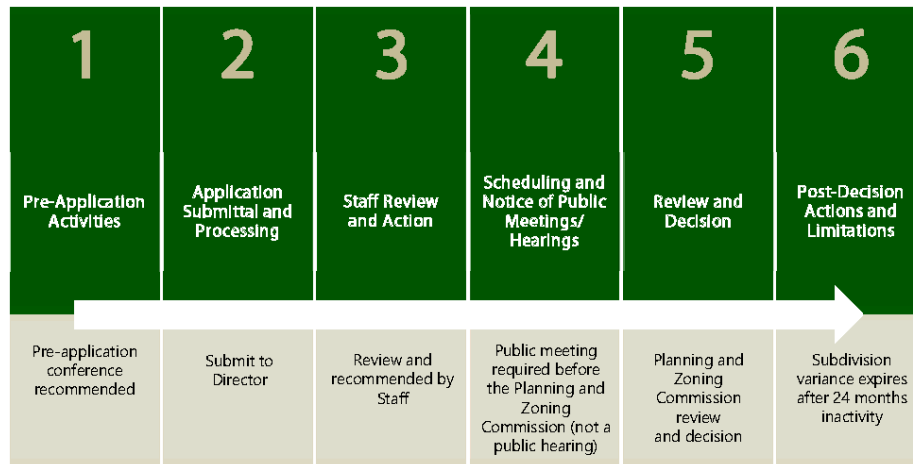
1. This section describes the process for gaining relief from the strict application of the DDC, where literal enforcement of the DDC will result in an unnecessary hardship from the subdivision regulations and where the subdivision variance is necessary to develop a specific parcel of land which cannot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

B. Applicability. Any property owner seeking relief from the standards contained in the sections listed below may request a subdivision variance from the strict application of one or more of those specific standards when said variance would meet the approval criteria listed in Subsection 2.8.7D. The subdivision variance process is provided in addition to, and not in place of, any administrative flexibility or relief already provided for in Sections 2.8.1 through 2.8.6. A variance from a prohibition is not permitted and may not be requested. The Planning and Zoning Commission shall decide all requests for subdivision variances.

1. 7.8.5 Street Design.
2. 7.8.6 Street Connectivity.
3. 7.8.9 Driveways and Access.
4. 8.3.2 Lot Planning.
5. 8.3.3 Block Layout.

C. Subdivision Variance Procedure. Figure 2.8-7 identifies the applicable steps from the common review procedures in Section 2.4 that apply to the review of a Subdivision Variance application. Additions or modifications to the common review procedures are noted below.

Figure 2.8-7: Summary of Subdivision Variance Procedure



1. **Step 1: Pre-Application Activities.**
 - a. **Pre-Application Conference.** A pre-application conference is recommended in accordance with Subsection 2.4.3.
 - b. **Citizen Participation.** Not required.
2. **Step 2: Application Submittal and Processing.**
 - a. The subdivision variance application shall be submitted and accepted, and may be revised or withdrawn, in accordance with Subsection 2.4.4.
 - b. Initiation of a subdivision 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 subdivision variance application and prepare a staff report and recommendation to the Planning and Zoning Commission in accordance with the approval criteria in Subsection 2.8.7D below.
4. **Step 4: Scheduling and Notice of Public Meetings/Hearings.** Subdivision variance applications shall be heard as an Item for Individual Consideration before the Planning and Zoning Commission.
5. **Step 5: Review and Decision.**
 - a. The Planning and Zoning Commission shall review and approve or deny the subdivision variance application in accordance with the approval criteria in Subsection 2.8.7D below.
 - b. The Planning and Zoning Commission shall take action consistent with this DDC and state law. A majority vote of the Planning and Zoning Commission shall be required to approve a subdivision variance application.
 - c. The Planning and Zoning Commission 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. **Step 6: Post-Decision Actions and Limitations.**

- a. **Notice of Decision.** The Director shall provide written notification of the Planning and Zoning Commission's decision to the applicant.
- b. **Expiration of Subdivision Variance.** If the property owner has not commenced development or obtained the required permits to carry out the approved subdivision variance within 24 months of the subdivision variance approval, the subdivision variance shall automatically expire.
- c. **Non-Transferable.** An approved subdivision variance shall apply only to the subject property described in the approval and shall not be transferable to any other property.
- d. **Appeals.** The decision of the Planning and Zoning Commission may be appealed to the City Council by the applicant.
- e. **Suspension and Revocation of a Subdivision 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 subdivision variance, the Planning and Zoning Commission may direct the Director, as appropriate, to suspend the subdivision variance pending compliance with the terms, conditions, or requirements under which the subdivision variance was approved.
 - ii. Notice of suspension or revocation of a subdivision variance shall be sent by certified mail.
 - iii. During a Planning and Zoning Commission public meeting, if the Planning and Zoning Commission determines there is a failure to comply with any term, condition, or requirement made as a condition of the subdivision variance, the Planning and Zoning Commission may revoke the subdivision variance or take such action as it considers necessary to ensure compliance.
 - iv. A decision to revoke a subdivision variance is effective immediately. Notice of the decision by the Planning and Zoning Commission shall be sent by certified mail.

D. **Subdivision Variance Approval Criteria.**

1. The proposed subdivision variance is appropriate based on a finding that unreasonable hardships or difficulties may result from strict compliance with the subdivision regulations or the purposes of the regulations may be served to a greater extent by an alternative proposal.
2. A subdivision variance may be approved so that substantial justice may be done and the public interest secured; provided that the subdivision variance shall not have the effect of nullifying the intent and purpose of these regulations.
3. In reviewing a subdivision variance application, the Planning and Zoning Commission shall find that all of the following exist:
 - a. The granting of the subdivision variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
 - b. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the subdivision regulations is carried out;

- c. The subdivision variance will not in any manner vary the provisions of the Comprehensive Plan, the Development Code, and the Denton Mobility Plan, except that those documents may be amended in the manner prescribed by law; and
- d. The special or peculiar conditions upon which the request is based did not result from or were not created by the act or commission of the owner or any prior owner, subsequent to the date of creation of the requirement from which a subdivision variance is sought.

(Ord. No. DCA22-0002d, § 2(Exh. A), 7-19-2022)

2.8.8 Reasonable Accommodation.

A. Purpose.

- 1. The purpose of this procedure is to create and implement a reasonable accommodations process that is consistent with the Federal Fair Housing Amendments Act of 1988 (FHAA) 42 U.S.C. § 3601, et seq.
- 2. The City adopts this reasonable accommodation process as a means to comply with its obligations under the FHAA.
- 3. The purpose of a reasonable accommodation is to modify a specific City Denton requirement to ensure an individual with a disability has an equal opportunity to use and enjoy a dwelling.

B. Applicability.

- 1. This process applies to the Denton Development Code.
- 2. An application for an accommodation may be submitted at any time the accommodation may be necessary to afford an individual with a disability an equal opportunity to use and enjoy a dwelling, provided that the request is consistent with the evaluation criteria in 2.8.7D.3.i, below.

C. Authority

- 1. The City Manager or designee, after consultation with the City Attorney, is authorized to grant a reasonable accommodation. An accommodation is reasonable when the accommodation may be necessary to afford an individual with a disability an equal opportunity to use and enjoy a dwelling.
- 2. The City Manager or designee, after consultation with the City Attorney, is authorized to grant an alternative reasonable accommodation.
- 3. The City Manager or designee, after consultation with the City Attorney, must deny a request for an unreasonable accommodation. An accommodation is unreasonable when the accommodation imposes an undue financial or administrative burden on the City; or requires a fundamental alteration in the nature of the City's land use and zoning regulations.

