



City of Denton

City Hall
215 E. McKinney St.
Denton, Texas 76201
www.cityofdenton.com

Meeting Agenda Planning and Zoning Commission

Wednesday, July 17, 2024

5:00 PM

Council Work Session Room
&
Council Chambers

SPECIAL CALLED

WORK SESSION BEGINS AT 5:00 P.M. IN THE COUNCIL WORK SESSION ROOM

SPECIAL CALLED MEETING BEGINS AT 6:30 P.M. IN THE COUNCIL CHAMBERS

REGISTRATION GUIDELINES FOR ADDRESSING THE PLANNING AND ZONING COMMISSION

Individuals may speak during a Planning and Zoning Commission meeting under one of the following categories:

Comments on Agenda Items:

Public comments can be given for any item considered by the Planning and Zoning Commission, EXCEPT work session reports or closed meetings. Individuals are only able to comment one time per agenda item and cannot use more than one method to comment on a single agenda item. Public comments are limited to three (3) minutes per citizen.

Public Hearing Items:

Individuals are limited to four (4) minutes per public hearing item.

Individuals may participate by using one of the following methods:

1. In Person for Regular or Consent Agenda Items:

To provide in-person comments regular or consent agenda items (excluding public hearing items), Individuals must be present at the meeting and submit a speaker card (available at the meeting location) to the Secretary prior to the item being called.

2. In Person for Public Hearing Items:

For public hearing items, speaker cards are encouraged but not required.

3. eComment:

The agenda is posted online at <https://tx-denton.civicplus.com/242/Public-Meetings-Agendas>. Once the agenda is posted, a link to make virtual comments using the eComment module will be made available next to the meeting listing on the Upcoming Events Calendar. Using eComment, Individuals may indicate support or opposition and submit a brief comment about a specific agenda item. eComments may be submitted up until the start of the meeting at which time the ability to make an eComment will be closed. eComments will be sent directly to members of the Planning and Zoning Commission immediately upon submission and recorded by the Secretary into the Minutes of the Meeting.

After determining that a quorum is present, the Planning and Zoning Commission of the City of Denton, Texas will convene in a Work Session on Wednesday, July 17, 2024, at 5:00 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items will be considered:

WORK SESSION

1. Clarification of agenda items listed on the agenda for this meeting

This is an opportunity for Commissioners to ask questions of staff on the Consent and Regular Agenda items, which may include a full briefing on an item in the order it appears on the regular session agenda. Any such briefing will be repeated in regular session.

2. Work Session Reports

- A. [PZ24-131](#) Receive a report, hold a discussion, and give staff direction regarding amending the Denton Development Code to include Section 2.12: Affordable Housing Incentive Procedures.

Attachments:

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Draft of Section 2.12 Affordability Incentive Procedures](#)

[Exhibit 3 - Presentation](#)

SPECIAL CALLED MEETING

After determining that a quorum is present, the Planning and Zoning Commission will convene in a Special Called Meeting on Wednesday, July 17, 2024, at 6:30 p.m. in the City Council Chambers at City Hall, 215 E. McKinney Street, Denton, Texas at which time the following items will be considered:

1. PLEDGE OF ALLEGIANCE

- A. U.S. Flag
B. Texas Flag

“Honor the Texas Flag – I pledge allegiance to thee, Texas, one state under God, one and indivisible.”

2. PUBLIC HEARINGS

This notice authorizes the Planning and Zoning Commission to recommend and City Council to approve a different zoning district which is equivalent to or more restrictive than that which is

requested by the applicant, as the different district may not have a maximum structure height, floor area ratio, or density that is higher than the one requested or be nonresidential when the request is for a residential use or vice versa. The different zoning district must be deemed consistent with the Comprehensive Plan and the Future Land Use Plan.

- A. [CA24-0002a](#) Hold a public hearing and consider making a recommendation to City Council regarding an ordinance adopting the Southeast Denton Area Plan and amending the Denton 2040 Comprehensive Plan. The Southeast Denton Area Plan has an approximate boundary line of 800 feet north of East McKinney Street, 900 feet east of South Woodrow Lane, 700 feet south of Shady Oaks Drive, Dallas Drive to the south, and South Bell Avenue to the west, encompassing approximately 975 acres in the City of Denton, Denton County, Texas. (CA24-0002, Southeast Denton Area Plan, Julie Wyatt and Mia Hines)

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Draft Southeast Denton Area Plan](#)
[Exhibit 3 - Draft Ordinance](#)

- B. [DCA24-0008](#) Hold a public hearing and consider making a recommendation to City Council regarding amending the Denton Development Code Subchapter 2: Administration and Procedures Subsection 2.3.3B Planning and Zoning Commission Operational Procedures related to establishing an agenda item reconsideration process within the Planning and Zoning Commission Operational Procedures. (DCA24-0008, P & Z Reconsideration Process, Keisha Cyriaano)

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Staff Analysis](#)
[Exhibit 3 - Draft Ordinance](#)

- C. [DCA24-0009](#) Hold a public hearing and consider making a recommendation to City Council regarding a proposed revision to the Denton Development Code; amendments include but are not limited to Table 5.2-A: Table of Allowed Uses, Section 5.3.4: Public, Institutional, Religious, and Civic Uses Use-Specific Standards, Table 7.9-I: Minimum Required Off-Street Parking, and Section 9.2: Definitions related to the applicability and regulation of charter schools. (DCA24-0009, Charter School Uses, Erin Stanley)

Attachments: [Exhibit 1 - Agenda Information Sheet](#)
[Exhibit 2 - Staff Analysis](#)
[Exhibit 3 - Draft Ordinance](#)
[Exhibit 4 - House Bill 1707](#)

3. CONCLUDING ITEMS

A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the Planning & Zoning Commission or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

NOTE: The Planning and Zoning Commission reserves the right to adjourn into a Closed Meeting on any item on its Work Session or Regular Session agenda consistent with Chapter 551 of the Texas Government Code, as amended, including without limitation, Sections 551.071-551.086 of the Texas Open Meetings Act.

CERTIFICATE

I certify that the above notice of meeting was posted on the official website (<https://tx-denton.civicplus.com/242/Public-Meetings-Agendas>) and bulletin board at City Hall, 215 E. McKinney Street, Denton, Texas, on July 12, 2024, in advance of the 72-hour posting deadline, as applicable, and in accordance with Chapter 551 of the Texas Government Code.

OFFICE OF THE CITY SECRETARY

NOTE: THE CITY OF DENTON'S DESIGNATED PUBLIC MEETING FACILITIES ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY WILL PROVIDE ACCOMMODATION, SUCH AS SIGN LANGUAGE INTERPRETERS FOR THE HEARING IMPAIRED, IF REQUESTED AT LEAST 48 HOURS IN ADVANCE OF THE SCHEDULED MEETING. PLEASE CALL THE CITY SECRETARY'S OFFICE AT 940-349-8309 OR USE TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD) BY CALLING 1-800-RELAY-TX SO THAT REASONABLE ACCOMMODATION CAN BE ARRANGED.



City of Denton

City Hall
215 E. McKinney St.
Denton, Texas 76201
www.cityofdenton.com

Legislation Text

File #: PZ24-131, **Version:** 1

AGENDA CAPTION

Receive a report, hold a discussion, and give staff direction regarding amending the Denton Development Code to include Section 2.12: Affordable Housing Incentive Procedures.



AGENDA INFORMATION SHEET

DEPARTMENT: Community Services

CM/ DCM/ ACM: Christine Taylor

DATE: July 17, 2024

SUBJECT

Receive a report, hold a discussion, and give staff direction regarding amending the Denton Development Code to include Section 2.12: Affordable Housing Incentive Procedures.

BACKGROUND

As our community continues to grow, the City of Denton is committed to fostering an economically diverse community with opportunities for everyone. The City has prioritized supporting affordable housing as outlined in the Denton Affordable Housing Strategic Toolkit, as well as other strategic planning documents, such as the Consolidated Plan for Housing and Community Development and Denton 2040 Comprehensive Plan.

City Council adopted Denton's Affordable Housing Strategic Toolkit on February 15, 2022 (ID 22-090). The toolkit outlines five recommended strategies with targeted activities to deliver housing interventions. One of these five strategies is Zoning Relief and Variances, combining adjustments to development regulations with targeted incentives to enable the private sector to produce lower priced housing units.

What is Affordable Housing?

Affordable Housing is any dwelling unit designed such that a household at 80% Area Median Income (AMI) or below can afford to live in, with the cost being no more than 30% of their income.

Affordability

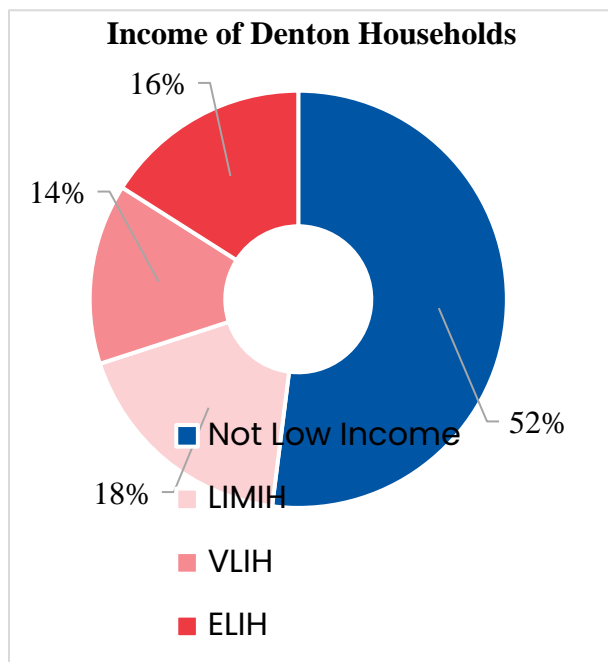
Household Area Median Income is determined by the U.S. Department of Housing and Urban Development (HUD) on an annual basis for regions. Below is the Area Median Income by Household Size table for the greater Dallas/Fort Worth region, Denton inclusive.

(continued on next page)

Area Median Income	Income Limit Category	Household Size							
		1	2	3	4*	5	6	7	8
110,300	100%	77,300	88,300	99,300	110,300	119,200	128,000	136,800	145,600
	<u>Low / Moderate (80%)</u>	61,800	70,600	79,450	88,250	95,350	102,400	109,450	116,500
	<u>Very Low (50%)</u>	38,650	44,150	49,650	55,150	59,600	64,000	68,400	72,800
	<u>Extremely Low 30%</u>	23,200	26,500	29,800	33,100	35,750	38,400	41,050	43,700

Affordable Housing Aims to serve “Low Income Households” – Those households earning 80% or less of Denton County Area Median Income. The Area Median Income (AMI), also known as Income Limit, is established and annually updated by the Department of Housing and Urban Development (HUD). AMI includes the following Income Categories:

- i. Extremely Low-Income Households (ELIH), earning no more than 30% of AMI as determined by the most Recent Income Limits set by HUD for Denton County or Persons Experiencing Homelessness (PEH) ([Income Limits found here](#)).
- ii. Very Low-Income Households (VLIH), earning no more than 50% of the AMI as determined by the most Recent Income Limits set by HUD for Denton County ([Income Limits found here](#)).
- iii. Low-Income and Moderate-Income households (LIMIH), earning no more than 80% of the AMI as determined by the most Recent Income Limits set by HUD or Denton County ([Income Limits found here](#)).



Need

In the City of Denton, 48% of households are Low Income Households.

- 18% are Low-Income and Moderate-Income Households,
- 14% are Very Low-Income Households,
- 16% are Extremely Low-Income Households.

30% of Denton households (14,530 households) are Very Low Income, earning 50% AMI or below.

Of Denton’s current 49,550 housing units, **only 6,650 are affordable to Low Income – Moderate Income Households.**

By incentivizing the private market to create mixed-income developments, the City seeks to ensure that poverty is not concentrated in one area of the city, while at the same time

leveraging local resources as effectively as possible to foster economic opportunity and affordability.

AFFORDABLE HOUSING INCENTIVE PROCEDURES

As a strategy outlined in the Affordable Housing Strategic Toolkit, staff proposes an amendment to the Denton Development Code (DDC) to provide a process for Incentives for Affordable Housing Development. These incentives will offer targeted zoning relief in exchange for affordability of the dwelling unit(s). A draft of the proposed incentive procedure text is provided as Exhibit 2 and is summarized below.

Under these procedures, prospective developers would submit an Affordable Housing Incentives Program Application to the City for administrative action. If the application is approved by the City, the developer will be allowed specific chosen relief measures from the list of Affordability Incentives below, in exchange for setting aside a minimum portion of units as Affordable Housing. The more incentives a developer proposes to utilize, the greater proportion of units the developer will need to set aside as affordable.

Affordability Incentives

Projects providing affordable units may request one or more of the following incentives, depending upon the income level of the targeted households and the percentage of affordable units set-aside as described in Table 2.12-B.

1. 20% reduction in minimum yard/setback requirements in the applicable zoning district in Subchapter 3.2 – 3.5,
 - a. Townhome developments are not eligible for this incentive but may instead receive a 20% reduction in open space requirements.
2. 20% deviation from building coverage requirements in the applicable zoning district in Subchapter 3.2 – 3.5,
3. 20% reduction in minimum lot width in the applicable zoning district in Subchapter 3.2 – 3.5,
4. 20% reduction in minimum lot depth in the applicable zoning district in Subchapter 3.2 – 3.5,
5. 20% reduction in minimum lot area in the applicable zoning district in Subchapter 3.2 – 3.5,
6. 20% increase in maximum building height in the applicable zoning district in Subchapter 3.2 – 3.5, provided the development is still in compliance with Subchapter 7.10.6,
7. 20% reduction in minimum unit size for townhome, duplex, multifamily dwelling, and tiny home developments as defined in Subsection 5.3.3,
8. For multifamily dwellings, a 10 point reduction in the Landscaping Area Point System (development must provide at least two Elements from Section A (if applicable) and one Element from Section B, regardless of reduction) in Table 7.E,
9. A reduction or waiver in parking requirements from Table 7.9-I:
 - a. A reduction in parking requirements to not less than 1 parking space per affordable dwelling unit irrespective of the number of bedrooms, or,
 - b. A reduction in parking requirements to not less than ½ parking space per affordable dwelling unit for dwelling units restricted to senior citizens, with senior being defined as those 62 years of age or older.

Affordability Qualifications

To qualify for Affordability Incentive(s), the residential development must set aside for affordable units, as defined under proposed Subchapter 2.12.2.D, a portion of the unit total equal to or greater than the percentage provided in proposed Table 2.12-B for the requested number of Affordability Incentives.

(continued on next page)

TABLE 2.12-B: Number of Incentives Granted Per Percent of Units held Affordable				
Income Category	Percent of Units Affordable	Percent of Units Affordable	Percent of Units Affordable	Percent of Units Affordable
NUMBER OF INCENTIVES	1	2	3	4 or more
ELIH	5%	10%	15%	20%
VLIH	10%	15%	20%	25%
LIMIH	5%	10%	15%	20%
TOTAL PERCENT OF UNITS AFFORDABLE	20%	35%	50%	65%
DURATION OF AFFORDABILITY	20 years	30 years	40 years	45 years

Enforceability:

Both the City and Developer shall sign an Affordability Incentive Agreement at the time of building permit issuance. This Affordability Incentive Agreement shall include the duration of affordability and affordability requirements as outlined in Table 2.12-B, as well as remedies the City may pursue if the agreement is not upheld. Along with this agreement shall be documentation of a recorded agreement, lien, or covenant running with the land, binding all the assigns, heirs, and successors of the applicant to the terms of the Affordability Incentive Agreement. The City Community Services Department shall monitor the development on an annual basis to ensure the terms of the agreement are upheld.

EXHIBITS

Exhibit 1 – Agenda Information Sheet

Exhibit 2 – Draft of Section 2.12 Affordability Incentive Procedures

Exhibit 3 – Presentation

Respectfully submitted:
 Dani Shaw
 Director of Community Services

Prepared by:
 Leia Atkinson
 Housing Programs Coordinator

Subchapter 9 considerations for definition additions:

“Low Income Household” – Those households earning 80% or less of Denton County Area Median Income. The Area Median Income (AMI), also known as Income Limit, is established and annually updated by the Department of Housing and Urban Development (HUD). AMI includes the following Income Categories:

1. Extremely Low-Income Households (ELIH), earning no more than 30% of AMI as determined by the most Recent [Income Limits set by HUD](#) for Denton County or Persons Experiencing Homelessness (PEH).
2. Very Low-Income Households (VLIH), earning no more than 50% of the AMI as determined by the most Recent [Income Limits set by HUD](#) for Denton County.
3. Low-Income and Moderate-Income households (LIMIH), earning no more than 80% of the AMI as determined by the most Recent [Income Limits set by HUD](#) for Denton County

2.12 Affordability Incentive Procedures

1. **Purpose:** The purpose of this section is to encourage the development of affordable housing within the City of Denton. The City is committed to fostering an economically diverse community with opportunities for everyone. The City has prioritized supporting affordable housing, and the implementation of this Affordability Incentive Process recognizes the public benefits affordable housing contributes to local communities and businesses.
2. **Applicability:**
 - A. Any development which provides dwelling units for Low Income Households, in accordance with the qualifications in Subsection 2.12.5A may be eligible for one or more Affordability Incentives.
 - B. The Affordability Incentives may be utilized for the development of the following types of residential uses which include affordable units allocated for Low-Income Households at the percentages described in table 2.12-B:
 1. Multifamily Dwelling,
 2. Single-Family Detached Dwelling,
 3. Townhome,
 4. Duplex,
 5. Triplex,
 6. Fourplex,
 7. Tiny Home Development,
 8. Accessory Dwelling Unit, or
 9. Manufactured Home Development (HUD Code).

- C. Duration of Affordability. Affordable housing units created by the Affordability Incentives Process shall remain affordable, as defined in Subsection 2.12.2.D, for at least the period of time stipulated in Table 2.12-B.
- D. Definitions for Affordability. To be deemed affordable for the purposes of this Section the sale or rental price of a dwelling unit shall be based on the Income Limits for the year the housing unit is offered for sale or rent. The Income Limits for each Low-Income Household Income Category are as follows:
1. Extremely Low-Income Households (ELIH): Housing units allocated to this Income Category shall be priced no higher 30% of the income for a household at the ELIH AMI as determined by the most Recent [Income Limits set by HUD](#) for Denton County or Persons Experiencing Homelessness (PEH).
 2. Very Low-Income Households (VLIH): Housing Units allocated to this Income Category shall be priced no higher than 30% of the income for a household at VLIH AMI as determined by the most Recent [Income Limits set by HUD](#) for Denton County.
 3. Low-Income and Moderate-Income households (LIMIH): Housing Units Allocated to this Income Category shall be priced no higher than 30% of income for a household at LIMIH AMI as determined by the most Recent [Income Limits set by HUD](#) for Denton County.
- E. Applicability of other Development Regulations. Affordability Incentive Program participation is the only process required for approval of Affordability Incentives. Participation in the Affordability Incentives Program does not remove the obligation to obtain any other approvals required by this DDC.
3. **Procedure:**
- A. **Step 1: Pre-Application Activities.**
1. Pre-Application Conference. A pre-application conference is recommended in accordance with Subsection 2.4.3.
 2. Citizen Participation. Not required.
- B. **Step 2: Application Submittal and Processing:**
1. Affordability Incentives Agreement. Prior to issuance of the building permit, the applicant must execute an Affordability Incentives Agreement (hereafter, the "Agreement") in a form approved by the City Attorney. The Agreement must include, but is not to be limited to:
 - a. Legal description of the subject property;
 - b. Duration of Affordability, according to Table 2.12-B;
 - c. Identification of all the incentives that the project proposes to incorporate;
 - d. Identification of the minimum number of affordable housing units required to be provided in the project to qualify for the incentives per section 2.12.5;
 - e. Identification of the AMI categories assigned to the affordable housing units;
 - f. The information required to be in the Affordability Incentives Application, as provided in Section 2.12.3.B. #;

- DRAFT
- g. Confirmation that the development shall not discriminate on the basis of race, color, national origin, religion, sex, familial status or disability in the lease, use, or occupancy of the Development. Further the Development shall not deny admission to any person exclusively on the basis of such person receiving rental assistance payments under a local, state, federal or other housing assistance program, including, but not limited to, Section 8 of the United States Housing Act of 1937 as amended;
 - h. A recordable Security Interest that protects the City's interests in the event that a developer applies Affordability Incentives to the platting or building phases but fails to provide affordable housing for the Duration of Affordability, or to the AMI Income Categories as agreed;
 - i. A Right of First Refusal clause that requires the City be offered the chance to buy the property if the applicant decides to sell the property prior to the end of the Duration of Affordability;
 - j. Consent to modify the Agreement if the submitted project requires alteration through normal development review and approval process;
 - k. A default provision stating the conditions of default, which shall include, but not be limited to: failure to provide the required number of affordable housing units as stipulated under the Agreement or conversion of the property to a use other than for affordable housing as defined under this section before the expiration of the Duration of Affordability.; and
 - l. Language that requires documentation of a recorded agreement, lien, or covenant running with the land, binding all the assigns, heirs, and successors of the applicant. The recorded agreement, lien, or covenant shall secure the required affordability provisions prior to the building permit for a Single-Family Detached Dwelling, Townhome, Duplex, Triplex, Fourplex, Tiny Home Development, or Manufactured Home development or Multifamily Dwelling building permit. Additionally, the recorded agreement, lien, or covenant must include all provisions related to the Agreement, including, but not limited to, Duration of Affordability, proposed incentives, minimum number of affordable housing units, required Income Categories, the City's Right of First Refusal, and remedies related to a failure to fulfill the terms of the agreement.
- C. **Step 3: Staff Review and Action.** In addition to traditional staff review, The Director or their designee (as applicable) shall review the draft Affordability Incentives Agreement, residential project, and proposed Affordability Incentives outlined in this Subchapter in conjunction with the City Attorney. No building permit shall be issued or land use approvals finalized , and no

other permits shall be issued until the Affordability Incentives Agreement has been fully reviewed, approved, and executed by the City.

D. **Step 4: Scheduling and Notice of Public Meetings/Hearings.** Not required.

E. **Step 5: Post-Decision Actions and Limitations.** Post-decision actions and limitations in DDC Subsection 2.4.8 shall apply, with the following modifications:

1. Monitoring Continued Affordability. The City of Denton Community Services Department shall be the responsible party to monitor the continued affordability of both rental and owner-occupied housing units.
2. Resale of Affordable Homeownership Units. Affordable Housing units provided for under this Chapter may be sold or resold only to eligible households or a nonprofit organization through the end of the required Duration of Affordability. For Affordable Housing units to be sold or resold at market rate prior to the end of the required Duration of Affordability, the benefit provided through this section shall be accounted for as follows:
 - a. Reimbursement shall be made to the City of Denton as reasonable compensation for the value of all incentives originally granted.
 - i. As provided in Subsection 2.12.5.B, 50 percent of net proceeds from the sale shall be paid to the City.
 - ii. The City shall dedicate all such conversion payments towards future incentives offered through this section or other affordable housing initiatives as directed by City Council.
 - b. A recorded agreement, lien, and covenant running with the land, binding all the assigns, heirs and successors of the applicant shall secure the conversion requirements in Subsection 2.12.3.F as outlined in 2.12.3.B.
3. Conversion of Affordable Rental Units to Market Rate. Affordable Housing units provided for under this Chapter when sold or resold are still subject to the requirements in the Affordability Incentives Agreement in accordance to the recorded agreement, lien, or covenant running with the land, until the end of the affordability period specified. In the event that the terms of the agreement are not fulfilled, the City may pursue the remedies specified in the Affordability Incentives Agreement.

4. **Approval Criteria.** In reviewing the Affordability Incentives Agreement application, the Director or their designee shall consider the general approval criteria in Subsection 2.4.5 and the following criteria:

- A. The proposal complies with the Affordability Incentive Qualifications outlined in Table 2.12-B,
- B. Number, distribution, and building design of affordable housing units within the project area,
- C. A proportional amount of affordable housing units scheduled to be completed at or prior to the construction of related market rate housing units, for mixed-income developments constructed in phases exceeding 12 months.
- D. The Development shall not discriminate on the basis of race, color, national origin, religion, sex, familial status or disability in the lease, use, or occupancy of the Development. Further the Development shall not deny admission to any person exclusively on the basis of such

person receiving rental assistance payments under a local, state, federal or other housing assistance program, including, but not limited to, Section 8 of the United States Housing Act of 1937 as amended.

- E. Uniformity of building design between affordable and market rate dwelling units. and
- F. Conformance with all other applicable standards in this DDC, except for deviations consistent with the requested Affordability Incentives.

5. Qualifications and Incentives.

- A. Affordability Incentive Qualifications. To qualify for an Affordability Incentive(s), the residential development must have set aside for affordable units, as defined under Subsection 2.12.2.D, a portion of the unit total equal to or greater than the percentage provided in Table 2.12-B for the requested number of Affordability Incentives.

TABLE 2.12-B: Number of Incentives Granted Per Percent of Units held Affordable				
Income Category	Percent of Units Affordable	Percent of Units Affordable	Percent of Units Affordable	Percent of Units Affordable
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TOTAL PERCENT OF UNITS AFFORDABLE	20%	35%	50%	65%
DURATION OF AFFORDABILITY	20 years	30 years	40 years	45 years

- B. Affordability Incentives. Projects providing affordable units may request one or more of the following incentives, depending upon the income level of the targeted households and the percentage of affordable units set-aside as described in Table 2.12-B.
 1. 20% reduction in minimum yard/setback requirements in the applicable zoning district in Section 3.2 – 3.5,
 - a. Townhome developments are not eligible for this incentive, but may instead receive a 20% reduction in open space requirements
 2. 20% deviation from building coverage requirements in the applicable zoning district in Section 3.2 – 3.5,
 3. 20% reduction in minimum lot width in the applicable zoning district in Section 3.2 – 3.5,
 4. 20% reduction in minimum lot depth in the applicable zoning district in Section 3.2 – 3.5,
 5. 20% reduction in minimum lot area in the applicable zoning district in Section 3.2 – 3.5,
 6. 20% increase in maximum building height in the applicable zoning district in Section 3.2 – 3.5, provided the development is still in compliance with Section 7.10.6,
 7. 20% reduction in minimum unit size for townhome, duplex, multifamily dwelling, and tiny home developments as defined in Subsection 5.3.3,

8. For multifamily dwellings, a 10 point reduction in the Landscaping Area Point System (development must provide at least two Elements from Section A and one Element from Section B, regardless of reduction) in Table 7.E,
9. A reduction or waiver in parking requirements from Table 7.9-I:
 - a. A reduction in parking requirements to not less than 1 parking space per affordable dwelling unit irrespective of the number of habitable rooms, or,
 - b. A reduction in parking requirements to not less than $\frac{1}{2}$ parking space per affordable dwelling unit for dwelling units restricted to senior citizens, with senior being defined as those 62 years of age or older.

DRAFT



Affordability Incentives

July 17th, 2024

A vibrant mural on a wall, featuring a large blue bird with white and yellow accents, surrounded by large yellow and pink flowers. The mural is set against a background of green foliage. The mural is partially obscured by a diagonal band of blue, white, and red stripes.

COMMUNITY SERVICES

SUMMARY

- **Proposal:** Update DDC to include Affordability Incentives:
 - Section 2.12: Affordability Incentive Procedures
- This amendment would introduce nine (9) development **incentives**, offering **slight deviation** from the standard DDC requirements.
- All residential developments would have the **option** to utilize one or more of these incentives **in exchange** for including **affordability** within the development.

STRATEGIC ALIGNMENT

Presented in alignment with:

- City of Denton **Affordable Housing Strategic Toolkit (Activity 3.B)**
- City Council's priority to **Foster Economic Opportunity and Affordability**
- **Economic Development Strategic Plan:** Policy 3.2 Housing Affordability
- **2040 Plan: Policy 7.2** Expand the availability of affordable housing choices for community members most in need of housing, including those with low incomes and special needs.
 - **Action 7.2.1** Support expansion of the availability of affordable housing for low-moderate income residents through policies for mixed income neighborhoods and housing development.

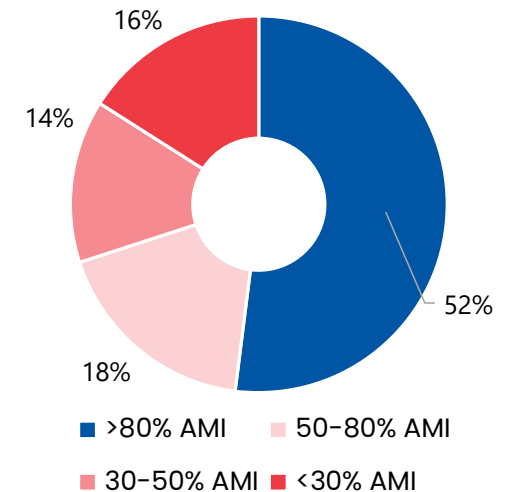
KEY CONCEPT – AFFORDABLE HOUSING

Typically, housing is considered 'Affordable' if a household is spending a **30% of their income or less** on housing. From a development perspective, 'affordable housing' is housing designed to meet this affordability threshold for a household at **80% Area Median Income or less**. That means teachers, librarians, social workers, single parents, seniors, individuals with disabilities, and lots of other people who are essential to the fabric of Denton.

Area Median Income	Income Limit Category	Household Size							
		1	2	3	4*	5	6	7	8
110,300	100%	77,300	88,300	99,300	110,300	119,200	128,000	136,800	145,600
	<u>Low / Moderate (80%)</u>	61,800	70,600	79,450	88,250	95,350	102,400	109,450	116,500
	<u>Very Low (50%)</u>	38,650	44,150	49,650	55,150	59,600	64,000	68,400	72,800
	<u>Extremely Low 30%</u>	23,200	26,500	29,800	33,100	35,750	38,400	41,050	43,700

Updated: May 2024
*HUD Adjusted

Income of Denton Households



MENU OF INCENTIVES

- 20% Deviation from:
 - Minimum **Yard/Setback**
 - **Building Coverage**
 - Minimum **Lot Width**
 - Minimum **Lot Depth**
 - Minimum **Lot Area**
 - Maximum **Building Height**
 - Minimum **Unit Size**
- 10 point reduction from **Landscaping** Area Point System
- **Parking** Reduction to 1 spot per affordable dwelling unit

AFFORDABILITY REQUIREMENTS

Incentive Qualifications. Any residential development seeking Affordability Incentive(s) must comply with the following affordability requirements.

TABLE 2.12-B: Number of Incentives Granted Per Percent of Units held Affordable				
Income Category	Percent of Units Affordable	Percent of Units Affordable	Percent of Units Affordable	Percent of Units Affordable
NUMBER OF INCENTIVES	1	2	3	4 or more
Extremely Low Income (Less than 30% AMI)	5%	10%	15%	20%
Very Low Income (30-50% AMI)	10%	15%	20%	25%
Low/Moderate Income (50-80% AMI)	5%	10%	15%	20%
TOTAL PERCENT OF UNITS AFFORDABLE	20%	35%	50%	65%
DURATION OF AFFORDABILITY	20 years	30 years	40 years	45 years

PROCEDURE

Request for Affordability Incentives

This is a comprehensive application to City of Denton Community Services Department for incentives in exchange for affordability in residential developments within the City of Denton. This application currently **does not** include HOME or CDBG funds, the Development Fee Grant, the Rental Rehab Grant, or the Homebuyer assistance grant. This application does include:

- 2.12 Denton Development Code Variances
- Direct Project Financing
- Public Facility Corporation Partnership
- Resolution of Support/No Objection
- Land Acquisition/Lease

Current Income, Rent, and Sales Price limits can be found at: [LINK](#)
For any questions, please reach out to: Leia.Atkinson@CityOfDenton.com

General Information

Development Name *

Date *

Legal Name of Developer/Entity *

Authorized Officer Completing Request *

Title of Authorized Officer *

Phone Number of Authorized Officer *

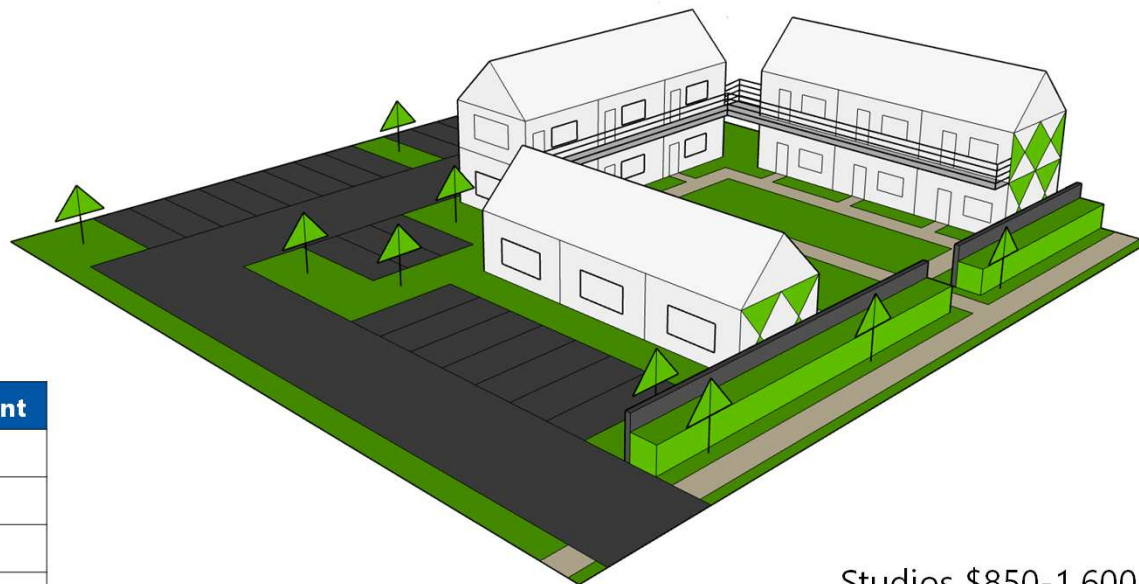
- During the normal development process, the developer will submit a **Request for Affordable Housing Incentives**.
- The Director of Development Services and Director of Community Services (or their designees) will **review** and approve/deny the request based on written standards.
- Prior to building permits being issued, both the City and Developer will sign an **Affordable Housing Incentives Program Agreement**.
- The Community Services Department will **monitor** the development for the full compliance period.

EXAMPLE: *HICKORY VIEWS*

Very Good Apartments Incorporated has just acquired a beautiful piece of land in Denton. Their goal is to build as many units on their land as possible within the bounds of the Development Code. Right now, the most they can build is **15 units**.

Lot:	155' x 155'
Total Units:	15
Required Parking: (1.25 per unit plus 10%)	21
Cost Per Unit	\$172,000
Market Rent*	\$1,720
Monthly Revenue	\$25,800

	1 Person AMI	Affordable Rent
100%	\$77,300	\$1,933
Low / Moderate (80%)	\$61,800	\$1,545
Very Low (50%)	\$38,650	\$ 966
Extremely Low 30%	\$23,200	\$ 580



Studios \$850-1,600.

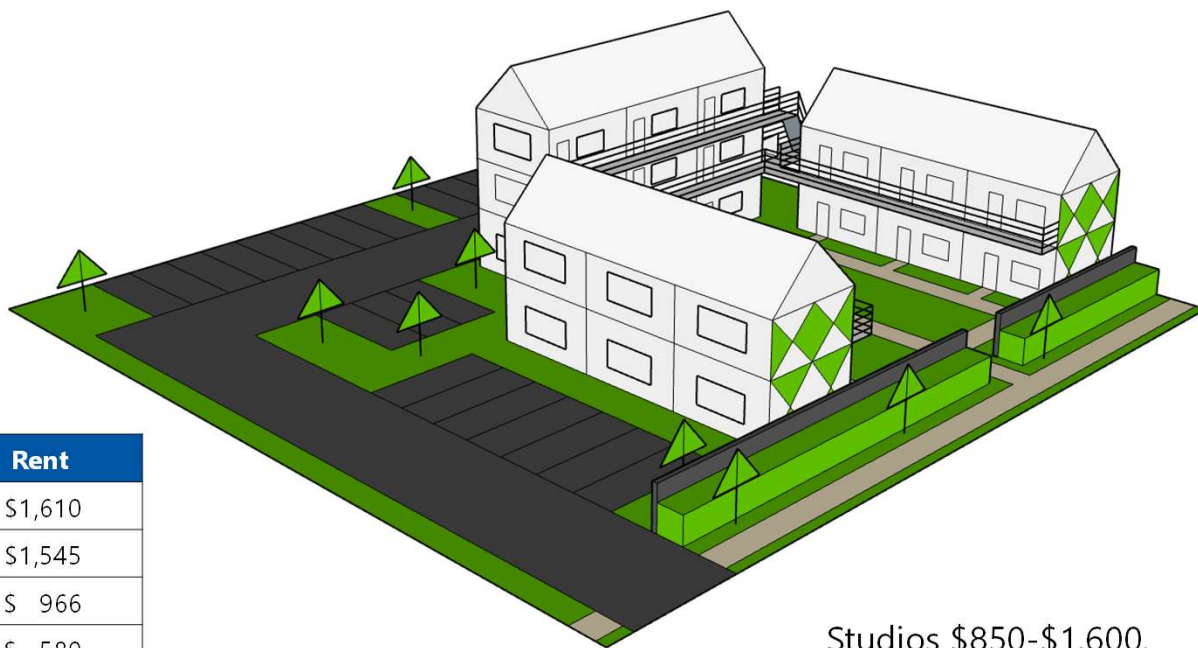
**Rent is 1% of construction cost*

EXAMPLE: *HICKORY VIEWS*

What could their design look like if they included the parking reduction incentive in exchange for affordability? By utilizing this incentive, they can add 6 more units. Each unit will still have a parking space dedicated to it, but now they can build **21 units**.

