

## Subchapter 13 – Site Design Standards

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### **35.13.1 Purpose and Intent.**

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The purpose and intent of this Subchapter is to regulate the manner in which land in the City is used and developed, to minimize adverse effects on surrounding property owners or the general public, and ensure that high quality development is maintained throughout the community.

### **35.13.2 Application.**

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The standards of this Subchapter shall apply to those developments, excepting agricultural uses, that meet any of the following thresholds:

A. **Residential.**

1. Building a structure that contains two or more dwelling units.
2. Building a structure on lots of less than 10,000 square feet.
3. Developing a parking lot.

B. **Non-residential.**

1. Building a structure of greater than 1,000 square feet.
2. Converting a residential structure to non-residential use that requires site plan improvements.
3. Developing a parking lot.

C. **Expansions.**

1. The expansion of existing buildings or site development, excepting single and two family, is subject to the provisions of this Subchapter based on the Expansion Applicability Table.

### **35.13.3 Procedure / Plans Required**

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- A. A Site Review is required for any development that is required to meet the requirements of this Subchapter.
1. The Staff Review Procedure will be used to process a request for a Site Review.
  2. Site Review applications shall be made in accordance with the Site Design Criteria Manual.

Expansion Applicability Table

Use	Site Plan	Traffic Impact Analysis	Landscape & Tree Canopy	Building Design Standards	Parking Lot Landscaping	Street Trees	Solid Waste
Single-family expansion within permitted lot coverage.	N/A - Only a Plot Plan	N/A	N/A	N/A	N/A	N/A	N/A
Multi-family expansion of 10% of the number of units or 10 units, whichever is less.	YES	YES, based on total trips.	YES, applied to the expanded impervious area attributable to the new units up to a 50% increase in the number of units unless the entire site still complies; then, for increases greater than 50%, to the entire site.	YES, applied to new units with exterior walls up to a 50% increase in the number of units; then, for increases greater than 50%, to all units.	YES, applied to the additional parking required for the new units up to a 50% increase in the number of units; then, for increases greater than 50%, to all parking.	YES, applied to the linear feet of street frontage contiguous to the new units and additional required parking up to a 50% increase in the number of units; then, for increases greater than 50%, to all street frontage.	YES, applies to any expansion of multi-family structures four units and above.
Non-residential expansion All buildings shall be subject to the provisions of the Expansion Applicability Table when the cumulative expansion exceeds the greater of 1,000 square feet or 25% of the building's square footage at the time of original adoption of this code, or when originally constructed if constructed after February 20, 2002.	YES	YES, based on total trips.	YES, applied to the expanded impervious area attributable to the new floor area up to a 50% increase in floor area unless the entire site still complies; then, for increases greater than 50%, to the entire site.	YES, applied to new floor area with exterior walls up to a 50% increase in floor area; then, for increases greater than 50%, to all buildings.	YES, applied to the additional parking required for the new floor area up to a 50% increase in floor area; then, for increases greater than 50%, to all parking.	YES, applied to the linear feet of street frontage contiguous to the new floor area and additional required parking up to a 50% increase in floor area; then, for increases greater than 50%, to all street frontage.	YES
Casualty loss replacements (for all uses) that exceed the above-defined thresholds.	YES – but only a “plot plan” for single-family.	YES, based on total trips (N/A to single-family).	YES, applied to the expanded impervious area attributable to the new units or new floor area up to a 50% increase in the number of units or floor area (unless the entire site still complies); then, for expansions greater than 50%, to the entire site (N/A to single-family).	YES, applied to the new units or new floor area with exterior walls up to a 50% increase in the units or floor area; then, for increases greater than 50%, to all units/buildings (N/A to single-family).	YES, applied to the additional parking required for the new units or new floor area up to a 50% increase in the number of units or floor area; then, for increases greater than 50%, to all parking (N/A to single-family).	YES, applied to the linear feet of street frontage contiguous to the new units or new floor area and additional required parking up to a 50% increase in the number of units or floor area; then, for increases greater than 50%, to all street frontage (N/A to single-family).	YES
Reconstruction after any voluntary demolition of all or substantially all improvements on a site.	YES	YES	YES, applied to the entire site.	YES, applied to all improvements.	YES, applied to all parking.	YES, applied to the entire site.	YES
Parking lot expansion (excluding re-striping) of six spaces or more.	YES	N/A	Lost canopy due to the expansion must be replaced, but only if the site, as a whole, does not comply.	N/A	YES, applied to the additional parking spaces up to a 50% increase in the number of spaces; then, for increases greater than 50%, to all parking.	YES, applied to the linear feet of street frontage contiguous to the new parking spaces up to a 50% increase in the number of spaces; then, for increases greater than 50%, to all parking with contiguous street frontage.	N/A
Conversion of a residential structure to a non-residential use where no site improvements are required.	N/A	N/A	N/A	N/A	N/A	N/A	YES and multi-family where units exceed three. (Less than 2,500 square feet conversion see Criteria Manual)

