



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
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AGENDA INFORMATION SHEET

DEPARTMENT: Water Administration

CM: Todd Hileman

DATE: January 24, 2018

SUBJECT

Receive a report, hold a discussion and provide direction regarding repealing and replacing Section 35.17 of the Denton Development Code.

BACKGROUND

The purpose of this item is to inform the Planning and Zoning Commission (P&Z) and obtain feedback regarding proposed changes to Denton Development Code (DDC) Subchapter 17. The proposed draft is the result of 13 months of working with the City Council Committee on the Environment (COE) in reviewing Subchapter 17 and proposing changes. The next step is to bring the proposed code changes before the P&Z as a public hearing item for their formal recommendation. The item is tentatively scheduled for City Council hearing on March 20, 2018.

The 1999 Denton Plan formalized and brought together Denton's environmental vision. This led to the adoption of the Environmentally Sensitive Areas (ESAs) map and the regulations contained in Subchapter 17 of the DDC in 2002. Currently, the DDC provides protection to four types of ESAs: upland habitats, undeveloped floodplains, riparian buffers, and water-related habitats. In general, ESAs perform six basic functions: provide habitat, serve as conduit, act as barrier, filter pollutants, serve as a source of resources, and serve as a sink and sequestration area for pollutants (City of Denton Environmental Management White Paper, 2004). All of these functions serve to protect the quality and quantity of surface water resources, promote effective floodplain management, and ensure stream bank stability. In addition, the protection of ESAs is part of the city's measures for meeting multiple permits and program requirements such as the TCEQ Phase II Municipal Separate Storm Sewer System (MS4) Permit, the TCEQ Construction General Permit, the National Floodplain Insurance Program (NFIP), and meeting minimum requirements for integrated Stormwater Management (iSWM) city designation.

Subchapter 17 has not been revised since its adoption in 2002 in comparison with other DDC subchapters and criteria manuals that have gone through extensive changes. Subchapter 17 supported and complimented numerous standards contained throughout the original DDC, many of which had been revised and no longer fit together. There are instances where code language could benefit from providing further clarifications about the intent behind the standards. In numerous occasions applicants have brought to staff's attention unclear language that has made the development review process complicated and less certain. Subchapter 17 was the city's first attempt in codifying Denton's environmental vision. The implementation of some of the provisions originally adopted were not fully outlined and have not been implemented. Finally, there is a need for evaluating the original policies adopted and to modify those that have not performed as expected and/or adopting new policies that were not considered at the time. For these reasons staff has identified challenges and opportunities for improving Subchapter 17 and would like to obtain direction about pursuing

the revisions. Revisions have been classified into four major categories: corrections, code language clarifications, code language additions, and policy changes, with the level of complexity increasing for each category.

Editorial corrections are meant to update names and citations, correct misspelled words and other grammatical errors, and to spell out acronyms.

The purpose of both code language clarifications and code language additions is to make the code more clear, improve organization, and making it easier to understand while maintaining the current policies intact. However, the main difference between the two is that clarifications may require rephrasing and/or expansion of current language while additions require crafting of new language.

Policy changes were the result of evaluation of current policies and how they have worked in the past. Some resulted in small changes while others would be a departure of current policies.

The following are the most substantial changes proposed:

- The creation of an ESA Criteria Manual (Sec. 35.17.3)
- Increase and expanded the credits given by preservation of ESAs (Sec. 35.17.4.E)
- Establish an appeal process for ESA staff field determinations (Sec. 35.17.6.C.3)
- The designation and depiction of Developed and Undeveloped floodplain habitats (Sec. 35.17.7)
- The exemption of roadways identified on the city Thoroughfare Plan from the limits on fill and vegetation disturbances (Sec.35.17.7.B.1.h and Sec. 35.17.8.A.8)
- Non-residential development to preserve 30% of Cross Timbers upland habitats (Sec. 35.17.9.A.2)
- Criteria for the approval of alternative ESA plans (Sec. 35.17.11.B)

In regards to the ESA map, it is constantly updated as field assessments are performed on a parcel-by-parcel basis and when FEMA updates floodplain maps. However, proposed code changes would cause the ESA map to be modified as well as other subchapters of the Denton Development Code and criteria manuals.

Staff has used multiple venues for advertising the proposed changes and soliciting public input. The proposed changes have been advertised on the Denton Development Code Update webpage, notices to all ProjectDox applicants were sent via email, presentations were made as part of the DDC Update open house meetings, and staff solicited input from local and out of town developers and consultants (Denton Community Development Alliance, Kimley Horn, Peloton Land Solutions, etc.). All comments received are based on the changes proposed by the COE and are compiled in Exhibit 4.

EXHIBITS

1. Agenda Information Sheet
2. SubChapter 17 Redlines version
3. SubChapter 17 Clean version
4. Public Comments Compilation

Respectfully prepared and submitted:
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