Lot:	155' x 155'	155' x 155'
Total Units:	15	21
Required Parking:	21	25
Cost Per Unit	\$172,000	\$160,952
Rent	\$1,720	\$1,610
Monthly Revenue	\$25,800	\$29,682

	1 Person AMI	Units	Rent
Market Rate	-	14	\$1,610
Low / Moderate (80%)	\$61,800	2	\$1,545
Very Low (50%)	\$38,650	3	\$ 966
Extremely Low 30%	\$23,200	2	\$ 580



Studios \$850-\$1,600.
*Rent is 1% of construction cost

NEXT STEPS

- July and August: **Public Engagement**
- August 14th: **Public Hearing**
- September 17th: **Public Hearing to City Council**



City of Denton

City Hall
215 E. McKinney St.
Denton, Texas 76201
www.cityofdenton.com

Legislation Text

File #: CA24-0002a, **Version:** 1

AGENDA CAPTION

Hold a public hearing and consider making a recommendation to City Council regarding an ordinance adopting the Southeast Denton Area Plan and amending the Denton 2040 Comprehensive Plan. The Southeast Denton Area Plan has an approximate boundary line of 800 feet north of East McKinney Street, 900 feet east of South Woodrow Lane, 700 feet south of Shady Oaks Drive, Dallas Drive to the south, and South Bell Avenue to the west, encompassing approximately 975 acres in the City of Denton, Denton County, Texas. (CA24-0002, Southeast Denton Area Plan, Julie Wyatt and Mia Hines)



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: Department of Development Services

ACM: Cassey Ogden

DATE: July 17, 2024

SUBJECT

Hold a public hearing and consider making a recommendation to City Council regarding an ordinance adopting the Southeast Denton Area Plan and amending the Denton 2040 Comprehensive Plan. The Southeast Denton Area Plan has an approximate boundary line of 800 feet north of East McKinney Street, 900 feet east of South Woodrow Lane, 700 feet south of Shady Oaks Drive, Dallas Drive to the south, and South Bell Avenue to the west, encompassing approximately 975 acres in the City of Denton, Denton County, Texas. (CA24-0002, Southeast Denton Area Plan, Julie Wyatt and Mia Hines)

PROPOSED PLAN ADOPTION

The purpose of the July 17, 2024 public hearing is to present the Southeast Denton Area Plan and receive a recommendation of approval prior to consideration by City Council on July 23, 2024. Developing the Southeast Denton Area Plan has been a year-long project with active public engagement to identify the community's vision, goals, strategies, and actions for implementing the next 10 to 20 years. Since the Joint City Council/Planning and Zoning Commission meeting held on March 19, 2024, the project team has developed the plan's implementation elements which include 53 action steps, an updated Future Land Use Map, a Future Overlay Districts Map, and conceptual street cross-sections. The Steering Committee has evaluated these implementation elements, as well as provided input related to other area plan components (i.e. existing conditions, community engagement, vision statement, goals and strategies), and is supportive of the draft plan as proposed.

This proposed plan will supersede the Denton 2040 Comprehensive Plan goals and recommendations (including land uses) for the Southeast Denton community. **Furthermore, the proposed plan is reflective of the community's desires and past Steering Committee, City Council, and Planning and Zoning Commission input. Below is a summary of the steps taken to formulate the plan throughout the duration of this project.**

BACKGROUND

On March 22, 2022, City Council adopted an ordinance that approved an update to the City's Comprehensive Plan (Denton 2040 Comprehensive Plan). Throughout the Planning and Zoning Commission and City Council work session presentations related to the update, area plans were discussed as a solution to address local challenges and were identified as one of the Commission's and Council's implementation priorities. Elected and appointed leaders, as well as staff, agreed that further in-depth analysis was needed to better refine the vision for specific areas and to plan for future infrastructure needs. These types of plans provide the ability to address more refined and specific planning challenges, as well as enhance potential opportunities, at a scale more specific to a given area.

Per City Council’s direction, staff initiated the Southeast Denton Area Plan (SEDAP) study which kicked off in March 2023. Establishing the SEDAP study area boundary was a key component of the plan which required considerable public outreach and consensus-building. Ultimately, a core area that includes 600 acres was selected, generally bounded by McKinney Street to the north, Bell Avenue and Dallas Drive to the west, Teasley Lane and Shady Oaks Drive to the south, and Woodrow Lane to the east. Understanding proximate developments and neighborhoods often influence each other, planning for this area also includes the parcels north of McKinney Street, east of Woodrow Lane, and south of Shady Oaks Drive/Teasley Lane to provide guidance for transition areas between SEDAP and adjoining neighborhoods. The SEDAP project team is also continuing to coordinate with the Design Downtown Denton team to ensure Bell Avenue (the seam between Southeast Denton and Downtown) is planned comprehensively to support and connect both areas.

History

A discussion of the future of Southeast Denton cannot begin without first acknowledging the past. In the 1920s, Black families in Denton were forced to move from Quakertown, a prosperous middle-class Black community located northeast of the Downtown Square, to the southeastern portion of the city. Quakertown’s proximity to the nearby College of Industrial Arts (now known as Texas Woman’s University) in the first decades of the twentieth century was seen as unacceptable for Denton’s residents and the College leaders due to white students living near the prominent black community. Under the pretense that the town desperately needed a civic center park and the misconception that a thriving Black community constituted “blight,” the City used federal funds to force the community’s displacement. By 1923, nearly seventy homes, dozens of businesses, and a community center was either torn down or physically relocated to the south and east side of Denton.

Although it has been almost a century, the trauma of the forced relocation has remained. Many of the long-time residents and their families have not forgotten what happened, and the destruction of their homes and property caused huge financial setbacks.

Forty years after Quakertown, Denton’s Black families faced displacement threats again. The City proposed an urban renewal bond in the 1960’s that, if approved, would have demolished 185 acres of homes—clearing the way to sell the property to a private developer. The bond was defeated by community members who organized opposition, but the long-term impacts of the City’s repeated actions formed a multi-generational distrust of local government that continues today.

GOALS OF THE SOUTHEAST DENTON AREA PLAN

While the City has made efforts to lessen the government distrust by investing in area park and street improvements, a concerted and cohesive acknowledgement of the harm caused by the forced relocation of Quakertown families is long overdue. Furthermore, recent development proposals adjacent to and within Southeast Denton have raised concerns from the community about the past repeating itself. The Southeast Denton Area Plan is the first step in the effort to heal from the damages of the past and begin to build upon the community’s vitality and resilience to ensure a bright future based on the community’s desires.

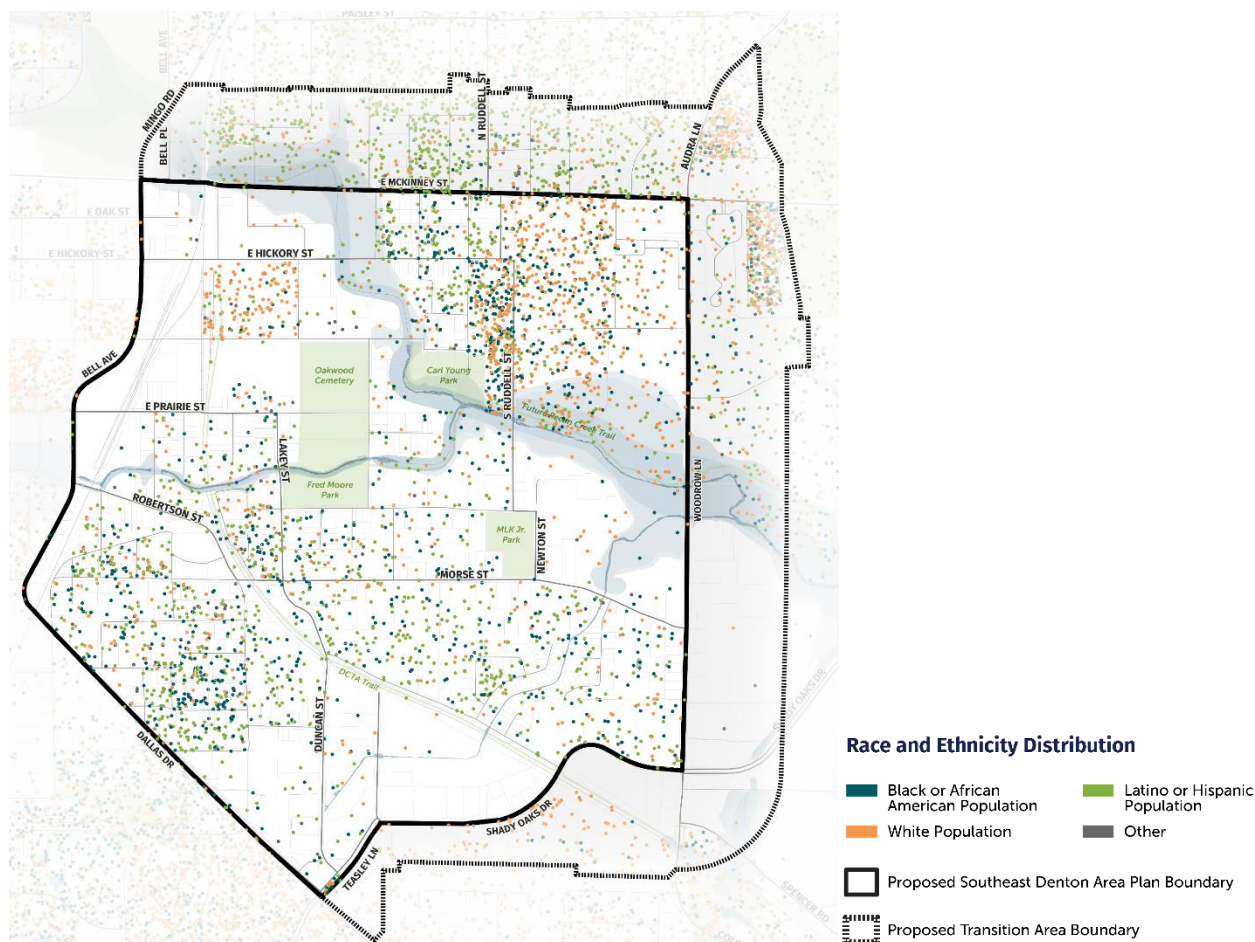
By listening to the Southeast Denton community and incorporating their solutions, aspirations, and ideas, this plan attempts to strengthen the Southeast Denton area for existing and future residents and stakeholders as well as those interested in joining this cohesive, connected community.

Through the planning process, this plan has considered the following:

- The areas that are important to the residents and stakeholders for preserving the cultural character of the Southeast Denton neighborhoods;
- The impacts of potential development within and adjacent to the study area;
- Areas where change can occur for the advancement of the neighborhood and overall community;
- Ideas for future improvements – transportation, housing, connectivity, parks and open space, and overall quality of life in the community; and
- Recommendations for capital improvement projects and policy changes for future improvements.

Population

Southeast Denton is a young, diverse community. According to 2021 ACS data, Southeast Denton is fairly evenly split between Hispanic (28%), Black (30%), and White (36%), and 64% of the population is under 40 years of age, with 36% under 25. The distribution of the different race and ethnic groups is somewhat uniform, with no one area dominated by a single group as shown on the map below:



Median household income is slightly lower than the City as a whole, with Southeast Denton households earning \$59,328 per year as compared to City of Denton household earnings of \$65,168 per year. Finally, while the population of the City and County have grown over the last 11 years (City of Denton: up 23%, Denton County: up 293%), the population of Southeast Denton has decreased 4% within that same period of time.

Housing

Housing in Southeast Denton is largely dominated by single-family residential dwellings on individually platted lots (79% of the residential properties). The average value of Southeast Denton homes, according to the American Community Survey, is \$207,600. The community includes many historic structures and architectural styles that vary from home to home and street to street reflecting design trends of various decades, because Southeast Denton developed over many decades with construction on individual lots (as opposed to volume-builder neighborhoods often seen today).

Land Use

The land use analysis accounted for residential, non-residential, and open space uses. Residential housing makes up 183 acres within the study area. Non-residential uses include industrial, commercial, religious, and institutional/government categories and makes up 283 acres. Open space includes rights-of-way, vacant

land, and park properties and makes up 222 acres. It is important to note that the vacant land provides both an opportunity and threat to the community, depending on how it is used or developed in the future.

Streets

Although many streets within the Southeast Denton area have recently been reconstructed as part of the 2019 Bond Program, further improvements have been identified as part of this analysis. Many sidewalks are missing or in disrepair. Additional bike lanes and connections are needed. Crash data indicates some intersections require design interventions to increase safety. Furthermore, the existing railroad tracks and floodplain have created barriers to a well-connected street network. All of these conditions make maneuvering within, into, and out of Southeast Denton challenging for all modes of transportation.

Area plans provide an opportunity for community members and stakeholders to create a shared vision, influence city land use and development decisions, prioritize capital investments, and establish programs which benefit the community. They are intended to be functional documents which provide both community goals and detailed implementation actions.

To be useful, the Southeast Denton Area Plan follows a framework which builds upon information gathered during the public engagement phase and the existing conditions to determine the community's desired outcomes and goals. From there, strategies to achieve the goals were formulated. Finally, implementation action steps further break down the strategies into achievable, measurable steps. It is important to note that each strategy should relate to a goal and help to accomplish one or more of the desired outcomes.

PUBLIC ENGAGEMENT

The planning process started with *listening* to the community and acknowledging past harm – the forced removal in the 1920s, a proposed Urban Renewal demolition plan in the 1960s, and current concerns with development activities of today. Early in the project, the project team recognized that the best way to reach the community was to be *in the community* as much as possible, connecting in a variety of ways:

- **Listening Sessions:** The team held multiple meetings with residents and stakeholders to listen deeply to their stories, their dreams, and their desires for their neighborhood, as well as their fears and their anger about the past. Participants identified several key concerns, some of which have already been addressed by the City as quick wins.
- **Stakeholder meetings:** The team met with several community stakeholders to better understand the history of the area and the issues important to residents now.
- **Steering Committee:** The Steering Committee has met periodically to provide feedback on the information gathered and analysis completed.
- **Intercept Surveys and Pop-Up Events:** To reach a more representative sample of stakeholders, the team fanned out within the community at various locations and times to connect with community members; some locations/events included the MLK Jr. Recreation Center, Veronica's Café, and Juneteenth parade.
- **Visioning Workshop:** One meeting was held to share preliminary concepts with the public and to collect feedback. The project team also asked community members to draw their ideal SEDAP boundary. This allowed participants to give their individualized interpretation of Southeast Denton without predetermined options.
- **Visual Preference Surveys and Establishing the Boundary:** Using the information gathered at the Visioning Workshop, the team once again went out into the community, specifically to determine the preferred housing and commercial building styles and finalize the study area boundary. The data previously collected was aggregated into three possible boundary maps, and participants were asked to vote on the map which best represented their idea of Southeast Denton.
- **Implementation Workshop:** The team met with staff from various agencies and entities in Denton County, such as the appraisal district, the county, and the housing authority, as well as various City of Denton departments, to understand solutions and limitations in addressing various community concerns and desires.

The findings from the engagement efforts were presented to the Steering Committee for feedback and validation at their June 23, 2023, August 25, 2023, and February 15, 2024 meetings and coalesced into the following overarching themes:

- Improve communication between the City and the neighborhood
- Create standards for housing, ensure long-term affordability, and address displacement concerns
- Maintain cherished community assets
- Improve infrastructure
- Preserve Denton's history and remember the lessons of Quakertown
- End the pattern of neglect and begin to heal the area

The results and themes from these community engagement efforts, combined with the existing conditions analysis, create a foundation for the plan elements which are discussed in the paragraphs below: vision statement, desired outcomes, goals, strategies, and implementation.

VISION STATEMENT

The Vision Statement expresses the community's collective values and a description of what the community wants to become in the future. It reflects the community's beliefs and culture with a positive, forward-looking, and aspirational message for the future generation.

On February 15, 2024 the Southeast Denton Area Plan Steering Committee recommended the following draft vision statement, which is based on input received from public engagement events.

“Our vision for Southeast Denton is a harmonious future that ensures a diverse, resilient and inclusive community for generations to come. We will be a vibrant community that the City cultivates trust with, cherishes and preserves our rich Black history and culture, discourages gentrification, ensures shared prosperity, and elevates the overall quality of life through strategic investments.”

DRAFT STRATEGIES

The project team engaged with the community using intercept surveys to garner feedback on the draft strategies. The majority of community members who reviewed the strategies were in support. On February 15, 2024, the project team presented the vision statement, outcomes, and strategies to the Steering Committee for feedback, validation, and adjustments. The Steering Committee discussed each recommendation at length and endorsed the 19 strategies outlined below:

- **Strategy 1.1: Develop and Implement an Anti-displacement Action Plan Specific to Southeast Denton Study Area.** Anti-displacement plans are used in neighborhoods experiencing rising rents and home prices. The purpose of this plan is to protect existing residents and give them more time and ability to choose whether they want to move and under what circumstances. When residents prefer to stay in their existing homes, these policies can offer financial and technical assistance to allow them to stay and benefit from improved access to high-quality amenities and infrastructure. In the instances where residents decide to move, policies can support their transition into new homes – either in the existing neighborhood or in a neighborhood of their choice. (For example, The University of Texas at Austin has developed an anti-displacement toolkit named the Uprooted Project.)
- **Strategy 1.2: Create and Implement a City Communication Strategy Specific to Southeast Denton Study Area.** A communication strategy is a plan that outlines how the City will communicate with Southeast Denton residents. It includes a set of goals and objectives, key messages, communication channels, tactics, and metrics to measure the success of the communication efforts. Good communication is vital for building trust, encouraging citizen

compliance, and creating a sense of community in everyday interactions. Effective communication can help city staff and officials bridge the gap between the City Hall and the Southeast Denton residents to build understanding and support that will ultimately improve the lives of residents.

- **Strategy 1.3: Develop a program to recruit more Denton 360 participants from Southeast Denton.** Denton 360 is an educational program which takes Denton residents and business owners behind the scenes for a city government learning experience. Alumni often become informal ambassadors for the local government, share information with their neighborhoods, and serve on advisory boards. Some even run for elected office.
- **Strategy 2.1: Use Historic Preservation tools and incentives to recognize the built environment and the families who created it.** Southeast Denton is home to the descendants of families who settled here after being removed from their homes in nearby Quakertown. Because of this painful history and the decades of injustices that followed, community members planted deep roots in Southeast Denton that are still alive today. The fear of gentrification is not just about the fear of being forced out of one's home or neighborhood. It is also the fear of no longer recognizing the place and people that were once called home. Protecting the essential character of Southeast Denton's buildings will make this community stronger.
- **Strategy 2.2: Develop and implement a Southeast Denton History and Cultural Roots Preservation Program.** An Arts and Cultural Roots Preservation Program ensures that the historic integrity of a site/area is not lost. Preserving the art and cultural roots of Southeast Denton's Black history acknowledges the past harm and signals to the community a determination to do better. Maintaining a connection to the past also provides a sense of unique identity, inclusion, and belonging to the entire community. This program aims at communicating Southeast Denton's history and culture in public spaces to ensure that whatever demographic changes occur in the future, the physical environment would preserve and maintain remembrance of the area's culture roots. Harlem in New York is a good example of maintaining the Black roots/history of an area.
- **Strategy 3.1: Develop and Implement People Based Economic Development Specific to Southeast Denton Study Area.** People-based economic development strategies focus on supporting the people in a community so that they can thrive. They strengthen small businesses, provide needed social services, and concentrate on building capacity. These strategies acknowledge the realities of community members' lives, including a need for flexible daycare opportunities, workforce education, mentoring opportunities, support for young people, and crime reduction and safety.
- **Strategy 3.2: Develop and Implement Place-Based Economic Development Specific to Southeast Denton Study Area.** Place-based economic development strategies focus on supporting the built environment of an area by enhancing buildings, infrastructure, and other physical improvements. These strategies provide suitable spaces for small businesses to incubate, offer gathering spaces for people to exchange ideas, and activate new clusters of economic activity. They acknowledge the realities of community members' lives, including a need for revitalized buildings, improved aesthetics, and mixed uses where people can work, live, play, and share ideas. This strategy can also kickstart and advance larger investments or broader organizational/community goals.
- **Strategy 3.3: Establish a Neighborhood Empowerment Zone to spur community investment, reduce taxes for homeowners, and increase affordable housing opportunities.** Texas law allows cities to create Neighborhood Empowerment Zones (NEZ) to incentivize the creation or renovation of housing affordable to households in the zone and to improve the quality of life for residents in the zone. An NEZ can spur community investment, reduce taxes for homeowners and commercial property owners, and increase affordable housing opportunities. Within an NEZ, the City can encourage actions such as renovation and new construction of affordable housing, investing in a new business, or improving commercial space in exchange for development fee reimbursements, property tax abatements, and sales tax refunds. The City can add additional requirements to the program, such as requiring that new construction happen only on vacant land, requiring a minimum

amount of private investment, or requiring that a business have a minimum number of new employees from the neighborhood.

- **Strategy 4.1: Establish overlay districts to protect existing neighborhood character.** Creating overlay districts can help long-term residents strengthen their neighborhoods, stabilize property values, and build safe communities for their families by allowing missing middle housing, but maintaining existing architectural detailing, landscaping, height, and setback requirements. Residents have conveyed that they welcome new development in Southeast Denton if it respects the scale and feel of the existing neighborhood. Developments such as appropriately-sized duplexes, triplexes, small apartment buildings, and pocket neighborhoods clustered around a central courtyard or greenspace and walkable-scale retail, restaurants, and small businesses that could nestle gently into the existing neighborhood fabric. This strategy could protect established neighborhoods while allowing for investment and redevelopment. Additionally, maintaining the existing small-scale zoning may slow the rate of land value growth within the established neighborhoods, which would help existing homeowners stay in their homes.
- **Strategy 4.2: Rezone industrial areas through City-initiated action to ensure all permitted uses and design standards are consistent with the desired outcomes of the Southeast Denton Area Plan.** Incompatible or nonconforming industrial and heavy commercial land uses should be relocated out of Southeast Denton to make way for development which is compatible with the existing neighborhood character and consistent with the community's vision. It should be noted that no City-initiated rezoning should go forward without extensive public outreach for both the neighborhood and industrial property owners to ensure all who are impacted fully understand the costs/benefits of such an action and any potential uses that could develop. Should these uses continue to remain, the City must work with the property owners and businesses to reduce the visual and operational impacts for the nearby residential neighborhoods.
- **Strategy 4.3: Establish Southeast Denton as a Neighborhood Revitalization Strategy Area.** The Department of Housing and Urban Development (HUD) allows cities to designate Neighborhood Revitalization Strategy Areas (NRSAs) through Community Development Block Grant (CDBG) funding. NRSAs have two key benefits:
 - They are designed to support cities and non-profit organizations in their efforts to collaborate closely with designated communities to create transformative revitalization, and
 - They offer significant additional flexibility in federal funding rules.This additional HUD funding can benefit Southeast Denton in neighborhood initiatives and activities such as residential tree planting programs, do it yourself (DIY) home repair classes, volunteer-run home improvement and maintenance programs, home improvement mentoring programs, and women-centric home repair classes that provide a comfortable space for women to teach each other handy skills.
- **Strategy 4.4: Increase Access to Capital in Southeast Denton Study Area by Creating a Consortium of Banks for Mortgage Lending.** Creating a group of banks, lending professionals, and community members can facilitate more open communication, foster collaboration, and discover new opportunities for community members and Denton's financial institutions.
- **Strategy 5.1: Upgrade the Existing Parks in Southeast Denton to Higher-Quality Parks.** Southeast Denton has two parks, two recreation/community centers, publicly owned open space, and creeks running through the neighborhood. The MLK, Jr. Center and the American Legion Hall Senior Center are well-used, local hubs of programming and activity. Additional investment in Southeast Denton's park facilities will strengthen their ties to the community and contribute to neighborhood pride. In addition to the existing parks and facilities, the creek and adjacent publicly owned property offer opportunities for beautifying Southeast Denton and adding to the green space in the area.
- **Strategy 5.2: Enhance the Physical Quality of Public Infrastructure through Stormwater Management Systems in Southeast Denton.** Develop a stormwater management infrastructure in the area that integrates principles of artful rainwater design (ARD), blue green infrastructure (BGI),

and low impact development (LID). Some examples of the design elements that serve as both utility and amenity are rain gardens, bio swales, culvert removal, reintroduction of native vegetation and animals and nature reconnection and restoration. Southeast Denton's abundant green space, trees, and creeks provide an opportunity for the city to improve stormwater management and add to the City's park space at the same time. Prioritizing shared-use and multi-benefit nature-based infrastructure including best management practices (BMP) to reduce flooding and improve stormwater retention in Southeast Denton will also result in expanded open space and beautification of the area.

- **Strategy 5.3: Enhance the programming and city sponsored events in existing parks and recreation centers in Southeast Denton Study Area.** Park programming is a way to increase the functionality of a park by making the space more effective and increasing usage by providing memorable experiences for everyone. Community events bring a community together for holidays or regional celebrations and create an avenue for a collaborative and inclusive interaction among the diverse populations and cultures in Southeast Denton. The main benefit of hosting events and festivals in Southeast Denton would be access to entertainment for the residents. Other benefits for the community would be to capture temporary jobs, increase in sales tax receipts, improvement in quality of life, increase in tourism/business awareness of Southeast Denton and the region. This can help repair the perceptions in and around the study area.
- **Strategy 6.1: Develop Street Cross Sections that Improve Safety for all People Regardless of the Mode of Transportation.** Developing new cross sections involves reconfiguration of existing roads to include on-street improvements such as traffic safety measures and pedestrian and bicycle facilities to enhance connectivity and safety on the roadways. Currently, most of Southeast Denton's main roads have sufficient right-of-way to re-purpose them in a number of different configurations that could include either on or off-street separated bicycle paths, wider sidewalks, street plantings, and adequate travel lanes. Both interim (immediate and low-cost solutions) and permanent solutions are recommended to achieve this strategy. The proposed street cross sections would allow residents to choose from various modes of transportation, make navigation across Southeast Denton safer for people, especially children and people with disabilities, reduce carbon emissions by encouraging alternative modes of transportation (walking, biking, public transit), beautify the community, and help to spark economic growth by giving context to commercial developments next to the repurposed roadways.
- **Strategy 6.2: Prioritize Improved Pedestrian and Bike Connection and Safety.** Buffered wide sidewalks, protected bike lanes, and good intersection designs are not only important for safety but can tap civic and economic potential, infusing overbuilt or underutilized spaces with street life. Together these roadway elements, when designed correctly are responsible for not only improving and connecting routes and destinations in communities but also for enhancing safety and the public realm. Studies show more people bike and walk in communities where improvements such as safer sidewalks, pedestrian crossings, and protected bike lanes have been made. Making walking and biking easier can help Southeast Denton improve safety, increase interaction between residents, improve local economy, and reduce air pollution.
- **Strategy 6.3: Develop a Network of Trails Through the Existing Open Spaces and Drainage Easements to Connect Residential, Commercial, and Public Places (Parks, Schools etc.) to Form an Active Transportation Network Both Within and Outside Southeast Denton Study Area.** Southeast Denton study area is mostly built-out, but there are publicly owned lands around drainage areas and creeks as well as existing parks and wide rights-of-way. Together, these provide an opportunity to develop off-street trails and linear parks while creating a safer system for walking and biking in Southeast Denton. These trails would connect people and places in the community, provide a social infrastructure to maintain the strong neighborhood bonds, encourage a healthy lifestyle with easy access to active recreation and travel, protect the environment, increase the value of nearby properties, and increase social equity by providing an affordable mobility option.

- **Strategy 6.4: Strengthen the connections to downtown and surrounding neighborhoods for all modes of transportation.** The Proposed Mobility Plan together with Strategy 6.3 will work to improve the connections to downtown.

IMPLEMENTATION ELEMENTS

On June 20, 2024, the project team presented the Implementation chapter of the plan to the Steering Committee for feedback and validation. The Steering Committee reviewed the material in detail and provided comments during a 3.5-hour meeting. Their comments and suggestions have been incorporated into the final draft of the plan. Ultimately, the Steering Committee endorsed all of the implementation elements summarized below:

- **Action Plan Matrix** – This document breaks down the strategies outlined above into a variety of steps. It is a roadmap of the actions, agencies, and funding needed to make the goals and strategies in the plan a reality. Additionally, each step has been assigned a time frame: short-term, mid-term, and long-term to organize and prioritize the steps:
 - Short-term actions are high-priority quick-wins intended to be accomplished in the next one to two years.
 - Mid-term actions will take longer to accomplish and should be completed in three to five years.
 - Long-term actions are intended to be completed in six to ten years.
- **Land Use Map** – The Land Use Map is an important part of both Comprehensive Plans and Area Plans, as it communicates a community’s vision for the desired uses of a given area and how those uses coordinate and complement each other to meet the needs of current and future residents. The various colors correspond to different land use designations that provide policy direction for residents, property owners, staff, and decision-makers regarding zoning decisions.
 - The draft Land Use Map reflects the community’s direction to preserve the existing single-family neighborhoods while allowing the heavy commercial and industrial uses along Shady Oaks Drive to redevelop with moderate-density housing and community-serving retail and service uses. It modifies the existing Future Land Use Map in the Denton 2040 Comprehensive plan by reducing the area that may be influenced by Downtown and providing a smoother transition to the single-family neighborhoods.
- **Future Overlay Districts Map** – The Future Overlay Districts Map provides further guidance for zoning actions by reaffirming the community’s desire to protect the established neighborhoods with four proposed overlay areas:
 - A Height Overlay to ensure that any new construction is compatible in scale to the residential areas.
 - A Residential Overlay to maintain the scale and character of the neighborhoods while fostering community investment to create livable and inclusive neighborhoods for all who want to call Southeast Denton home. Overlay standards may include, but are not limited to, limiting height to two stories, allowing infill on small lots, requiring enhanced front elevations such as larger windows and covered porches.
 - A Commercial Overlay that focuses on walkable neighborhood design and uses, including, but not limited to, limiting building height, removing barriers to redevelop smaller infill lots, reducing parking and requiring it to be located behind buildings, requiring enhanced front elevations such as larger windows and pedestrian-scaled entrances, and ensuring larger tracts include a well-defined, walkable transportation network.
 - A Live/Work Overlay that focuses on allowing entrepreneurial spaces, including small retail uses such as a bookstore, toy shop, coffee shop, music store, barber shop, hair salon/spa, small incubator space, resale clothing etc. in a portion of a single-family home with a portion being used as a residence simultaneously.
- **Conceptual Street Sections** – Over the last year, the public engagement has revealed that the community desires streets that are well-designed to accommodate all ages and a variety of transportation modes. Safety (particularly at intersections) and connectivity were a top priority for

many residents and stakeholders; therefore, the plan has reimagined several streets in Southeast Denton with those priorities in mind. The street concepts repurpose existing street rights-of-way where possible, while achieving the vehicular travel lanes, on-street parking, and multimodal elements desired by the community. The concepts also depict the overall goal for the street design for a majority of the street length recognizing there may be some engineering design concessions having to be made due to existing constraints within the existing built environment. Historic areas of any community often present challenges for mobility planning—existing right-of-way widths can be narrow and the community’s travel patterns are well established. Therefore, it is critical that before street design begins, the City work with residents to ensure that the final design meets the needs of those who are most affected. Lastly, the street designs proposed are generally consistent with the 2022 Mobility Plan direction to provide complete streets, thereby taking into account the various transportation modes desired by the community.

Next Steps

Presuming a recommendation is received from the Planning and Zoning Commission, then City Council will conduct their respective public hearing and take action on the Southeast Denton Area Plan on July 23, 2024. Staff has republished the required legal notices accordingly.

OPTIONS

1. Recommend approval
2. Recommend approval with conditions
3. Recommend denial
4. Postpone Item

RECOMMENDATION

Staff recommends **approval** of the Southeast Denton Area Plan, an amendment to the Denton 2040 Comprehensive Plan, as presented.

EXHIBITS

1. Agenda Information Sheet
2. Draft Southeast Denton Area Plan
3. Draft Ordinance

Respectfully submitted:
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Deputy Director of Development Services/
Planning Director

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Southeast Denton Area Plan

FINAL REPORT

JULY 23, 2024





ACKNOWLEDGEMENTS

The honest, heartfelt, and constant input and participation of the residents and stakeholders of Southeast Denton have made this plan a reality.

CITY COUNCIL

- Mayor Gerard Hudspeth
- Vicki Byrd, District 1
- Brian Beck, District 2
- Paul Meltzer, Mayor Pro Tem, District 3
- Joe Holland, District 4
- Brandon Chase McGee, At-Large Place 5
- Jill Jester
- Chris Watts (Former Council member, At-Large Place 6)

STEERING COMMITTEE

- Alexandria Valdez, Resident Under the Age of 40
- Raymond Redmon, Property Owner
- Rev. Reginald Logan, Faith Leader
- Clifton Maxfield, Business Owner
- Jacob Moses, Housing Advocate
- Frances Punch, Parks, Recreation & Beautification Board Member
- Paul Juarez, LULAC
- Howard (Will) Clark, Resident
- Sherica Campbell, Resident

CITY STAFF

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- Tina Firgens, AICP Development Services Deputy Director, Planning Director
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- Cameron Robertson, AICP Historic Preservation Officer
- Brittany Sotelo, Director of Economic Development
- Gary Packan, Director of Parks and Recreation
- Dani Shaw, Director of Community Services

PLANNING AND ZONING COMMISSION

- Jason Cole
- Margie Ellis, Chair
- Desiree J Padron
- Eric H. Pruett
- Kimberly Thaggard
- Jordan E. Villarreal
- Tim Smith, (Former P&Z Member)

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- Pam Thompson, Senior Planner, HDR
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- Tony Pham, Intern, HDR
- Ella Feng, Graphic Designer, HDR

"Southeast Denton shows the world what unity looks like!"

SOUTHEAST DENTON AREA PLAN



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INTRODUCTION

The Southeast Denton Area Plan (SEDAP) aims to rebuild trust between the City and the community.



DENTON
COUNTY

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E. McK

PURPOSE OF THE STUDY

The Southeast Denton Area Plan (SEDAP) aims to rebuild trust between the City and the community, incorporate resident and stakeholder ideas and aspirations, and provide recommendations for strategies and implementable action steps to address resident concerns, encourage investment in the community while minimizing displacement, and provide guidance for future land use decisions.

THE STUDY AREA

The community worked together to establish the SEDAP study area boundary.

The area includes an approximately 600-acre core, generally bounded by McKinney Street to the north, Bell Avenue and Dallas Drive to the west, Teasley Lane and Shady Oaks Drive to the south, and Woodrow Lane to the east (Figure 1). Because the community expressed concerns about the potential impacts of redevelopment beyond the core boundaries, planning for this area also includes a transition area north of McKinney Street, east of Woodrow Lane, and south of Shady Oaks Drive/Teasley Lane to provide land use guidance between SEDAP and the adjoining neighborhoods.

PLANNING PROCESS

The planning process began by listening.

By listening to the Southeast Denton community to incorporate their solutions, dreams, and ideas, this plan attempts to strengthen the Southeast Denton area for existing and future residents and stakeholders as well as those interested in joining this cohesive, connected community in the future.

Through the planning process, this plan:

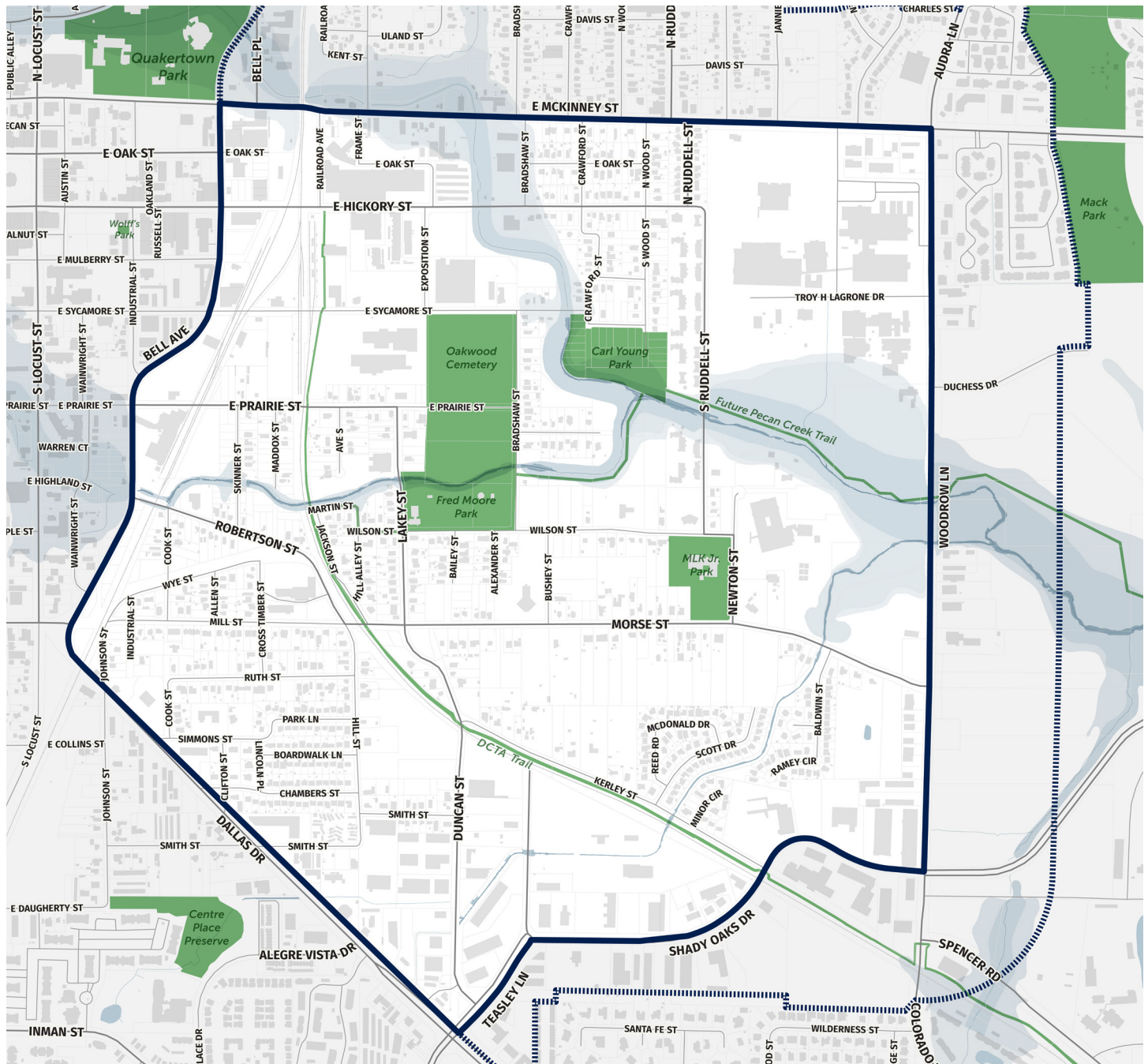
- Identified those areas that are important to residents and stakeholders for preserving the cultural character of the Southeast Denton neighborhoods.
- Addressed the development pressures being felt within and adjacent to the study area.
- Identified areas where change can occur for the advancement of the neighborhood and overall community.
- Suggested ideas for future improvements – transportation, housing, connectivity, parks & open space, and overall quality of life in the community.
- Recommended capital improvement projects and policy changes for future improvements.