Commented [WJ3]: The proposal delegates approval of the Reasonable Accommodation to the City Manager or designee, after consultation with the City Attorney.

D. Procedure

- 1. **Step 1: Pre-Application Activities.**
 - a. **Pre-Application Conference.** A pre-application conference is recommended in accordance with Subsection 2.4.3.
 - b. **Citizen Participation.** Not required.
- 2. **Step 2: Application Submittal and Processing.**
 - a. An application may be submitted by an individual with a disability, a representative of the individual with a disability, or a person that lives, or will live, with the individual with a disability.

- b. An application must be submitted in writing to the Director and must include, at a minimum, the following information:

1. Name and address of the applicant requesting the accommodation;
2. Name and address of each property owner, if not the same as the applicant;
3. Address of the property for which the accommodation is requested;
4. Owner Authorization Form for the property owner;
5. Date of the request;
6. Description of the requested accommodation and the DDC regulatory requirement for which accommodation is sought; and
7. Reason the requested accommodation may be necessary for each individual with the disability to use and enjoy the dwelling

- c. If an applicant needs assistance to make a request for an accommodation, the Director will provide assistance including, but not limited to, transcribing a verbal request into a written request.

- d. An applicant is not required to pay a fee for an accommodation request

4. Step 3: Staff Review and Action.

- a. The Director shall first determine whether the application is complete pursuant to Subsection 2.4.4: Step 2: Application Submittal and Processing
- b. The Director shall forward the request, together with the required supporting information or documentation, to the City Manager or designee and City Attorney for their respective reviews and a final determination within 30 calendar days from the date the request is deemed complete.
- c. If necessary to reach a determination on the request for an accommodation, the City Manager or designee and City Attorney may request further information from the applicant consistent with FHAA. The request must specify the information that is required. In the event additional information is requested, the 30-calendar day period to issue a decision is stayed until the applicant responds to the request.
- d. Prior to rendering a final determination, the City Manager may request a pre-determination conference with the individual to discuss the request and to ensure that the nature of the accommodation is fully and completely understood by the City Manager or designee.
- e. The City Manager or designee, after consultation with the City Attorney, shall render a final determination that grants the Reasonable Accommodation in whole or in part, or denies the Reasonable Accommodation in whole or in part, or approves an alternative accommodation. The written decision must state the basis of the decision, including the factors described in 2.8.8D.3.i, below.
- f. An alternative reasonable accommodation may be the requested accommodation with conditions. The conditions must relate to the specific disability that causes the need for the accommodation.
- g. If the City Manager or designee denies the requested accommodation, the decision must include a proposed alternative reasonable accommodation.
- h. If the City Manager or designee fails to render a written decision within 30 calendar days, the request is deemed granted.
- i. The written decision on a request for an accommodation shall be consistent with the FHAA and based on the following factors:

Commented [WJ4]: Application items are intended to provide sufficient information for staff to evaluate the request.

Commented [WJ5]: The 30-day decision process is similar to the Vested Rights process currently outlined in the DDC.

Commented [WJ6]: The proposed criteria for approval provide a structure for staff to evaluate a request and make a decision. Generally, the intent of the Criteria is to ensure that the proposed request is related to the resident's needs. Criterion #4 relates to 2.8.8C.3 above, whereby the City Manager must deny a request which is unreasonable by fundamentally altering the City's zoning regulations (for example, a Reasonable Accommodation Request to convert a single-family dwelling into a retail use).

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1. Whether the housing, which is the subject of the requested accommodation, will be used by an individual with a disability protected under fair housing laws;
 2. Whether the requested accommodation is necessary to afford an individual with a disability an equal opportunity to use and enjoy a dwelling;
 3. Whether the requested accommodation would impose an undue financial or administrative burden on the City; and
 4. Whether the requested accommodation would require a fundamental alteration in the nature of the City's land use and zoning regulations.
- j. If the City Manager or designee finds that the requested accommodation will impose an undue financial or administrative burden on the City or will require a fundamental alteration in the nature of the City's land use and zoning regulations, the City Manager or designee must find whether an alternative reasonable accommodation exists that would effectively meet the disability-related need.
- k. The decision shall be sent by certified mail, regular mail, and if requested by the applicant, by electronic mail
4. **Step 4: Scheduling and Notice of Public Meetings/Hearings.** Not required.
5. **Step 5: Review and Decision. Not applicable.** Review and decision are by the City Manager or designee under Step 3
6. **Post-Decision Actions and Limitations.**
- a. A reasonable accommodation shall control over a conflicting DDC provision.
 - b. A physical improvement to a property created via the reasonable accommodation process is a permitted nonconformity. The physical improvement may stay on the property in the event the individual with a disability no longer occupies the property, subject to the standards of Section 1.5.
 - c. A reasonable accommodation does not alter an individual's obligation to comply with other applicable federal, state, and City requirements.
 - d. **Appeals.** Only an applicant may appeal the written decision of the City Manager to the City Council in accordance with Section 2.8.3 Appeal of an Administrative Decision. Because this Reasonable Accommodation process is the City's implementation of the FHAA, it is not a zoning decision appealable under Tex. Loc. Govt. Code 211.010.

Commented [WJ7]: The purpose of this provision is to give staff and property owners direction as to how to address structural changes once an individual with a disability no longer occupies a property. Essentially, as proposed, the structural change could remain; but cannot be replaced if more than 50% is destroyed.

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			Corridor		Other Nonresidential				Use-Specific Standards
	RR	R1	R2	R3	R4	R6	R7	MN	MD	MR	SC	HC	GO	LI	HI	PF	
Residential Uses																	
Household Living																	
Single-Family Detached Dwelling	P+	P+	P+		P+	P+	P+	P+	P+	P+							5.3.3A
Townhome					S+	P+	P+	P+	P+	P+							5.3.3B
Duplex					S+	P+	P+	P+	P+	P+							5.3.3C
Triplex						P+	P+	P+	P+	P+							5.3.3C
Fourplex						P+	P+	P+	P+	P+							5.3.3C
Multifamily Dwelling							S+	P+	P+	P+	S+	S+	S+				5.3.3D
Tiny Home Development	Subject to approval of a planned development (PD); see 5.3.3E																
Work/Live Dwelling	P+							P+	P+	P+	P+	P+	S+	S+			5.3.3F
Manufactured Home Development (HUD Code)						S+	S+										5.3.3G
Group Living																	
Chapter House							S	S								P	
Community Home	P+	P+	P+		P+	P+	P+	P+	P+	P+							5.3.3I
Dormitory							S	S	P								
Elderly Housing						S+	S+	P+	P+	P+	S+	S+	P+				5.3.3H
Group Home	S+	S+	S+		S+	S+	S+	S+	S+	S+							5.3.3J
Public, Institutional, Religious, and Civic Uses																	
Community and Cultural Facilities																	
Airport, City-Owned																P	
Cemetery, City-Owned																P	
Club or Lodge	P	S	S		S	S	S	S+	P+	P	P+	P	P	P	P+	P+	5.3.4A
Community Service	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	
Day Care, Adult or Child	P	S	S		S	S	S	P	P	P	P	P	P	P	P+		5.3.4B
Funeral and Internment Facility									S	S	P	P	P	P			
Homeless Shelter	S+						S+	S+	S+	S+						P+	5.3.4C
Landfill, City-Owned																P	
Park, Playground, Open Space	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	
Religious Assembly	P+	P+	P+		P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	5.3.4D
Educational Facilities																	
Business or Trade School								P+	P+	P+	P+	P	P	P	P		5.3.4E
College or University									P	P			P				
School, Private	P	S	S		S	S	S	P	P	P	P	P	P			P	
School, Public	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	

Commented [WJ1]: Staff recommends adding the Use-Specific Standards to MD and MR to ensure appropriate Site Design Standards. Furthermore, since HC and SC allow for Multifamily Dwellings in SC and HC, staff recommends allowing Elderly Housing in those districts (with approval of an SUP). Finally, due to the higher intensity uses permitted in GO, staff recommends removing Elderly Housing. This will result in one non-conforming use which would require a City-initiated rezoning.

