

35.3.13. - Development Criteria Manual Procedure.

- A. **Purpose.** In order to optimize and facilitate the specification of safe, efficient, cost-effective design and development standards, this procedure for making amendments to Development Criteria Manuals is established to afford a procedure for establishing design standards administratively. The intent is for standards to be established quickly and efficiently, as a part of a collaborative dialog among land development professionals, both inside and outside the City.
1. **Minimum Standards and Responsibility:** The criteria established by the Development Criteria Manuals and the procedures set forth herein are not intended to supersede any requirement for submission and staff approval of designs sealed by a professional having appropriate licensure. Design and development standards and procedures established in the Development Criteria Manuals under this Subsection are intended for use only as engineering and design guidelines, and to establish minimum design and development standards. Responsibility for the sufficiency and appropriateness of any actual design shall remain the responsibility of the design engineer for the project, and responsibility for the sufficiency of construction shall remain with the contractor for the project. Users of the Development Criteria Manuals should be knowledgeable and experienced in the theories and application of the underlying standards or utilize someone who is knowledgeable and experienced. It is expected that all designs and construction of individual projects will meet or exceed these minimum standards.
- B. **Procedure.**
1. **Initial Approval.** The baseline structure for each Development Criteria Manual is established by ordinance, using the procedure set forth in Section 35.3.4 of this Subchapter. No additional public notification is required, beyond posting of the item on the agenda for the public meetings of the Planning and Zoning Commission and the City Council at which the item is to be considered. At the public hearing, the Planning and Zoning Commission and the City Council may hear comments from the public, the City staff and outside professionals from the land development community. Approval should be based on comments made at the public hearing and other applicable federal, state and City laws and regulations. Approval shall be guided by the criteria set forth in this Code and any other matters required to be considered under applicable law including, without limitation, the criteria set forth in subsection C, below.
 2. **Administrative Amendment.** After initial approval, amendments of the approved Development Criteria Manuals will proceed according to the following administrative procedure:
 - a. The City Manager, or the City Manager's designee, will present proposed amendments before the Planning and Zoning Commission at a work session. No additional public notification is required beyond posting of the item on the work session agenda of the Planning and Zoning Commission. At the work session, the Planning and Zoning Commission may offer any suggestions or recommendations concerning the proposed amendment. Following the work session, the City Manager, or the City Manager's designee, shall proceed with posting the proposed amendment as described in Subsection B.2.b.
 - b. The City Manager, or the City Manager's designee, will post proposed amendments on the City of Denton web site and at the City of Denton City Hall at the location for posting notices of all public meetings, for a period of not less than thirty (30) consecutive days.
 - c. During this thirty-day period, comments of interested persons and written protests or requests for review may be sent to the electronic or street address of the City Manager or the City Manager's designee. The current Development Criteria Manuals will be posted on the City's web site. All proposed amendments shall become final unless review is requested or a written protest is filed within this thirty-day period.
 - d. The City Manager, or the City Manager's designee, will make an attempt to resolve all protests or requests for review and consider all comments filed within the thirty-day period. If the protests or requests for review cannot be resolved the amendment will be processed as an ordinance using the procedure set forth in Section 35.3.4 of this Subchapter.
 3. **Legislative Amendment.** Nothing in this subchapter shall prevent the City Council from making changes to the Development Criteria Manuals by ordinance including, without limitation, to

establish fee schedules or to make other changes as they may deem to be necessary or appropriate.

C. **Criteria.** The following criteria shall be considered as guidelines for determining which amendments to the Development Criteria Manuals will be handled through this administrative procedure:

1. **Design Standards.** Design and construction standards shall be set to establish a baseline that will promote the health, safety and welfare of the public and to promote cost-effective construction and design.
2. **Public Improvements.** The design standards for public improvements should strive to minimize the ongoing costs to operate and maintain public improvements and to provide for an appropriate service life, to minimize the future burden on the public. The standards shall also consider the positive impact that properly designed and maintained public improvements have on the economic development and the welfare of the City as a whole.
3. **Private Improvements.** The design standards for private improvements shall establish an appropriate baseline to protect the health, safety and welfare of the public, while promoting processes that are affordable and cost effective. The standards shall also encourage quality development with lasting value, and maintain or enhance the property value of the development and its neighborhood.
4. **Aesthetics.** Standards should promote aesthetics to the extent of recognizing the value and importance of maintaining or improving upon the neighborhood or surrounding area in a tasteful and compatible fashion, consistent with the Denton Plan, so as to maintain or improve property values and attract quality development.

City's Official Development Criteria Manuals

1. Construction Criteria Manual
2. Drainage Design Criteria Manual
3. Site Design Criteria Manual
4. Site Plan Criteria for Municipal Solid Waste & Recyclables Storage & Enclosure Requirements
5. Transportation Design Criteria Manual
6. Water and Wastewater Design Criteria Manual
7. Application Criteria Manual

(Ord. No. 2004-059, 3-2-2004)

(Ord. No. 2004-332, 10-19-2004)

(Ord. No. 2006-252, 9-12-2006)

(Ord. No. 2009-017, § 2(exh. A, § 35.3.12), 1-6-2009)

(Ord. No. 2010-181, § 2(exh. 1), 7-21-2010)

(Ord. No. 2012-335, § 2, 12-4-2012)

(Ord. No. 2013-130, §§ 2—4(Exh. A), 5-7-2013)

(Ord. No. 2016-056, § (Exh. B), 2-16-2016)