Denton Main Street Association

FIGURE 1. PROPOSED STUDY AREA BOUNDARY

Source: HDR



 Proposed Southeast Denton Area Plan Boundary

 Proposed Transition Area Boundary

The story of Southeast Denton

In the late 1800s, Black families and freed slaves moved to the Denton area and established several flourishing Black communities, including a neighborhood called Quakertown, which was bounded by Oakland Avenue, Withers Street, Bell Avenue, and McKinney Street, northeast of the Denton County Courthouse and just south of the then-segregated College of Industrial Arts (now Texas Woman's University). Quakertown thrived as a prosperous, middle class Black neighborhood into the early 1900s. However, in the first decades of the twentieth century, College and City leaders decided Quakertown's proximity to the College was concerning and hampered the future success of the College. In the early 1920s, under the pretense that the town desperately needed a civic center park and the misconception that a thriving Black community constituted "blight," the City used federal funds to force the community's displacement. By 1923, nearly seventy homes, dozens of businesses, and a community center had either been torn down or forcibly relocated to the southeastern part of the city now known as Southeast Denton.

The neighborhood once known as Quakertown became Civic Park, eventually renamed to Quakertown Park, and today hosts City Hall and other City facilities.

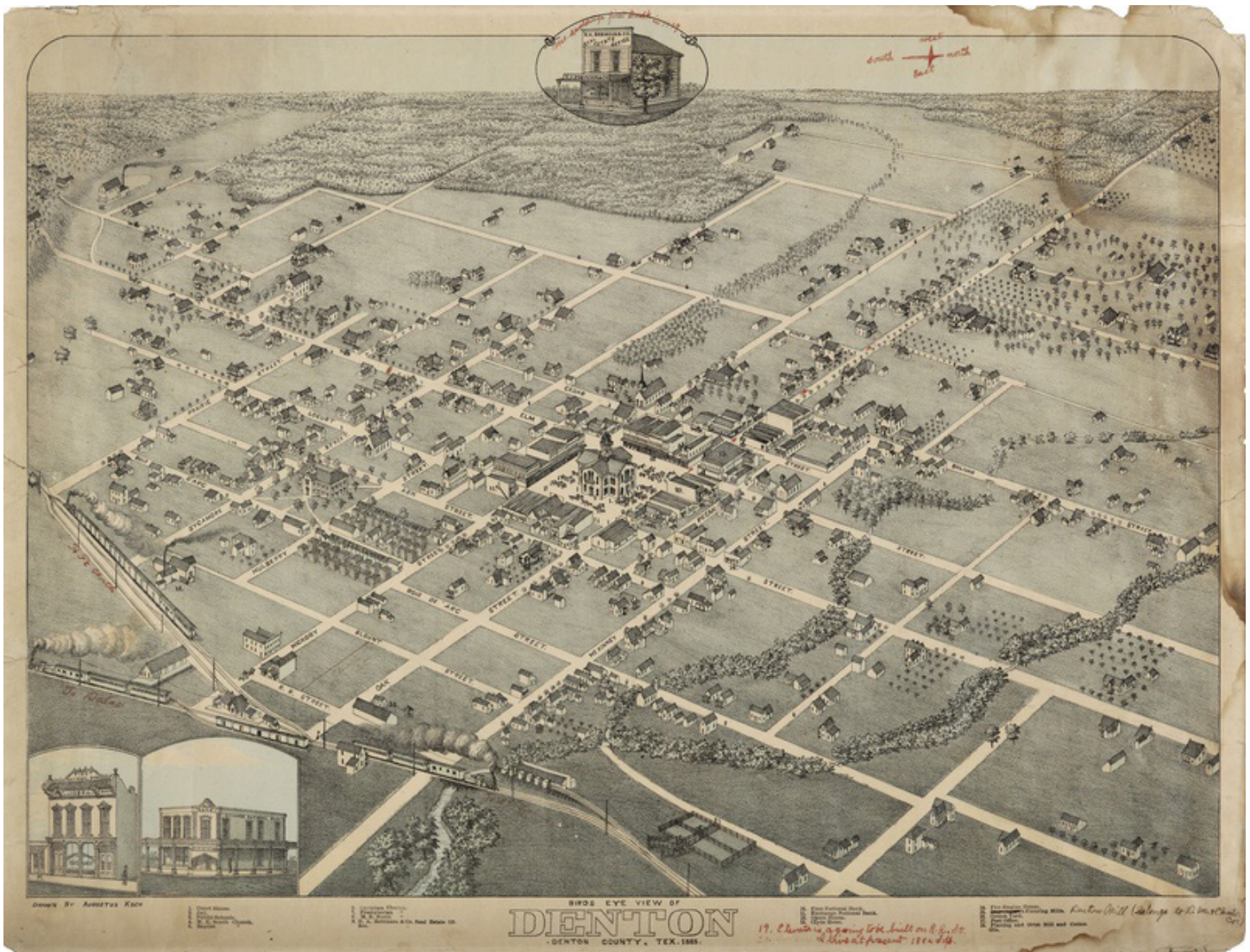
Although it has been almost a century, the trauma of the forced relocation has remained. Many of the long-term residents and their families have not forgotten what happened, and the destruction of their homes and property caused huge financial setbacks. Forty years after Quakertown, in 1966, displacement was threatened once again. The City proposed an urban renewal bond that, if approved, would have demolished 185 acres of homes, clearing the way to sell the property to a private developer. The bond was defeated by community members who organized opposition, but the long-term impacts of the City's actions formed a multi-generational distrust of local government that continues today.

While the City has made efforts to lessen the distrust by investing in park and street improvements in the Southeast area, a concerted and cohesive acknowledgment of the harm caused by the forced relocation of Quakertown families is long overdue. Furthermore, recent development proposals adjacent to and within Southeast Denton have raised concerns from the community about the past repeating itself. The residents of Southeast Denton are concerned about being forced out of their homes again, this time due to the development interests leading to gentrification and displacement. The mounting development interest is driven partially by growth in the Dallas-Fort Worth area and partially by Southeast Denton's proximity to downtown Denton, the University of North Texas, and Texas Woman's University.

The Southeast Denton Area Plan is the first step in the effort to heal the past harm and to ensure a bright future supported by the residents.

This history sets the framework for analysis of the community and its built environment. The lived experience of the area's residents and their deep desire for revitalization without displacement permeates the plan's recommendations and implementation strategies.





Original Hand Drawn Denton TX Aerial View Map. (1883)Source: TexasHistory.unt.edu

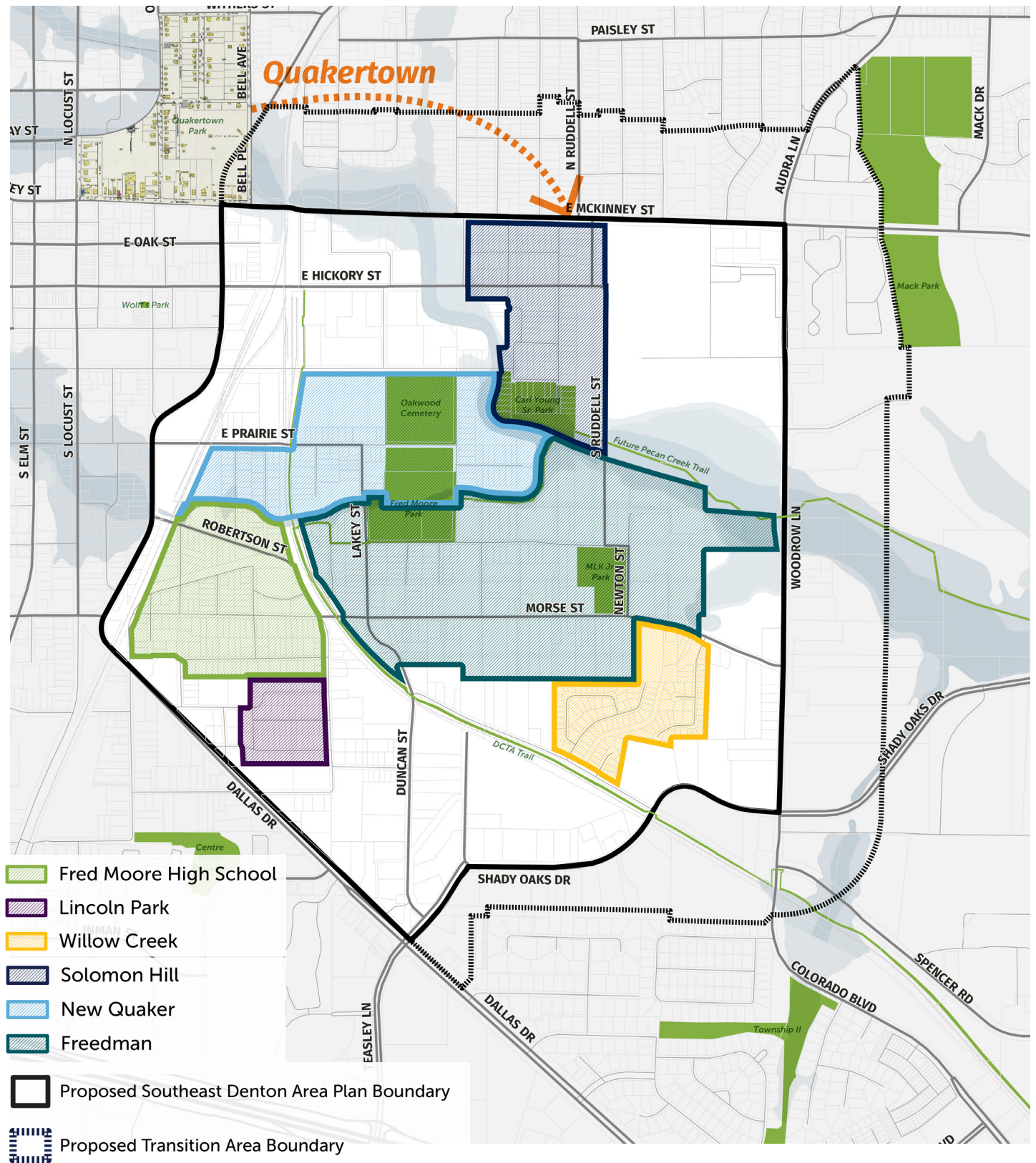
Previous Planning Efforts

Key relevant concepts and recommendations from past studies:

- **Accommodate all modes of travel** by improving bike paths, sidewalks, and crosswalks and by slowing vehicle speed.
- **Invest in and maintain cherished community assets** such as parks and recreation centers.
- **Empower neighborhoods** with funding for home repairs and assistance with creating community programs.
- **Support small, local businesses** with better access to capital and a business incubator space.
- **Create new and strengthen existing youth programs** to strengthen Denton's talent pipeline.
- **Establish a historic or conservation district** to preserve the character of an area.

FIGURE 2. ORIGINAL QUAKERTOWN NEIGHBORHOOD AND SOUTHEAST DENTON NEIGHBORHOOD MAP

Source: Historic Denton Inc



THIS PLAN BUILDS ON THESE PREVIOUS PLANNING EFFORTS:

DENTON 2040 COMPREHENSIVE PLAN, ADOPTED MARCH 2022

2040 Comprehensive plan identifies several Focus Areas and calls for area plans for these Focus Areas. The 2040 Plan identifies the Southeast Denton area as a Center Focus Area and recommends several design principles, including: orient buildings along streets; accommodate all modes of travel; establish transitions between large-scale and small-scale development; complement the scale and architectural features of surrounding development; reduce parking standards.

CITY OF DENTON PARKS, RECREATION, AND TRAILS MASTER PLAN, ADOPTED MARCH 2022

The study area is home to Fred Moore Park, Carl Young Sr. Park, Oakwood Cemetery, MLK Jr. Recreation Center, American Legion Senior Center, the DCTA Rail Trail, and the future Pecan Creek Trail. The Parks Plan identified several gaps and recommended improvements in the City's parks system, laying the foundation for meeting the residents' desires for equitable investment in public spaces and amenities, in line with quality seen in other areas of the city.

MOBILITY PLAN, ADOPTED 2022

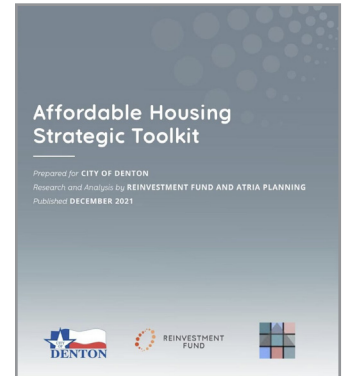
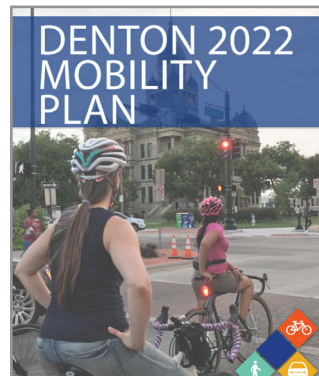
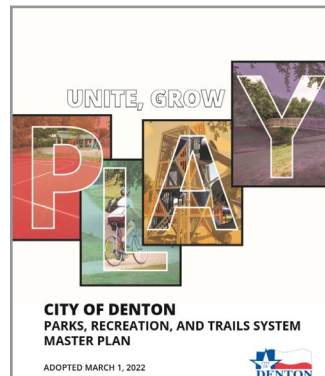
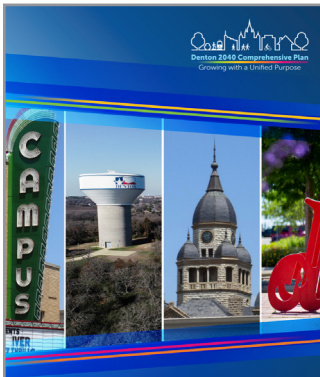
The Mobility Plan identifies roadway, bicycle, and pedestrian facilities. Plan goals include prioritizing safe multi-modal travel, creating an effective travel network that supports adjacent land use, facilitating active transportation, and leveraging innovation. The plan outlines multiple projects designed to improve connectivity in Southeast Denton.

AFFORDABLE HOUSING STRATEGIC TOOLKIT, PUBLISHED DECEMBER 2021

This toolkit and housing needs assessment identified several housing needs in the city, including rental and owner-occupied affordable housing for low income households, housing support for seniors, permanent supportive housing, and housing options for low income families in areas of opportunity.

The toolkit recommends several strategies, including infill development, targeted zoning relief, an increase in construction-related workers, preservation of existing housing, and improved access to education.

These identified needs and tools parallel residents' desires for a wider variety of housing and support for maintaining their homes.



Together, these plans lay the foundation for the future of Southeast Denton. Results from the listening sessions and visioning workshop show a community that has long felt ignored and sidelined, but with careful, inclusive planning, current and future residents and stakeholders in Southeast Denton will benefit from City and private investment.

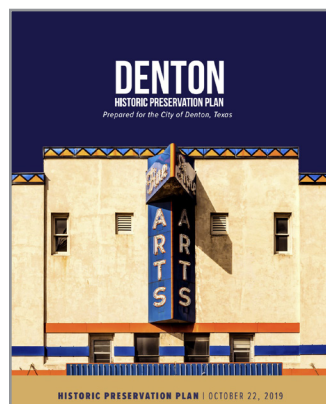
This plan seeks to acknowledge past harms, apologize for those harms, and atone through recommendations and implementation steps that meet the needs and desires of the current and future residents of Southeast Denton.





ECONOMIC DEVELOPMENT STRATEGIC PLAN, ADOPTED DECEMBER 2020

The Economic Development Strategic Plan focuses on goals and strategies to make the City's economic development efforts more intentional and effective. Several strategies from the Economic Development Strategic Plan apply in Southeast Denton, such as the Creative Denton strategies that call for strengthening entrepreneurship, increasing access to capital, and strengthening youth programs to strengthen the city's talent pipeline. The plan also calls for Denton to strengthen community inclusion by supporting affordable housing, broadening federal grant programs, and increasing multi-tenant housing.



DENTON HISTORIC PRESERVATION PLAN, ADOPTED 2019

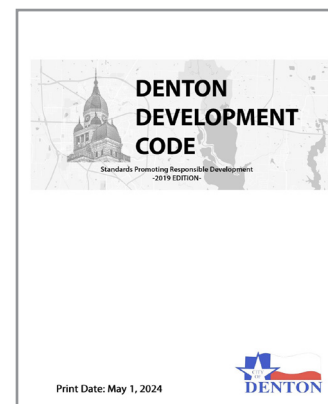
The Historic Preservation Plan identifies and outlines the vision, goals, and strategies for enhancing and strengthening Denton's historic preservation program, recognizing that effective long-range planning can help identify, protect, and manage significant historic resources and key elements of a community's built environment. The plan's goals call for the City to document, inventory, and preserve Denton's historic resources, including designating future historic and conservation districts. The plan also calls for creating new tools, incentives, and other programs that maintain the livability of Denton's historic neighborhoods.

The Historic Preservation Plan lays out tools that can be used to preserve the important history of Southeast Denton, restore the homes remaining from the 1920s, and support residents' desire to remain in and preserve their neighborhoods.



CITY OF DENTON SIMPLY SUSTAINABLE STRATEGIC PLAN FOR DENTON'S FUTURE, ADOPTED JUNE 2020

Simply Sustainable establishes a framework for improving quality of life, protecting the environment, and creating economic opportunities. Sustainability initiatives of this plan and strategies such as constructing the Pecan Creek Trail system, improving active transportation options, improving the urban tree canopy, etc. will continue to improve the sustainability of the SEDAP study area.



DENTON DEVELOPMENT CODE, ADOPTED 2019 (ONGOING UPDATES)

The Denton Development Code (DDC) regulates the subdivision of land and provides standards and guidance for properties based on zoning district, land use, and permitted activities. It is one of many tools used to implement the City's long-range planning efforts.

Zoning tools available in the DDC support the community's desire for a variety of housing types and additional investment in the area without displacement.

EXISTING CONDITIONS

An evaluation of demographics, land use, housing, retail, gathering places, parks, mobility, and a variety of other socioeconomic and physical characteristics of the area to understand the gaps in service and the needs of current and future residents.



People

The Dallas-Fort Worth Metropolitan area (DFW) grew rapidly over the past decade, adding more than 1.2 million people (20% of its population) from 2011 to 2021 (2021 ACS). During this time, Denton County and the City of Denton experienced higher rates of growth. Denton County’s population grew by 36%, while the population of the City of Denton grew by 25%, from 111,960 to 139,704 people.

Despite overall growth in Denton and the DFW region, the population of Southeast Denton declined by 3% from 3,367 in 2011 to 3,251 in 2021. However, the broader regional growth is now feeding development interest in Southeast Denton. Given the number of older homes and vacant parcels in the area, Southeast Denton’s population is likely to grow in the future as prospective homebuyers search for lower-cost housing, and developers see opportunity in underutilized lots. Development opportunities are leading to concerns that Southeast Denton residents will be pushed out of their homes due to increasing property taxes, rising rents, and pressure to sell their homes.

Southeast Denton is a young area with a diverse population. Only 23% of residents are 57 years or older in age, while 64% of the residents are 26 years or younger in age.



FIGURE 3. POPULATION GROWTH FROM 2010-2021

Source: 2021 American Community Survey

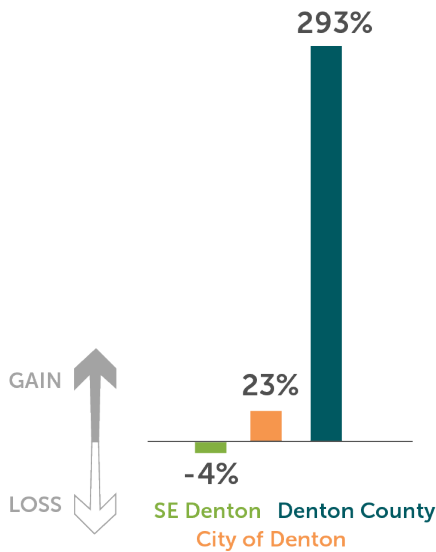


FIGURE 4. SOUTHEAST DENTON AGE DISTRIBUTION

Source: 2021 American Community Survey

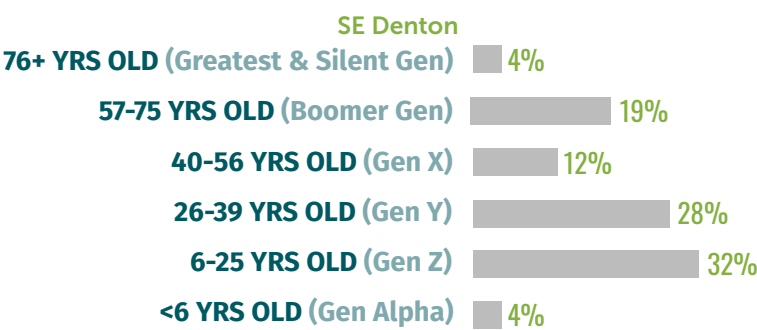
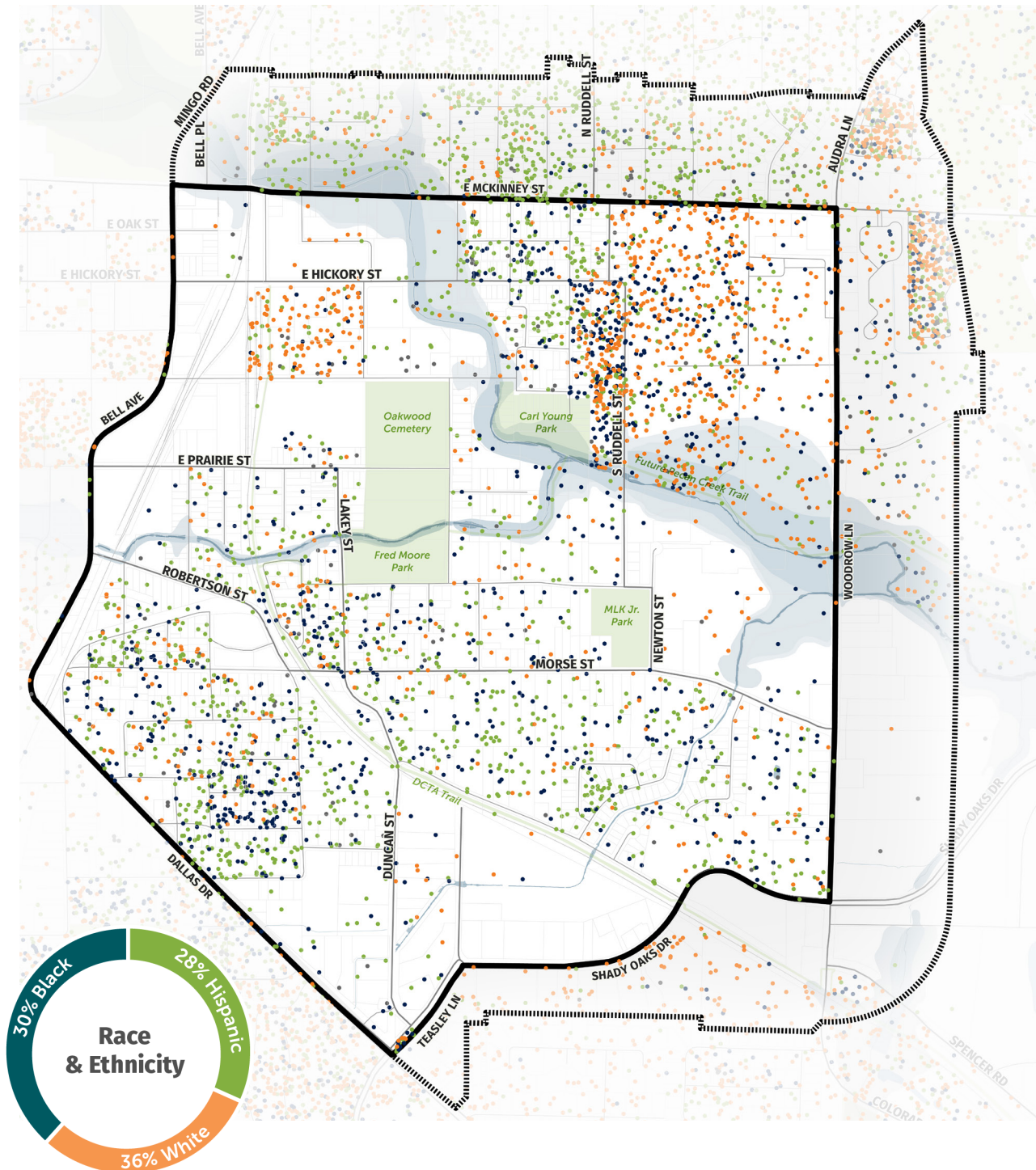


FIGURE 5. RACE DOT DENSITY

Source: ESRI GIS

Additionally, Southeast Denton is fairly evenly split between Hispanic (28%), Black (30%), and White (36%) populations.

Racial and ethnic groups are well-mixed, providing contrast to the segregation seen in many nearby areas. For reference, the City of Denton's overall population is predominantly White (58%), with 23% Hispanic and 11% Black residents (2021 ACS).



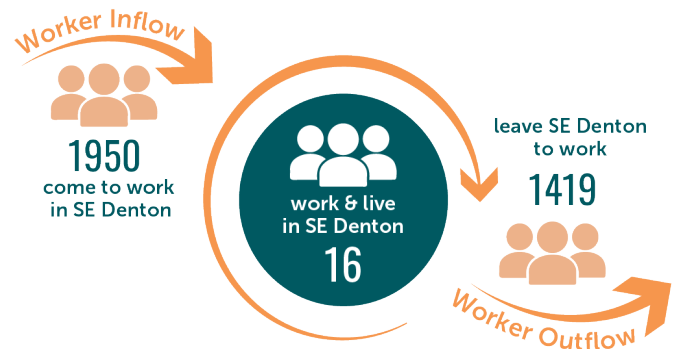
Economy

Southeast Denton employment is misaligned with the workforce living in the community. Southeast Denton is home to approximately 1,435 workers, yet only 16 (1%) of them are employed in the community. The remaining workers commute out of the area to where employment in their industry is available. However, this trend is not for a lack of jobs in Southeast Denton. Approximately 1,950 workers are employed within Southeast Denton but live outside of the community.

Nearly one-third (31%) of jobs in Southeast Denton are related to transportation, warehousing, utilities, and construction alone; in contrast, less than 15% of the area's residents work in these capacities. Conversely, 26% of Southeast Denton residents are employed in Education, Healthcare, or Social Services, whereas less than 4% of local jobs are in these industries. This mismatch indicates that a large number of education, healthcare, and social services professionals live in Southeast Denton but commute out of the area to work in nearby locations, possibly due to the lower cost of housing in the community relative to surrounding areas. The community also generally lacks employment opportunities in education, healthcare, and social services, as well as retail, finance, and real estate. This employment data aligns with the lack of professional office buildings, retail establishments and healthcare clinics within Southeast Denton.

FIGURE 6. SOUTHEAST DENTON WORKER FLOW

Source: ESRI GIS



Denton County

FIGURE 7. JOBS HELD BY SOUTHEAST DENTON RESIDENTS

Source: ESRI

**JOBS IN SOUTHEAST DENTON**

These workers flow into the community to fill jobs in public administration, transportation, warehousing, utilities, construction, and professional, scientific, and technical services. Many of the jobs in these fields are hosted in the warehouse and light industrial buildings that predominate the boundaries of Southeast Denton, as well as the Denton County justice system campus.

FIGURE 8. JOBS IN SOUTHEAST DENTON

Source: ESRI



Place

LAND USE

Southeast Denton's perimeter consists of a solid barrier of industrial uses and busy arterial streets that, combined with a lack of sidewalks and bike facilities, make it difficult or impossible for residents to safely walk or bike beyond the edges of the community. As a result, residents are disconnected from essential community services. Southeast Denton lacks a grocery store and contains only a handful of places to obtain food of any kind. The community has very few retail stores and restaurants, and the retailers that do exist are predominantly pawn shops, thrift stores, and similar outlets. Residents are unable to safely walk or bike to the local mall or to the shops and restaurants to the west in downtown Denton and to the north across McKinney Street.

In Southeast Denton, homes and businesses are generally separated from one another, with residences located interior to the area and businesses confined almost exclusively to the outer edges, clustered along arterial roadways where access by car is more readily available. Over the past decades, many industrial facilities have come to be located within Southeast Denton, such as storage centers, automotive uses, and industrial suppliers. The County has some of its more land-intensive uses in this community, including the courts building, jail, sheriff's office, and juvenile detention center.

Southeast Denton hosts three parks: Fred Moore Park, MLK Jr. Recreation Center Park, and Carl Gene Young, Sr. Park. These facilities offer recreation opportunities, however, lack of programming lack safe sidewalk and trail connections to each other, compromising access and safety for nearby residents are some barriers to park usage. Southeast Denton is home to several churches. These churches, along with their leadership and volunteers, form the backbone of social connection in the community.



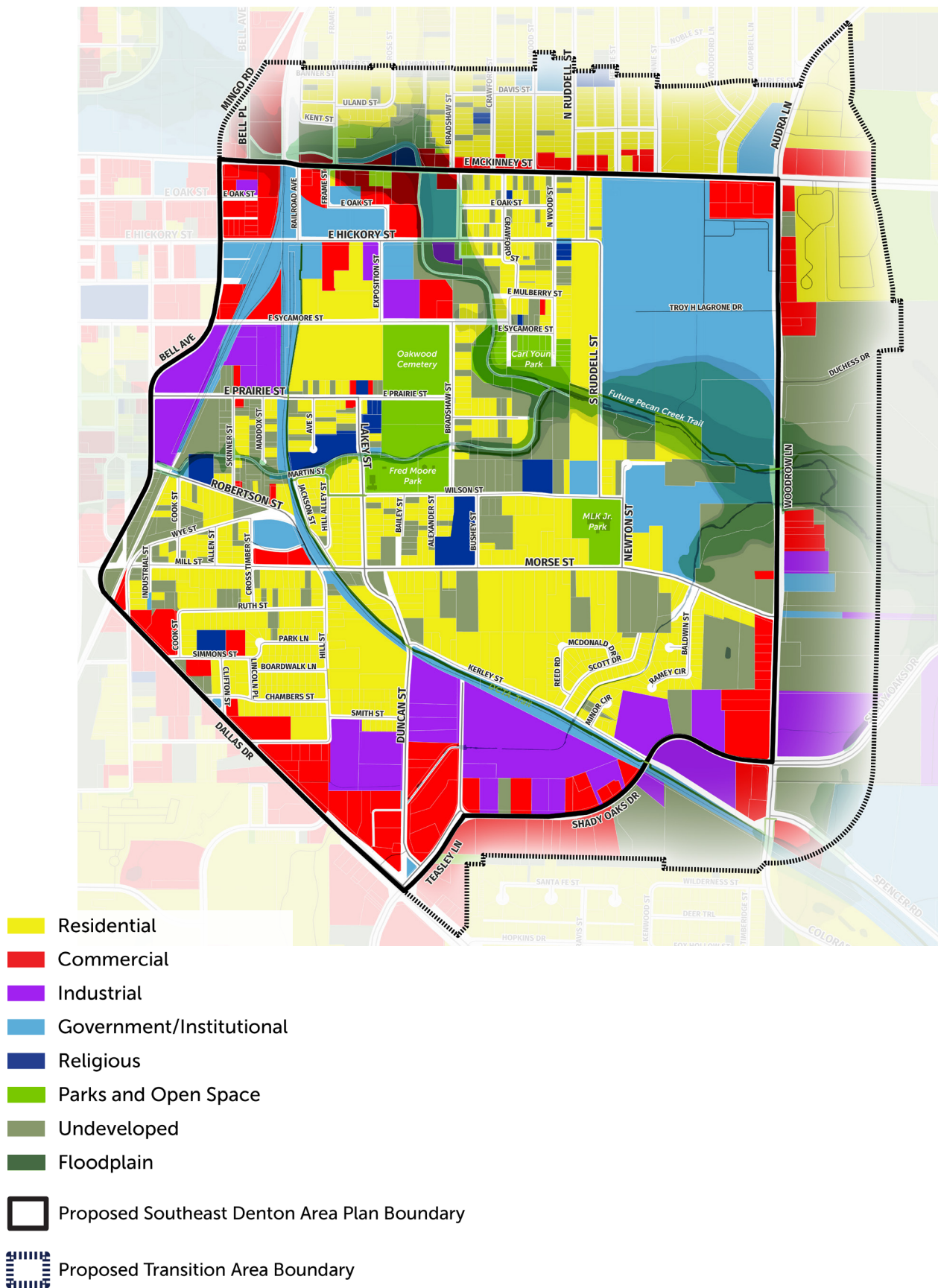
KERA News



Bike Denton

FIGURE 9. CURRENT LAND USE MAP

Source: City of Denton, TX



EXISTING CONDITIONS

Among the various land uses in Southeast Denton, the single largest land use by area is housing. Nearly one-third of land (27% or 183 acres) contains residential uses. The community's residential development pattern originated in the 1920s with the platting of the Solomon Hill neighborhood, located south of McKinney Street and east of Pecan Creek. This residential development expanded toward the south and west, and Solomon Hill was soon joined by the New Quaker neighborhood, the Frederick Douglass School neighborhood, and the Freedman neighborhood. The Willow Creek and Lincoln Park neighborhoods were built in the 1960s to 1980s. While most of the homes are single-family homes, some duplexes, triplexes, and fourplexes are interspersed throughout the area. Additionally, a few large-lot homesteads (one to three acres) can be found near Morse Street and Kerley Street.

Two large multifamily developments are currently located within Southeast Denton. Additional multifamily developments are currently under construction on the south side of East Sycamore Street on a former industrial site and east of Woodrow Street (across from the County Juvenile Detention Center). Although many in the community are not supportive of additional higher-density housing in Southeast Denton, residents understand that mixed-use zoning is already allowed and the northwestern portion of Southeast Denton will likely develop with multifamily housing in the future. Due to the anticipated impacts with current and future developments, this plan provides strategies on land use, development scale, and urban design to guide future development.

After residential uses, government and institutional uses occupy the largest amount of land area. These uses include the Denton Public Safety Training Center, Denton Independent School District buildings, facilities for the Denton County Transportation Authority, and facilities related to the Denton County justice system, including the courts building, jail, sheriff's office, and juvenile detention center. In the event that these facilities were to expand, it is imperative that this plan include strategies to minimize impacts and result in compatible land uses.

The more intense commercial and industrial uses, combined with a large swath of floodplain extending diagonally across the study area, the railroad tracks to the west, and a lack of sidewalks and bike facilities serve as solid barriers to mobility. As these properties continue to age, they may become obsolete. Therefore, the plan outlines guidance for the redevelopment of these sites, in some cases recommending forms and uses that are more compatible with existing homes.

Within Southeast Denton, 93 acres are vacant. Of these, 70 acres are privately owned and 23 acres are publicly owned. Ten acres of privately owned land and 14 acres of publicly owned land are not developable because they are park space, cemetery, or flood plain. This leaves 60 acres of private land and nine acres of public land that are potentially developable.

Developable land may provide an opportunity to increase utilization of existing property without directly displacing residents. Public developable land offers opportunities for additional parks, recreation, and community facilities.