Commented [WJ2]: Staff recommends adding this use (with approval of a Specific Use Permit) to R1 and R2 for consistency with the Residential Districts.

Healthcare Facilities																	
Hospital Services										P+	P+	P	P				5.3.4F
Medical Clinic								S+	S+	P+	P+	P	P	P			5.3.4G
Medical Office							P+	P+	P+	P+	P+	P	P	P			5.3.4H
Commercial Uses																	
Agricultural and Animal Uses																	
General Agriculture	P	S+													S+	P	5.3.5A
Commercial Stable	P	S+	S+														5.3.5B
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	S	S	S	
Kennel	P+	S+	S+								P+	P+	S+	P+	P+		5.3.5C
Urban Farm	P	S	S	S	S	S	S	P	P	P	P	P	P	P	P		
Veterinary Clinic	P	S	S					P	P+	P	P	P	P	P			5.3.5D
Recreation and Entertainment																	
Amenity Center	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Indoor Recreation Facility	P							P	P	P	P	P	P	P			
Outdoor Recreation Facility	P	P	P	P	P	P	P	S	S	S	P	P	P	P			
RV Park	S+		S+	S+	S+	S+	S+								S+	P+	5.3.5E
Food and Beverage Services																	
Bar, Tavern, or Lounge								S+	P	P	P	P	P	P			5.3.5F
Mobile Food Court								S+	S+	S+	S+	S+	S+	S+	S+		5.3.5G
Private Club	P+							P+	P+	P+	P+			P+	P+		5.3.5H
Restaurant								P+	P	P	P	P	P	P			5.3.5I
Restaurant, with Drive-Through								S+	S+	P+	P+	P+	P+	P+			5.3.5J
Office, Business, and Professional Services																	
Administrative, Professional, and Government Office				S+	S+	S+	P+	P+	P+	P	P	P	P	P	P	P	5.3.5K
Bank or Financial Institution							S+	P+	P+	P	P	P	P	P			5.3.5L
Musician Studio								P+	P+	P+	P+	P+	P+	P+	P+		5.3.5M
Credit Access Business								S+	P+	P	P	P	P	P			5.3.5N
Printing, Copying, and Publishing Establishment								S	P	P	P	P	P	P	P		
Personal Services																	
Laundry Facility, Industrial												S	S	P	P		
Laundry Facility, Self-Service							S+	P+	P+	P+	P	P	P	P	P		5.3.5O
Personal Service, General								P	P	P	P	P	P	P			
Tattoo and Body Piercing Parlor								P+	P+	P+	P+	P+					5.3.5P
Retail Sales																	
Building Materials and Supply Store											S	P		P	P		

General Retail Unless Otherwise Specified, Less than 5,000 Square Feet							S+	P	P	P	P	P	P	P	P	P	5.3.5Q
General Retail Unless Otherwise Specified, Between 5,000 Square Feet and 15,000 Square Feet								P	P	P	P	P	P	P	P		
General Retail Unless Otherwise Specified, More than 15,000 Square Feet								S	S	P	P	P	P	P+	P+		5.3.5R
Smoke Shop									P	P	P	P					
Lodging Facilities																	
Bed and Breakfast	P+					S+	S+	S+	P+	P+	P+	P+					5.3.5S
Boarding or Rooming House								S	P	P	P						
Hotel								P	P	P	P	P	P	P			
Motel										P	P	P	P	P			
Short-Term Rental	P+	P+	P+		P+	P+	P+	P+									5.3.5T
Vehicles and Equipment																	
Auto Wash										P	P	P	P	P	P		
Automotive Fuel Sales								S+	S+	P+	P+	P+	P+	P+	P+		5.3.5U
Automotive Repair Shop, Major										P+	P+	P+	S+	P+	P+		5.3.5V
Automotive Repair Shop, Minor								S+		P+	P+	P+	P+	P+	P+		5.3.5W
Automotive Sales or Leasing												P					
Automotive Wrecking Service, Impound Lot, Junkyard, and Salvage Yard														S+	P+		5.3.5X
Equipment Sales and Rental												S+		S+	P+		5.3.5Y
Parking Lot as a Principal Use									P	P	P	P	P	P	P		
Travel Plaza												P		P	P		
Adult Entertainment Establishments																	
Sexually Oriented Business															S+		5.3.5Z
Industrial Uses																	
Data Center																	
Data Center, Modular														S+	S+	S+	5.3.6I
Data Center, Warehouse										S+	S+	S+	P+	P+	P+	P+	5.3.6J
Manufacturing and Processing																	

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(Supp. No. 22)

Craft Alcohol Production									S	P+	P+	P+	P	P	P	P		5.3.6A	
Feedlot, Slaughterhouse, or Packaging Plant	S															S			
Food Processing, Less than 2,500 Square Feet									P+	P+	P+	P+	P+	P+	P+	P+		5.3.6B	
Food Processing, More than 2,500 Square Feet									S+	S+	P+	P+	P+	P+	P+	P+		5.3.6C	
Gas Well	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	Subchapter 6: Gas Wells	
Manufacturing, Artisan									P+	P+	P	P	P	P	P	P		5.3.6D	
Manufacturing, Low-Impact										S+	P+	P+	P+	P+	P	P		5.3.6E	
Manufacturing, Medium-Impact														S	S	P			
Manufacturing, High-Impact																S			
Commercial Incinerator, Transfer Station																S			
Storage and Warehousing																			
Outdoor Storage																S+	S+	S+	5.3.6F
Self-Service Storage									S+	S+	S+	P+	S+	P+	P+	P+		5.3.6G	
Storage of Hazardous Materials																S			
Warehouse and Wholesale Facility											S+	S+	P	P	P	P		5.3.6H	
Public and Semi-Public Utility Uses																			
Basic Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Power Stations, Electric Substations, Interchanges, and Switch Stations	P+								P+	P+	P+	P+	P+	P+	P+	P+	P+	5.3.7A	
Solar Collector as Principal Use	S+													S+	S+	S+	P+	5.3.7B	
Wind Energy Conversion System (WECS)																S+	S+	5.3.7C	
Wireless Telecommunications	See Section 5.6: Wireless Telecommunications Facilities																		
Accessory Uses																			
Accessory Dwelling Unit	P+	P+	P+	P+	P+	P+	P+	P+										5.4.4A	
Donation Box																		5.4.4B	
Home Occupation	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+							5.4.4C	
Outdoor Storage, Accessory													P+	P+	P+	P+	P+	5.4.4D	

