

## Public Input Comment Compilation

	Comment	Code Reference
1	It would be beneficial to include a definition of what qualifies as streams and/or water bodies. I would recommend following the U.S. Army Corps of Engineers standards for waters of the U.S. (i.e., defined ordinary high water mark or hydric soils, hydrophytic vegetation, & hydrology). I would also recommend excluding isolated stock ponds, upland ponds, isolated wetlands, drainage channels, etc. that do not meet the definition of waters of the U.S. and/or do not have a direct connection to downstream waters.	35.17.5.D
2	Please consider allowing for open trench construction methods within riparian buffers for water, sewer, gas, and other utilities line projects. In riparian areas, with no woody corridor, open trench construction methods would have little to no impact on herbaceous vegetation once the easement/right-of-way has been restored. Allowing open trench construction methods would mirror methods allowed by U.S. Army Corps of Engineers under Nationwide Permit 12 where disturbed areas are returned to pre-construction contours. Additionally, waters of the U.S. that are temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not considered a loss of waters of the U.S. by the U.S. Army Corps of Engineers. The City of Denton should consider the same standard for riparian buffers.	35.17.8.A.3
3	<b>35.17.1:</b> "respective of property rights, while encouraging" ... is good guiding language.	35.17.1
4	Yellow highlights on attached copy should be presented in the appropriate technical criteria manual and not in the DDC.	35.17.4.A.2 35.17.7.B.3 35.17.7.B.4
5	<b>35.17.4.B and 35.17.7.B.3:</b> Allowed dirt work quantities are too small to be meaningful. 25 cubic yards is equivalent to less than 0.19 inches over one acre. 50 cubic yards is less than 17 parking spaces constructed of 6 inch concrete (this is for the concrete only, not the fill under the pavement).	35.17.4.B and 35.17.7.B.3
6	<b>35.17.11.A:</b> Alternative Environmentally Sensitive Area Plans should not be processed as a zoning process. ESA's are natural characteristics of the land and not land uses. AESA's could be processed as a Subdivision Variance with the stipulation that ESA Subdivision Variance be recommended by P&Z and forwarded to CC for final consideration. The TLGC allows City Council's to maintain final approval authority or to delegate certain land development approvals to the P&Z. The CC could keep all other approval processes the same and require SD Variances to go to CC.	35.17.11.A
7	Key, unique and specific terms should be included in a definitions section.	35.17.5
8	Definitions in a Definitions Subchapter should be applicable to all sections of the DDC unless specifically stated in the definition.	35.17.5
9	Include a definitions section in Subchapter 17 that applies only to terms in Subchapter 17. Any definitions or descriptions in other subchapters shall not apply to Subchapter 17 if a specific definition is provided. There should only be on definition to any term unless that definitions is stated to only apply to a specific subchapter.	35.17.5

10	As a zoning or a subdivision regulation it does not seem possible to apply the Flood Plain elements of a zoning (subdivision) ordinance in the ETJ.	35.17.2.B
11	This is confusing or difficult to understand and apply. Is this saying that if regulations in this Subchapter conflict then the more stringent applies or is it in regards to other Subchapters? Not sure the “more stringent” should automatically apply. This is applicable to more than one agency have jurisdiction but not for an agency to address conflicts in its own rules.	35.17.2.C
12	Is this necessary? If no ESA’s exist or if all are removed, then an AESA is not possible. Perhaps should reference section A above.	35.17.4.A.4 35.17.4.C.5
13	Are the formal Site Plan Process and Checklist going away?	35.17.4.B
14	This could be very subjective. The developer is required to protect and stay out of the ESA. Could the reviewer get caught up in how the altered environment outside of the ESA could impact the ESA? Further description or definition could help here.	35.17.4.C.2
15	The permits allow work in the environmental. Does this statement indicate that if the USCOE, EPA, FEMA, etc. allows work in the environmental area then the City will all such permitted work in the ESA regardless of other City requirements?	35.17.4.C.4
16	How does Parkland Dedication incentive commercial? Commercial, etc. should receive some sort of meaningful credit for ESA preservation.	35.17.4.E.2
17	How does preserving an ESA address drainage standard in SC 19 or provide relief?	35.17.4.E.3
18	Elaborate or define “water bodies”, lakes, ponds, streams, standing water in streams, etc.	35.17.5.C
19	Designated wetlands by Environmentalist, EPA, TCEQ, City of Denton? Who provides the official designation? Does the City designate, require a study or provide an official study?	35.17.5.D
20	Floodplain maps should be revised per FEMA maps and not require a Zoning Amendment. Also see Major Comment E regarding process. Does paragraph 3 imply that the City will allow modifications to the Floodplain ESA in accordance with FEMA requirements? FEMA allows a CLOMR-F for areas within the floodplain of Zones AE. City does not.	35.17.6.B.3
21	Altered by a permit activity or by natural causes such as floods, drought, lightening fires, etc.? All of these could destroy a Uplands Habitat or greatly alter a wetlands, stream bed, etc.	35.17.6.C.2
22	Who is going to mark these and how; signs, fences, etc?	35.17.6.E
23	Should reference Drainage TCM as well as Drainage Subchapter. SC 19 :Drainage and the Drainage TCM should be updated at the same time to coordinate provisions. SC 19 appears to allow improvements to drainage ways unless specifically denied by P&Z. More work is needed regarding when flood plains and drainage ways can be improved. In general, DCDA is sympathetic to the desire to maintain channels and streams as vegetative and not concrete lined. Additionally it is good to preserve the tree canopy but not allow the proliferation of trees and vegetation to diminish the hydraulic capacity of the streams.	35.17.7.A.1