- B. Transportation Impact Analysis (TIA).
  - 1. A TIA shall be required for any proposed site development that can be reasonably expected to generate more than 1,000 vehicle trip ends during a single day and/or more than 100 vehicle trip ends during a single hour.
  - 2. The TIA shall be developed in accordance with the Transportation Criteria Manual.

#### **35.13.4 Criteria for Approval.**

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The following criteria shall be used to approve or deny a site plan:

- A. All applicable City Ordinances and Regulations have been met and will be met by the proposed development.
- B. All requirements of the Site Design Subchapter have been met.
- C. That adequate capacity of public or private facilities for water, sewer, paved access to and through the development, electricity, storm drainage, and adequate public facilities for transportation can and will be provided to and through the subject property. Adequacy can be determined based on the infrastructure standards established by the City and Denton County.

#### **35.13.5 Alternative Development Plan**

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The Alternative Development Plan provides the option to address the design criteria through a flexible discretionary process utilizing the Planning and Zoning Commission Procedure outlined in Subchapter 35.3.5.

- A. **Criteria for Approval.** The goals and objectives which must be met, and by which the proposal will be judged are:
  - 1. Preserve Existing Neighborhoods.
  - 2. Assure quality development that fits in with the character of Denton.
  - 3. Focus new development to activity centers to curb strip development and urban sprawl.
  - 4. Ensure that infrastructure is capable of accommodating development prior to the development occurring.
  - 5. Ensure that the developer's alternative proposal results overall in a high quality development meeting the intent of the design standards in Chapter 13 of the Denton Development Code.

#### **35.13.6 Left Blank For Future Use.**

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#### **35.13.7 Tree Preservation and Landscape Requirements.**

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- A. **Tree Preservation:**

- 1. Purpose and Intent

The Denton Plan identifies the importance of environmental management. The purpose of these regulations is to promote the preservation of trees, tree stands, including but not limited to remnants of the Cross Timbers Forest and existing tree canopy, to protect trees during construction, to facilitate site design and construction that contribute to the long term viability of existing trees which improves environmental conditions, specifically to comply with air and water quality regulations, to increase property values and to develop a process to control the removal of trees. It is the further purpose of this ordinance to achieve the following broader objectives:

- a. Prevent untimely and indiscriminate removal or destruction of trees.
  - b. Maintain and enhance a positive image of the City.
  - c. Protect trees and promote the ecological, environmental and aesthetic values of the City.
  - d. Preserve historic trees.
  - e. Provide for a permitting and enforcement procedure.
2. Applicability
- a. Unless exempt under Subsection C, this Subchapter shall apply to:
    - i. Undeveloped land.
    - ii. All property to be redeveloped including additions or alterations, but not including interior alterations or exterior alterations that do not change the footprint of the building, and that do not require the removal of trees.
    - iii. Gas Well Development including but not limited to gas well transmission lines.
    - iv. Right of way, streets, parks, and other public property under the jurisdiction of the City of Denton.
  - b. To the extent there is a conflict between this Subsection and any other Subsection including but not limited to Subsection 35.17.9 (Upland Habitat Development Standards) the more stringent requirement shall apply that preserves the largest quantity of trees. To the extent there is a conflict between this Subsection and Subsection 35.22.5.A.8.c (Gas Well Drilling and Production), the gas well regulations, which requires 1:1 mitigation, shall apply.
  - c. Exemptions:
    - i. Developments that have a completed application on file for a final or preliminary plat for a single-family development or a building permit, whichever is applicable, as of the effective date of this ordinance.
    - ii. Any development for which construction has begun on infrastructure improvements pursuant to an approved three-way construction contract, including roads, as of the effective date of this ordinance. In the event that construction of all infrastructure improvements in such a development ceases for a continuous period of 180 days or longer, this exemption shall cease to apply on the 181st day after cessation of construction unless the City accepts the infrastructure improvements.
    - iii. Property on which a single-family or two-family residential dwelling unit(s) exists.
    - iv. Trees located in the visibility triangle area, as defined in the Transportation Criteria Manual.
    - v. Public Utilities may be exempted from these requirements upon filing route plans prior to tree removal or construction, which satisfactorily demonstrate that the proposed installation lies within routes previously established by a current Master Plan for transportation or public utilities, or within an existing easement recorded prior to the effective date of this ordinance.
    - vi. Public Utilities have the right to trim, cut, and/or remove any and all trees that:
      - (a) Interfere with or encroach upon the operations of existing public utilities; or
      - (b) Create a safety issue for utility crews; or
      - (c) Create a safety issue for the public.
    - vii. City Landfill and Airport.
    - viii. Nursery trees, including Christmas tree farms, that are planted and growing on the premises of a Wholesale Nursery that are intended for sale in the ordinary course of business.
    - ix. Any tree determined to be diseased, dying, dead, creating a public nuisance or damaging a foundation by a qualified professional.