FIGURE 10. SOUTHEAST DENTON LAND USE DISTRIBUTION

Source: Denton Central Appraisal District

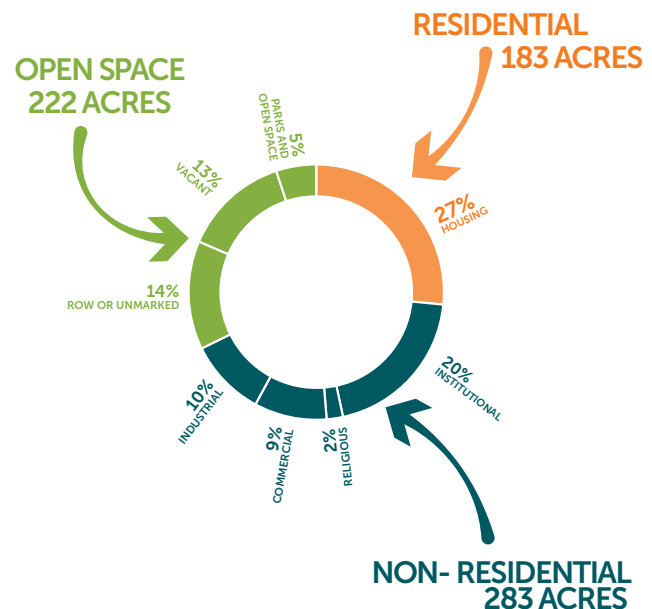


FIGURE 11. PROPERTY TYPES IN SOUTHEAST DENTON

Source: Denton Central Appraisal District



FIGURE 12. VACANT LAND IN SOUTHEAST DENTON

Source: Denton Central Appraisal District

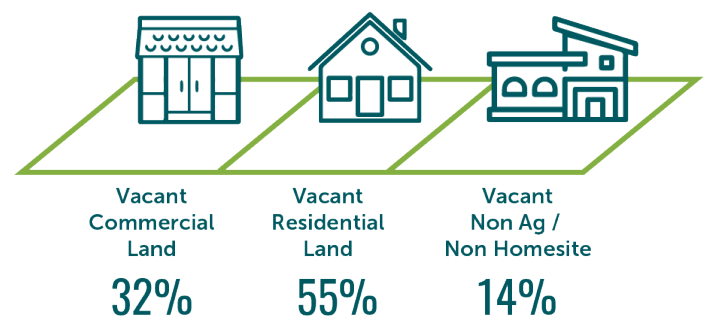


FIGURE 13. VACANT LAND IN SOUTHEAST DENTON

Source: Denton Central Appraisal District

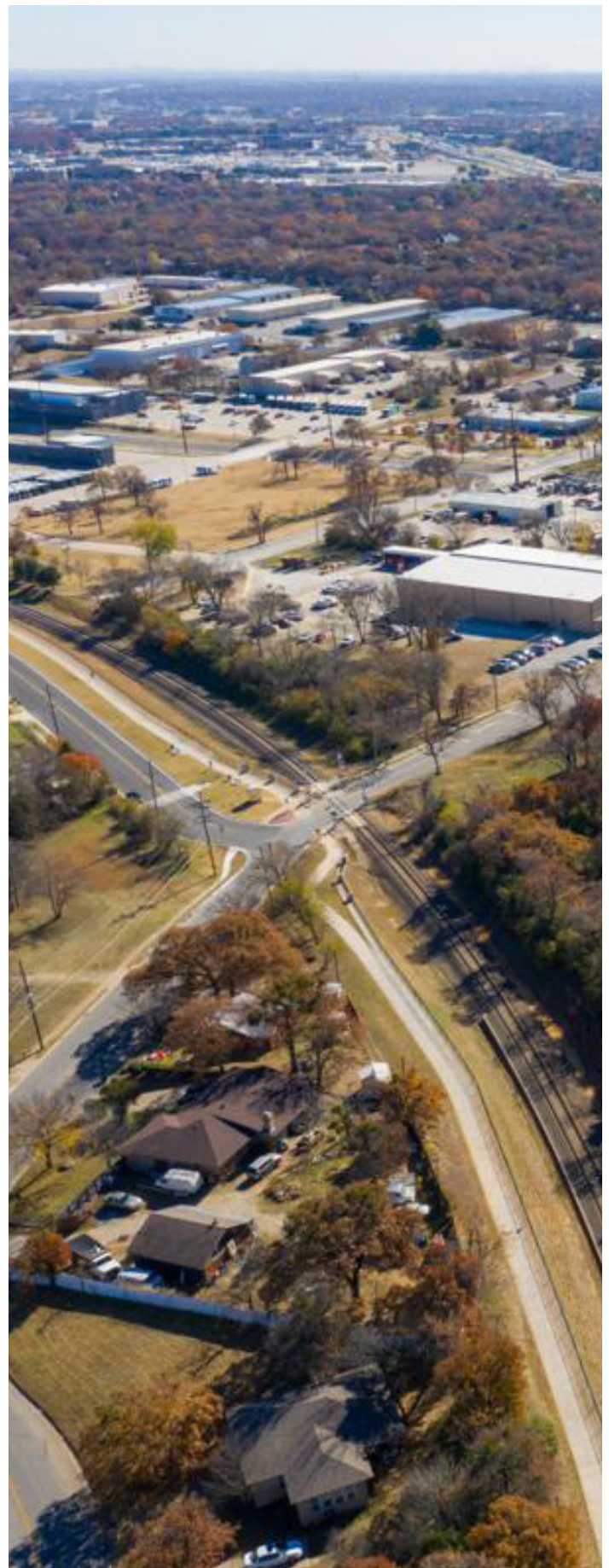
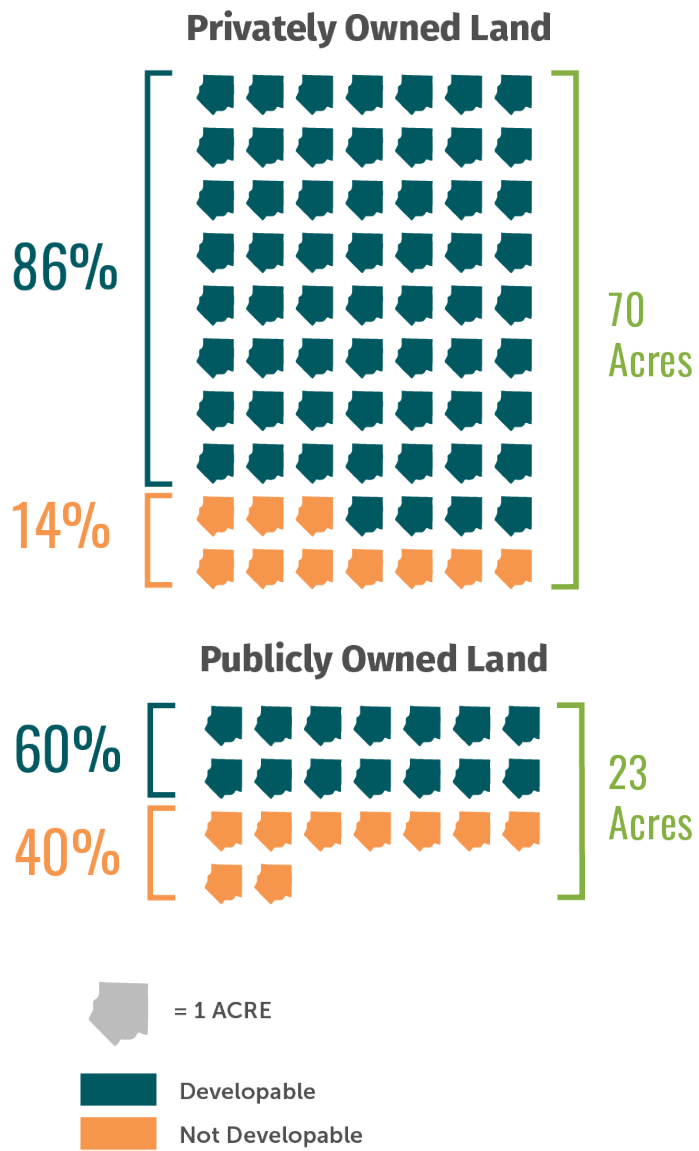
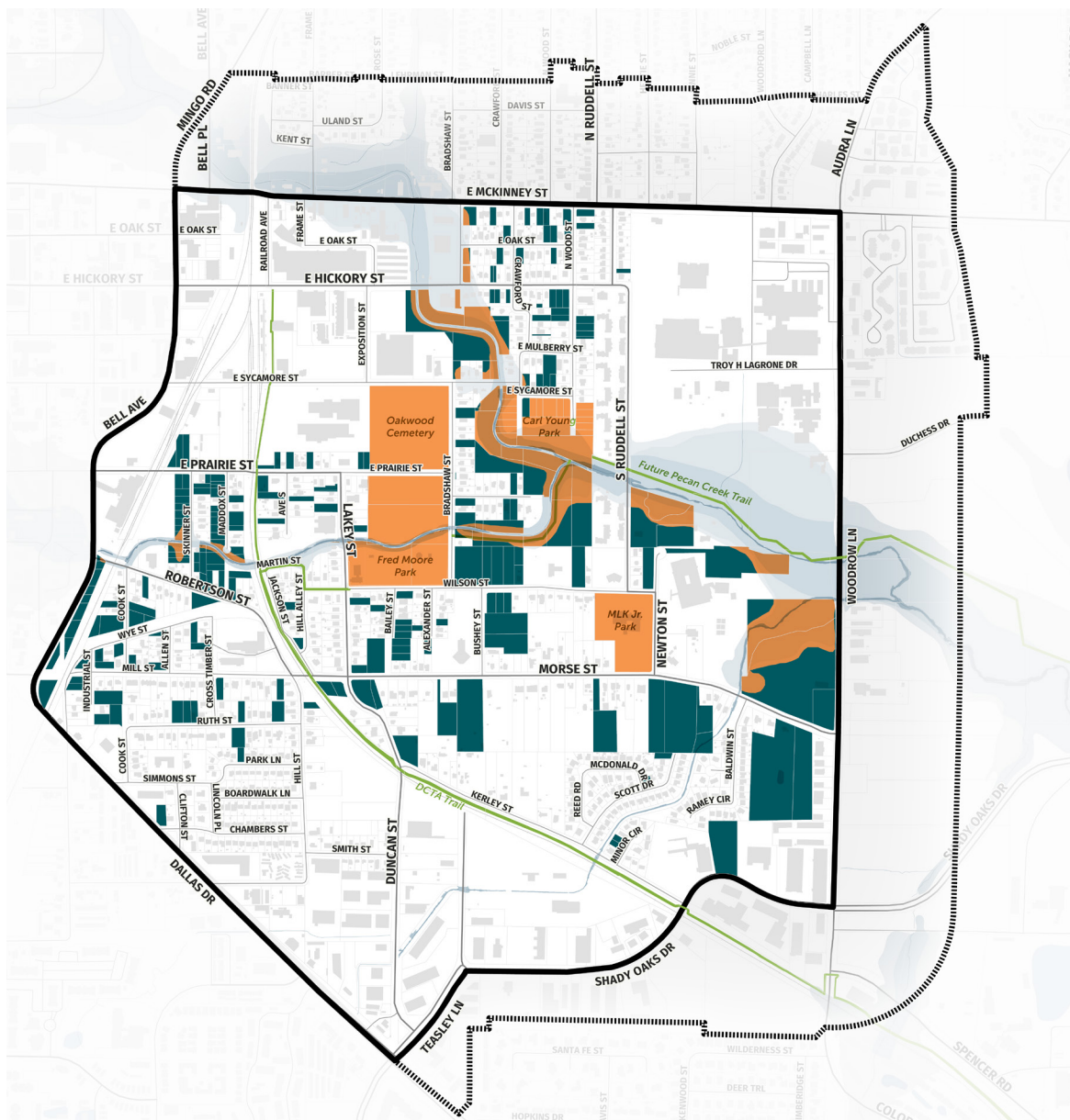


FIGURE 14. VACANT AND OPEN LAND

Source: Denton Central Appraisal District



- Developable
- Undevelopable
- Proposed Southeast Denton Area Plan Boundary
- Proposed Transition Area Boundary

HOUSING

Southeast Denton contains six historic neighborhoods that were established and developed over the last century. Solomon Hill, New Quaker, Freedman Town, and Fred Moore School (previously Frederick Douglass School) were originally built in the 1920s-1930s. Lincoln Park was built in the 1960s, and Willow Creek was built in the late 1960s to 1980s. As shown in Figure 16, the story of housing construction in Southeast Denton is one of construction on individual lots, as opposed to volume-builder neighborhoods often seen today. Because of this development pattern, architectural styles vary from home to home and street to street, reflecting the design trends in a given decade.

Many of Denton's important historic structures are found in Southeast Denton. While not all are eligible as historic resources due to modifications, the community has shown an interest in protecting and maintaining its historic homes. Therefore, this plan will include strategies to conserve and preserve these assets and the heritage they represent.

The median value of Southeast Denton's 707 homes is approximately \$207,600, lower than the citywide median home value of \$257,500 (2021 ACS). Notably, Southeast Denton's higher-value and lower-value homes are interspersed; in other words, no part of the community inherently contains more expensive or less expensive homes. **Higher-value and lower-value homes are in many cases located on the same block or across the street from each other, creating a true mixed-income community – one of the few left in the DFW metroplex. As mixed-income communities have been demonstrated to possess many favorable benefits, this plan will explore ways to preserve the ability for lower- and higher-income households to live near one another.**

Southeast Denton exhibits greater affordability than Denton overall when comparing home values to incomes. Denton's median income of \$65,168 translates to a median value-to-income ratio of 4.0. While the median income of Southeast Denton residents is lower at \$59,328, Southeast Denton has a median value-to-income ratio of 3.5. This means that the median home value is 3.5 times that of the median residents' income, compared with 4.0 times for the city overall. This suggests that homes are relatively affordable in Southeast Denton compared with the broader area.

FIGURE 17. 2021 HOME VALUES

Source: Denton Central Appraisal District

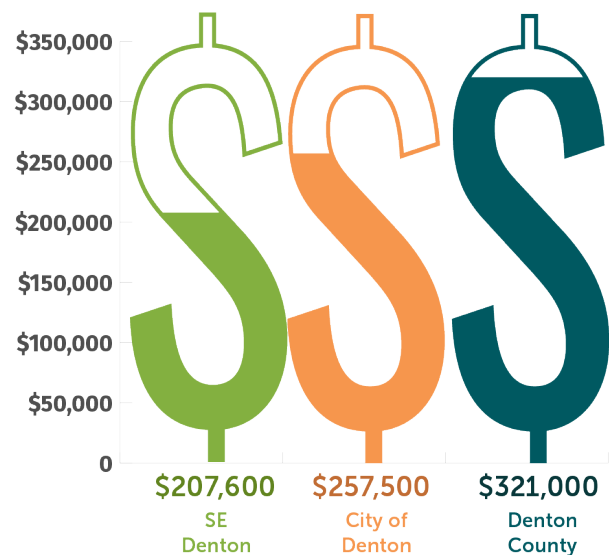


FIGURE 18. MEDIAN HOUSEHOLD INCOME

Source: 2021 American Community Survey

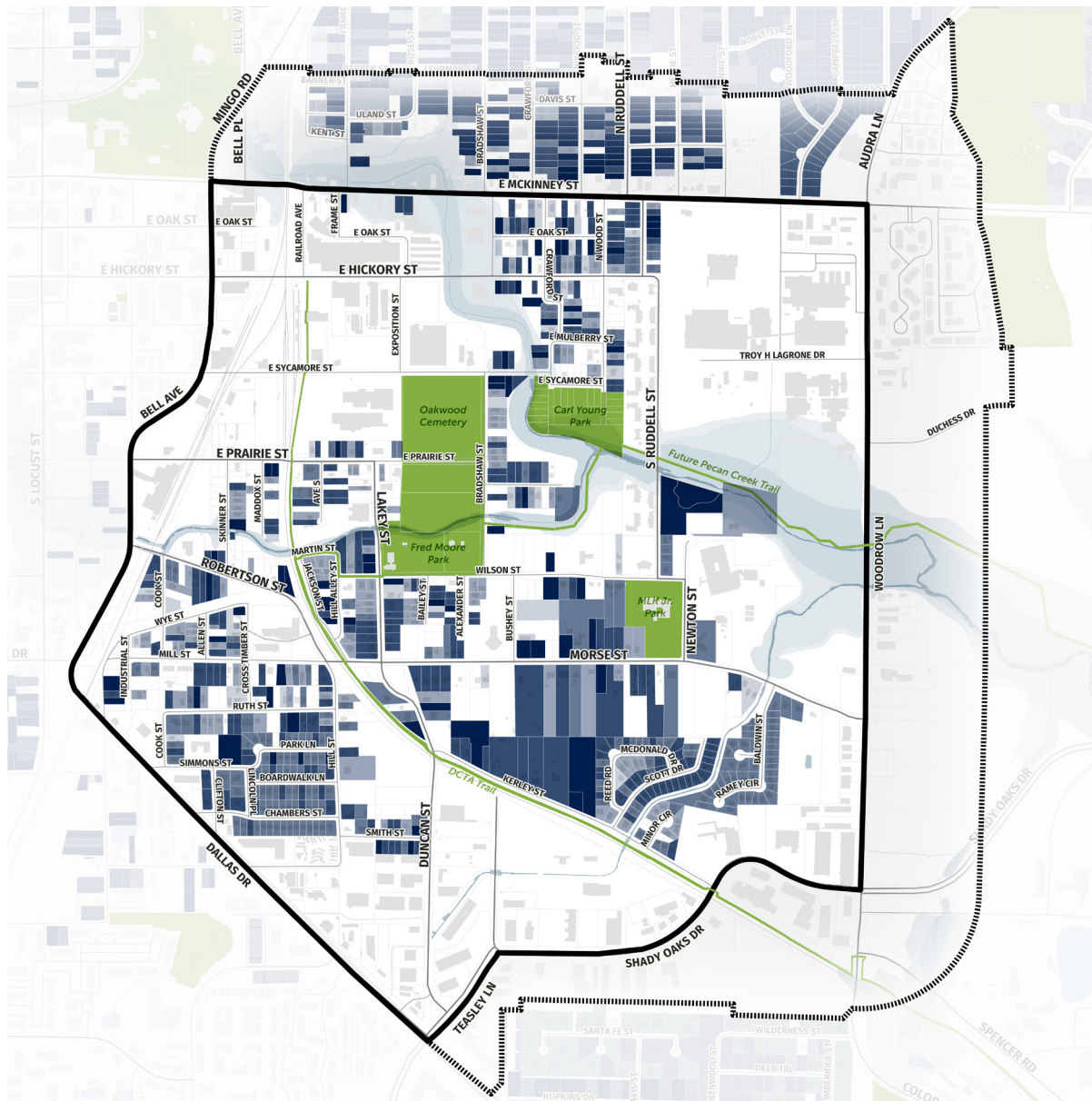


Homes in southeast Denton



FIGURE 16. RESIDENTIAL YEAR BUILT MAP

Source: Denton Central Appraisal District



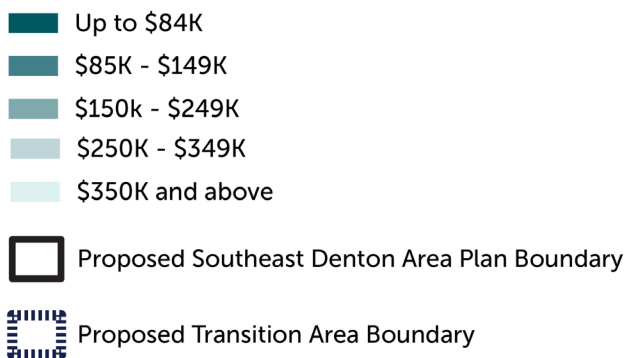
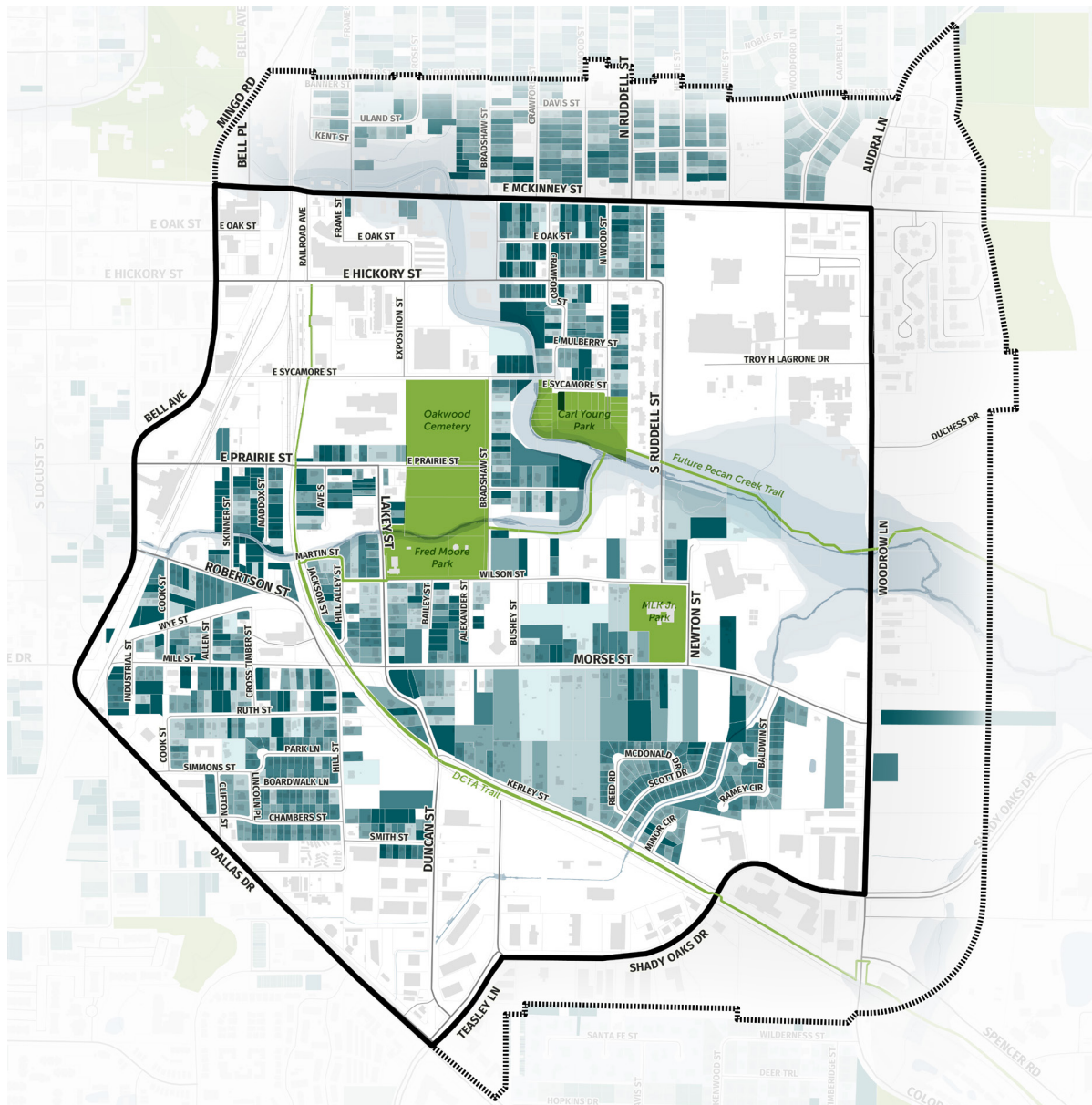
- 1900 - 1950
- 1951 - 1970
- 1971 - 1990
- 1991 - 2010
- 2011 - 2022

 Proposed Southeast Denton Area Plan Boundary

 Proposed Transition Area Boundary

FIGURE 19. RESIDENTIAL APPRAISED VALUE

Source: Denton Central Appraisal District



Approximately two-thirds (62%) of Southeast Denton residents own their homes, and the rest rent. Average monthly payments on homes with mortgages are only slightly higher than average rents (\$1,107 vs. \$1,036, respectively). The similarity of monthly payments for homeowners and renters suggests that households may rent not because of monthly payment constraints, but rather due to inability to secure a down payment or to qualify for a mortgage or by choice.

While Southeast Denton is relatively more affordable than Denton overall, this does not imply that homes are affordable to residents. Notably, a Southeast Denton resident with a median income who purchases a median-value home would end up spending more than 30% of their income on housing. Households who spend more than 30% of their income on housing are considered cost burdened. Another metric shows that Southeast Denton has a greater percent than the surrounding region of residents who own their homes outright. While 42% of homes have no mortgage in Southeast Denton, that number is 34% in the City of Denton and only 27% in Denton County. Fewer homeowners burdened by a mortgage points to the relative affordability of Southeast Denton compared with nearby areas as well as the presence of long-term homeowners. While positive for existing residents, relative affordability can result in displacement pressure.

FIGURE 20. PERCENTAGE OF 2021 HOME OWNERSHIP

Source: 2021 American Community Survey

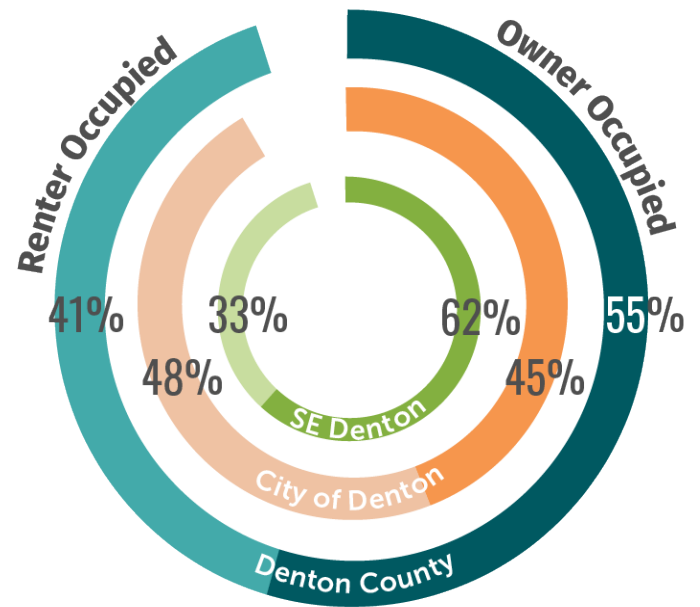
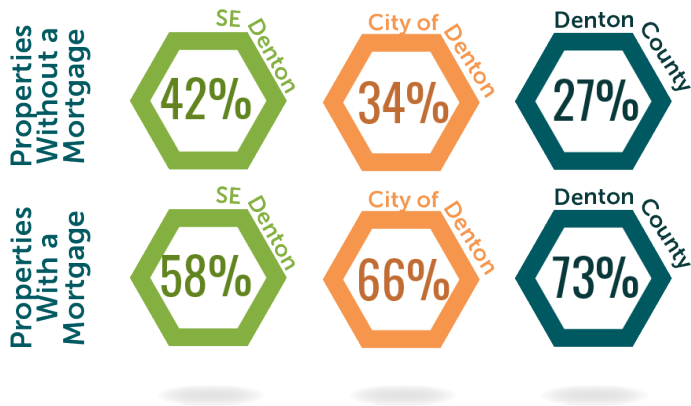


FIGURE 21. MORTGAGE PROPERTIES

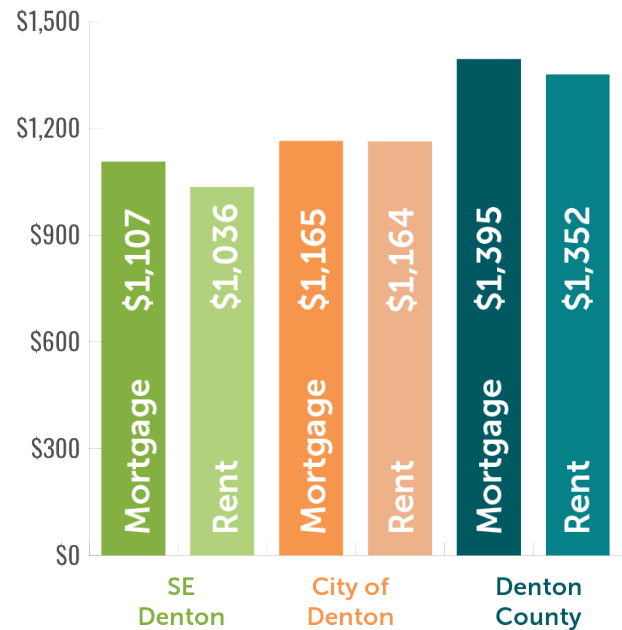
Source: 2021 American Community Survey



In addition to rent and mortgage payments, housing costs include things like property taxes, insurance, and utilities. Rising property taxes as home values rise is a contributing factor to displacement.

FIGURE 22. MORTGAGE VALUE VS RENTING VALUE

Source: 2021 American Community Survey



PARKS AND OPEN SPACE

The City of Denton's Parks and Recreation Department owns and maintains two community centers and a variety of parks and open spaces to serve Southeast Denton. The largest park is the 10-acre Fred Moore Park, which offers amenities such as two pavilions, two playgrounds, basketball courts, benches and bleachers, drinking fountains, a softball field, and a gazebo stage. It is programmed with community-wide events several times a year and is also used for daily recreation and unplanned social gathering space by the residents. The park offers open sight lines for safety, shade, and a walking trail that will eventually connect to the regional Katy Trail and the future Pecan Creek Trail.

Although Fred Moore Park is a regional asset, it lacks an identifiable public entrance from surrounding streets. The trail is lit by tall cobra head lights rather than pedestrian-level lighting. The creek running through the park is a concrete-lined culvert rather than a natural creek. The picnic table is well-shaded, but the playground equipment would benefit from additional shade. Better lighting, more comfortable places to sit, additional shade, and better connections to the neighborhood would enhance the usability of the park.

Carl Gene Young, Sr. Park is slightly smaller than Fred Moore Park at 9.8 acres. This park includes a spray ground, a basketball court, benches, a playground, and a drinking fountain. Additional shade is needed to make the spray ground, metal benches, scattered play equipment, and picnic tables more usable, as the lack of shade is a potential burn hazard to patrons in the summer. Walkways do not connect to each other or to the amenities, nor do they connect to other trails. The picnic tables are not on concrete pads and the ground under them becomes muddy during rainy periods. The park could benefit from a more cohesive plan and a sun-shade study conducted jointly with the area's residents and potential park users. Improvements to the splashpad began in April 2023 and finished in May 2024.

The MLK, Jr. Recreation Center Park provides play space for children and flexible open space. Features include shade structures, playgrounds, practice fields, maintained landscape, a picnic table and benches, and a mature, colorful variety of trees. The park lacks adequate sidewalk and pathway access and does not provide light for night usage.



On the eastern edge of Southeast Denton, west of Woodrow Lane, are several heavily treed areas. These areas are under various ownership, including the City of Denton, Denton Independent School District, and private ownership. While none of the parcels on either side of Pecan Creek is currently park space, some of the area is reserved for a future extension of the Pecan Creek Trail, and the trees contribute to the city's urban forest.

Oakwood Cemetery was established in 1857 in what is now the center of Southeast Denton and has been City-owned since 1931.¹ It is a local heritage site that is the burial place of early settlers, Confederate veterans, indigent residents, and many more whose graves are unmarked and whose names are lost to time. Many of Quakertown's residents are buried in the cemetery.

In addition to these parks and green spaces, several trails cross Southeast Denton, including the DCTA Rail Trail along the MKT Railroad right-of-way and portions of the planned Pecan Creek Trail along Pecan Creek. The DCTA Rail Trail is a 19-mile regional asset, connecting the Downtown Denton Transit Center to the Hebron station in Lewisville.

The undeveloped land map (Figure 12) shows multiple large parcels of land near existing parks, trails, and floodplain. These parcels offer an opportunity for the City to expand park space in the Southeast Denton area.

The Martin Luther King, Jr. Recreation Center is located on the east side of the study area near Rivera Elementary. The center offers computer classes, after-school care, spring break and summer camps, and other classes throughout the year. The American Legion Hall Senior Center is centrally located in Southeast Denton at the southwest corner of Fred Moore Park. It serves as a gathering place for adults aged 50 and older to eat lunch, take part in activities, host events, and spend time. Both facilities offer modern meeting rooms for rent and are often reserved for community groups, parties, and clubs.

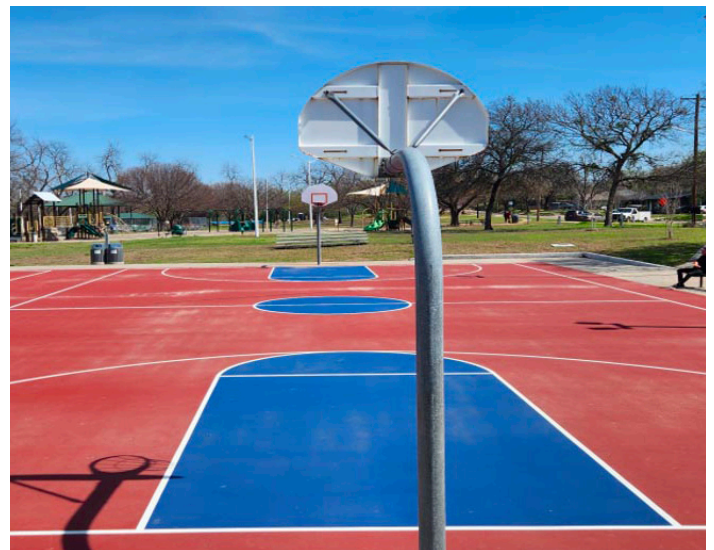
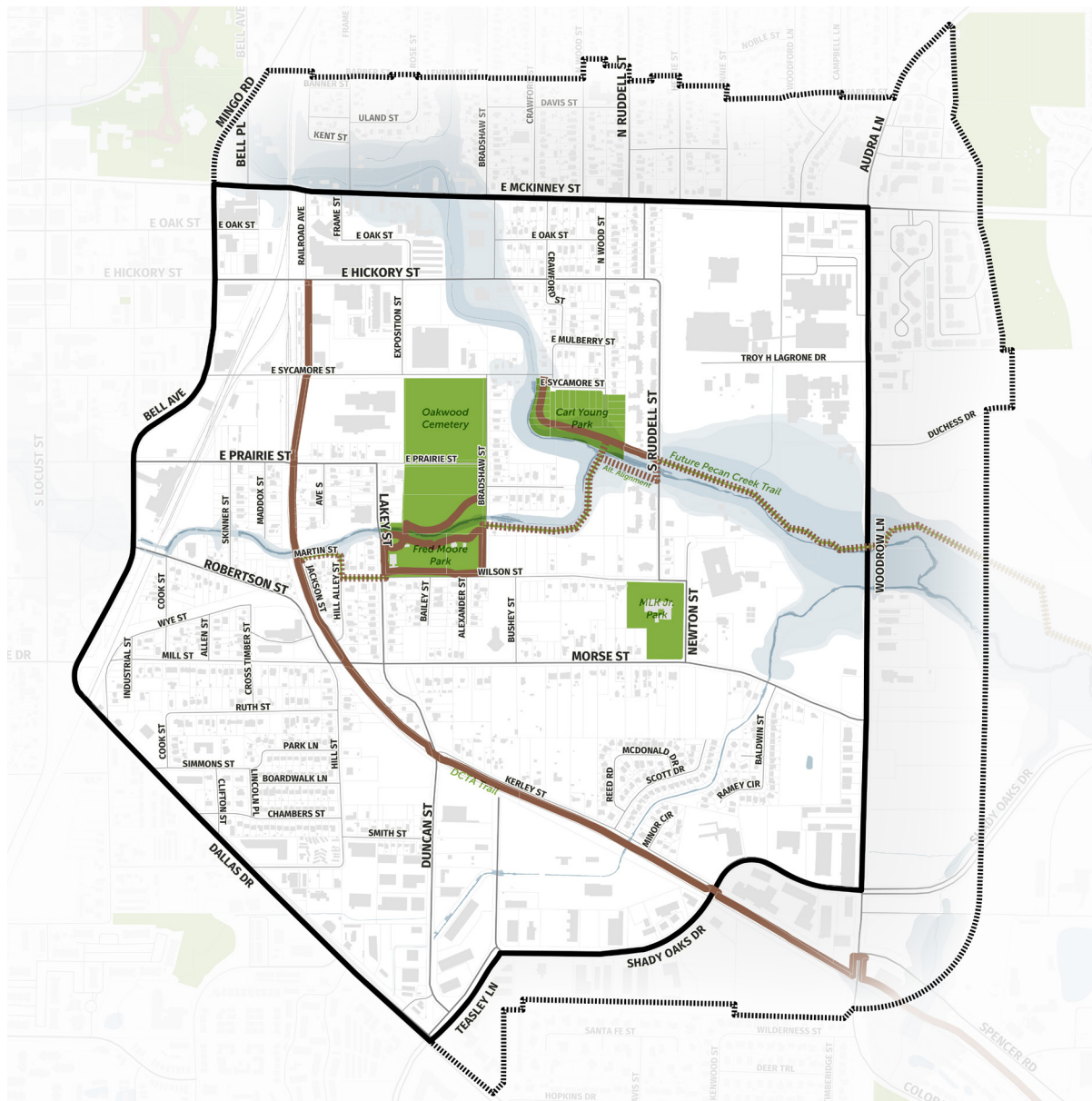


FIGURE 23. 2022 TRAILS MASTERPLAN

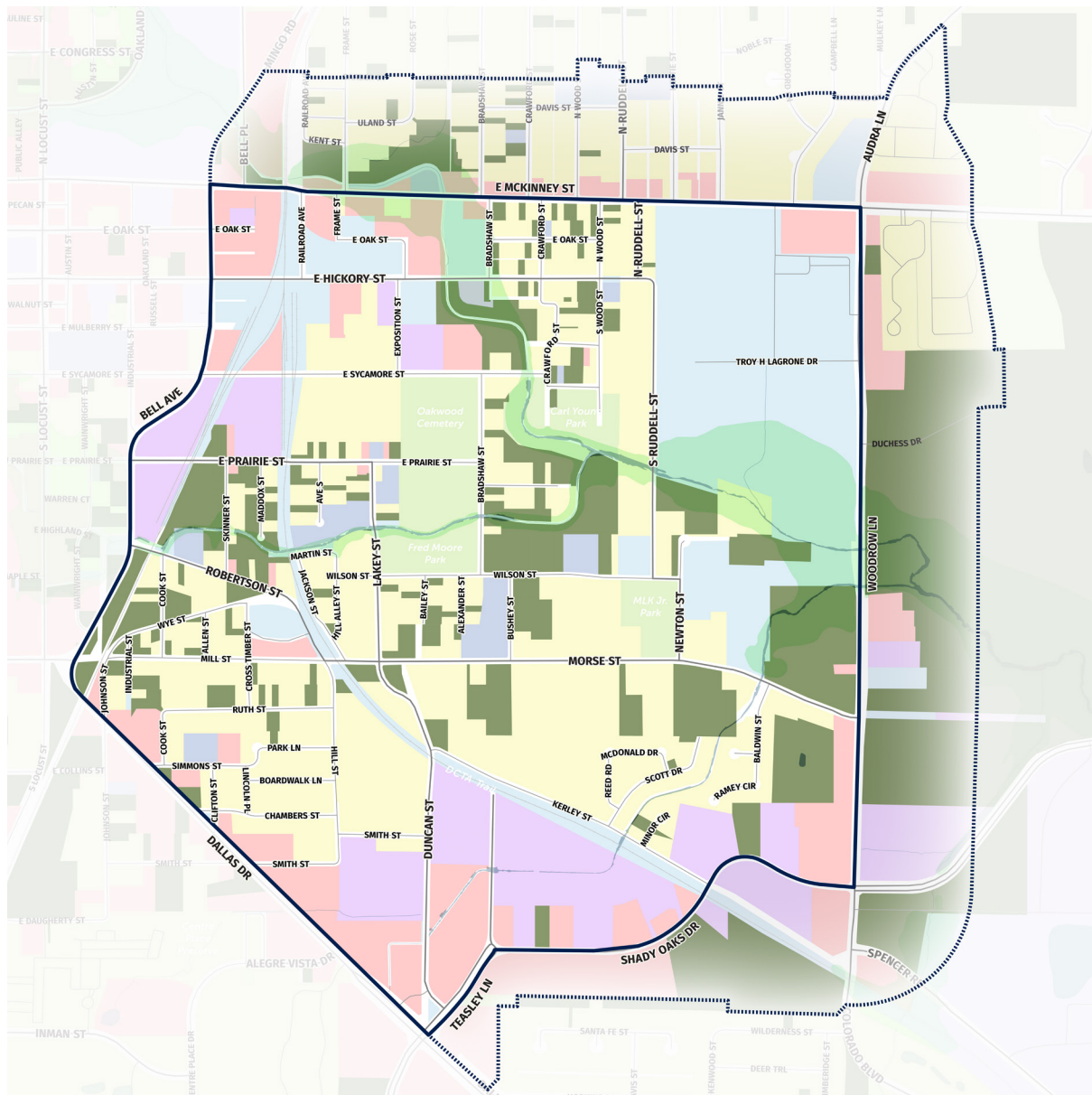
Source: City of Denton, TX



- Existing Trails
- Future Trails
- Parks
- Proposed Southeast Denton Area Plan Boundary
- Proposed Transition Area Boundary

FIGURE 24. CURRENT UNDEVELOPED LAND USE

Source: Denton Central Appraisal District



- Undeveloped
- Proposed Southeast Denton Area Plan Boundary
- Proposed Transition Area Boundary

TRANSPORTATION AND CONNECTIVITY

A transportation and mobility network that supports a community should include the following:

- **Affordability:** This means less reliance on single-occupancy vehicles (SOV) and access to affordable alternatives, including transit, walking, car sharing, and new mobility services.
- **Choice:** Transportation alternatives, such as cyclist- and pedestrian-friendly networks that connect to employment and other destinations.
- **Safety:** Better lighting and more facilities for pedestrians and cyclists.
- **Air Pollution and Congestion Reduction:** Fewer emissions from cars on the road or in traffic.