24	Somehow these sections of the code need to be better coordinated. It is almost impossible to work in a floodplain when a stream buffer is arbitrarily established. There needs to be a way to “mitigate” tree canopy and other environmental interest and allow the stream to be reasonably and responsibly altered.	35.17.7.A.2
25	In addition to what restrictions for floodplains? Are they not all listed here? The code may need some cleaning up in structure.	35.17.7.B
26	Planting trees, shrubs, bushes, tall grasses, may diminish the hydraulic capacity of the floodplain.	35.17.7.B.1.a
27	Utilities should cross or parallel the edge of the floodplain (unless in a clear floodplain) and not go along the middle or meander in the floodplain, except when absolutely not avoidable.	35.17.7.B.1.c
28	Will parking lots be allowed below the BFE? Not much will happen if fill is limited to 25 or 50 cy or an AESA is required for additional fill.	35.17.7.B.1.f
29	Do storm water controls include impoundments and other land disturbing activities such as infiltration beds? Can this also include detention facilities? It is good to use the FP for such purposes.	35.17.7.B.1.g
30	Does this mean that land disturbing activities allowed by USCOE, FEMA, TCEQ, etc. are allowed by the City of Denton?	35.17.7.B.2.b
31	Does this conflict with 1.d above?	35.17.7.B.2.d
32	See Comment 6 above	<b>35.17.7.B.3</b>
33	Define “Valley Storage”. Neither FEMA nor the USCOE have definitions that we can find. The only description of VS provided by the City comes from a report for Trinity River Corridor- Corridor Development Certificate Manual. Perhaps FEMA and others do not use VS because it is a redundant parameter. If there is no rise allowed upstream or downstream and the velocity cannot increase upstream or downstream then the results intended by also limiting VS are achieved. Other modeling factors such as Reynolds Number and Froude Numbers do more to reflect stream performance and modifications than the Valley Storage parameter. Should consider eliminating this requirement altogether. Also, 15% is a very small amount when working with very wide and very shallow flood plains.	35.17.7.B.3.b
34	Should excavation be on the same parcel or within the flood plain boundaries or both? Why not allow excavation on other parcels as long as the excavation is within the floodplain thereby preserving the valley storage.	35.17.7.B.3.d
35	Adequate drainage or slope stabilization? What soils are permitted for fill; native, select, etc.?	35.17.7.B.3.f
36	This could be arbitrarily enforced and it may extend the impact of the ESA far beyond its boundaries. Work on site should not result in point flows, high velocities, etc. that may cause unnecessary harm to the ESA, but the ESA should not arbitrarily impose additional limitations on site development.	35.17.7.B.3.g
37	Is the 10% of the total lot or of the ESA area located within the lot? If in a multi-lot subdivision can the 10% be applied to the area within the developments ESA and conducted in what will be one of the lots? That way perhaps an entire lot can be recovered?	35.17.8.A.1
38	Define nuisances.	35.17.8.A.9
39	Do the credits mentioned earlier apply here? Who will take care of these areas, P&R, HOA, etc.? Developer maintained areas should receive greater credits than areas dedicated to the City.	35.17.9.A.1

40	Prohibitions seem unnecessary. How can any of the prohibited uses be constructed in a preserved Upland Habitat that is heavily treed? These can only be constructed after the trees have been essentially removed or greatly disturbed for the most part.	35.17.9.A.B.1
41	The code does not accommodate clustering for tracts of land smaller than 2 acres. SC 5 must be revised to allow clustering in all situations. Can clustering be accomplished on smaller lots without requiring an ADP?	35.17.10
42	Define what mitigation goals are. An AESA does not require mitigation, it requires a quality development that meets the intent of the DCDA.	35.17.11.B.1 35.17.11.B.2
43	Does citizen access not qualify as a park credit?	35.17.11.B.4
44	Why not just dedicate as a City Park?	35.17.11.B.5