Sale of Produce and Plants Raised on Premises	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	5.4.4E
Solar Collector, (Ground- or Building-Mounted)	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	5.4.4F
Wind Energy Conversion System (WECS), Small (Ground-Mounted)	P+	S+	S+	S+	S+	S+	S+	S+	S+	S+	S+	S+	S+	P+	P+	P+	5.4.4G
Wind Energy Conversion System (WECS), Small (Building-Mounted)	P+	S+	S+	S+	S+	S+	S+	S+	S+	S+	S+	S+	S+	P+	P+	P+	0
Temporary Uses																	
Temporary Storage Containers and Other Portable Storage Units	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	5.5.6A
Concrete or Asphalt Batching Plant, Temporary	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	5.5.6B
Farmer's Market or Open Air Market								P+	P+	P+	P+	P+	P+	P+	P+	P+	5.5.4
Field or Construction Office	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	5.5.6C
Seasonal Sales								P+	P+	P+	P+	P+	P+	P+	P+		5.5.4
Special Event								P+	P+	P+	P+	P+	P+	P+	P+	P+	5.5.4
Portable Wireless Telecommunications Facility	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	P+	5.5.4

(Ord. No. DCA19-0012a, § 2(Exh. A), 11-5-2019; Ord. No. DCA19-0023a, § 2(Exh. A), 1-7-2020; Ord. No. DCA19-0025a, § 2(Exh. A), 2-4-2020; Ord. No. DCA19-0027a, § 2(Exh. A), 2-4-2020; Ord. No. DCA20-0004, § 2, 10-20-2020; Ord. No. DCA22-0003a, § 2(Exh. A), 9-20-2022)

5.3.1 Generally.

- A. **Applicability.** Use-specific standards in this section shall apply to all zoning 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 6: 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 6: 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, Community Homes, Group Homes, and Elderly Housing 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.

Commented [WJ1]: Staff recommends adding Community Homes, Group Homes, and Elderly Housing to the exceptions for the maximum persons.

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 specific use permit is required prior to the placement of a manufactured home HUD-code on any lot.

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.

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. In the MN, MD, and MR zoning districts, the ground floor fronting a public street shall have a minimum wall height of 12 feet.
2. Multifamily buildings shall comply with the design standards established in Section 7.10.4: Multifamily Site and Building Design.
3. Each individual dwelling unit shall have a minimum of 400 square feet of living space floor area.
4. Buildings containing 1 or 2 dwelling units shall comply with the Building Mass and Form standards established in Section 7.10.3E: Building Mass and Form.

E. Tiny Home Development. Tiny home developments shall be developed as part of a Planned Development and meet the following standards:

1. **Design and Layout.**
 - a. The minimum project size for tiny home development is 10,000 square feet.
 - b. Tiny home developments shall have a minimum of four dwelling units.
 - c. Each individual dwelling unit shall have a minimum of 300 square feet of living space floor area and a maximum of 500 square feet of living space floor area.
 - d. Parking shall be located at the side or rear of each principal structure or in a separate designated shared parking area.

-
- e. A shared open space containing a minimum of 10 percent of the project area shall be provided.
 - f. Each tiny home dwelling unit shall be separated by a minimum of ten feet.

2. **Operation and Ownership.**

- a. Each tiny home dwelling unit shall be on a permanent foundation and shall be connected to public water and sanitary sewer.
- b. One accessory storage structure less than 100 square feet may be permitted for any unit that is part of a tiny home development approval.
- c. One accessory storage structure less than 600 square feet may be permitted as a shared maintenance storage facility for the tiny home development. Said structure shall be enclosed on all sides and separated from other structures by a minimum of five feet.
- d. Access drives within a tiny home dwelling development shall be constructed to city standards.
- e. Tiny home projects shall be organized as condominium developments meeting all requirements of Texas state law.
- f. Individual lots or portions of the site may not be subdivided for sale, except as allowed as part of a condominium development under Texas state law.
- g. Applicants proposing tiny home dwellings shall enter into a development agreement with the city requiring the condominium or other property owner's association to maintain all streets, utilities, and infrastructure that is not dedicated to and accepted by the city.

F. **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.

G. **Manufactured Home Development (HUD Code).**

1. **Dimensional and Design Standards.**

- a. The minimum lot area required for a manufactured home development (HUD Code) shall be 10 acres.
- b. Each stand shall provide a minimum area of 5,000 square feet; however, no such stand shall be less than 40 feet in width nor less than 100 feet in depth.
- c. The minimum front yard setback shall be 15 feet from the nearest corner of the manufactured home to the front line of the stand.
- d. No manufactured home shall be closer than 15 feet to any adjoining public right-of-way.
- e. For other structures, the minimum front yard setback shall be at least 15 feet.
- f. The minimum distance between manufactured homes shall be 20 feet on the side and 16 feet on the front and rear.

-
- g. The area beneath the manufactured home structure shall be concrete to provide adequate support for the placement of the structure.
 - h. Manufactured home development (HUD code) shall comply with the perimeter fencing standards established in Subsection 7.7.8: Walls, Fences, and Screening.
 - 2. **Minimum Dwelling Size.** Each individual dwelling shall have a minimum of 400 square feet of living space floor area.
 - 3. **Parking.**
 - a. Parking shall be located at the side or rear of the principal structure.
 - b. Required off-street parking shall be concrete, and all other parking areas shall be constructed of all-weather materials and located to eliminate interference with access to parking areas provided for other structures and for public parking within the development.
 - c. A minimum parking area of 160 square feet per manufactured home space shall be provided for the storage of boats or vehicles in excess of two per manufactured home unit to minimize on-street parking and to facilitate the movement of emergency vehicles into and through the development.
 - 4. **Recreation Area.**
 - a. All manufactured home developments shall have at least one recreation area, located in an area that is free of traffic hazards, easily accessible to all residents of the development, and centrally located (where topography permits).
 - b. Recreation areas and facilities, such as playgrounds, swimming pools and community buildings, shall be provided that will meet the anticipated needs of the clientele the development is designed to serve.
 - c. Not less than eight percent of the gross development area shall be devoted to recreational facilities, generally in a central location. In large developments, this may be decentralized. Recreation areas include space for community buildings and community use facilities such as adult recreation and child play areas and swimming pools, but not including vehicle parking, commercial, maintenance and utilities areas.
 - d. When playground space is provided, it shall be so designated and shall be protected from traffic, thoroughfares, and parking areas.
 - 5. **Accessory Uses.** Manufactured home developments may include accessory service buildings associated with the development including: utilities; management office; repair shop; equipment storage; sanitary facilities; laundry facilities; and recreation facilities.
 - 6. **Access and Traffic Circulation.**
 - a. Internal streets in manufactured home developments shall be privately owned, built, and maintained, and shall be designed for safe and convenient access to all stands and parking spaces and to facilities for common use of residents of the development.
 - b. An internal street or common access route shall be provided to each stand. All internal streets or common access routes shall be a minimum of 30 feet in width from back of curb to back of curb. The internal streets shall be continuous and connect with either outer streets in the development, public streets, or in the alternative, shall be provided with a cul-de-sac having a minimum radius of 40 feet. All other streets shall have a minimum radius at intersections of 30 feet. No internal street ending in a cul-de-sac shall exceed 1,000 feet in length.