STREET NETWORK

Primary arterials (six lanes and 135 feet minimum right of way) and secondary arterials (four lanes and 110 feet minimum right of way) encircle the Southeast Denton neighborhood. Crosswalks provide pedestrian safety at only a handful of intersections. Together, the width of streets and lack of crosswalks hamper pedestrian access to shops, restaurants, and jobs outside of Southeast Denton. See Figure 25.

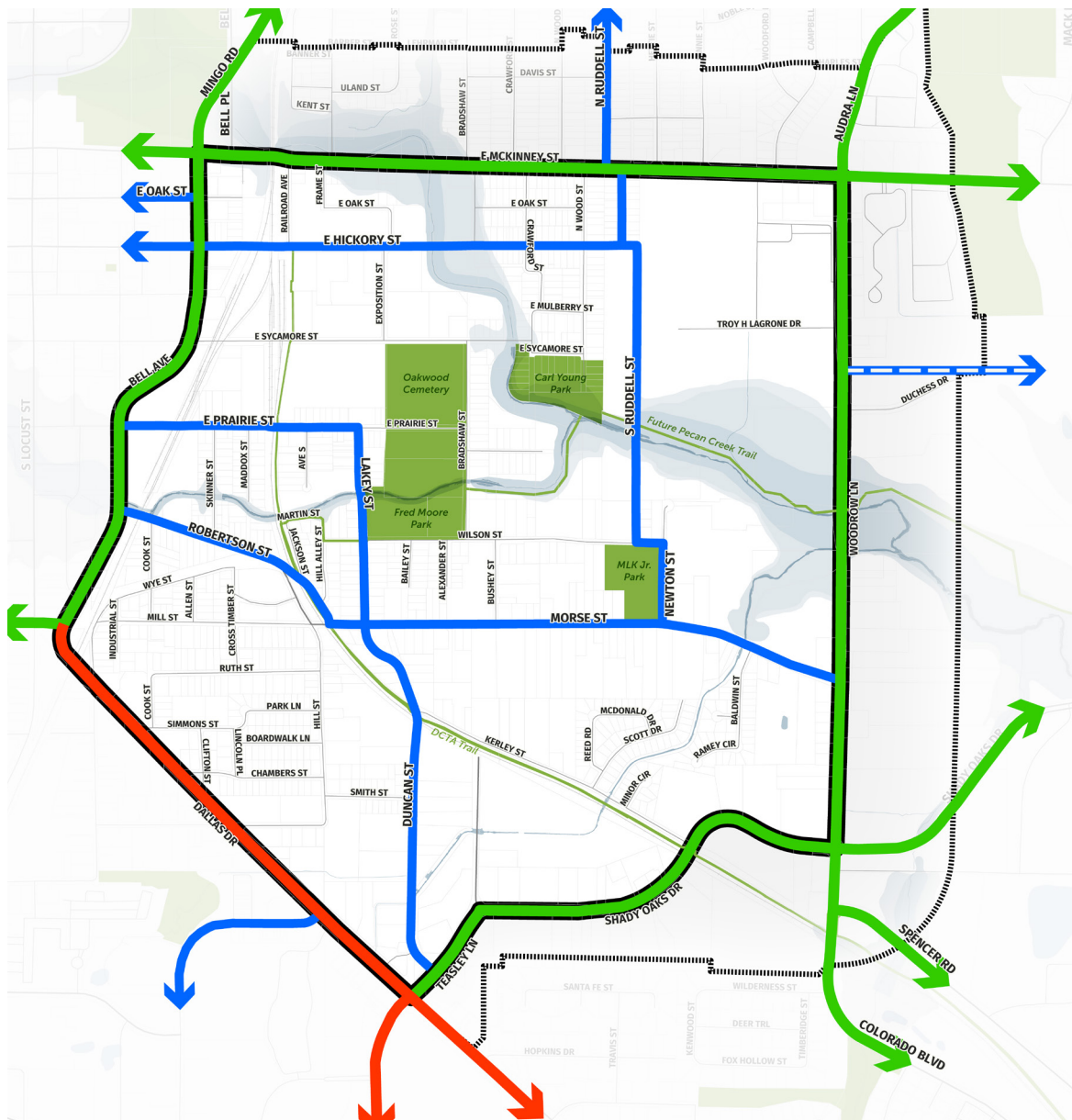
Internally, the streets are arranged in a broken grid pattern, with both north-south and east-west streets that end abruptly at three-way intersections. Morse Street and Kerley Street, two of the through streets, serve as a short cut for some drivers and a raceway for others.



Denton Record-Chronicle

FIGURE 25. THOROUGHFARE PLAN (2022)

Source: City of Denton, TX



- █ Existing Primary Arterial
- █ Existing Secondary Arterial
- █ Existing Collector
- - - Proposed Collector
- Proposed Southeast Denton Area Plan Boundary
- Proposed Transition Area Boundary

WALKING

Based on the City's sidewalk condition data and on-the-ground analysis, very few of the streets within Southeast Denton have sidewalks. Residential areas and local destinations such as schools and retail within Southeast Denton are connected only by a car-oriented street network. This means that residents who choose to walk must generally take unmarked, non-ADA accessible routes through their neighbors' yards or walk in the street. The few existing sidewalks are in varying (often poor) conditions, exposed to the sun, and are generally not ADA compliant.

Although crosswalks are present at some four-way stops, most of the intersections in Southeast Denton are three-way intersections or dog-leg intersections without crosswalks. This lack of crosswalks, coupled with high travel speeds and volumes along busy roads, creates an intimidating environment for pedestrians and cyclists who try to travel through or out of the Southeast Denton area.

Although many of the streets in the area are currently being reconstructed only a few of the new street sections include sidewalks. (Figure 26, sidewalk conditions)



Residential sidewalk and road construction



Sidewalk conditions



BICYCLE NETWORK

Bicycle infrastructure is extremely limited within Southeast Denton. The few bicycle paths that do exist are either side paths that double as sidewalks or they are streets with signage indicating that bikes are a shared use. Newly constructed trails, such as the DCTA trail which connects Denton to Lewisville offer the beginnings of much-needed bicycle connectivity. However, existing trails do not yet offer a broad network that connects neighborhoods to activity centers or the larger Denton community.

The City of Denton's 2022 Mobility Plan recommends additional separated bike lanes, shared-use side paths, and trails. However, the

2023-2024 street reconstruction project was budgeted and designed before the adoption of the current Mobility Plan. Therefore, the roadway improvement projects that were in progress at the time of creation of this plan do not include many of the planned pedestrian and bicycle infrastructure segments.

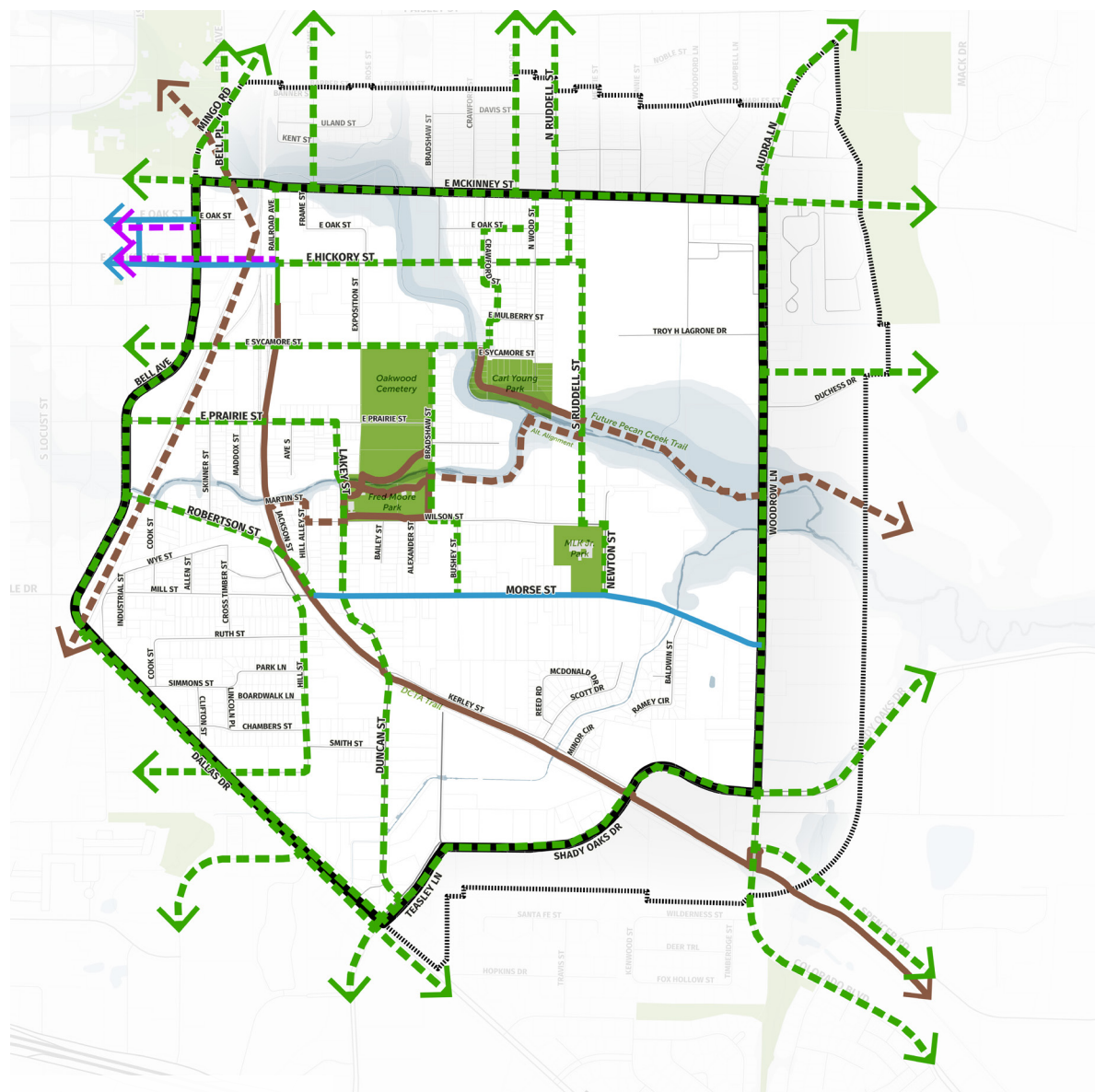
Future road improvements should include the planned pedestrian and bicycle infrastructure in the 2022 Mobility Plan.



Bike Denton

FIGURE 27. BIKE AND PEDESTRIAN PLAN (2022)

Source: City of Denton, TX



- Proposed Separated Bike Lane
- Existing Shared Street
- - - Existing Sidepath
- Future Sidepath
- Existing Trail
- Future Trail
- Proposed Southeast Denton Area Plan Boundary
- Proposed Transition Area Boundary

TRANSIT

Transit service in Denton is operated by the Denton County Transportation Authority (DCTA). The Downtown Denton Transit Center provides access to local and regional buses as well as the A Train, which connects south to Carrollton and to the Dallas Area Rapid Transit (DART) light rail system. Due to recent system changes, DCTA provides bus service only along East Hickory Street and McKinney Street. The remainder of Southeast Denton is served by DCTA's on-demand service, GoZone.

CRASHES

The Texas Department of Transportation collects and analyzes crash data submitted by law enforcement officers in its Crash Records Information System (CRIS). Figure 28 shows a heat map of crashes

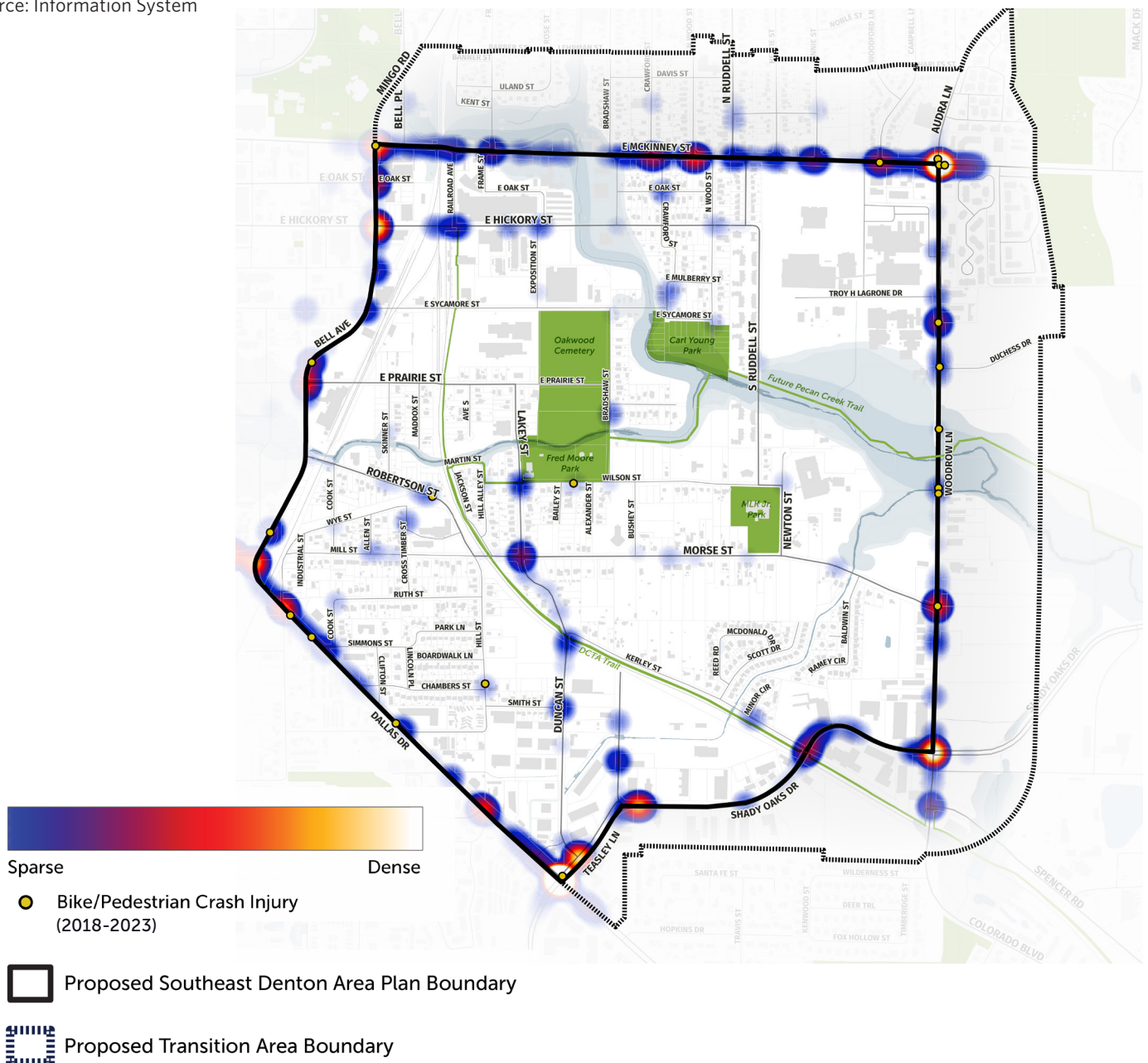
between 2018 and November of 2023 in Southeast Denton. In the past five years, there were 2,561 people involved in crashes in this area, 27 of whom were pedestrians or bicyclists.

People were most likely to be involved in crashes on the periphery roads, particularly at large intersections. Crashes on McKinney Street accounted for nearly 20% of the total number of people involved in crashes in Southeast Denton, indicating a need for additional pedestrian safety measures on McKinney Street.

In addition to the crashes on the periphery, the data also show East Hickory Street, Morse Street, Lakey Street, and Duncan Street to be hot spots for people involved in crashes.

FIGURE 28. CRASH INJURIES HEAT MAP

Source: Information System



COMMUNITY AMENITIES

Southeast Denton is home to several churches, including Pleasant Grove Baptist Church, St. Andrew Church of God in Christ, St. Emmanuel Baptist Church, Morse Street Baptist Church, Mt. Calvary Baptist Church and East Prairie Street Church of Christ, St. James AME, Mt. Pilgrim CME, and Simmons Street Church of Christ. Residents view these churches as important assets not just for worship, but also for their key role in promoting social connection within the community.

Rivera Elementary and Fred Moore High School are located within the study area. However, the attendance boundary for Rivera Elementary only includes the east side of Southeast Denton, extending outside the study area across Woodrow Lane to the east and south of the study area. Fred Moore High School was originally named the Frederick Douglass School and served the Black community of Denton starting in 1909. The current building was built in 1948 and two years later was named after Fred Moore, a former teacher and principal at Douglass School who remained connected to the community. Today, this school is a Choice School that serves the entire Denton Independent School District. It provides accelerated graduation and alternatives to traditional high school and attracts students from throughout the district.



St. James AME Church



American Legion Hall



MLK Jr. Recreation Center



FIGURE 29. COMMUNITY AMENITIES DISTRIBUTION

Source: HDR research



- Churches
- Proposed Southeast Denton Area Plan Boundary
- Proposed Transition Area Boundary

RETAIL

Residents of Southeast Denton have limited retail and restaurant choices within the core of the community. The closest stores selling food are two convenience stores north of McKinney Street; the convenience stores do not offer any fresh foods and only carry very limited supplies of packaged foods. Kroger, Aldi, and Walmart are all a few miles away and necessitate a car for access. Pedestrian access to Denton's downtown restaurants is inadequate, particularly for the mobility impaired. Most of the commercial parcels on the land use map are service or business-oriented uses such as pawn shops, storage centers, automotive uses, and industrial supply stores, which do little to meet the community's day-to-day retail needs.

Clara's Kitchen, Veronica's Café, and other restaurants along McKinney Street and Dallas Drive serve as local gathering spots.



Veronica's Cafe



1302 Teasley Lane



625 Dallas Dr.



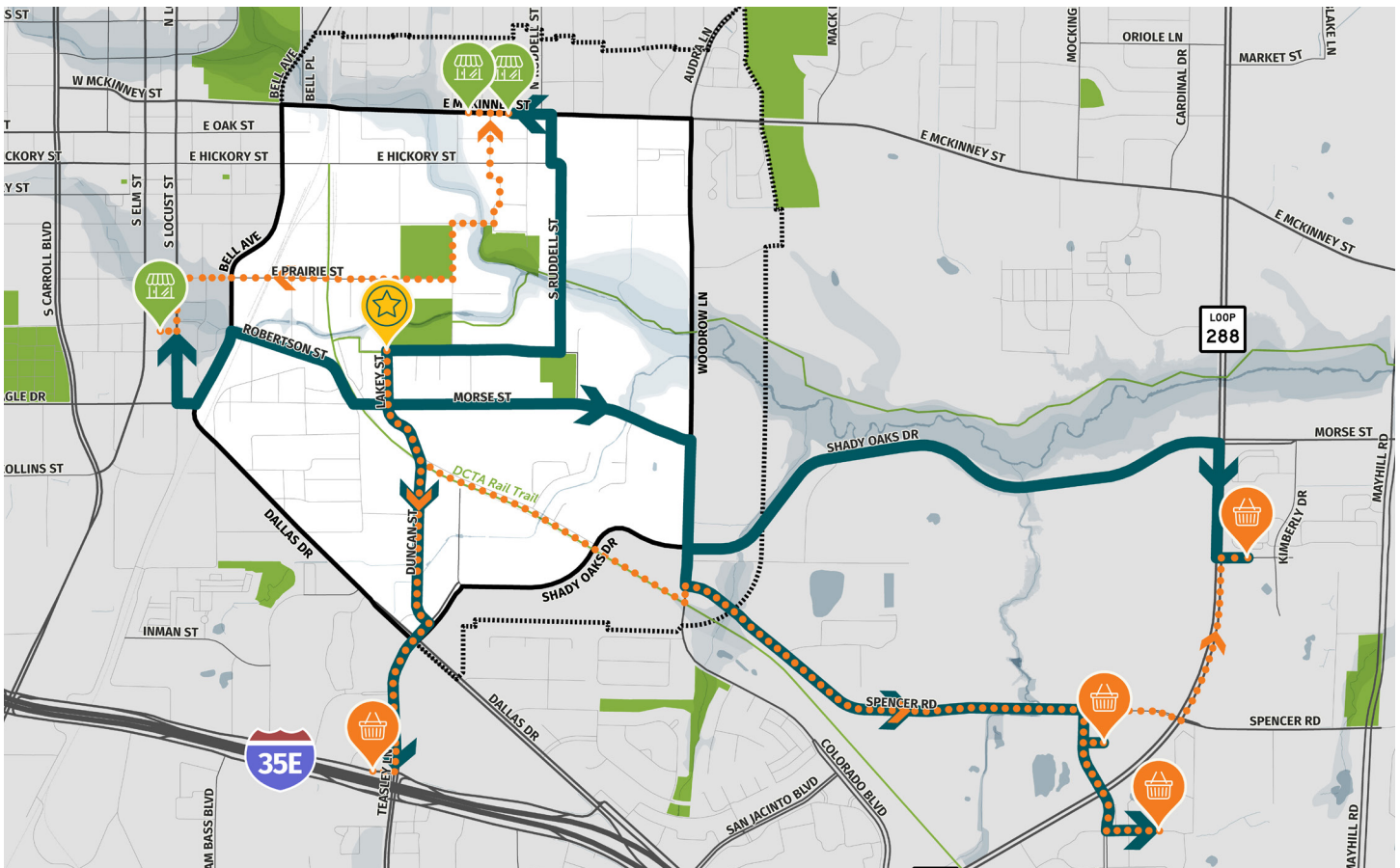
Clara's Kitchen







608 E. Hickory Street

FIGURE 30. ROUTES TO GROCERY AND CONVENIENCE STORES

Source: ESRI



-  Grocery Store
-  Convenience Store
-  American Legion Hall Senior Center
-  Driving Route
-  Walking Route



COMMUNITY ENGAGEMENT

By listening to the Southeast Denton community to incorporate their solutions, dreams, and ideas, this plan attempts to strengthen the Southeast Denton area for existing and future residents and stakeholders as well as those interested in joining this cohesive, connected community in the future.



Listening to the Community

The planning process started with acknowledging past harm — forced removal in the 1920s, a proposed Urban Renewal demolition plan in the 1960s—as well as current concerns with development activities. The process continued with data gathering, robust community engagement, and guidance from technical experts.



IMPLEMENTATION WORKSHOP

- **Listening Sessions:** The team held multiple meetings with residents and stakeholders to listen deeply to their stories, their dreams, and their desires for their neighborhood, as well as their fears and their anger about the past. Participants identified several key concerns, some of which have already been addressed as quick wins.
- **Stakeholder meetings:** The team met with several community stakeholders to better understand the history of the area and the issues important to residents now.
- **Steering Committee:** The Steering Committee met regularly to add insight and to provide feedback on the information gathered and analysis completed.



COMMUNITY LISTENING SESSION

- **Intercept Surveys and Pop-Up Events:** To reach a more representative sample of stakeholders, the team hosted pop-up events and collected intercept survey responses at various locations and times to connect with community members. Some locations and events included the MLK Jr. Recreation Center, Veronica's Café, and both the 2023 and 2024 Juneteenth events in Denton.
- **Visioning Workshop:** Meeting held to share preliminary concepts with the public and to collect feedback. The project team asked community members to draw their ideal SEDAP boundary. Participants also provided ideas about capital improvement projects, quick wins, pedestrian and bike access, parks, housing, and economic development.



VISIONING WORKSHOP

- **Visual Preference Surveys and Boundary Establishment:** Using the information gathered at the Visioning Workshop, the team went out into the community, specifically to determine the preferred housing and commercial building styles and finalize the study area boundary. The data previously collected was aggregated into three possible boundary maps. Participants were asked to vote on the map which best represented their idea of Southeast Denton.
- **Implementation Workshop:** The team met with staff from various agencies and entities in the Denton area, such as the appraisal district, the County, and various City departments, to discuss the feasibility of various implementation ideas.



INTERCEPT SURVEYS

- **Online Engagement:** The team also gathered input from the public through an online survey and forum on "Discuss Denton" that allowed people to get involved and find out about in-person engagement and community surveys in their area.



STEERING COMMITTEE MEETINGS

WHAT

The project team presented updates on findings, proposed recommendations, and potential actions at four steering committee meetings. During each presentation, steering committee members provided context and feedback.

WHY

To ensure that key stakeholders guided the planning process and that the plan remains relevant to the community.

Results

The 11 member steering committee representing local residents, pastors, and community advocates played a crucial part in the goals, objectives, recommendations, and actions included in this plan. Here is what they represented as key wants and desires of the community:

The community is in favor of community benefit agreements.

There should be a focus on attainability rather than affordability.

Investigate how nearby areas could support Southeast Denton.

Highlight the diversity of Southeast Denton.

Most of the residents work outside of Southeast Denton.

Develop infrastructure that meets residents' needs.

Introduce missing middle housing in the community.

Develop key street cross sections within the community.



LISTENING SESSIONS

WHAT

Community meetings that started with acknowledging the harm that existing plans and zoning ordinances have inflicted on communities, apologizing for that harm, and seeking to atone by listening to the concerns of the community.

WHY

To hear and incorporate concerns of the residents into the plan and ensure it represents the current and future needs of the community.

SIX in-person listening sessions
ONE virtual listening session
75 Attendees

Results

Here are the main themes of the discussions:

Many unjust practices were inflicted upon Black residents, and families have not forgotten this history.

Residents are frustrated by the lack of communication regarding the Southeast Denton road reconstruction project.

Speeding on some local streets is a concern.

Parks and community facilities are cherished amenities.

Feelings were mixed about housing and affordability.

Property tax increases triggered by new development drive gentrification fears.

Residents feel the pressure that change is coming.

Community consultation must improve for planning and rezoning.

The City can improve its relationship with the community.

Infrastructure must be improved, with a focus on safety.



VISIONING WORKSHOP

WHAT

Open house with multiple activities to ask participants what capital improvement projects they prefer, ideas for quick wins, pedestrian and bike improvements, park and trail ideas, areas of change and stability, what they love, and what they would like to remove.

WHY

To understand the general perception, collective needs, opinions, and desires from the community. Information gathered from workshops and surveys forms the basis of the plan's recommendations.

Results

Through multiple activities the community revealed:

What they love about SE Denton:

Green spaces, parks, churches, community scale.

What they want to remove from SE Denton:

Cement plant on Prairie Street, remove pressure to increase density, potholes and breaks in sidewalks, jails, constant and excessive roadwork.

What they want to keep in SE Denton:

Community's social connections, Black history of the area, mixed income, affordable housing - two story single family, duplexes, fouxplexes, townhouses etc., parks and open spaces, neighborhood retail and restaurants.

What they want from SEDAP:

Ideas for quick wins:

Bike racks at businesses west of Bell Avenue, more benches and shade for people walking, more lighting on pathways, bike parking in the parks, additional trash cans in public areas, more street trees.

What is their dream for SE Denton:

No gentrification, community market, streetlights and shade, not to be commercialized, owner occupied housing, community events, improved infrastructure: Better pedestrian connections to downtown, more sidewalks, a safe way to cross McKinney Street, slower traffic on Morse Street.



INTERCEPT SURVEYS

WHAT

Multiple forms of community engagement at events, in front of recreation centers, and at local restaurants focused on meeting people where they are and hearing their input on the needs of the community.

WHY

To ensure the diverse members of the community that did not come to meetings had their voices and ideas incorporated into the Southeast Denton plan.

FOUR intercept surveys
109 people participated

Results

The community voiced their concerns for their community, and voted on various forms of housing and commercial buildings, the area boundary, street designs, and strategies in the plan. Here are the community's overarching concerns:

Cleanliness and Safety.

Lack of investment in infrastructure and amenities.

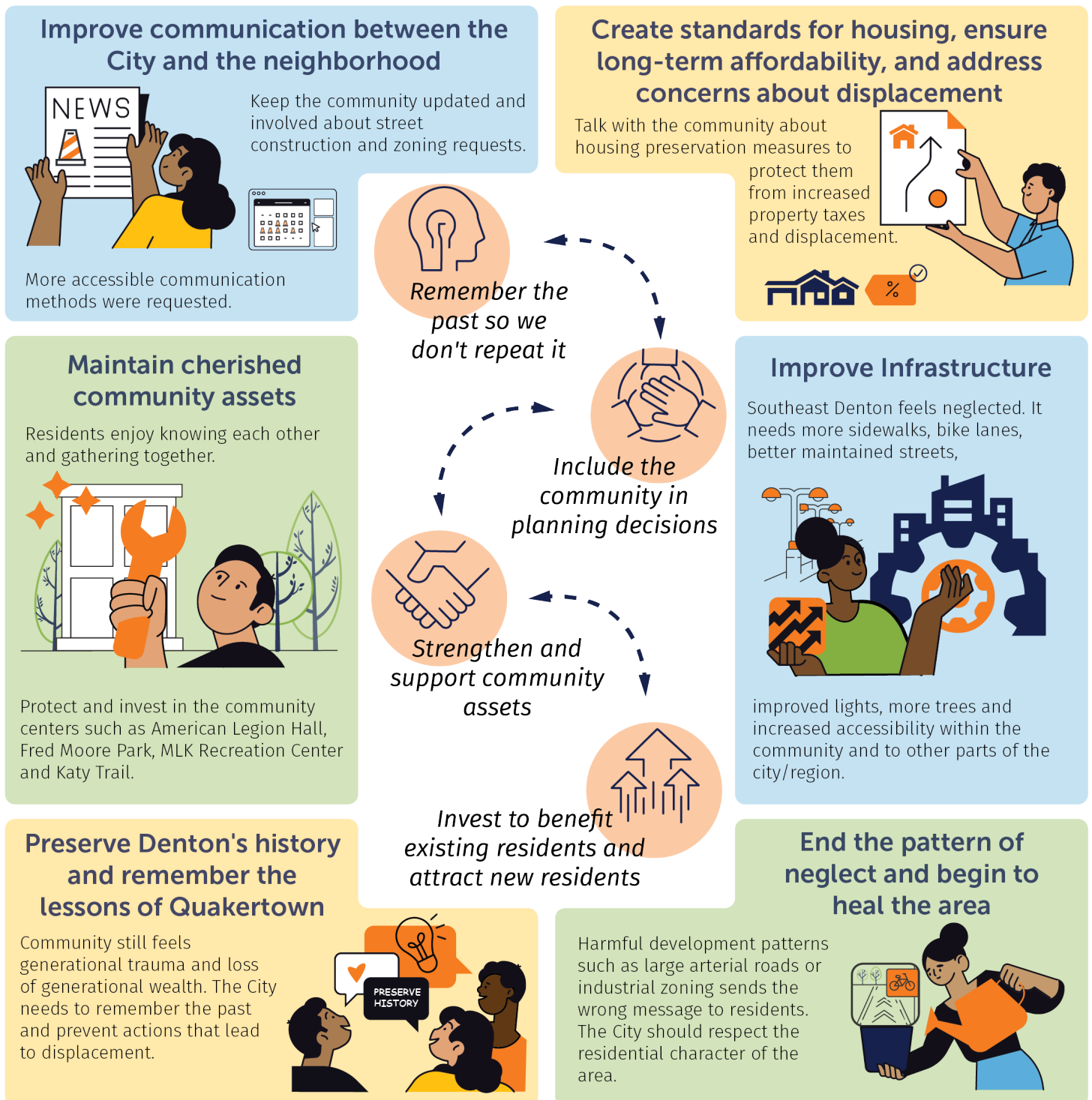
Mixed views about the increase of apartments in Southeast Denton.

Housing affordability and availability.

Maintaining Southeast Denton's wonderful sense of community.

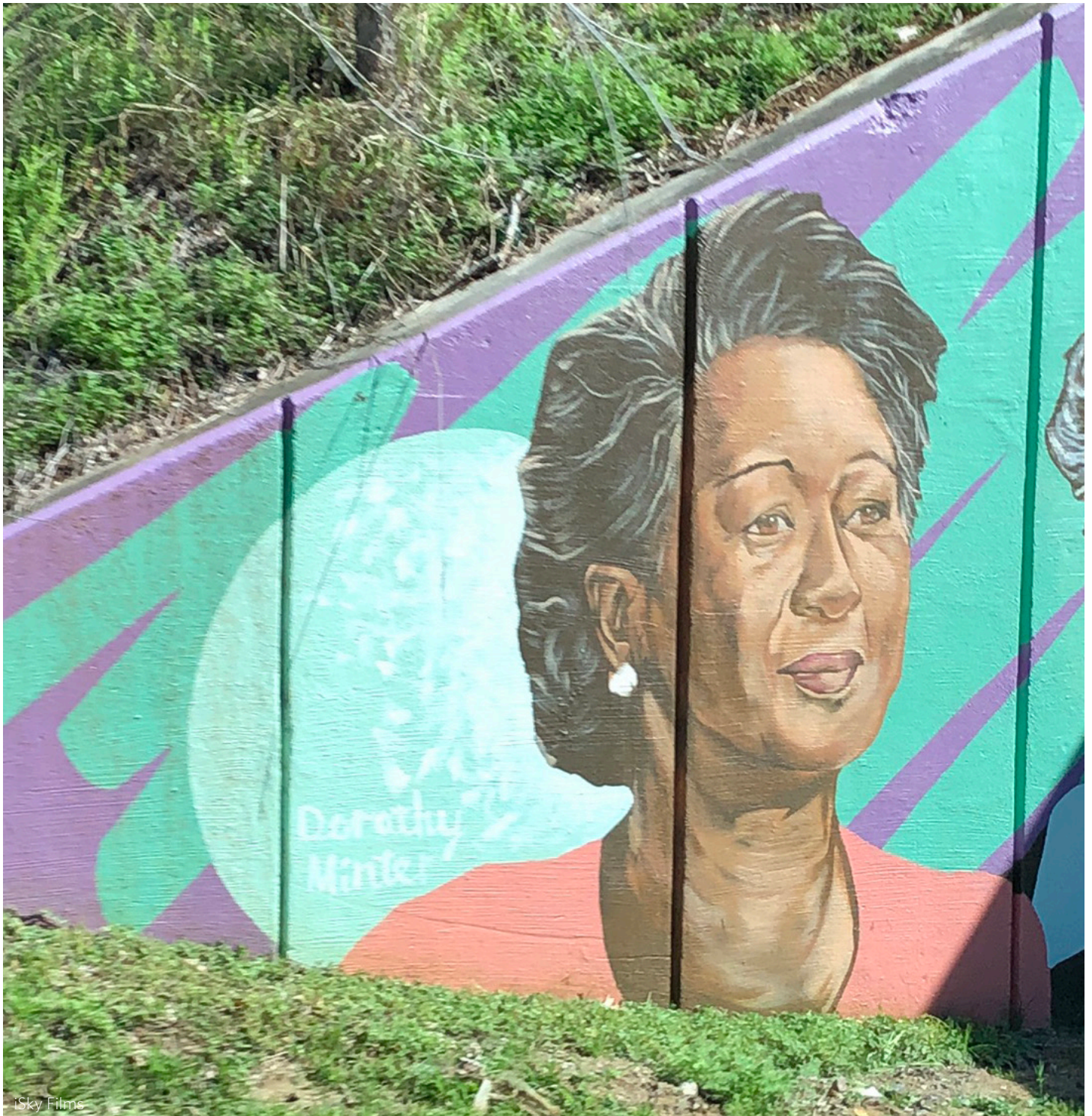
FIGURE 31. COMMUNITY ENGAGEMENT KEY TAKEAWAYS

The key themes that emerged from the various engagement activities are shown in the graphic below.



Vision for Southeast Denton

Our vision for Southeast Denton is a harmonious future that ensures a diverse, resilient and inclusive community for generations to come. We will be a vibrant community that the City cultivates trust with, and that cherishes and preserves our rich Black history and culture, discourages gentrification, ensures shared prosperity, and elevates the overall quality of life through strategic investments.



iSky Films

RECOMMENDATIONS

Recommendations provide the broad picture of how to achieve the envisioned future of SEDAP. It lays out the desired outcomes and goals that emerged as the direct result of existing conditions analysis, and community and stakeholder engagements. Specific strategies and action steps are identified to achieve each of the goals. Future land use map and mobility networks are a major component of the SEDAP recommendations.



Desired Outcomes

Community outreach culminated in a plan that celebrates the cohesiveness of this community by focusing on the following desired outcomes:

1. Southeast Denton will receive its fair share of political, economic, and social investment from the city to repair past harms.
2. Southeast Denton is a multicultural and diverse community that continues to celebrate its Black cultural roots.
3. The Southeast Denton community has strong, connected neighborhoods whose residents desire a variety of housing types and pricing options to allow a diverse range of ages and incomes to call this area home.
4. Southeast Denton will have a safe, accessible, and connected network for all modes of travel (pedestrians, bicyclists, transit, automobiles) to travel within and outside the neighborhood.
5. Southeast Denton residents will be able to enjoy public spaces and amenities (parks, programming, activities) that are equitable with the public spaces and amenities found elsewhere in Denton and the metroplex in quality, access, and availability.

Goals

The recommended strategies and actions are based on five goals derived from the feedback received from the community during an extensive public engagement process (see Community Engagement Chapter). The goals for the Southeast Denton study area plan are:

1. Build trust within the community and with the City as a whole
2. Honor the culture and heritage of Southeast Denton
3. Invest in economic prosperity
4. Strengthen neighborhoods and housing affordability
5. Elevate the quality of public amenities and infrastructure
6. Create a safe and connected, multi modal travel system



GOAL 1: BUILD TRUST WITH THE COMMUNITY AND WITH THE CITY AS A WHOLE.

The trauma of forcible relocation of Quakertown in 1923, negative impacts of land use decisions in and around the neighborhood, and lack of equitable public investment over the years compared to other parts of Denton have created a multi-generational distrust of local government in the Southeast Denton community. The recent development of new, higher density residential and mixed-use projects around the edges of the study area combined with a lack of communication and information flow between the city departments and the residents has fueled the fears of another forced displacement for the residents of Southeast Denton. The strategies in this section are focused on building community trust and partnership with the City to implement the vision articulated in this Plan.

STRATEGY 1.1: DEVELOP AND IMPLEMENT AN ANTI-DISPLACEMENT ACTION PLAN SPECIFIC TO THE SOUTHEAST DENTON STUDY AREA TO SUPPORT HOUSING STABILITY FOR BOTH RENTERS AND HOMEOWNERS.

Anti-displacement plans are used in neighborhoods experiencing rising rents and home prices by protecting existing residents and giving them more time and ability to choose if or where to move. Anti-displacement action plans offer tools and programs to anticipate and respond to displacement pressures from rising rents and home prices in Southeast Denton.

- **Action 1.1.1:** Budget funds to help support the tenant-based eviction prevention program with legal representation to forestall eviction.
- **Action 1.1.2:** Develop a series of pre-approved Accessory Dwelling Unit (ADU) designs for common lot sizes and existing ADU requirements to help homeowners speed development review and construction process.
- **Action 1.1.3:** Amend the Denton Development Code to remove minimum parking requirements for Accessory Dwelling Units.
- **Action 1.1.4:** Increase home repair and modification loans/grants to low-income homeowners in Southeast Denton to help homeowners address code violations, reduce energy costs, and create safe and age-friendly homes.
- **Action 1.1.5:** Collaborate with the Denton Central Appraisal District (Denton CAD) to ensure equitable appraisal methodologies provide market value based on the age and condition of individual homes and by raising the homestead, disabled person, and over age 65 exemption rates to the state limit for municipalities.

STRATEGY 1.2: CREATE A SOUTHEAST DENTON COMMUNICATION STRATEGY SPECIFIC TO SOUTHEAST DENTON STUDY AREA.

A communication strategy is a plan that outlines how the City will communicate with Southeast Denton residents. It includes a set of goals and objectives, key messages, communication channels, tactics, and metrics to measure the success of the communication efforts. Effective communication is vital for building trust, encouraging citizen compliance, and can help City staff build understanding and support between the City Hall and Southeast Denton residents.

- **Action 1.2.1:** Create a consistent city-wide communication strategy for all departments to follow.
- **Action 1.2.2:** Develop communications materials that include visual descriptions in addition to concise writeups and is distributed through validators, ambassadors, and influencers that have the trust of the community.

STRATEGY 1.3: DEVELOP A PROGRAM TO RECRUIT MORE PARTICIPANTS FOR THE DENTON 360 PROGRAM FROM SOUTHEAST DENTON STUDY AREA.

Denton 360 is a citizen leadership academy designed to create better informed and engaged residents by introducing them to the inner workings of local government empowering them to participate more actively in decision-making. Despite historic program success, Southeast Denton residents have rarely been involved in Denton 360. Recruiting more Southeast Denton residents in Denton 360 will improve residents' understanding of local government and City staff's knowledge of community issues and concerns. This collaboration can improve the lines of communication and relationship between Southeast Denton residents and the City Hall.

- **Action 1.3.1:** Identify barriers to Southeast Denton resident participation in Denton 360 and implement a redesigned program, specially targeted towards younger generations (under 40 years old).

GOAL 2: HONOR THE CULTURE AND HERITAGE OF SOUTHEAST DENTON.

In addition to the fear of displacement, the residents of Southeast Denton also fear that the social and physical changes in the area will soon lead to residents and visitors no longer being able to recognize the place and people that once called this area home. Southeast Denton is home to the descendants of families who settled here after being forcibly removed from nearby Quakertown. This community has planted deep roots in Southeast Denton despite the painful history and the decades of injustices that followed. These roots have made this community rich with culture and pride. The strategies in this section focus on honoring and preserving the historically significant memories and culture that has defined this area for over a century.

STRATEGY 2.1: USE HISTORIC PRESERVATION TOOLS AND PROGRAMS, ESPECIALLY CONSERVATION DISTRICTS TO RECOGNIZE THE BUILT ENVIRONMENT AND THE FAMILIES WHO CREATED IT.

Individual historic landmarks and conservation districts are tools that preserve the exterior character or aesthetics of a structure. Historic landmark designation can protect vital historic assets in an area from threats such as encroaching development and disrepair. Historic assets can be protected at the national, state, or local level. A conservation district is a zoning tool to preserve the neighborhood's sense of place through architectural standards, development standards and special zoning provisions.

- **Action 2.1.1:** Conduct a historic resource survey of historic assets that are not yet locally designated, particularly the long-standing churches and original homes.
- **Action 2.1.2:** Hold workshops to educate residents on the benefits of historic landmark designation and conservation district designation as well as help property owners pursue historic landmark status on their property.
- **Action 2.1.3:** Apply for state and federal funding opportunities for churches, homes, and commercial properties, including Certified Local Government grants and African American Cultural Heritage Action Fund provided through the National Trust for Historic Preservation.

STRATEGY 2.2: DEVELOP AND IMPLEMENT A SOUTHEAST DENTON HISTORY AND CULTURAL ROOTS PRESERVATION PROGRAM TO RECOGNIZE THE CULTURE AND THE FAMILIES WHO CREATED IT.

A preservation program for Southeast Denton would ensure that whatever demographic changes occur in the future, the physical environment will preserve and maintain remembrance of the area's cultural roots. Harlem in New York is a good example of maintaining the Black roots and history of an area. Maintaining a connection to the past also provides a sense of unique identity, inclusion, and belonging to the entire community.

- **Action 2.2.1:** Review, amend, and implement the Original Denton Cultural District boundaries to reflect the Southeast Denton Study Area and the Downtown Area separately.
- **Action 2.2.2:** Create Southeast Denton Cultural District that acknowledges the community's cultural roots by preserving, restoring, and developing physical and culturally significant elements of the area.
- **Action 2.2.3:** Activate the new Southeast Denton Cultural District through various activities such as a Heritage Walk, a cultural map, special signage, crosswalks with mural designs at intersections in the District, an archival event with the community to gather and document oral histories and displaying these at the American Legion Hall and/or MLK Jr. Recreation Center.

GOAL 3: INVEST IN ECONOMIC PROSPERITY.

The main purpose of the strategies and actions in this section is to help create and keep the wealth in Southeast Denton and kickstart and advance larger investments or broader organizational/community goals. A mix of people-based and place-based economic development helps to maintain the close-knit community culture and character and ensures that Southeast Denton has a physical environment that fosters active businesses, access to jobs, and growth opportunities.

STRATEGY 3.1: DEVELOP AND IMPLEMENT PEOPLE-BASED ECONOMIC DEVELOPMENT SPECIFIC TO THE SOUTHEAST DENTON STUDY AREA.

People-based strategies strengthen small businesses, provide needed social services, and concentrate on building capacity. These strategies acknowledge the realities of community members' lives, including a need for flexible daycare opportunities, workforce education, mentoring opportunities, support for young people, and crime reduction and safety.

- **Action 3.1.1:** Amend regulatory barriers for home-based businesses, for example, by removing the Specific Use Permit (SUP) requirement for small Family Home Day Cares in residential districts.
- **Action 3.1.2:** Provide financial assistance to reduce Stoke (Stoke provides workspace, office amenities and a supportive, resourceful community for startups, entrepreneurs, remote workers, freelancers, small businesses, and tech-enabled companies and provides programming and events to foster growth and collaboration) membership costs and market this and other opportunities such as maker spaces, pop-up markets, and events available to entrepreneurs and small businesses to Southeast Denton residents.

STRATEGY 3.2: DEVELOP AND IMPLEMENT PEOPLE-BASED ECONOMIC DEVELOPMENT SPECIFIC TO THE SOUTHEAST DENTON STUDY AREA.

Place-based economic development activities focus on supporting the built environment of an area by enhancing buildings, infrastructure, and other physical improvements in the area to improve the lives of all of the people who live and work there. These strategies provide suitable spaces for small businesses to incubate, offer gathering spaces for people to exchange ideas, and activate new clusters of economic activity.

- **Action 3.2.1:** Create economic development incentive packages, including Tax Increment Financing (TIF), Chapter 380 grants, and property tax abatement, to support these activities and to draw small fresh-foos stores or full-service grocery store chains to Southeast Denton.
- **Action 3.2.2:** Re-imagine underutilized light industrial space in Southeast Denton, especially along the southern border of the study area by amending the future land use plan to expand the Community Mixed Use land use and adding a commercial zoning overlay.
- **Action 3.2.3:** Identify vacant commercial buildings or sites to repurpose the space to: establish a market using parking lots or park property to allow food trucks, craft vendors, small businesses, and kiosks to allow start-up businesses to foster a loyal client base before making larger investments; and/ or create off-site commercial kitchens in a re-imagined business incubator space to establish new restaurants, bakeries, or packaged food creators; and/or initiate a grocery co-op, community gardens, community kitchens, and/or fresh food pantries by working with non-profits in the area.
- **Action 3.2.4:** Amend the Downtown Tax Increment Finance (TIF) District (TIRZ #1) Financing Plan to include TIF funding for portions of Southeast Denton because the stability of Southeast Denton is vital to the success of the eastern portion of the Downtown TIF district. Such funding should include home repair and homebuyer assistance and additional pedestrian facilities to connect Southeast Denton to downtown, street trees, etc. (TIF funding may be used outside the TIF district for affordable housing and pedestrian linkages into the district).

STRATEGY 3.3: ESTABLISH A NEIGHBORHOOD EMPOWERMENT ZONE (NEZ) TO SPUR COMMUNITY INVESTMENT, REDUCE TAXES, AND INCREASE AFFORDABLE HOUSING AND ECONOMIC OPPORTUNITIES IN SOUTHEAST DENTON.

In a NEZ area the City can encourage actions such as renovation and new construction of affordable housing, investing in a new business, or improving commercial space in exchange for development fee reimbursements, property tax abatements, and sales tax refunds. This helps to lower the financial burden on the property owner in the first few years after the investment.

- **Action 3.3.1:** Create a NEZ program statement, including the purpose of the program, the benefits of the zone, participation requirements, and compliance criteria.
- **Action 3.3.2:** Designate a NEZ boundary and follow steps Sec. 380.003 in Chapter 378 of the Texas Local Government code to establish a NEZ in Southeast Denton, including required public notice and hearings. Implement and market the NEZ by creating application materials, a procedure manual, and a guidebook for applicants and create outreach material to encourage participation in the program.

GOAL 4: STRENGTHEN NEIGHBORHOODS AND HOUSING AFFORDABILITY.

The main purpose of the strategies and actions in this section is to maintain the existing character of the neighborhoods, reduce speculation and help keep the rate of land value growth from rising too fast, and prevent encroachment of large-scale downtown-style developments in Southeast Denton, and help existing homeowners stay in their homes.

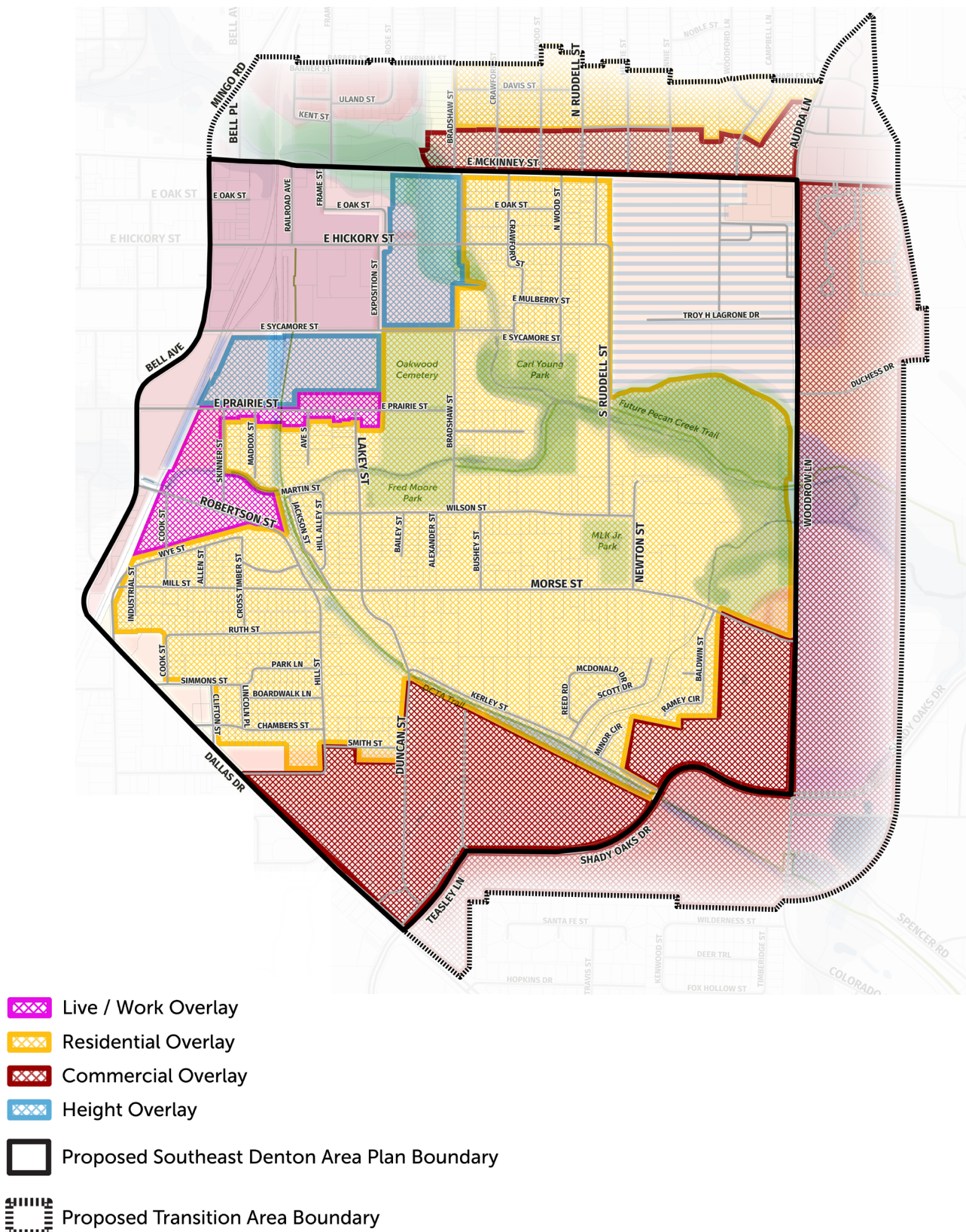
STRATEGY 4.1: ESTABLISH OVERLAY DISTRICTS TO PROTECT EXISTING NEIGHBORHOOD SCALE AND CHARACTER.

Overlay districts work in conjunction with the underlying zoning district to provide additional regulations in a designated area. These districts can limit height, allow additional uses, require a higher design standard, adjust parking regulations, or anything else normally regulated through zoning. Southeast Denton residents' welcome new development in the area if it respects the scale and feel of the existing neighborhood, such as moderately sized single-family homes, duplexes, triplexes, small apartment buildings, and pocket neighborhoods clustered around a central courtyard or green space. limit the scale, design, and urban pattern of developments/redevelopments in Southeast Denton.

- **Action 4.1.1:** Create a residential overlay district as shown in Figure 32 to maintain the scale and character of the neighborhoods while fostering community investment to create livable and inclusive neighborhoods for all who want to call Southeast Denton home. Overlay standards may include, but are not limited to, limiting height to two stories, allowing infill on small lots, requiring enhanced front elevations such as larger windows and covered porches.
- **Action 4.1.2:** Create a commercial overlay district as shown in Figure 32 that focuses on walkable neighborhood design and uses, including, but not limited to, limiting building height, removing barriers to redevelop smaller infill lots, reducing parking and requiring it to be located behind buildings, requiring enhanced front elevations such as larger windows and pedestrian-scaled entrances, and ensuring larger tracts include a well-defined, walkable transportation network.
- **Action 4.1.3:** Create a live-work overlay district as shown in Figure 32 that focuses on allowing small mom and pop retail such as bookstore, toy shop, coffee shop, music store, barber shop, hair salon/spa, small incubator space, resale clothing etc. in a portion of a single family home with a portion being used as a residence simultaneously. Require design standards from the residential overlay in Action 4.1.1 to be applied in this live-work overlay also.

FIGURE 32. PROPOSED OVERLAYS

Source: HDR



STRATEGY 4.2: ADJUST THE PROPOSED FUTURE LAND USES IN THE DENTON 2040 COMPREHENSIVE PLAN FOR SOUTHEAST DENTON TO MATCH THE FUTURE LAND USES SHOWN IN FIGURE 33 AND IMPLEMENT THESE LAND USE RECOMMENDATIONS THROUGH REZONING.

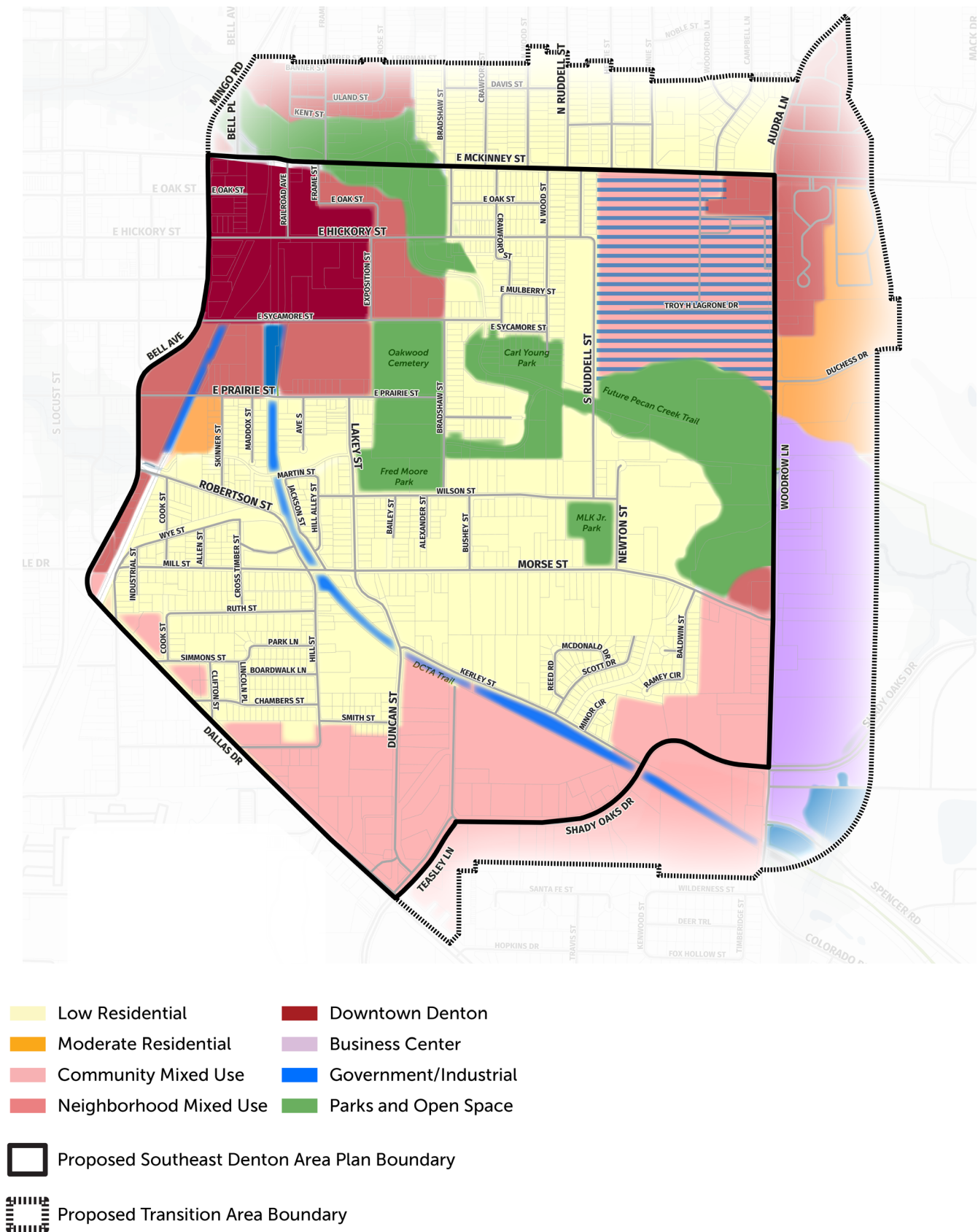
The purpose of small-area plans is to further refine the future land uses recommended in the citywide Denton 2040 Comprehensive Plan to a specific area to align future development/redevelopment with each community's specific needs. The actions below will ensure that in addition to allowing all people that wish to live in Southeast Denton can afford to do so, future developments will be compatible with the existing areas that the community wishes to preserve.

- **Action 4.2.1:** Rezone the existing Light Industrial zoned areas in the south portion and the existing Suburban Corridor zoned area in the northeast portion of the study area (See Figure 15) to be compatible with the community mixed use description in the Denton 2040 Comprehensive Plan.
- **Action 4.2.2:** Coordinate with Denton County on facility planning efforts to ensure land uses and design of the County property is compatible with surrounding neighborhoods.
- **Action 4.2.3:** Rezone a portion of the existing Mixed Use Neighborhood zoning east of the railroad to Moderate Residential zoning to allow transition to low density residential areas, and add a height overlay to the Mixed Use Neighborhood zoning as shown in Figure 32 to allow compatible transition between the Downtown Core zoning height requirement and the new residential/commercial overlay district height limits.
- **Action 4.2.4:** Rezone the Light Industrial zoned area at the northwest corner of the Morse Street and Woodrow Lane to Neighborhood Mixed Use zoning.



FIGURE 33. PROPOSED FUTURE LAND USE PLAN

Source: HDR



STRATEGY 4.3: ESTABLISH A NEIGHBORHOOD REVITALIZATION STRATEGY AREA (NRSA) IN SOUTHEAST DENTON STUDY AREA.

NRSAs help ensure revitalization efforts (such as increased home ownership, home repair programs, economic development efforts, and additional investment in the NRSA) work together to benefit the existing low- and moderate-income residents of the NRSA. The key benefit of establishing a NSRA is that it offers significant additional flexibility in the federal Housing and Urban Development's (HUD's) otherwise stringent Community Development Block Grant (CDBG) regulations. They also allow cities to use CDBG grants to focus efforts in a geographically specific area. CDBG funds can be used for housing construction and rehabilitation, public facilities improvements, homeownership assistance, economic development assistance, and other similar uses.

- **Action 4.3.1:** Draft and submit an NRSA application to HUD and develop involvement from other organizations as part of the NRSA application leverage requirement.

STRATEGY 4.4: INCREASE ACCESS TO CAPITAL IN SOUTHEAST DENTON STUDY AREA BY CREATING A CONSORTIUM OF BANKS FOR MORTGAGE LENDING.

This is a market-based approach to improving lives in Southeast Denton and requires very little City financial investment. This would be a proactive effort to prevent predatory lenders and encourage investment in Southeast Denton study area that historically has not had equitable access to banks and finance. This strategy would signal that Denton has a culture of encouraging banks to increase access to the capital needed for Southeast Denton and its residents to thrive.

- **Action 4.4.1:** Establish a community investment committee that is responsible for working with bankers and lenders to establish equitable lending practices for housing and small businesses.

STRATEGY 4.5: COORDINATE WITH DENTON INTERDEPENDENT SCHOOL DISTRICT (DISD) TO ENSURE THE SOUTHEAST DENTON STUDY AREA SCHOOLS SERVE AS NEIGHBORHOOD SCHOOLS.

Neighborhood public schools have the potential to be the centers of their community, to be the driving force of a prosperous community, and serve as anchor institutions in their communities, by hosting various sporting events, theater performances, and community-directed events. The closer a student lives to their school, the more access the parents will have to the resources at that school. Families who currently don't have the time or resources to travel to their children's distant schools, will have the ability to participate in their education if they go to a school within the neighborhood. With increased access to the schools, parents will become more involved. Families will become interwoven through their strong neighborhood public schools. As the students begin to develop life-long relationships through their neighborhood schools, the parents will also develop strong relationships. The relationships developed in school will create stronger family ties within the neighborhood, ultimately leading to an environment of communal cohesion and trust.

- **Action 4.5.1:** Work with DISD to adjust the attendance zone boundary for Rivera Elementary School to include the entire Southeast Denton study area to ensure that Southeast Denton families have a neighborhood school allowing the residents to save time and strengthen community bonds.

GOAL 5: ELEVATE THE QUALITY OF PUBLIC AMENITIES AND INFRASTRUCTURE.

Public amenities and infrastructure are a crucial factor in determining the quality of life for residents in a community. Neighborhood scale built environment can contribute to health, well-being, and happiness of the residents. Therefore, public amenities and infrastructure such as parks, open, natural, and green spaces, design of roadways and buildings that is based on improving participation and engagement, access, identity, safety, and inclusion enhances social interactions, leisure, health and safety in a neighborhood. This ultimately leads to subjective well-being and a higher quality of life for the entire community.

STRATEGY 5.1: UPGRADE THE EXISTING PARKS IN SOUTHEAST DENTON TO HIGHER-QUALITY PARKS.

Incremental (short-, mid-, and long-term) improvements to existing parks and facilities can improve aesthetics of an area and create a welcoming environment. Together, these increase opportunities for the community to gather outside, recreate, and engage in fitness activities, and they signal that a place is well-loved and cared for. Southeast Denton has two parks, two recreation/ community centers, publicly owned open space, and creeks running through the neighborhood. The MLK, Jr. Center and the American Legion Hall Senior Center are well-used local hubs of programming and activity. These existing amenities offer opportunities for beautifying Southeast Denton and adding to the recreational green space. Improvements that: add accessibility, increase safety/comfort, provide a variety of activities and experiences that appeal to a variety of users, and use park design and programming reflecting the culture and interests of community members will lead to a higher-quality parks system in Southeast Denton.

- **Action 5.1.1:** Implement key recommendations and action items in the 2022 Parks, Recreation, and Trails System Master Plan, improve existing parks, senior center, and recreation center in Southeast Denton, and improve access to regional facilities to serve some of the program needs in Southeast Denton.

STRATEGY 5.2: ENHANCE THE PHYSICAL QUALITY OF PUBLIC INFRASTRUCTURE THROUGH STORMWATER MANAGEMENT SYSTEMS IN THE SOUTHEAST DENTON STUDY AREA.

Southeast Denton's abundant green space, trees, and creeks provide an opportunity for the city to improve stormwater management and add to the City's park space at the same time. Developing stormwater management infrastructure in the area using design elements that serve as both utility and amenity such as rain gardens, bio swales, culvert removal, reintroduction of native vegetation and animals and nature reconnection and restoration will ensure that development reduces rather than exacerbating existing flooding and drainage issues in the area.

- **Action 5.2.1:** Create a stormwater management plan for the Southeast Denton area to address erosion, ponding, and stream bank issues by identifying streets, parks, and open spaces with severe erosion or ponding issues.
- **Action 5.2.2:** Update the relevant design manuals and ordinances to require projects to incorporate smaller-scale green stormwater and bio-infrastructure and identify techniques to restore the natural function of the Pecan Creek.
- **Action 5.2.3:** Purchase additional property near Pecan Creek to add to the City's inventory of park space and protect the trees to help mitigate the impacts of stormwater.
- **Action 5.2.4:** Facilitate environmental education programs to raise awareness about water quality by conducting an annual or biannual cleanup day for parks and creeks.

STRATEGY 5.3: ENHANCE PROGRAMMING AND CITY-SPONSORED EVENTS IN EXISTING PARKS AND RECREATION CENTERS IN SOUTHEAST DENTON.

Park programming is a way to increase the functionality of a park by making the space more effective and increasing usage by providing memorable experiences for everyone. In addition to improvements like interactive playgrounds, inclusive play structures, splash pads, outdoor fitness, etc. community events bring a community together for holidays or celebrations and create an avenue for a collaborative and inclusive interaction among the diverse populations and cultures. In addition to providing access to interim entertainment for the residents, hosting events and festivals in Southeast Denton would lead to capture of labor spend, increase in temporary labor hours, and increase in sales tax receipts. All these benefits can also help repair the perceptions in and around the study area both within Southeast Denton and the region.

- **Action 5.3.1:** Enhance existing gazebo/amphitheater and/or install a stage at Fred Moore Park and/or the MLK Jr. Recreation Center to show films from the Denton Black Film Festival and collaborate with the Storytelling, Blues, and Arts & Jazz Festivals to be hosted in Southeast Denton Parks as neighborhood events.
- **Action 5.3.2:** Improve collaboration between the Juneteenth Festival organizers and the Southeast Denton community to add oral history and storytelling at the Juneteenth events to ensure that keepers of local history have an opportunity to share that history before it is lost.
- **Action 5.3.3:** Offer small community grants to community leaders and organizers to host block parties and markets within the Southeast Denton community. These events could be around a season (i.e. Spring Fest or Fall Carnival) or they can be held around specific holidays and celebrations (i.e. MLK Day Festival, Cinco de Mayo, Hispanic Heritage Month, Earth Day Festival, Black History Month Kick Off, etc.)

GOAL 6: CREATE A SAFE AND CONNECTED, MULTI-MODAL TRAVEL SYSTEM

Transportation facilities provided within the street shape mobility and travel decisions, directly and indirectly impacting environmental quality, public health and safety, and quality of life. The type of travel system in an area can help create community wealth, foster inclusive growth, and maintain a character and culture, where people feel connected. The strategies for this goal focus on providing a more robust, connected roadway network in Southeast Denton that will differentiate between streets through adjacent land uses, and roads which are multimodal facilities that consider the context of the place and the function of the road, whether this be sidewalks, bicycle facilities, or transit integration.

STRATEGY 6.1: IMPROVE STREET NETWORK TO PRIORITIZE CONNECTIVITY AND MULTI-MODAL CONNECTIONS.

An improved street network would allow residents to choose from various modes of transportation, make navigation across Southeast Denton safer for people, especially children and people with disabilities, reduce carbon emissions by encouraging active modes of transportation (walking, biking, public transit), beautify the community, and help to spark economic growth by giving context to commercial developments next to the roadways.

- **Action 6.1.1:** Evaluate changing the existing street cross sections for Hickory Street, Morse Street, Duncan Street, Lakey Street, and Roberston Street. Also evaluate improvements along Bell Avenue, Woodrow Lane, and Sycamore Street at least through Southeast Denton area to more pedestrian and bike friendly multimodal corridors (See sample cross-sections in Figure 35).
- **Action 6.1.2:** Conduct public outreach, education, and coordination with residents as part of any roadway design and improvement program to ensure final street sections meet the needs of those who are most impacted.
- **Action 6.1.3:** Undertake a pilot program on Morse Street, and/or Lakey Street, and/or areas of Duncan Street as an intermediate solution and to test appropriate safety interventions with tactical urbanism approaches that use low-cost materials to experiment and gather input on potential street design changes such as reduced travel lanes, larger sidewalks, trees, medians, and bike lanes as shown in the recommended cross sections in Figure 35.
- **Action 6.1.4:** Fill in the sidewalk gaps along Morse Street, Roberston Street, Prairie Street, Duncan Street, and Bell Avenue.
- **Action 6.1.5:** Require public streets that increase connectivity in the street network through Southeast Denton as a part of future development/redevelopment on 5 acres or more in size in the Southeast Denton study area.

STRATEGY 6.2: ENHANCE PEDESTRIAN AND BICYCLE SAFETY AT INTERSECTIONS.

Currently, most of Southeast Denton's main roads have sufficient rights-of-way to re-purpose them in several different configurations to include on-street improvements such as traffic safety measures and pedestrian and bicycle facilities to enhance connectivity and safety on the roadways. This could include either on- or off-street separated bicycle paths, wider sidewalks, street plantings, upgrading existing street lighting, as well as adequate travel lanes.

Some ways of improving safety on roadways is to use traffic calming measures to reduce speeding that could include on-street parking lanes, vibrant crosswalks, speed tables at crossing points, vertical bollards between general purpose lane and on- street bike lane, planting street trees to create a visual perception of narrow streets, enforcing site triangles and so on.

- **Action 6.2.1:** Improve safety by installing ADA compliant pedestrian crossing signals, stop signs, and colorful crosswalk designs at the following intersections - Bell Avenue at Robertson Street, Prairie Street, and Sycamore Street, McKinney Street at Frame Street, Crawford Street and Woodrow Lane, and add a traffic signal at Woodrow Lane and Morse Street based on the recently conducted warrant study.
- **Action 6.2.2:** Improve safety for all users at the intersection of Smith Street and Duncan Streets. An example would be to enforce the sight triangle which would ensure clear visibility for turning vehicles at this intersection.