- c. All streets shall be constructed of at least two inches of asphalt, six inches of lime subgrade and with standard or surmountable curbs. Alternative materials for street construction may be approved by the City Engineer as long as the alternative exceeds the standards in this section or those established in a city criteria manual.
- d. Internal streets shall be maintained free of excessive cracks, potholes, and other hazards at the expense of the licensee. Inspection of the streets shall occur at least yearly in conjunction with other city inspections of the manufactured home development. The inspections shall be made by the City Engineer and shall cover the hazards listed in this subsection.
- e. All streets within the development shall be numbered or named in an approved manner.
- f. Interior streets shall intersect adjoining public streets at 90 degrees and at locations that will eliminate or minimize interference with the traffic on those public streets. Design of the interior streets shall be approved by the traffic engineer with respect to horizontal and vertical alignment, access points to city streets, parking locations, and internal access for emergency vehicles.

7. **Utilities and Services.**

- a. All utility lines shall be installed underground in manufactured home developments.
- b. Water and sewer connections shall be made to the public supply of water in accordance with city standards.
- c. All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with state and city regulations and requirements.
- d. Individual water meters shall be provided for each manufactured home dwelling.
- e. All manufactured home developments shall comply with the city's residential solid waste regulations.

H. **Elderly Housing.**

- 1. In the ~~R6, R7, and MN~~ zoning 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 5.3.31. Buildings containing up to and including four dwelling units or resident beds must 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. ~~Buildings containing more than 4 dwelling units or resident beds must comply with the design standards established in Section 7.10.4: Multifamily Site and Building Design.~~

I. **Community Home**

- 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 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.~~
- 31. **Use, Operation, and 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:

Commented [WJ1]: Staff recommends removing, as the dimensional requirements and SUP will limit the ability to construct large structures.

Commented [WJ2]: Staff recommends adding Use-Specific Standards to provided clarification as to which Subchapter 7 Design Standards would apply.

Commented [WJ3]: Staff recommends separating the Use-Specific Standards for Community Home and Group Home. The standards associated with Community Home are consistent with Chapter 123 of the Texas Human Resources Code.

a. Use.

- i. A Community Home must provide the following services to persons with disabilities who reside in the home: (1) food and shelter; (2) personal guidance; (3) care; (4) habilitation services; and (5) supervision.
- ii. No more than six residents and two supervisors, regardless of the legal relationship of those persons to one another are permitted to reside in a Community Home
- ii. All residents must meet the definition of a person with a disability
- iii. A community home should not be established within one-half mile of an existing community home.
- iv. 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.

b. Operation. A community based residential home may be operated by:

- i. The Texas Department of Mental Health and Mental Retardation~~The Texas Department of Aging and Disability Services;~~
- 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_c. Licensing. The community home must meet all applicable ~~federal, state, and local~~ licensing requirements.

J. 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.~~

4.1. Specific Use Permit ~~Procedure~~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~~

Commented [WJ4]: Overall, staff recommends changes to remove redundancies and unnecessary modifications to standard DDC procedures.

~~specific occupation, construction, alteration, or extension of the assisted living facility, group home, or institution proposed.~~

a. **Transfer.** The Specific Use Permit shall be specific to the person named in the application (Operator) ~~for the permit~~ and shall not be transferred without the prior written consent of the city through the issuance of a new Specific Use Permit ~~permit~~.

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.** In addition to SUP procedures outlined in DDC Section 2.5.2 and documentation required by the SUP application checklist, ~~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 must contain provide~~ the following:

- i. ~~Name and address of the applicant~~ operator;
- ii. ~~Location and legal description of the property where the assisted living facility or group home will be located; and~~
- iii. Documentation that ~~the Group Home has met federal, state, and local licensing requirements. 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. _____

ii. ~~Any structure proposed to be used for an assisted living facility, group housing for A~~ separate bedroom for the care provider(s).

c. ~~When determining conformance with the SUP criteria for approval in DDC Section 2.5.2D, analysis of the proposed SUP may include impacts related to the following Group Home classifications:~~

- i. ~~Maximum three residents, plus manager.~~
- ii. ~~Maximum six residents, plus manager.~~
- iii. ~~Maximum 15 residents, plus manager.~~
- iv. ~~16 or more residents, plus manager.~~

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

Commented [WJ5]: Staff recommends keeping the standard which ties the use to the operator. Typically, an SUP is intended to ensure a use minimizes potential impacts associated with a use and runs with that use of the land (an SUP for a drive-through can be used for a coffee shop or a sandwich shop). Due to the licensing associated with Group Homes, the particular operator is relevant to the SUP approval.

Commented [WJ6]: This language was pulled from the Definitions Subchapter. Staff recommends adding this here to use as a framework for analyzing potential impacts associated with the intensity of use.

one year of the denial, unless the denial upon rehearing, or the denial for rehearing, is without prejudice to the refiling 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.

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2. **Location of of Assisted Living Facility, Group Home for Handicapped Persons, or Institution.** No other Group Home assisted living facility, group home for handicapped persons, or institution shall be located within a radius of 600 feet of another Group Home licensed facility, home, or institution as determined by the city.

73. **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 Group Home any assisted living facility, group home, or institution to determine compliance with this DDC and other applicable eCity ordinances.
- b. **Right of Entry.** Any duly authorized inspector of the eCity, 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.

84. **Notices, Hearings, and Orders.**

- a. **Notice of Violations; Requirements of Notice; Suspension and/or Revocation.** Whenever it is brought to the attention of the eCity that there has been a violation of any provision of this subchapter, the eCity shall give notice of such alleged violation to the permittee or licensee, operator or their respective agent, and each resident of the facility as provided. The notice shall:
- Be in writing;
 - Include a statement of the reasons for its issuance;
 - 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;
 - Be served upon the permittee or licensee, operator, or the permittee or licensee's operator's agent; provided, however, that the notice shall be deemed to have been properly served upon the permittee, licensee, operator, or their respective agents, when a copy has been sent by mail to the permittee's, licensee's operator, or their respective agent's, last known address, or when the permittee operator 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-result in~~ 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 ~~e~~City, may suspend and/or revoke any ~~permits or licenses issued~~approved Specific Use Permit 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 ~~C~~city upon revocation. The ~~C~~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 ~~C~~city.
- ~~96.~~ **Compliance Required.** It shall be the responsibility of the ~~permittee or licensee~~operator to ensure that all requirements of this subchapter and conditions of the Specific Use Permit are met and maintained. Any violation of any of the provisions of this subchapter or conditions of the Specific Use Permit shall subject the ~~permittee-operator or licensee~~ to the general penalty provisions of this DDC.