FIGURE 34. PROPOSED IMPROVEMENTS

Source: HDR

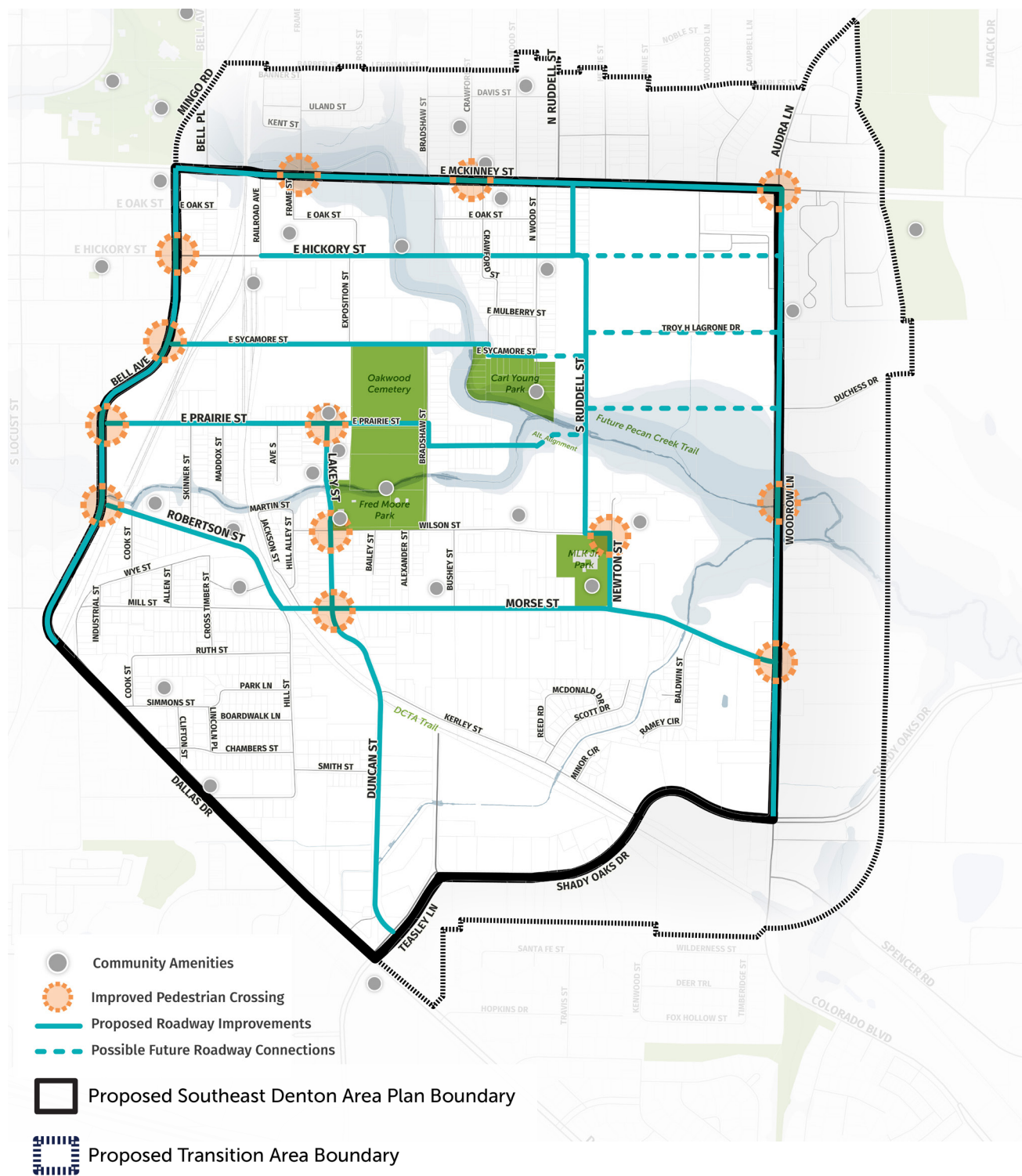
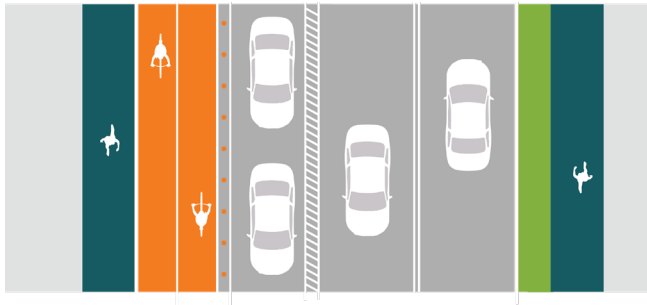
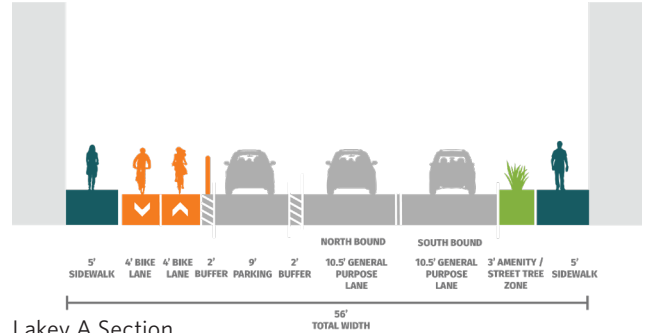


FIGURE 35. PROPOSED CROSS SECTIONS

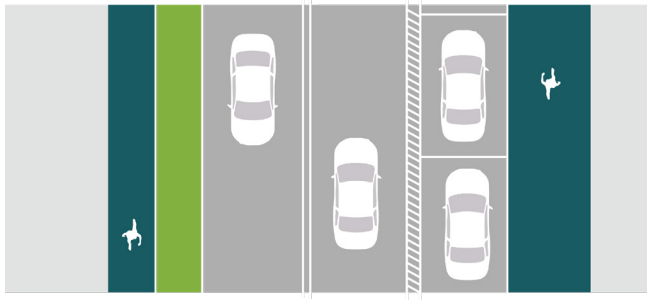
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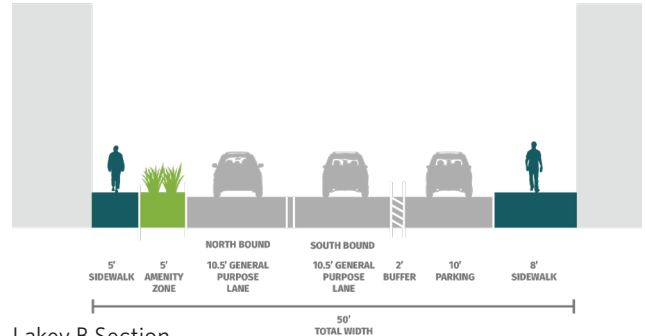
Lahey A Plan



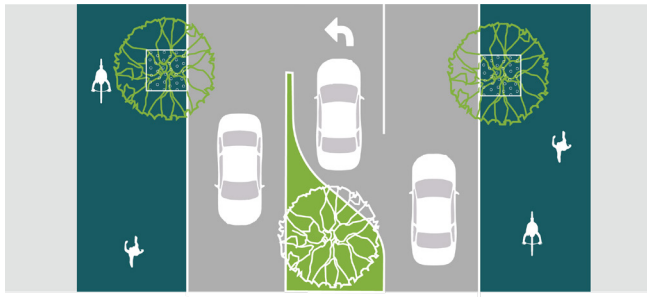
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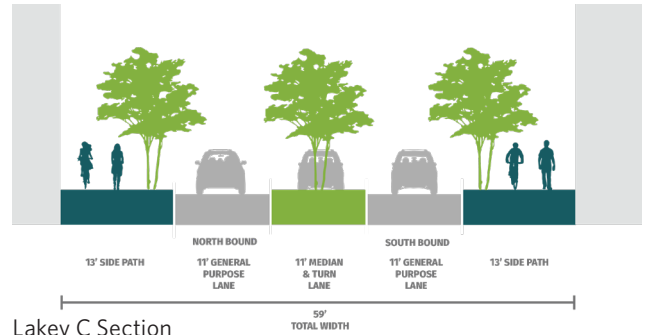
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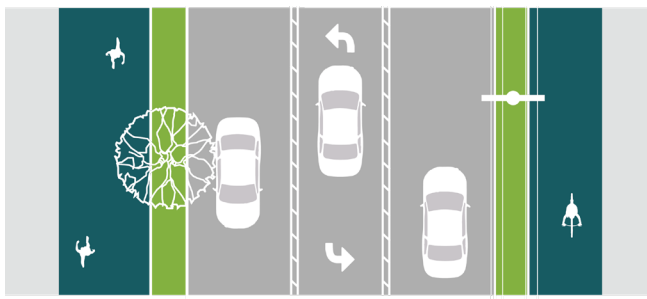
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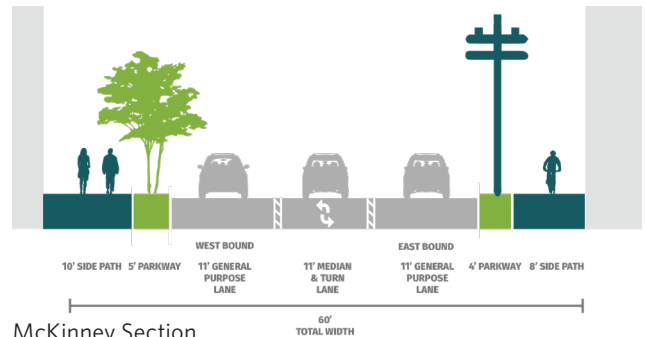
Lahey C Plan



Lahey C Section



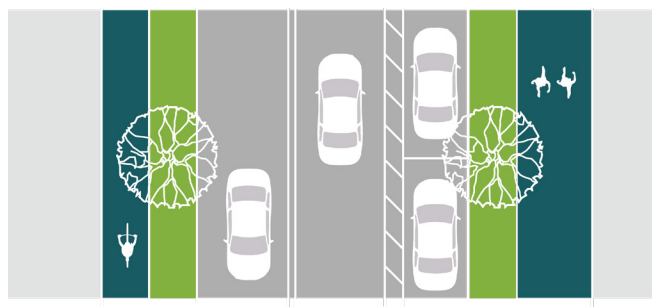
McKinney Plan



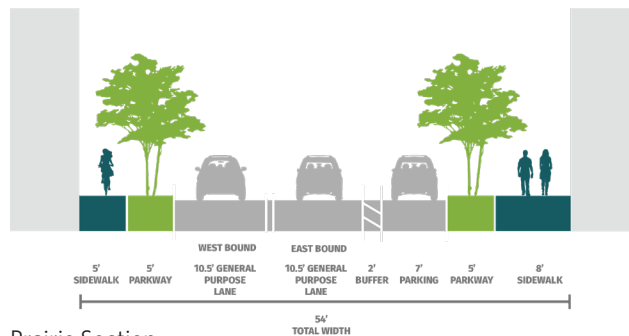
McKinney Section

FIGURE 35. PROPOSED CROSS SECTIONS

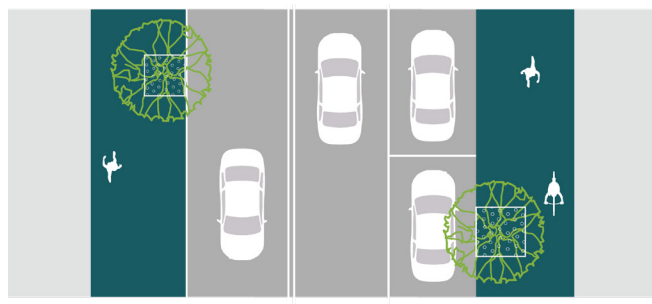
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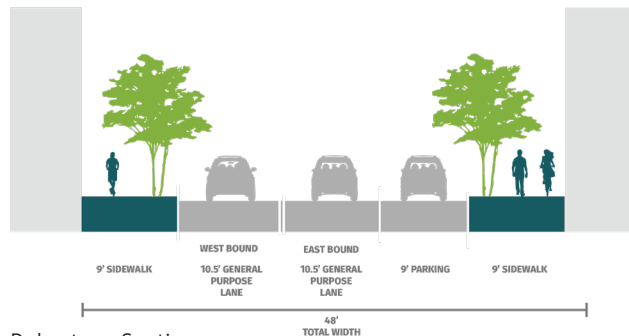
Prairie Plan



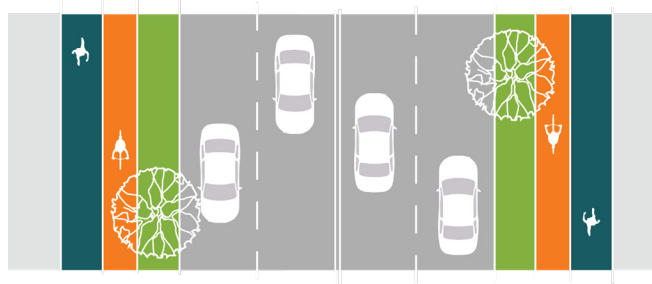
Prairie Section



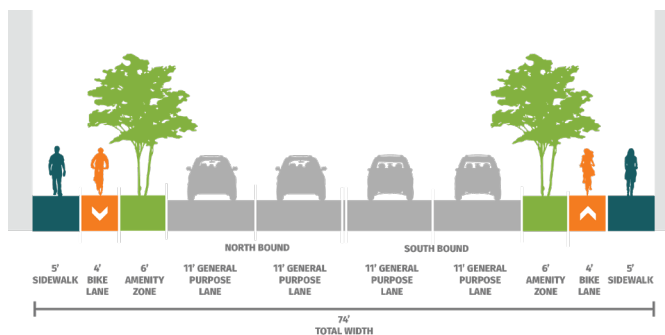
Robertson Plan



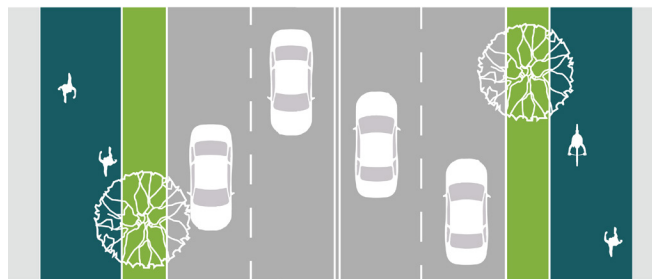
Robertson Section



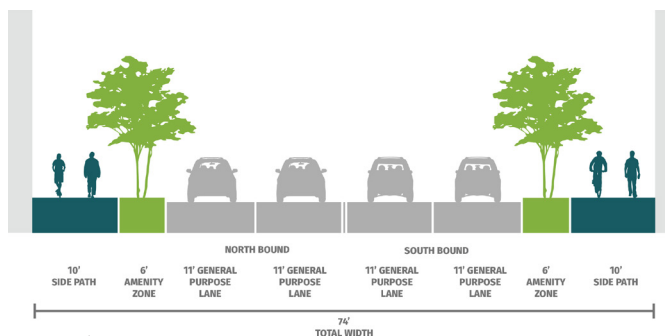
Woodrow A Plan



Woodrow A Section



Woodrow B Plan



Woodrow B Section

STRATEGY 6.3: DEVELOP A NETWORK OF TRAILS THROUGH THE EXISTING OPEN SPACES AND DRAINAGE EASEMENTS TO CONNECT RESIDENTIAL, COMMERCIAL, AND PUBLIC PLACES (PARKS, SCHOOLS, ETC.) TO FORM AN ACTIVE TRANSPORTATION NETWORK BOTH WITHIN AND OUTSIDE SOUTHEAST DENTON.

Off-street trails are safe, convenient, enjoyable places where residents can walk, bike, and connect with neighbors. Off-street trails complement roadway infrastructure to offer a safe, well-connected system for pedestrians and bikes. The publicly owned lands around drainage areas and creeks, existing parks, and wide rights of way together provide an opportunity to develop off-street trails and linear parks and create a safer system for walking and biking in Southeast Denton.

These trails would connect people and places in the community, provide a social infrastructure to maintain the strong neighborhood bonds, encourage healthy lifestyle by providing residents with easy access to a linear park and walk/bike paths, protect the environment, increase the value of nearby properties, and increase social equity by providing an affordable mobility option.

- **Action 6.3.1:** Add a separate initiative in the future bond program to develop a well-connected system of off-street trails using existing easements, parks and open spaces, and land along creeks and natural drainage systems that provides regional trail system connectivity, prioritizes side path projects that connect to key destinations such as parks and schools, and enhances pedestrian connectivity within the Southeast Denton study area.
- **Action 6.3.2:** Add funding in the future bond program for construction of ADA compliant trail heads at key points along the trail network to provide parking, bike parking, drinking water fountains, etc.
- **Action 6.3.3:** Amend the Parks, Recreation, and Trails System Master Plan and the Pecan Creek Regional Trail Master Plan to extend the Future Pecan Creek Trail north past Carl Young Park to the south side of McKinney Street.

STRATEGY 6.4: STRENGTHEN THE CONNECTIONS TO DOWNTOWN AND SURROUNDING NEIGHBORHOODS FOR ALL MODES OF TRANSPORTATION.

Downtown Denton draws citywide and regional crowds by offering a place for restaurants and entertainment, is located close to regional transportation through the rail system and is an economic hub for employers. Connecting the Southeast Denton to the downtown core would allow Southeast Denton residents easy access to the amenities and opportunities in Downtown Denton while bringing in the desired economic activity due to Southeast Denton study area's proximity to the downtown core.

- **Action 6.4.1:** Align intersections across Bell Avenue at Hickory Street, Sycamore Street, Prairie Street, and Robertson Street with the Downtown Area Plan cross section recommendations to ensure continuity and an easier pedestrian and bicycle connectivity for residents of Southeast Denton to downtown.
- **Action 6.4.2:** Work with the Denton County Transportation Agency to fill the gaps within the current bus system and recommend additional routes, especially connecting to and through Downtown Denton.
- **Action 6.4.3:** Create trail connections from downtown to the Pecan Creek Regional Trail & DCTA Katy Trail.

IMPLEMENTATION STEPS

The best plans are of little value if they are not implemented. The implementation of Southeast Denton Area Plan requires proactive leadership and collaboration of public agencies at multiple jurisdictional levels from the City of Denton and Denton County to the Denton Independent School District (DISD), among other agencies. Plan implementation is also dependent on the full support and participation of landowners, residents, businesses and the development community.



ACTION PLAN MATRIX

This chapter informs about the roles of various agencies responsible for adoption of regulations, administration of regulatory tools, community engagement, and financing policies that can guide and encourage private development alongside public investment. The following action matrix takes the strategies and actions established in the Recommendations chapter one step further by assigning time frames and responsible parties to each action. It will function as a tool to monitor progress of the recommended strategies.

AGENCY ACRONYMS

INTERNAL CITY DEPARTMENTS	ACRONYM
City Attorney's Office	CAO
City Manager's Office	CMO
Facilities Management	FM
Finance	F
Media Contacts / Marketing & Communications	MCMC
Community Services	CS
Environmental Services	ENV. SER.
Keep Denton Beautiful	KDB
Health and Food Safety	HFS
Parks and Recreation	PR
Development Services	DS
Economic Development	ED
Engineering Services	ENGI. SER.
Streets	ST
Transportation Services	TS
Real Estate	RE

AGENCY ACRONYMS

EXTERNAL PARTNERS	ACRONYM
Denton County Appraisal District	DCAD
Denton Independent School District	DISD
University of North Texas	UNT
Texas Women's University	TWU
North Central Texas College	NCTC
North Central Texas Council of Governments	NCTCOG
Trust for Public Land	TPL
Workforce Solutions of North Texas	WSNT
Denton County Historical Commission	DCHC
Texas Commission on the Arts	TCA

TIME FRAMES

TERMS	DESCRIPTION
Short-Term	One to Two Years
Mid-Term	Three to Five Years
Long-Term	Six to Ten Years

ACTION TYPE

TERMS	DESCRIPTION
Development Regulations	Zoning, codes, ordinance-related; site planning and development
Study / Plan	Studies, plans, evaluations, research into options, inventories, demonstration projects
Coordination / Outreach	Convening and coordinating; educating, promoting, marketing
Systems / Support	Adjustments to or expansion of current core systems; continuing support to systems currently in place; implementation of pre-existing plans/programs; improvements to infrastructure, community facilities
Program / Organization	Programmatic changes/additions; development of new tools, processes, and programs; creation of new institutions
Financial	Issues of funding and financing



ACTION NUMBER	ACTION	RESPONSIBLE AGENCY	TIME FRAME	ACTION TYPE	CAPITAL FUNDS NEEDED (Y/N)
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GOAL 1 - BUILD TRUST WITHIN THE COMMUNITY AND WITH THE CITY AS A WHOLE

STRATEGY 1.1: DEVELOP AND IMPLEMENT AN ANTI-DISPLACEMENT ACTION PLAN SPECIFIC TO THE SOUTHEAST DENTON STUDY AREA TO SUPPORT HOUSING STABILITY FOR BOTH RENTERS AND HOMEOWNERS.

Action 1.1.1	Budget funds to help support the tenant-based eviction prevention program with legal representation to forestall eviction.	CS, CAO, F External Partners - UWD, LANWT	Mid-Term	Financial	N
Action 1.1.2	Develop a series of pre- approved Accessory Dwelling Unit (ADU) designs for common lot sizes and existing ADU requirements to help homeowners speed development review and construction process.	DS	Short-Term	Study/ Plan	N
Action 1.1.3	Increase home repair and modification loans/grants to low-income homeowners in Southeast Denton to help homeowners address code violations, reduce energy costs, and create safe and age-friendly homes.	CS, MCMC	Short-Term	Coordination/ Outreach	N
Action 1.1.4	Amend the Denton Development Code to remove minimum parking requirements for Accessory Dwelling Units.	DS	Short-Term	Development Regulations	N
Action 1.1.5	Collaborate with the Denton Central Appraisal District (Denton CAD) to ensure equitable appraisal methodologies provide market value based on the age and condition of individual homes and by raising the homestead, disabled person, and over age 65 exemption rates to the state limit for municipalities.	DS, CMO, DCAD	Mid-Term	Financial	N

STRATEGY 1.2: CREATE AND IMPLEMENT A CITY COMMUNICATION STRATEGY SPECIFIC TO SOUTHEAST DENTON STUDY AREA.

Action 1.2.1	Create a consistent city-wide communication strategy for all departments to follow that will be tailored for Southeast Denton.	MCMC, All Internal Agencies	Short-Term	Coordination/ Outreach	N
Action 1.2.2	Develop communications materials that include visual descriptions in addition to concise writeups and is distributed through validators, ambassadors, and influencers that have the trust of the community.	MCMC, All Internal Agencies	Short-Term	Coordination/ Outreach	N

STRATEGY 1.3: DEVELOP A PROGRAM TO RECRUIT MORE PARTICIPANTS FOR DENTON 360 PROGRAM FROM SOUTHEAST DENTON STUDY AREA.

Action 1.3.1	Identify barriers to Southeast Denton resident participation in Denton 360 and implement a redesigned program, specially targeted towards younger generations (Millennials and Gen Z).	CMO, All internal Departments	Short-Term	Program/ Organization	N
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ACTION NUMBER	ACTION	RESPONSIBLE AGENCY	TIME FRAME	ACTION TYPE	CAPITAL FUNDS NEEDED (Y/N)
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GOAL 2 - HONOR THE CULTURE AND HERITAGE OF SOUTHEAST DENTON

STRATEGY 2.1: USE HISTORIC PRESERVATION TOOLS AND PROGRAMS, ESPECIALLY CONSERVATION DISTRICTS TO RECOGNIZE THE BUILT ENVIRONMENT AND THE FAMILIES WHO CREATED IT.

Action 2.1.1	Conduct a historic resource survey of historic assets that are not yet locally designated, particularly the long-standing churches and original homes.	DS	Short-Term	Study/ Plan	N
Action 2.1.2	Hold workshops to educate residents on the benefits of historic landmark designation and conservation district designations as well as help property owners pursue historic landmark status on their property.	DS, MCMC	Short-Term	Coordination/ Outreach	N
Action 2.1.3	Apply for state and federal funding opportunities for churches, homes, and commercial properties, including Certified Local Government grants and African American Cultural Heritage Action Fund provided through the National Trust for Historic Preservation.	DS	Ongoing	Coordination/ Outreach	N

STRATEGY 2.2: DEVELOP AND IMPLEMENT A SOUTHEAST DENTON HISTORY AND CULTURAL ROOTS PRESERVATION PROGRAM TO RECOGNIZE THE CULTURE AND THE FAMILIES WHO CREATED IT.

Action 2.2.1	Review, amend, and implement the Original Denton Cultural District boundaries to reflect the Southeast Denton Study Area and the Downtown Area separately.	PR, ED External Partner - TCA	Mid-Term	Program/ Organization	N
Action 2.2.2	Create Southeast Denton Cultural District that acknowledges the community's cultural roots by preserving, restoring, and developing physical and culturally significant elements of the area.	PR, ED External Partner - DCHC	Short-Term	Program/ Organization	N
Action 2.2.3	Activate the new Southeast Denton Cultural District through various activities such as a Heritage Walk, a cultural map, special signage, crosswalks with mural designs at intersections in the District, an archival event with the community to gather and document oral histories and displaying these at the American Legion Hall and/or MLK Jr. Recreation Center.	PR, ED	Short-Term	Program/ Organization	N

ACTION NUMBER	ACTION	RESPONSIBLE AGENCY	TIME FRAME	ACTION TYPE	CAPITAL FUNDS NEEDED (Y/N)
GOAL 3 - INVEST IN ECONOMIC PROSPERITY					
STRATEGY 3.1: DEVELOP AND IMPLEMENT PEOPLE-BASED ECONOMIC DEVELOPMENT SPECIFIC TO THE SOUTHEAST DENTON STUDY AREA.					
Action 3.1.1	Amend regulatory barriers for home-based businesses, for example, by removing the Specific Use Permit (SUP) requirement for small Family Home Day Cares in residential districts.	DS	Short-Term	Development Regulations	N
Action 3.1.2	Provide financial assistance to reduce membership costs for Stoke or similar coworking space that provides amenities and a supportive, resourceful community for startups, entrepreneurs, remote workers, freelancers, small businesses, and tech-enabled companies and provides programming and events to foster growth and collaboration and market this and other opportunities such as maker spaces, pop-up markets, and events available to entrepreneurs and small businesses to Southeast Denton residents.	ED, MCMC	Short-Term	Financial	N
STRATEGY 3.2: DEVELOP AND IMPLEMENT PLACE-BASED ECONOMIC DEVELOPMENT SPECIFIC TO THE SOUTHEAST DENTON STUDY AREA.					
Action 3.2.1	Create economic development incentive packages, including Tax Increment Financing(TIF), Chapter 380 grants, and property tax abatement, to support these activities and to draw small, fresh-food stores or full-service grocery store chains to Southeast Denton.	ED	Mid-Term	Program/ Organization	Y
Action 3.2.2	Re-imagine underutilized light industrial space in Southeast Denton, especially along the southern border of the study area by amending the future land use plan to expand the Community Mixed Use land use and adding a commercial zoning overlay.	DS	Short-Term	Development Regulations	N
Action 3.2.3	Identify vacant commercial buildings or sites in Southeast Denton to repurpose the space to: establish a market using parking lots or park property to allow food trucks, craft vendors, small businesses, and kiosks to allow start-up businesses to foster a loyal client base before making larger investments; and/ or create off-site commercial kitchens in a re-imagined business incubator space to establish new restaurants, bakeries, or packaged food creators; and/or initiate a grocery co-op, community gardens, community kitchens, and/ or fresh food pantries by working with non-profits in the area.	ED, DS, MCMC External Partners - UNT, TWU, DISD	Short – Term to Mid-Term	Program/ Organization	N

ACTION NUMBER	ACTION	RESPONSIBLE AGENCY	TIME FRAME	ACTION TYPE	CAPITAL FUNDS NEEDED (Y/N)
Action 3.2.4	Amend the Downtown Tax Increment Finance (TIF) District (TIRZ #1) Financing Plan to include TIF funding for portions of Southeast Denton because the stability of Southeast Denton is vital to the success of the eastern portion of the Downtown TIF district. Such funding should include home repair and homebuyer assistance and additional pedestrian facilities to connect Southeast Denton to downtown, street trees, etc. (TIF funding may be used outside the TIF district for affordable housing and pedestrian linkages into the district).	ED	Short-Term	Program/ Organization	N

STRATEGY 3.3: ESTABLISH A NEIGHBORHOOD EMPOWERMENT ZONE (NEZ) TO SPUR COMMUNITY INVESTMENT, REDUCE TAXES, AND INCREASE AFFORDABLE HOUSING AND ECONOMIC OPPORTUNITIES IN SOUTHEAST DENTON.

Action 3.3.1	Create a NEZ program statement, including the purpose of the program, the benefits of the zone, participation requirements, and compliance criteria.	CS, CAO, ED, DS	Short-Term	Program/ Organization	N
Action 3.3.2	Designate a NEZ boundary and follow steps in Sec. 380.003 in Chapter 378 of the Texas Local Government code to establish a NEZ in Southeast Denton, including required public notice and hearings. Implement and market the NEZ by creating application materials, a procedure manual, and a guidebook for applicants and create outreach material to encourage participation in the program.	CS, CAO, ED, DS, MCMC	Mid-Term	Program/ Organization	N

GOAL 4 - STRENGTHEN NEIGHBORHOODS AND HOUSING AFFORDABILITY

STRATEGY 4.1: ESTABLISH OVERLAY DISTRICTS TO PROTECT EXISTING NEIGHBORHOOD SCALE AND CHARACTER

Action 4.1.1	Create a residential overlay district as shown in Figure 32 to maintain the scale and character of the neighborhoods while fostering community investment to create livable and inclusive neighborhoods for all who want to call Southeast Denton home. Overlay standards may include, but are not limited to, limiting height to two stories, allowing infill on small lots, requiring enhanced front elevations such as larger windows and covered porches.	DS	Short-Term	Development Regulations	N
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ACTION NUMBER	ACTION	RESPONSIBLE AGENCY	TIME FRAME	ACTION TYPE	CAPITAL FUNDS NEEDED (Y/N)
Action 4.1.2	Create a commercial overlay district as shown in Figure 32 that focuses on walkable neighborhood design and uses, including, but not limited to, limiting building height, removing barriers to redevelop smaller infill lots, reducing parking and requiring it to be located behind buildings, requiring enhanced front elevations such as larger windows and pedestrian-scaled entrances, and ensuring larger tracts include a well-defined, walkable transportation network.	DS	Short-Term	Development Regulations	N
Action 4.1.3	Create a live-work overlay district as shown in Figure 32 that focuses on allowing small mom and pop retail such as bookstore, toy shop, coffee shop, music store, barber shop, hair salon/spa, small incubator space, resale clothing etc. in a portion of a single family home with a portion being used as a residence simultaneously. Require design standards from the residential overlay in Action 4.1.1 to be applied in this live-work overlay also.	DS	Short-Term	Development Regulations	N
STRATEGY 4.2: ADJUST THE PROPOSED FUTURE LAND USES IN THE DENTON 2040 COMPREHENSIVE PLAN FOR SOUTHEAST DENTON TO MATCH THE FUTURE LAND USES SHOWN IN FIGURE 33 AND IMPLEMENT THESE LAND USE RECOMMENDATIONS THROUGH REZONING.					
Action 4.2.1	Rezone the existing Light Industrial zoned areas in the south portion and maintain the existing Suburban Corridor zoned area in the northeast portion of the study area (See Figure 15) to be compatible with the community mixed use description in the Denton 2040 Comprehensive Plan.	DS	Long -Term	Development Regulations	N
Action 4.2.2	Coordinate with Denton County on facility planning efforts to ensure land uses and design of the County property is compatible with surrounding neighborhoods.	DS	Ongoing	Development Regulations	N
Action 4.2.3	Rezone a portion of the existing Mixed Use Neighborhood zoning east of the railroad to Moderate Residential zoning to allow transition to low density residential areas, and add a height overlay to the Mixed Use Neighborhood zoning as shown in Figure 32 to allow compatible transition between the Downtown Core zoning height requirement and the new residential/commercial overlay district height limits.	DS	Short-Term	Development Regulations	N
Action 4.2.4	Rezone the Light Industrial zoned area at the northwest corner of the Morse Street and Woodrow Lane to Neighborhood Mixed Use zoning.	DS	Long-Term	Development Regulations	N

ACTION NUMBER	ACTION	RESPONSIBLE AGENCY	TIME FRAME	ACTION TYPE	CAPITAL FUNDS NEEDED (Y/N)
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STRATEGY 4.3: ESTABLISH A NEIGHBORHOOD REVITALIZATION STRATEGY AREA (NRSA) IN SOUTHEAST DENTON STUDY AREA.

Action 4.3.1	Draft and submit an NRSA application to HUD and develop involvement from other organizations as part of the NRSA application leverage requirement.	CS External Partners – Non-profit organizations	Long-Term	Program/ Organization	N
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STRATEGY 4.4: INCREASE ACCESS TO CAPITAL IN SOUTHEAST DENTON STUDY AREA BY CREATING A CONSORTIUM OF BANKS FOR MORTGAGE LENDING.

Action 4.4.1	Establish a community investment committee that is responsible for working with bankers and lenders to establish equitable lending practices for housing and small businesses.	CS, ED, DS, CMO	Mid-Term	Coordination/ Outreach	N
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STRATEGY 4.5: COORDINATE WITH DENTON INTERDEPENDENT SCHOOL DISTRICT (DISD) TO ENSURE THE SOUTHEAST DENTON STUDY AREA SCHOOLS SERVE AS NEIGHBORHOOD SCHOOLS.

Action 4.5.1	Work with DISD to adjust the attendance zone boundary for Rivera Elementary School to include the entire Southeast Denton study area to ensure that Southeast Denton families have a neighborhood school allowing the residents to save time and strengthen community bonds.	DS, CMO, CS External Partners - DISD	Mid-Term	Coordination/ Outreach	N
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GOAL 5 - ELEVATE THE QUALITY OF PUBLIC AMENITIES AND INFRASTRUCTURE
STRATEGY 5.1: UPGRADE THE EXISTING PARKS IN SOUTHEAST DENTON TO HIGHER-QUALITY PARKS.

Action 5.1.1	Implement key recommendations and action items in the 2022 Parks, Recreation, and Trails System Master Plan, improve existing parks, senior center, and recreation center in Southeast Denton, and improve access to regional facilities to serve some of the program needs in Southeast Denton.	PR	Mid-Term to Long-Term	Systems/ Support	Y
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STRATEGY 5.2: ENHANCE THE PHYSICAL QUALITY OF PUBLIC INFRASTRUCTURE THROUGH STORMWATER MANAGEMENT SYSTEMS IN THE SOUTHEAST DENTON STUDY AREA.

Action 5.2.1	Create a stormwater management plan for the Southeast Denton area to address erosion, ponding, and stream bank issues by identifying streets, parks, and open spaces with severe erosion or ponding issues,	ES, PR	Mid-Term	Study/ Plan	N
Action 5.2.2	Update the relevant design manuals and ordinances to require projects to incorporate smaller-scale green stormwater and bio-infrastructure and identify techniques to restore the natural function of the Pecan Creek.	ES, DS	Mid-term	Development Regulations	N
Action 5.2.3	Purchase additional property near Pecan Creek to add to the City's inventory of park space and protect the trees to help mitigate the impacts of stormwater.	PR, RE, ES	Mid-Term	Systems/ Support	Y

ACTION NUMBER	ACTION	RESPONSIBLE AGENCY	TIME FRAME	ACTION TYPE	CAPITAL FUNDS NEEDED (Y/N)
Action 5.2.4	Facilitate environmental education programs to raise awareness about water quality by conducting an annual or biannual cleanup day for parks and creeks.	PR, ES, MCMC	Mid-Term	Program/ Organization	N

STRATEGY 5.3: ENHANCE PROGRAMMING AND CITY-SPONSORED EVENTS IN EXISTING PARKS AND RECREATION CENTERS IN SOUTHEAST DENTON.

Action 5.3.1	Enhance existing gazebo/amphitheater and/or install a stage at Fred Moore Park and/or the MLK Jr. Recreation Center to show films from the Denton Black Film Festival and collaborate with the Storytelling, Blues, and Arts & Jazz Festivals to be hosted in Southeast Denton Parks as neighborhood events.	PR	Short-Term to Mid-Term	Program/ Organization	N
Action 5.3.2	Improve collaboration between the Juneteenth Festival organizers and the Southeast Denton community to add oral history and storytelling at the Juneteenth events to ensure that keepers of local history have an opportunity to share that history before it is lost.	PR, MCMC	Short-Term	Program/ Organization	N
Action 5.3.3	Offer small community grants to community leaders and organizers to host block parties and markets within the Southeast Denton community. These events could be around a season (i.e. Spring Fest or Fall Carnival) or they can be held around specific holidays and celebrations (i.e. MLK Day Festival, Cinco de Mayo, Hispanic Heritage Month, Earth Day Festival, Black History Month Kick Off, etc.)	PR, ED	Short-Term	Financial	N

GOAL 6 - CREATE A SAFE AND CONNECTED, MULTI MODAL TRAVEL SYSTEM

STRATEGY 6.1: IMPROVE STREET NETWORK TO PRIORITIZE CONNECTIVITY AND MULTI-MODAL CONNECTIONS.

Action 6.1.1	Evaluate changing the existing street cross sections for Hickory Street, Morse Street, Duncan Street, Lakey Street, and Roberston Street. Also evaluate improvements along Bell Avenue, Woodrow Lane, and Sycamore Street at least through Southeast Denton area to more pedestrian and bike friendly multimodal corridors (See sample cross-sections in Figure 35).	TS	Mid-Term	Study/ Plan	N
Action 6.1.2	Conduct public outreach, education, and coordination with residents as part of any roadway design and improvement program to ensure final street sections meet the needs of those who are most impacted	TS, ST, MCMC	Short-Term	Coordination/ Outreach	N

ACTION NUMBER	ACTION	RESPONSIBLE AGENCY	TIME FRAME	ACTION TYPE	CAPITAL FUNDS NEEDED (Y/N)
Action 6.1.3	Undertake a pilot program on Morse Street, and/or Lakey Street, and/or areas of Duncan Street as an intermediate solution and to test appropriate safety interventions with tactical urbanism approaches that use low-cost materials to experiment and gather input on potential street design changes such as reduced travel lanes, larger sidewalks, trees, medians, and bike lanes as shown in the recommended cross sections in Figure 35.	TS, ST, DS, PR	Short-Term	Systems/Support	N
Action 6.1.4	Fill in the sidewalk gaps along Morse Street, Roberston Street, Prairie Street, Duncan Street, and Bell Avenue.	ST, TS	Mid-Term	Systems/Support	Y
Action 6.1.5	Require public streets that increase connectivity in the street network through Southeast Denton as a part of future development/redevelopment on 5 acres or more in size in the Southeast Denton study area.	DS, TS, ST	Mid-Term	Systems/Support	Y

STRATEGY 6.2: ENHANCE PEDESTRIAN AND BICYCLE SAFETY AT INTERSECTIONS.

Action 6.2.1	Improve safety by installing ADA compliant pedestrian crossing signals, stop signs, and colorful crosswalk designs at the following intersections - Bell Avenue at Robertson Street, Prairie Street, and Sycamore Street, McKinney Street at Frame Street, Crawford Street and Woodrow Lane, and add a traffic signal at Woodrow Lane and Morse Street based on the recently conducted warrant study.	TS	Mid-Term	Systems/Support	Y
Action 6.2.2	Improve safety for all users at the intersection of Smith Street and Duncan Streets. An example would be to enforce the sight triangle which would ensure clear visibility for turning vehicles at this intersection.	TS	Short-Term	Systems/Support	N

STRATEGY 6.3: DEVELOP A NETWORK OF TRAILS THROUGH THE EXISTING OPEN SPACES AND DRAINAGE EASEMENTS TO CONNECT RESIDENTIAL, COMMERCIAL, AND PUBLIC PLACES (PARKS, SCHOOLS, ETC.) TO FORM AN ACTIVE TRANSPORTATION NETWORK BOTH WITHIN AND OUTSIDE SOUTHEAST DENTON.

Action 6.3.1	Add a separate initiative in the future bond program to develop a well-connected system of off-street trails using existing easements, parks and open spaces, and land along creeks and natural drainage systems that provides regional trail system connectivity, prioritizes side path projects that connect to key destinations such as parks and schools, and enhances pedestrian connectivity within the Southeast Denton study area.	PR, TS	Mid-Term	Systems/Support	Y
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ACTION NUMBER	ACTION	RESPONSIBLE AGENCY	TIME FRAME	ACTION TYPE	CAPITAL FUNDS NEEDED (Y/N)
Action 6.3.2	Add funding in the future bond program for construction of ADA compliant trail heads at key points along the trail network to provide parking, bike parking, drinking water fountains, etc.	PR, TS	Mid-Term	Systems/ Support	Y
Action 6.3.3	Amend the Parks, Recreation, and Trails System Master Plan and the Pecan Creek Regional Trail Master Plan to extend the Future Pecan Creek Trail north past Carl Young Park to the south side of McKinney Street.	PR	Short-Term	Study/ Plan	N

STRATEGY 6.4: STRENGTHEN THE CONNECTIONS TO DOWNTOWN AND SURROUNDING NEIGHBORHOODS FOR ALL MODES OF TRANSPORTATION.