(Ord. No. DCA22-0005a, § 2(Exh. A), 10-18-2022)

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 Subsection 7.9.7C: Drive Throughs.
- 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)
Townhome	2 spaces per DU (not including tandem parking in garages)
Duplex	2 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.
Tiny Home Development	1 space per DU 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
Manufactured Home Development (HUD-Code)	2 spaces per DU
Group Living	
Chapter House	1 space per 2 persons design capacity
Community Home	1 space per 4 persons design capacity bedroom
Dormitory	1 space per 2 persons design capacity

Elderly Housing	Assisted Living: 1 space/unit. Congregate Care Facility and Life Care Housing and Services: 1 space per 2 patient beds or 1 space per apartment unit. Continuing Care Retirement Center: 1 space per 3 patient beds. Director determination, see Subsection 7.9.4E.1
Group Home	1 space per 4 persons design capacity bedroom
Public, Institutional, and Civic Uses	
Community and Cultural Facilities	
Airport, City-Owned	Director determination, see Subsection 7.9.4E.1
Cemetery, City-Owned	None
Club or Lodge	1 space per 300 sq. ft. GFA
Community Service	Director determination, see Subsection 7.9.4E.1
Day Care, Adult or Child	1 space per 10 adults or children plus 1 space per employee on the largest shift
Funeral and Internment Facility	1 space per 250 sq. ft. GFA
Homeless Shelter	Director determination, see Subsection 7.9.4E.1
Landfill, City-Owned	Director determination, see Subsection 7.9.4E.1
Park, Playground, Open Space	Director determination, see Subsection 7.9.4E.1
Religious Assembly	1 space per 4 design occupancy-load of assembly area per the Building Code
Educational Facilities	
Business or Trade School	Director determination, see Subsection 7.9.4E.1
College or University	Director determination, see Subsection 7.9.4E.1
School, Private	Elementary or middle: 1 space per 12 students design capacity, plus 1 space per employee on the largest shift, plus guest spaces determined by the school High school: 1 space per 2 students design capacity, plus 1 space per employee on the largest shift, plus guest spaces determined by the school
School, Public	Elementary or middle: 1 space per 12 students design capacity, plus 1 space per employee on the largest shift, plus guest spaces determined by the school High school: 1 space per 2 students design capacity, plus 1 space per employee on the largest shift, plus guest spaces determined by the school
Healthcare Facilities	
Hospital Services	1 space per 3 patient beds design capacity
Medical Clinic	1 space per 250 sq. ft. GFA
Medical Office	1 space per 450 sq. ft. GFA
Commercial Uses	
Agricultural and Animal Uses	
General Agriculture	None
Commercial Stable	1 space per 10 animals boarding capacity
Community Garden	None
Kennel	1 space per 1,000 sq. ft. GFA
Urban Farm	None

Commented [WJ1]: Due to the wide variety for Elderly Housing facilities with differing levels of care (nursing home, apartment-style independent living, memory care, cottages, etc.), Staff recommends allowing the Director to look at these projects on a case-by-case basis to ensure adequate parking is provided.

Veterinary Clinic	1 space per 500 sq. ft. GFA
Recreation and Entertainment	
Amenity Center	1 space 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
RV Park	1 space per designated camping or RV spot
Food and Beverage Services	
Bar, Tavern, or Lounge	1 space per 4 design occupancy-load per Building Code, plus 1 space per employee on the largest shift, plus reserved signed spaces determined by the use (not including handicap designated accessible spaces), not to exceed 5 spaces
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 450 sq. ft. GFA
Bank or Financial Institution	
Musician Studio	
Credit Access Business	
Printing, Copying, and Publishing Establishment	
Personal Services	
Laundry Facility, Industrial	1 space per 1,000 sq. ft. GFA
Laundry Facility, Self-Service	1 space per 300 sq. ft. GFA
Personal Service, General	
Tattoo and Body Piercing Parlor	
Retail Sales	
Building Materials and Supply Store	1 space per 350 sq. ft. GFA
General Retail Unless Otherwise Specified, Less than 5,000 Square Feet	
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
Boarding or Rooming House	
Hotel	1 space per guestroom
Motel	

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Short-Term Rental	
Vehicles and Equipment	
Auto Wash	1 space per detailing bay
Automotive Fuel Sales	1 space per 350 sq. ft. GFA
Automotive Repair Shop, Major	1 space per 500 sq. ft. of indoor sales/leasing/office area; plus 1 space per service bay
Automotive Repair Shop, Minor	
Automotive Sales or Leasing	
Automotive Wrecking Service, Impound Lot, Junkyard, and Salvage Yard	1 space per 1,000 sq. ft. GFA; plus 1 space per commercial vehicle generally stored on-site
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
Travel Plaza	1 space per 350 sq. ft. GFA
Adult Entertainment Establishments	
Sexually Oriented Business	1 space per 350 sq. ft. GFA
Industrial Uses	
Data Center	
Data Center, Modular	1 space per employee on the largest shift
Data Center, Warehouse	1 space per 3,500 sq ft GFA or Director Determination, see Subsection 7.9.4E.1
Manufacturing and Processing	
Craft Alcohol Production	1 space per employee on the largest shift, plus 1 space per 4 design occupancy-load per Building Code for indoor and outdoor seating/tasting areas
Food Processing, Less than 2,500 Square Feet	1 space per employee on the largest shift or 1 space per 3,500 sq. ft. GFA
Food Processing, More than 2,500 Square Feet	
Feedlot, Slaughterhouse, or Packaging Plant	1 space per 1,000 sq. ft. GFA
Gas Well	Director determination, see Subsection 7.9.4E.1
Manufacturing, Artisan	1 space per 500 sq. ft. GFA
Manufacturing, Low-Impact	1 space per employee on the largest shift or 1 space per 3,500 sq. ft. GFA
Manufacturing, Medium-Impact	
Manufacturing, High-Impact	
Commercial Incinerator, Transfer Station	Director determination, see Subsection 7.9.4E.1
Storage and Warehousing	
Outdoor Storage	None
Self-Service Storage	1 space per 500 sq. ft. of office; plus 1 space per 30 storage units
Storage of Hazardous Materials	Director determination, see Subsection 7.9.4E.1
Warehouse and Wholesale Facility	1 space per employee on the largest shift or 1 space per 3,500 sq. ft. GFA
Public and Semi-Public Uses	
Basic Utilities	None
Power Stations, Electric Substations, Interchanges, and Switch Stations	None
Solar Collector as Principal Use	None
Wind Energy Conversion System (WECS)	None
Wireless Telecommunications	None

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Accessory Uses	
Accessory Dwelling Unit	1 space per bedroom
Donation Box	
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 Subsection 7.9.4E.1
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	

E. Director Determination.

1. For uses in Table 7.9-I: Minimum Required Off-Street Parking, that reference this subsection (7.9.4E.1) or for uses not expressly listed in Table 7.9-I: Minimum Required Off-Street Parking, the Director is authorized to:
 - a. 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
 - b. 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
 - c. Establish the minimum off-street parking space requirement based on local or national best practices; or
 - d. 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.
2. For uses that are listed in Table 7.9-I: Minimum Required Off-Street Parking, the Director is authorized to reduce required off-street parking based on:
 - a. A parking demand study demonstrating that anticipated off-street parking demand for the proposed development, use, or combination of uses will be less than what is required;
 - b. The applicant has considered all parking alternatives options outlined in Section 7.9; and
 - c. 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.

- 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

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International Building Code (IBC) as adopted in the Municipal Code of Ordinances, and the American with Disabilities Act (ADA), as amended.

(Ord. No. DCA22-0003a, § 2(Exh. A), 9-20-2022; Ord. No. DCA22-0004a, § 2(Exh. A), 9-27-2022)

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 photographs, 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.;

9.2 Definitions

- 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.

9.2 Definitions

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.

9.2 Definitions

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.

Commented [WJ1]: Staff recommends removal. This is not a named use in Subchapter 5 and could create confusion.

9.2 Definitions

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.