Action 6.4.1	Align intersections across Bell Avenue at Hickory Street, Sycamore Street, Prairie Street, and Robertson Street with the Downtown Area Plan cross section recommendations to ensure continuity and an easier pedestrian and bicycle connectivity for residents of Southeast Denton to downtown.	TS, DS	Mid-Term	Systems/ Support	Y
Action 6.4.2	Work with the Denton County Transportation Agency to fill the gaps within the current bus system and recommend additional routes, especially connecting to and through Downtown Denton.	DS, TS	Short-term	Coordination/ Outreach	N
Action 6.4.3	Create trail connections from downtown to the Pecan Creek Regional Trail & DCTA Katy Trail.	PR, TS	Mid-Term	Systems/ Support	Y



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, ADOPTING THE SOUTHEAST DENTON AREA PLAN AND AMENDING THE DENTON 2040 COMPREHENSIVE PLAN. THE SOUTHEAST DENTON AREA PLAN HAS AN APPROXIMATE BOUNDARY LINE OF 800 FEET NORTH OF EAST MCKINNEY STREET, 900 FEET EAST OF SOUTH WOODROW LANE, 700 FEET SOUTH OF SHADY OAKS DRIVE, DALLAS DRIVE TO THE SOUTH, AND SOUTH BELL AVENUE TO THE WEST, ENCOMPASSING APPROXIMATELY 975 ACRES IN THE CITY OF DENTON, DENTON COUNTY, TEXAS.; AND PROVIDING AN EFFECTIVE DATE (CA24-0002).

WHEREAS, on March 22, 2022, the City of Denton adopted the Denton 2040 Comprehensive Plan; and

WHEREAS, the Denton 2040 Comprehensive Plan established goals, policies, and actions to manage growth, promote reinvestment, and improve the quality of life in the City for the next two decades; and

WHEREAS, the Denton 2040 Comprehensive Plan also established a strategy for planning and development for the City, including a key action to create area plans to supplement and amend the Denton 2040 Comprehensive Plan to guide localized community development decisions; and

WHEREAS, on April 22, 2022, City Council directed staff to proceed with the preparation of an area plan for Southeast Denton.

WHEREAS, the development of the Southeast Denton Area Plan started in March 2023 with a kickoff meeting and area tour; and

WHEREAS, on May 16, 2023, the City Council approved a resolution authorizing the creation of, and made appointments to, the Southeast Denton Area Plan Steering Committee and made appointments to the Committee to provide representation of stakeholder interests within the Southeast Denton Area of the community; and

WHEREAS, the Southeast Denton Area Plan builds upon the Denton 2040 Comprehensive Plan and sets forth goals, strategies, and actions to minimize displacement, promote investment, and improve quality of life for residents of Southeast Denton for the next two decades; and

WHEREAS, the Planning and Zoning Commission held four work sessions (August 9, 2023, January 10, 2024, February 21, 2024, and June 26, 2024) to review existing conditions and recommendations for the Southeast Denton Area Plan; and

WHEREAS, the City Council and Planning and Zoning Commission held a joint work session March 19, 2024 to review recommendations for the Southeast Denton Area Plan; and

WHEREAS, through an extensive public engagements process involving the Steering Committee, residents, and area stakeholders, a community vision and a framework of goals and strategies on anti-displacement, communication, historic and cultural preservation, economic development, land use, parks,

mobility, and community character were devised to assist future community development decisions and public investments as the Southeast Denton Area Plan; and

WHEREAS, on July 17, 2024, the Planning and Zoning Commission held a public hearing and recommended _____ of the Southeast Denton Area Plan, including the vision, goals, strategies, Action Plan Matrix, Future Land Use Map, Future Overlay Districts Map, and conceptual street sections; and

WHEREAS, the City Council at its meeting on _____ finds that the Southeast Denton Area Plan is in the best interests of the health, safety and general welfare of the citizens of Southeast Denton and the City of Denton, Texas; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF DENTON, TEXAS HEREBY RESOLVES:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference as true.

SECTION 2. The Southeast Denton Area Plan sets a framework for future land use planning and decision making for the area that generally includes The Southeast Denton Area Plan has an approximate boundary line of 800 feet north of East McKinney Street, 900 feet east of South Woodrow Lane, 700 feet south of Shady Oaks Drive, Dallas Drive to the south, and South Bell Avenue to the west, encompassing approximately 975 acres in the City of Denton, Denton County, Texas as depicted on Exhibit A.

SECTION 3. The Denton City Council adopts the Southeast Denton Area Plan and its recommendations and implementation actions, as presented in Exhibit B, which hereby amends the Denton 2040 Comprehensive Plan.

SECTION 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall not affect the validity of the provisions or applications, and to this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall become effective immediately upon its passage and approval.

The motion to approve this ordinance was made by _____ and seconded by _____, the ordinance was passed and approved by the following vote [____ - ____]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Paul Meltzer, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Jill Jester, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2024.

GERARD HUDSPETH, MAYOR

ATTEST:
LAUREN THODEN, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND CITY ATTORNEY

BY: _____



City of Denton

City Hall
215 E. McKinney St.
Denton, Texas 76201
www.cityofdenton.com

Legislation Text

File #: DCA24-0008, **Version:** 1

AGENDA CAPTION

Hold a public hearing and consider making a recommendation to City Council regarding amending the Denton Development Code Subchapter 2: Administration and Procedures Subsection 2.3.3B Planning and Zoning Commission Operational Procedures related to establishing an agenda item reconsideration process within the Planning and Zoning Commission Operational Procedures. (DCA24-0008, P & Z Reconsideration Process, Keisha Cyriaano)



AGENDA INFORMATION SHEET

DEPARTMENT: Department of Development Services

ACM: Cassey Ogden

DATE: July 17, 2024

SUBJECT

Hold a public hearing and consider making a recommendation to City Council regarding amending the Denton Development Code Subchapter 2: Administration and Procedures Subsection 2.3.3B Planning and Zoning Commission Operational Procedures related to establishing an agenda item reconsideration process within the Planning and Zoning Commission Operational Procedures. (DCA24-0008, P & Z Reconsideration Process, Keisha Cyriaano)

BACKGROUND

The purpose of this code amendment is to establish a process for the Planning and Zoning Commission to reconsider an agenda item.

Denton Development Code (DDC) Subchapter 2: Administration and Procedures Subsection 2.3.3B *Planning and Zoning Commission Operational Procedures* does not have a process in place for the Planning and Zoning Commission to reconsider an item. Therefore, the Planning and Zoning Commission follows the City Council reconsideration process as provided for in the City's Code of Ordinances, which does not always work well with the timelines between Planning and Zoning Commission and City Council meetings.

This issue was exemplified as a result of a reconsideration request made by a Planning and Zoning Commissioner for an agenda item that had been published on the City Council's agenda prior to the Commission having a subsequent meeting at which time the reconsideration could have been discussed (August 2023). Coupled with lack of a codified process, it was unclear as to if reconsideration of the agenda item was still an available process for the Commission and which body (i.e. the Commission or City Council) had jurisdiction for considering the item. Ultimately in that situation it was determined that since the item had been noticed and placed on a published City Council agenda, the City Council had jurisdiction and the Commission was unable to reconsider their vote on the item. Therefore, it is appropriate to consider amending the DDC to establish a comprehensive reconsideration process specific to the Planning and Zoning Commission.

In the situation that occurred in August 2023, currently, if a Planning and Zoning Commissioner would like to reconsider an item following action by the Commission and subsequent posting on City Council's agenda, the request must be presented during the agenda item's public hearing with City Council. At that time, City Council would have to make a vote on whether or not to have the item be reconsidered by the Planning and Zoning Commission or to continue with consideration of the agenda item by City Council.

By amending the current code, the Planning and Zoning Commission would have a comprehensive process in place to address reconsideration of agenda items before items are presented to City Council. The proposed code amendment being presented takes into account feedback received from the Planning and Zoning

Commission at their work sessions on June 12, 2024 and June 26, 2024 to include a separate process for items that have been noticed for public hearing for City Council and a process for those items that have not yet been noticed for City Council that would follow the standard agenda item processing.

EXHIBITS

1. Agenda Information Sheet
2. Staff Analysis
3. Draft Ordinance

Respectfully submitted:
Tina Firgens, AICP
Deputy Director of Development Services/
Planning Director

Prepared by:
Keisha Cyriaano
Assistant Planning Director

Staff Analysis

DCA24-0008/ Planning and Zoning Commission Reconsideration Process

REQUEST:

This is a city-initiated Code amendment to the Denton Development Code (DDC); Subchapter 2: Administration and Procedures 2.3.3B *Planning and Zoning Commission Operational Procedures*.

CONSIDERATIONS:

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

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

The proposed Code amendment will establish procedures for the Planning and Zoning Commission to reconsider agenda items rather than having to default to the City Council's rules of procedure that do not necessarily align with the Commission's role as a recommending body and the City's adopted meeting calendars. The amendment is consistent with the Comprehensive Plan, other plans and policies.

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

The proposed Code amendment does not conflict with any provisions of the DDC or Municipal Code of Ordinances. The purpose of the Code amendment is to establish a process for the Planning and Zoning Commission to reconsider agenda items, thereby clarifying existing uncertainty caused by having to apply City Council rules of procedure to the Commission in the absence of having their own adopted processes.

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

This proposed city-initiated Code amendment to the DDC is needed to establish a process for the Planning and Zoning Commission to reconsider agenda items.

As a result of a reconsideration request made by a Planning and Zoning Commissioner of an agenda item that had already been published on the City Council's agenda (August 2023), coupled with lack of a codified process, it was unclear at that time as to if reconsideration of an agenda item was still an available process for the Commission and which body (i.e. the Commission or City Council) had jurisdiction for considering the item. Therefore, it is appropriate to consider amending the DDC to establish a comprehensive reconsideration process specific to the Planning and Zoning Commission.

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

The Code amendment is not in response to a substantial change in conditions and/or policy, but does serve to clear up existing uncertainties that result from trying to apply City Council procedures to the Commission as a recommending body.

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

The proposed Code amendment is consistent with the general purpose and intent of the DDC as discussed above.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS AMENDING THE DENTON DEVELOPMENT CODE SUBCHAPTER 2. ADMINISTRATION AND PROCEDURES, SUBSECTION 2.3.3B PLANNING AND ZONING COMMISSION OPERATIONAL PROCEDURES; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. (DCA24-0008)

WHEREAS, pursuant to Ordinance No. DCA24-0008, the City Council of the City of Denton adopted the newly revised 2019 Denton Development Code, the (“DDC”); and

WHEREAS, the City desires to amend the DDC to establish a process for the Planning and Zoning Commission to reconsider agenda items; and

WHEREAS, the amendments include the following:

1. Subchapter 2. Administration and Procedures, Subsection 2.3.3B Planning and Zoning Commission Operational Procedures – Update to allow for reconsideration procedures associated with certain zoning and development applications.

WHEREAS, on July 17, 2024, the Planning and Zoning Commission, in compliance with the laws of the State of Texas, gave the requisite notices by publication, held due hearings and recommended _____ [#-#] of the amendment to the Denton Development Code; and

WHEREAS, on _____, the City Council likewise conducted a public hearing in accordance with local and state law and the City Council hereby finds that the Code amendments are consistent with the City’s comprehensive plan, and the federal, state, and local law are in the best interests of the City of Denton; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference and found to be true.

SECTION 2. Subchapter 2. Administration and Procedures, Subsection 2.3.3B Planning and Zoning Commission Operational Procedures of the DDC are amended as set forth in **“Exhibit A”** which is attached and fully incorporated herein by reference.

SECTION 3. Any person, firm, partnership, or corporation violating any provision of this ordinance shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by a fine in a sum not exceeding \$2,000.00 for each offense. Each day that a provision of this ordinance is violated, shall constitute a separate and distinct offense.

SECTION 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall not affect the validity of the provisions or applications, and to this end the provisions of this ordinance are severable.

SECTION 5. That an offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Denton Development Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. In compliance with Section 2.09(c) of the Denton Charter, this ordinance shall become effective fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record Chronicle, a daily newspaper published in the City of Denton, Texas, within ten (10) days of the date of its passage.

The motion to approve this ordinance was made by _____ and seconded by _____, the ordinance was passed and approved by the following vote [____ - ____]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Paul Meltzer, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Jill Jester, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2024.

GERARD HUDSPETH, MAYOR

ATTEST:
JESUS SALAZAR, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY: _____

Exhibit A
DDC Subchapter 2 Administration and Procedures

2.3.3 - Planning and Zoning Commission.

A. **Composition.** See Charter, Article X: Planning and Zoning, in the Municipal Code of Ordinances.

B. Operational Procedures.

1. In accordance with Charter, Article X, Section 10.02, the Planning and Zoning Commission may adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with state law or municipal ordinance.
2. In addition to meeting not less than once each month as required by Charter, Article X, Section 10.03, meetings of the Planning and Zoning Commission may be held at the call of the chairperson or director at such other times as the Planning and Zoning Commission may determine and in accordance with the Open Meetings Act.
3. The Planning and Zoning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep a record of its examination and other official actions, all of which shall be immediately filed in the office of the Planning and Zoning Commission and shall be a public record.
4. Tie-Vote for Non-Subdivision Applications.
 - a. After closing the Planning and Zoning Commission public meeting or public hearing on any non-subdivision application, should a majority of voting Planning and Zoning Commissioners fail to recommend either approval or denial of the non-subdivision application, or approval of a modified non-subdivision application, city staff is directed to place the matter for vote on the next available Planning and Zoning Commission agenda as an item for individual consideration.
 - b. A second failure of a majority of voting Planning and Zoning Commissioners to recommend either approval or denial of a proposed non-subdivision application, or approval of a modified non-subdivision application, shall be deemed either a denial of such non-subdivision application or, for public hearing items, a recommendation of denial to the City Council.
 - c. For public hearing items, such failure shall not require a three-fourths vote of all members of the City Council qualified to vote in order for the non-subdivision application to be approved, as may otherwise be required by this DDC.

5. Reconsideration:

- a. A member desiring to make a motion to reconsider any subdivision variance or recommendation for Specific Use Permit, Comprehensive Plan Amendment, Zoning (Map or Text) Amendment, Planned Development, or Alternative Environmentally Sensitive Area (ESA) Plan, shall notify the Director or designee no later than 10:00 am Central time on the Thursday prior to the next succeeding official meeting of the Planning and Zoning Commission, except as provided in b. below.
- b. A member desiring to make a motion to reconsider an agenda item that has already been publicly noticed for City Council consideration and scheduled to be presented at

the following week City Council meeting, shall notify the Director or designee no later than 10:00 am Central time on the Friday immediately following the Planning and Zoning Commission meeting. If the reconsideration request is not received within the designated timeframe, the item will be presented to City Council as scheduled.

- c. Motions to reconsider an agenda item can only be made by a member who voted with the prevailing side and can be seconded by any member.
- d. If the motion to reconsider prevails, the item must follow all requirements outlined in DDC Section 2.4.6 – Step 4: Scheduling and Notice of Public Meetings/Hearings, including public notice if applicable, prior to the Planning and Zoning Commission reconsideration.
- e. If the motion to reconsider fails, the original vote stands and, if applicable, all requirements outlined in DDC Section 2.4.6 – Step 4: Scheduling and Notice of Public Meetings/Hearings must be followed for the next available City Council date.

C. Powers and Duties.

1. The Planning and Zoning Commission shall have the review and decision authority as shown in Table 2.2-A, pursuant to the application-specific procedures outlined in this DDC.
2. The Planning and Zoning Commission also has the powers and duties permitted under Article X, Section 10.03 in the Municipal Code of Ordinances, and § 211.007 and § 371.042 of the TLGC.
3. The members of the Planning and Zoning Commission are held to the City of Denton's Ethics Code.



City of Denton

City Hall
215 E. McKinney St.
Denton, Texas 76201
www.cityofdenton.com

Legislation Text

File #: DCA24-0009, **Version:** 1

AGENDA CAPTION

Hold a public hearing and consider making a recommendation to City Council regarding a proposed revision to the Denton Development Code; amendments include but are not limited to Table 5.2-A: Table of Allowed Uses, Section 5.3.4: Public, Institutional, Religious, and Civic Uses Use-Specific Standards, Table 7.9-I: Minimum Required Off-Street Parking, and Section 9.2: Definitions related to the applicability and regulation of charter schools. (DCA24-0009, Charter School Uses, Erin Stanley)



AGENDA INFORMATION SHEET

DEPARTMENT: Department of Development Services

ACM: Cassey Ogden

DATE: July 17, 2024

SUBJECT

Hold a public hearing and consider making a recommendation to City Council regarding a proposed revision to the Denton Development Code; amendments include but are not limited to Table 5.2-A: Table of Allowed Uses, Section 5.3.4: Public, Institutional, Religious, and Civic Uses Use-Specific Standards, Table 7.9-I: Minimum Required Off-Street Parking, and Section 9.2: Definitions related to the applicability and regulation of charter schools. (DCA24-0009, Charter School Uses, Erin Stanley)

BACKGROUND

With the passage of House Bill (HB) 1707 (provided as Exhibit 4) as part of the State's 88th Regular Legislative Session, several changes to Chapter 12 of the Texas Education Code and Chapters 212 and 552 of the Texas Local Government Code were adopted relating to a City's obligation to apply certain governmental regulations (i.e. rules, regulations, zoning, permitting, licenses, etc.) to open-enrollment charter school uses the same way the regulations would apply to a public school district.

Specifically, HB 1707 amends Section 12.1058, Subchapter D of the Texas Education Code, creating Subsection (d) that requires a city consider an "open-enrollment charter school a school district for purposes of zoning, project permitting, platting and replatting processes, business licensing, franchises, utility services, signage, subdivision regulation, property development projects, the requirements for posting bonds or securities, contract requirements, land development standards as provided by Section 212.902, Local Government Code, tree and vegetation regulations, regulations of architectural features of a structure, construction of fences, landscaping, garbage disposal, noise levels, fees or other assessments, and construction or site development work if the charter school provides to the political subdivision the certification described by Subsection (e)."

Texas Education Code Section 12.1058, Subsection (e) was amended to state that "To be considered a school district by a political subdivision in accordance with Subsection (d), the governing body of an open-enrollment charter school must certify in writing to the political subdivision that no administrator, officer, or employee of the charter school and no member of the governing body of the charter school or its charter holder derives any personal financial benefit from a real estate transaction with the charter school."

While both the above subsections reference "open-enrollment charter schools," HB 1707 also amends Section 212.902(f)(2) of the Texas Local Government Code to reference all types of charter schools, beyond just open-enrollment charter schools. To avoid any potential confusion, Staff is proposing a definition that captures all types of charter schools recognized under state law. Additionally, it should be noted that in the past, staff has interpreted charter schools as private schools per the DDC; couple the current DDC definitions with the recent legislative changes to allow charter schools to be treated similarly as public

schools further affirms the need to update the DDC to include a definition that specifically addresses charter schools.

Given the limitations placed on a city’s ability to regulate charter schools, staff is initiating an amendment to the Denton Development Code (DDC) to comply with the recently adopted state statutes by adding a new “Charter School” land use. Amendments are being proposed to DDC Table 5.2-A: Table of Allowed Uses, Section 5.3.4: Public, Institutional, Religious and Civic Uses Use-Specific Standards, Table 7.9-I: Minimum Required Off-Street Parking, and Section 9.2: Definitions related to the regulation of charter school uses.

The proposed text amendments to Table 5.2-A: Table of Allowed Uses of the DDC are shown in the table below, allowing charter schools in all zoning districts generally consistent with where public schools are allowed. Additionally, the proposed Table of Allowed Uses, combined with the proposed Use-Specific Standards amendments, note the cases by which a Charter School may be reviewed the same as a Public School by referring to the criteria in Section 12.1058 of the Texas Education Code. Essentially, the regulations state that any type of Charter School is permitted by right in the Rural Residential District, the Mixed-Use Districts, the Corridor Districts, and in the General Office District in which both Public and Private Schools are permitted by right. However, only Charter Schools meeting the use specific standard are permitted within the Residential 1-7 Districts or the Light and Heavy Industrial Districts.

5.2-A: Table of Allowed Uses

Educational Facilities																	
	RR	R1	R2	R3	R4	R6	R7	MN	MD	MR	SC	HC	GO	LI	HI	PF	
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	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	P	
<u>School, Charter</u>	<u>P</u>	<u>P+</u>	<u>P+</u>	<u>P+</u>	<u>P+</u>	<u>P+</u>	<u>P+</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P+</u>	<u>P+</u>	<u>P</u>	<u>5.3.4J</u>

The proposed text amendment to Subsection 5.3.4 Public, Institutional, Religious, and Civic Uses Use-Specific Standards establishes a new use specific standard as follows:

5.3.4J: Charter School

1. Use, Operation, and Qualification. The entity must comply with Texas Education Code, Subchapter D, Section 12.1058.

The proposed text amendments to Table 7.9-I: Minimum Required Off-Street Parking are shown in the table below, which includes consolidation of the city’s parking requirements related to public, private and charter schools so that all are regulated consistently.

7.9-I: Minimum Required Off-Street Parking

Table 7.9-I: Minimum Required Off-Street Parking	
Use Type	Minimum Parking Requirement
Business or Trade School	Director determination, see 7.9.4E.1
College or University	Director determination, see 7.9.4E.1
School, Private	<p>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</p> <p>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</p>
School, Public	<p>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</p> <p>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</p>
<u>School (Private, Public, and Charter)</u>	<p><u>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</u></p> <p><u>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</u></p>

The proposed text amendment to Subsection 9.2: Definitions is as follows. Definitions for Private and Public Schools given for reference only. No change is proposed to Private and Public School definitions.

9.2 Definitions: 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.

9.2 Definitions: 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.

9.2 Definitions: School, Charter

Any home-rule school district charter, campus or campus charter, or open-enrollment charter school as defined in Chapter 12, Sections B, C, or D of the Texas Education Code as applicable and amended. A facility or area for pre-kindergartens, kindergartens, elementary, or secondary education governed by a Charter.

With the above changes, Charter Schools are distinguished from Private and Public Schools, consistent with the Texas Education Code.

See Exhibit 2 for Staff Analysis.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Date	Council, Board, Commission	Request	Action
April 23, 2019	City Council	Consider 2019 DDC Update	Approved with an effective date of October 1, 2019

OPTIONS

1. Recommend Approval
2. Recommend Approval with conditions
3. Recommend Denial
4. Postpone Item

RECOMMENDATION

Staff recommends **approval** of the amendments related to charter schools as the proposed amendments meet the established criteria for approval for Code Text Amendments as outlined in Section 2.7.4D of the DDC.

EXHIBITS

1. Agenda Information Sheet
2. Staff Analysis
3. Draft Ordinance
4. House Bill 1707

Respectfully submitted:
Tina Firgens, AICP
Deputy Director of Development Services/
Planning Director

Prepared by:
Erin Stanley
Assistant Planner

Staff Analysis

DCA24-0009/ Charter School Uses

REQUEST:

This is a city-initiated Code amendment to the Denton Development Code (DDC); Table 5.2-A: Table of Allowed Uses, Section 5.3.4: Public, Institutional, Religious, and Civic Uses Use-Specific Standards, Table 7.9-I: Minimum Required Off-Street Parking, and Section 9.2: Definitions related to the regulation of charter schools.

CONSIDERATIONS:

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

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

The proposed code amendments are consistent with the Denton Development Code establishing procedures for the processing of planning and zoning actions that affect the development and use of property subject to the planning jurisdiction of the City:

Subsection 1.3.1.A This DDC is adopted pursuant to the authority in Article X of the Denton Municipal Charter, as amended, and enacted pursuant to the powers granted and limitations imposed by provisions of the State of Texas.

The proposed Code amendments are consistent with the following Comprehensive Plan policies and actions related to ensuring the City has a complete and efficient development review process that complies with state and federal law:

Action 2.5.4 Continue regular coordination meetings with other entities such as utility providers, surrounding municipalities, and regional and federal agencies for land use, mobility and infrastructure planning.

This amendment is intended to ensure that the DDC is consistent with recent changes to state law regarding how a city's zoning and land use regulations apply to charter schools.

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

The proposed Code amendments do not conflict with other provisions of the DDC. Charter Schools are not currently referenced in the DDC, thus having been interpreted as private schools in the past. The proposed amendments will ensure compliance with House Bill (HB) 1707, giving direction on the circumstances under which to consider charter schools as public schools for development review purposes. This is consistent with the goals and policies of the DDC, the Code of Ordinances, and the Denton 2040 Comprehensive Plan.

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

This proposed city-initiated code amendment to the Denton Development Code is needed for the following reasons:

- HB 1707 amends the Texas Education Code and Texas Local Government Code to require cities review the development of any charter schools in which no

administrator, officer, or employee benefits financially from real estate transactions with the charter school in the same manner that the city would review the development of a public school district.

- With the requirement that charter schools that meet the above condition be reviewed as public schools, Staff has determined it is necessary to include a definition of charter school and use specific standard in the DDC referring to this criterion set in the Texas Education Code.
- In order to avoid misapplication of the Denton Development Code as it relates to school uses, it is important to update the DDC's use definitions to ensure they are consistent with the types of schools and allowed regulation of schools under state law.

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

The City desires to amend the DDC to facilitate compliance with changes to the Texas Education Code and Texas Local Government Code.

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

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS AMENDING THE DENTON DEVELOPMENT CODE, INCLUDING BUT NOT LIMITED TO AMENDMENTS TO SECTION TABLE 5.2-A: TABLE OF ALLOWED USES, SECTION 5.3.4: PUBLIC, INSTITUTIONAL, RELIGIOUS, AND CIVIC USES USE-SPECIFIC STANDARDS, TABLE 7.9-I: MINIMUM REQUIRED OFF-STREET PARKING, AND SECTION 9.2: DEFINITIONS RELATED TO THE APPLICABILITY AND REQUIREMENTS OF CHARTER SCHOOL USES; PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000.00 FOR VIOLATIONS THEREOF; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. (DCA23-0010)

WHEREAS, pursuant to Ordinance No. DCA18-0009q, the City Council of the City of Denton adopted the newly revised 2019 Denton Development Code, the (“DDC”); and

WHEREAS, as part of the State of Texas 88th Legislative Session House Bill 1707 was adopted and became effective date of June 12, 2023, amending Section 12.1058 of the Texas Education Code and further restricting a City’s ability to regulate charter schools; and

WHEREAS, in response to the changes to Section 12.1058 of the Texas Education Code, the City desires to update the regulations related to charter school uses in Subchapter 5 and Subchapter 9 of the DDC to simplify allowable zoning districts, use-specific standards, and revise definitions; and

WHEREAS, the amendments include the following:

1. Table 5.2-A: Table of Allowed Uses – Update to add Charter School Use
2. Section 5.3.4J: Use Specific Standards, “Charter School” – Add standards for charter schools set by state law
3. Table 7.9-I: Minimum required Off-Street Parking – Update to consolidate Public and Private School parking and add Charter School parking
4. Section 9.2: Definitions – Define “School, Charter”

WHEREAS, on July 17, 2024, the Planning and Zoning Commission, in compliance with the laws of the State of Texas, gave the requisite notices by publication, held due hearings and recommended _____ [#-#] of the amendment to the Denton Development Code; and

WHEREAS, on August 20, 2024 the City Council likewise conducted a public hearing in accordance with local and state law and the City Council hereby finds that the Code amendments are consistent with the City’s comprehensive plan, and federal, state, and local law are in best interests of the City of Denton; NOW, THEREFORE, THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference and found to be true.

SECTION 2. Table 5.2-A: Table of Allowed Uses, Section 5.3.4J “School, Charter”, Table 7.9-I: Minimum Required Off-Street Parking, and Section 9.2: Definitions of the DDC are amended as set forth in **“Exhibit A”** which is attached and fully incorporated herein by reference.

SECTION 3. Any person, firm, partnership or corporation violating any provision of this ordinance shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by fine in sum not exceeding \$2,000.00 for each offense. Each day that a provision of this ordinance is violated, shall constitute a separate and distinct offense.

SECTION 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall not affect the validity of the provisions or applications, and to this end the provisions of this ordinance are severable.

SECTION 5. That an offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Denton Development Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. In compliance with Section 2.09(c) of the Denton Charter, this ordinance shall become effective fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record Chronicle, a daily newspaper published in the City of Denton, Texas, within ten (10) days of the date of its passage.

The motion to approve this ordinance was made by _____ and seconded by _____, the ordinance was passed and approved by the following vote [____ - ____]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Paul Meltzer, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Jill Jester, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2024.

GERARD HUDSPETH, MAYOR

ATTEST:
LAUREN THODEN, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY: _____

DRAFT

Exhibit A

Amend 5.2.A Table of Allowed Uses as follows:

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	
Educational Facilities																	
Business or Trade School								P+	P+	P+	P+	P	P	P	P		5.3.4E
College or University									P	P			P				5.3.3H
School, Private	P	S	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	P	
School, Charter	<u>P</u>	<u>P+</u>	<u>P+</u>	<u>P+</u>	<u>P+</u>	<u>P+</u>	<u>P+</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P+</u>	<u>P+</u>	<u>P</u>	<u>5.3.4J</u>

Amend Section 5.3.4: Public, Institutional, Religious, and Civic Uses Use Specific Standards as follows:

Add the following use and standard:

5.3.4J. Charter School

1. Use, Operation, and Qualification. The entity must comply with Texas Education Code, Subchapter D, Section 12.1058.

Amend 7.9-I: Minimum Required Off-Street Parking as follows:

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
Business or Trade School	Director determination, see 7.9.4E.1
College or University	Director determination, see 7.9.4E.1
<u>School, Private</u>	<u>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</u> <u>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</u>
<u>School, Public</u>	<u>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</u> <u>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</u>
<u>School (Private, Public, and Charter)</u>	<u>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</u>

	<u>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</u>
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Amend Section 9.2: Definitions as follows:

Add the following term and definition:

School, Charter: Any home-rule school district charter, campus or campus charter, or open-enrollment charter school that complies with Chapter 12, Sections B, C, or D of the Texas Education Code as applicable and amended. A facility or area for pre-kindergartens, kindergartens, elementary, or secondary education governed by a Charter.

DRAFT

AN ACT

relating to the applicability of certain laws to open-enrollment charter schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section [12.1058](#), Education Code, is amended by amending Subsection (c) and adding Subsections (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m) to read as follows:

(c) Notwithstanding Subsection (a) or (b), an open-enrollment charter school operated by a tax exempt entity as described by Section [12.101](#)(a)(3) is not considered to be a political subdivision, local government, or local governmental entity unless:

(1) a ~~[the applicable]~~ statute specifically states that the statute applies to an open-enrollment charter school; or

(2) a provision in this chapter states that a specific statute applies to an open-enrollment charter school.

(d) A political subdivision shall consider an open-enrollment charter school a school district for purposes of zoning, project permitting, platting and replatting processes, business licensing, franchises, utility services, signage, subdivision regulation, property development projects, the requirements for posting bonds or securities, contract requirements, land development standards as provided by Section [212.902](#), Local Government Code, tree and vegetation regulations,

1 regulations of architectural features of a structure, construction
2 of fences, landscaping, garbage disposal, noise levels, fees or
3 other assessments, and construction or site development work if the
4 charter school provides to the political subdivision the
5 certification described by Subsection (e).

6 (e) To be considered a school district by a political
7 subdivision in accordance with Subsection (d), the governing body
8 of an open-enrollment charter school must certify in writing to the
9 political subdivision that no administrator, officer, or employee
10 of the charter school and no member of the governing body of the
11 charter school or its charter holder derives any personal financial
12 benefit from a real estate transaction with the charter school.

13 (f) An open-enrollment charter school considered a school
14 district under this section shall comply with the same requirements
15 imposed by the political subdivision on a campus of a school
16 district.

17 (g) An open-enrollment charter school does not have the
18 power of eminent domain.

19 (h) A political subdivision may not consider an
20 open-enrollment charter school a school district under Section
21 395.022, Local Government Code, for the purposes of the collection
22 of impact fees imposed under Chapter 395, Local Government Code, by
23 the political subdivision for providing capital funding for public
24 water and wastewater facilities.

25 (i) A political subdivision may not take any action that
26 prohibits an open-enrollment charter school from operating a public
27 school campus, educational support facility, athletic facility, or

1 administrative office within the political subdivision's
2 jurisdiction or on any specific property located within the
3 jurisdiction of the political subdivision that it could not take
4 against a school district. A political subdivision shall grant
5 approval in the same manner and follow the same timelines as if the
6 charter school were a school district located in that political
7 subdivision's jurisdiction, provided that, for a new campus, the
8 charter school provide notice, in the manner provided by and to the
9 persons listed in Section 12.1101, of the location of the new campus
10 within 20 business days of closing on the purchase or lease of real
11 property for that campus.

12 (j) This section applies to both owned and leased property
13 of the open-enrollment charter school under Section 12.128.

14 (k) Except as otherwise provided by this section, this
15 section does not affect the authority granted by state law to a
16 political subdivision to regulate an open-enrollment charter
17 school through applicable health and safety ordinances imposed by
18 the political subdivision.

19 (l) In this section, "political subdivision" does not
20 include a school district.

21 (m) This subsection applies only to information of a
22 financial nature related to property transactions of an
23 open-enrollment charter school subject to this section. A
24 nonprofit entity operating an open-enrollment charter school under
25 Chapter 12 or a management company providing management services to
26 the nonprofit entity is considered a governmental body for purposes
27 of Chapter 552, Government Code, and financial information related

1 to property transactions that is managed or possessed by the entity
2 or company is subject to disclosure under Chapter 552, Government
3 Code.

4 SECTION 2. Section 212.902, Local Government Code, is
5 amended to read as follows:

6 Sec. 212.902. SCHOOL DISTRICT AND OPEN-ENROLLMENT CHARTER
7 SCHOOL LAND DEVELOPMENT STANDARDS. (a) This section applies to an
8 agreement [~~agreements~~] between a school district or
9 open-enrollment charter school [~~districts~~] and a [~~any~~]
10 municipality which has annexed territory for limited purposes.

11 (b) On request by a school district or open-enrollment
12 charter school, a municipality shall enter an agreement with the
13 board of trustees of the school district or the governing body of
14 the open-enrollment charter school to establish review fees, review
15 periods, and land development standards ordinances and to provide
16 alternative water pollution control methodologies for school
17 buildings constructed by the school district or open-enrollment
18 charter school. The agreement shall include a provision exempting
19 the district or charter school from all land development ordinances
20 in cases where the district or charter school is adding temporary
21 classroom buildings on an existing school campus.

22 (c) If the municipality and the school district or
23 open-enrollment charter school do not reach an agreement on or
24 before the 120th day after the date on which the municipality
25 receives the district's or charter school's request for an
26 agreement, proposed agreements by the [~~school~~] district or charter
27 school and the municipality shall be submitted to an independent

1 arbitrator appointed by the presiding district judge whose
2 jurisdiction includes the ~~[school]~~ district or charter school. The
3 arbitrator shall, after a hearing at which both the ~~[school]~~
4 district or charter school and the municipality make presentations
5 on their proposed agreements, prepare an agreement resolving any
6 differences between the proposals. The agreement prepared by the
7 arbitrator will be final and binding upon both the ~~[school]~~
8 district or charter school and the municipality. The cost of the
9 arbitration proceeding shall be borne equally by the ~~[school]~~
10 district or charter school and the municipality.

11 (d) A school district or open-enrollment charter school
12 that requests an agreement under this section, at the time the
13 district or charter school ~~[it]~~ makes the request, shall send a copy
14 of the request to the commissioner of education. At the end of the
15 120-day period, the requesting district or charter school shall
16 report to the commissioner the status or result of negotiations
17 with the municipality. A municipality may send a separate status
18 report to the commissioner. The district or charter school shall
19 send to the commissioner a copy of each agreement between the
20 district or charter school and a municipality under this section.

21 (e) An agreement between a municipality and an
22 open-enrollment charter school under Subsection (b) may require
23 that:

24 (1) any revised land development standards may apply
25 only while the property is used for purposes of the charter school;
26 and

27 (2) any property in use subject to land development

1 standards established only for an open-enrollment charter school
2 must be brought into compliance with all development regulations
3 applicable to non-school related commercial developments by the
4 property owner after closure or relocation of the charter school.

5 (f) [~~(e)~~] In this section:

6 (1) "Land [~~, land~~] development standards" includes
7 impervious cover limitations, building setbacks, floor to area
8 ratios, building heights and coverage, water quality controls,
9 landscaping, development setbacks, compatibility standards,
10 traffic analyses, including traffic impact analyses, parking
11 requirements, signage requirements, and driveway cuts, if
12 applicable.

13 (2) "Open-enrollment charter school" means a school
14 granted a charter under Subchapter C, D, or E, Chapter 12, Education
15 Code.

16 (g) [~~(f)~~] Nothing in this section shall be construed to
17 limit the applicability of or waive fees for fire, safety, health,
18 or building code ordinances of the municipality prior to or during
19 construction of school buildings, nor shall any agreement waive any
20 fee or modify any ordinance of a municipality for an
21 administration, service, or athletic facility proposed for
22 construction by a school district or open-enrollment charter
23 school.

24 SECTION 3. Section 552.053(b), Local Government Code, is
25 amended to read as follows:

26 (b) The following may be exempt:

27 (1) this state;

1 (2) a county;

2 (3) a municipality; or

3 (4) ~~[a]~~ school districts and open-enrollment charter
4 schools ~~[district]~~.

5 SECTION 4. Section 12.103(c), Education Code, is repealed.

6 SECTION 5. An exemption granted to a school district under
7 Section 552.053(b)(4), Local Government Code, as that subdivision
8 existed before the effective date of this Act, automatically
9 extends to all open-enrollment charter schools located in the
10 municipality after the effective date of this Act unless the
11 municipality repeals the exemption before the effective date of
12 this Act.

13 SECTION 6. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 1707 was passed by the House on April 28, 2023, by the following vote: Yeas 101, Nays 45, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1707 on May 25, 2023, by the following vote: Yeas 130, Nays 8, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1707 was passed by the Senate, with amendments, on May 23, 2023, by the following vote: Yeas 25, Nays 6.

Secretary of the Senate

APPROVED: _____

Date

Governor