9.2 Definitions

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 Appropriateness (COA): An order issued by the Historic Preservation Officer (often with the approval of the Historic Landmark Commission) indicating approval of plans for alteration, construction, or removal affecting a designated landmark or property within a designated district.

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

Certified Local Government: A local government certified or approved by the State Historic Preservation Office (SHPO), which has an appointed commission to oversee the survey and inventory of historic resources, to review areas for historically significant structures, and to develop and maintain community planning and education programs.

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.

9.2 Definitions

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. [This definition does not include Recovery Housing as defined by Texas Health and Safety Code Chapter 469, 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.

9.2 Definitions

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.

Data Center, Modular: As a principal use, the long term (more than 24 hours) storage of specialized computing systems and hardware within a modular structure(s) including but not limited to pods, shipping containers, cargo containers, and similar storage containers that are used for the sole purpose of remote storing, gathering, processing, and/or analyzing large amounts of data information. Accessory uses may include office and/or electrical equipment for localized distribution. This definition excludes accessory storage of computer systems and hardware within or outside of an existing building, where the primary use is residential, commercial, or institutional in nature.

Data Center, Warehouse: As a principal use, a building or buildings intended for large-scale storage of specialized computing systems and hardware that are used for the sole purpose of remote storing, gathering, processing, and/or analyzing large amounts of data information. Accessory uses may include office and/or electrical equipment for localized distribution on-site.

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.

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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.

Demolition by Neglect: The deterioration of a property, potentially beyond the point of repair, through neglect in the maintenance or repair of any structure on property designated as an historic property or located in a Historic or Conservation District.

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 4.5 feet above ground level.

Director: The Director of Development Services or his or her designee.

Disability: (1) A physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)*) but does include former use of controlled substances and/or alcohol.

Commented [WJ2]: Consistent with federal law and includes former use of controlled substances and alcohol.

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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.

Commented [WJ3]: Narrowly tailored to Chapter 123. Staff recommends removal in favor of the revised definition for Disability, as several definitions of the same concept can create confusion.

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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: A single lot containing five or more dwelling units. This definition includes residential condominiums developed on a single lot.

Dwelling, Residential Condominium: A property comprise of multiple individual dwelling units on a single lot where each unit is owned separately. See definition of "Multifamily Dwelling."

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."

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 substrate, with a reinforced base coat and a textured protective finish coat.

Elderly Housing: A ~~structure residential facility or community~~ licensed by the ~~State of Texas Department of Aging and Disability~~, 80 percent of whose occupants are 55 years of age and older, and must include at least two of the

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following: common dining or meals, transportation, housekeeping, organized social activities, special safety and accessibility features, skilled nursing, -memory care, and/or assistance with daily activities. 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: An enclosed assemblage of equipment, e.g. switches, circuit breakers, busses, and transformers, under the control of qualified persons, through which electric energy is converted from a transmission voltage level (60 kV or higher) to a lower, distribution level (below 60 kV).

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

Commented [WJ4]: Staff recommends removing these categories. The Table of Allowed Uses in Subchapter 5 provides for sufficient areas where the use can be permitted, including near neighborhoods (where aging-in-place may be desired) or in urban and mixed-use districts (where active adult lifestyles may be desired). In those instances where the use might impact surrounding properties, the dimensional standards, SUP, Use-Specific Standards, and buffering are intended to provide oversight, protection, and limitations on intensity.

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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.

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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.

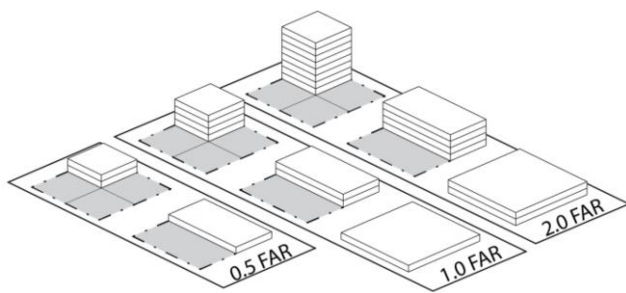
Floodplain: An area identified by the Federal Emergency Management Agency as possibly being flood-prone, or below the immediate flood line (100-year floodplain).

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)



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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.

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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 protective care and watchful environment oversight. Residents may, but are not required, to have a disability, 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 ~~requires 24-hour supervision and responsibility for the well-being of residents and may include, 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, counselling services, and supervision by management in areas of nutrition, and medication, and actual provision of transient medical, psychiatric, habilitative, rehabilitative, hospice, palliative, and nursing care, with a 24-hour responsibility for the well-being of residents of the facility. Personal care facilities~~ Group Homes are exempt from the definition of a family, ~~and shall be classified in one of the following ways: This definition does not include Recovery Housing as defined by Texas Health and Safety Code Chapter 469, as amended.~~

- ~~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.~~

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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.

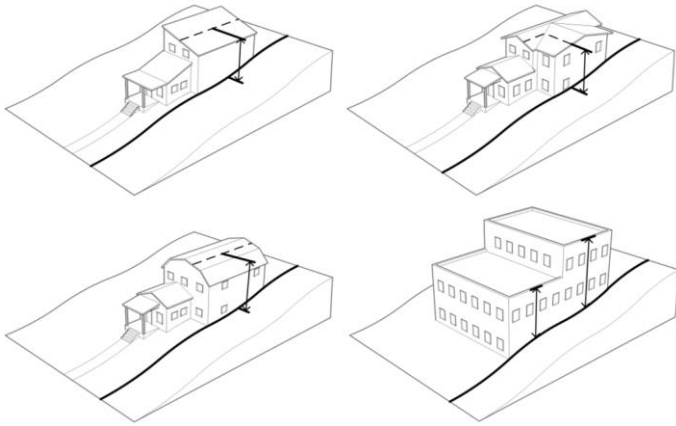
Height, Airport Overlay Zone: For the purpose of determining height limitations in all zones established in Subchapter 4: Overlay and Historic Districts, and shown on the zoning map, the vertical distance of an object above mean sea level elevation unless otherwise specified.

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.

Commented [WJ5]: Due to the variability in the types of Group Homes, staff recommends combining these definitions to allow for disabled individuals and persons without disabilities. Further clarification for the protective care and watchful environment is also proposed to ensure there is adequate supervision.

Commented [WJ6]: Staff recommends removal in favor of the revised definition for Disability.

Figure 9.2-B: Examples of Building Height Measurement



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.

Historic Landmark: A building, district, object, site, or structure that is officially recognized by the State of Texas, or the United States government, for its outstanding architectural, archeological, cultural, social, economic, ethnic and political history significance.

Historic Landmark Commission (HLC): The City of Denton Historic Landmark Commission.

Historic Preservation: The protection, reconstruction, rehabilitation, repair or restoration of landmarks of historical, architectural or archeological significance.

Historic Preservation Officer (HPO): The Historic Preservation Officer for the City of Denton (HPO).

Historic Resource: Any building, structure, object or site that is 50 years or older or any resource that has been identified as a high or medium priority because of its unique history or architectural characteristics.

Historic Resources Survey: A systematic, detailed examination of an area designed to gather information about historic properties sufficient to evaluate them against predetermined criteria of significance.

Historic Site: The location of a significant event, a prehistoric or historic occupation or activity, which may include open spaces, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure.

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.

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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

Commented [WJ7]: Staff recommends removal in favor of the revised definition for Disability.

9.2 Definitions

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.

Commented [WJ8]: Staff recommends removal. This is not a named use in Subchapter 5 and could create confusion.

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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 laundries; 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 be 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.

Local Historic Landmark: A building, district, object, site, or structure that has been officially recognized by the City of Denton for its outstanding architectural, archeological, cultural, social, economic, ethnic and political history significance.

Lodging Facilities: For-profit facilities where lodging, meals, and the like are provided to transient visitors and guests for a defined period.

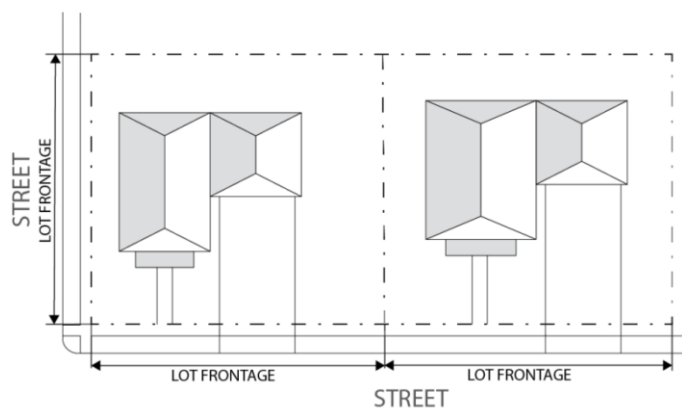
Lot: A designated parcel, tract or area of land established by a plat or otherwise permitted by law to be used, developed or built upon as a unit.

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."

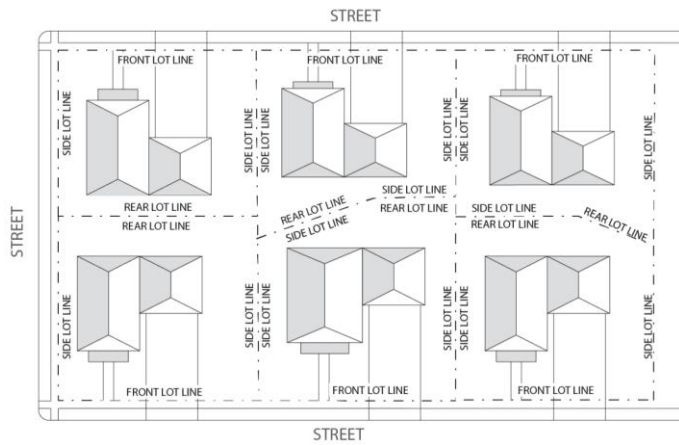
Lot Line, Front: The lot line separating the lot from the street other than an alley. In the case of a corner lot, there shall only be one street line considered the front lot line. The front lot line adjoins the public or private rights-of-way where the entrance/address is located.

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.

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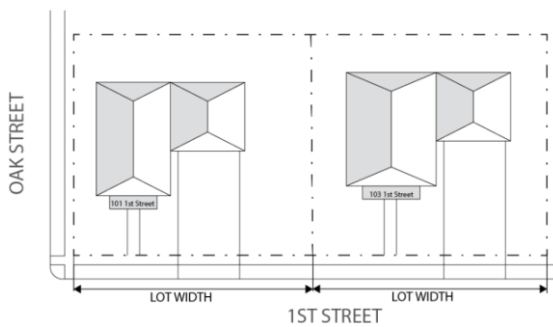
Figure 9.2-D: Side Lot Line



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.

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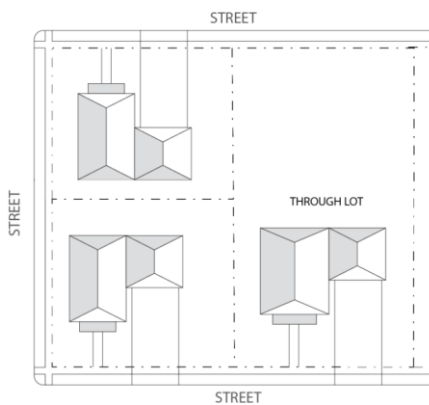
Lot, Flag: Any lot without standard legal access to a city street, and that is provided with access by a driveway parallel to the lot line of a lot having standard access to a public right-of-way.

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 craftsman 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

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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

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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.

National Register of Historic Places: The Nation's official list of buildings, districts, and sites (including structures and objects) significant in American history and culture, architecture, archeology, and engineering maintained by the National Park Service and administered on a state-wide basis by the Texas Historical Commission. Restrictions on these properties exist only when there is an undertaking that uses federal funds or that requires a federal permit or license.

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.

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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 4.5: 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.

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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

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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.

Planned Development (PD): A land area under unified control designed and planned to be developed in a single phase or a series of phases according to an approved development plan.

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 of 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.

9.2 Definitions

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;

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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."

Recorded Texas Historical Landmark: A state designation for buildings important for their historical associations and which have retained a high degree of their original historic fabric. They must be at least 50 years of age and retain their original exterior appearance. State historical landmarks receive greater legal protection than National Register of Historic Places designations.

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.

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.

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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.

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

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the Board of Adjustments. Ground-mounted stations shall be no more than 10 feet above the maximum height requirement of the zoning 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, fireworks, and seasonal produce.

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.

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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 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 subsections 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.

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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 engraving 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 5.5.

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.

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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.

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United States Secretary of Interior Standards for the Treatment of Historic Properties: A document that includes guidelines for preserving, rehabilitating, restoring and reconstructing historic buildings.

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.

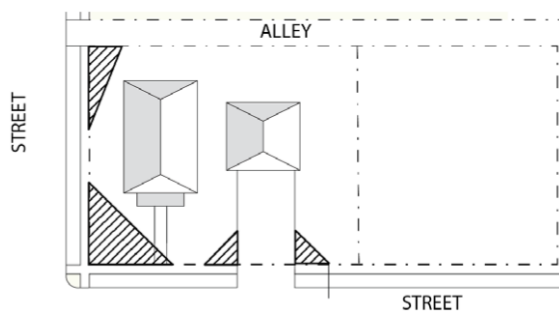
Vehicles and Equipment: Uses include a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair and storage and offices.

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 9.2-G: Vision Clearance Area



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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 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 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.

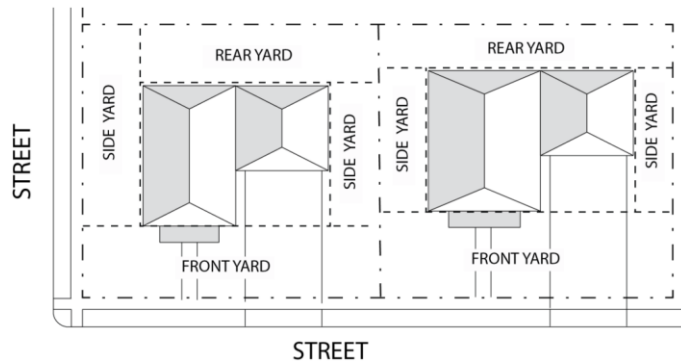
Window, False: A device in the wall of a building or structure fitted with a frame containing panes of glass so as to resemble a window, but not admitting light.

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.

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Figure 9.2-H: 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.

(Ord. No. DCA22-0003a, § 2(Exh. A), 9-20-2022; Ord. No. DCA22-0005a, § 2(Exh. A), 10-18-2022)