- x Any tree determined to be causing a danger or be in hazardous condition as a result of a natural event such as tornado, storm, flood or other act of God that endangers the public health, welfare or safety and requires immediate removal.
  - xi Clearing of understory necessary to perform soil borings, boundary surveying of real property or to conduct tree surveys or inventories As long as the clearing for surveying shall not exceed a width of two (2) feet for general survey (i.e. of easement boundary, etc.) and eight (8) feet for survey of property boundary lines and any tree having a ten (10) inch dbh or greater shall not be removed under this exemption during such boundary or general surveying.
  - xii Capital Improvement Projects awarded prior to the effective date of this Subsection.
  - xiii Property zoned Rural Residential (RD-5) or Rural Commercial (RC).
3. Permit Required
- a. No person, directly, or indirectly, shall cut down, destroy, remove or move, or intentionally destroy or damage any Quality Tree, Protected Tree, or Historic Tree without first obtaining a tree removal permit and complying with the requirements of this Subsection.
  - b. No grading shall take place on any undeveloped property that contains trees subject to this Subsection without obtaining a tree removal permit.
  - c. No heavy equipment shall be moved onto a site prior to all applicable permits being issued.
  - d. Trees greater than 3 “ dbh and not identified as a Quality Tree, Protected Tree, or Historic Tree within this Subsection may be removed with a permit.
  - e. Trees less than 3” dbh and not identified as a Historic Tree may be removed without a permit.
  - f. A permit is required for the removal of five or more trees on a single-family lot.
4. Permit Review and Approval Process
- a. The Director shall adopt rules establishing the requirements for the permitting and approval process in the Application Criteria Manual. The rules shall include information required by the Director to determine if the application is complete.
  - b. A request for tree removal permit shall be submitted and approved prior to the removal of any Quality Tree, Protected Tree, or Historic Tree in the City.
  - c. A complete application shall be submitted along with the application fee, if required. The fees shall be established by City Council and published in the Application Criteria manual.
  - d. A Tree Inventory Plan and a Tree Replacement/Mitigation Plan, if required, must be submitted with the tree removal permit application prepared by:
    - 1. a registered landscape architect;
    - 2. an urban forester;
    - 3. a botanist;
    - 4. an arborist; or
    - 5. a professional land surveyor that has documented completion of at least eight (8) hours of training in Texas tree identification.
  - e. Permits for tree removal issued in connection with a building permit or clearing and grading permit shall be valid for the same period of time. Tree removal permits issued not in connection with a building permit or clearing and grading permit are valid for 180 days.
  - f. After the tree removal permit is issued, the permit holder shall post a tree protection sign, supplied by the City, at each entrance to the property and at any other location designated by the City.
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- g. Upon the request of the applicant, the Planning Director shall be authorized to work with the owners, developers, and builders to make non-substantive changes, within the scope of the ordinance, to plans, permits, and other requirements throughout the development and construction processes that will provide the greatest reasonable tree survival. The decision of the Planning Director may be appealed by the applicant to the Planning and Zoning Commission under Subsection 35.3.5.
  - h. The applicant may file an application for relief from the Tree Preservation/Mitigation requirements in this Subsection pursuant to Subsection 35.3.11 on grounds therein specified to the City Council within ten (10) calendar days of the posting of the decision by the DRC. The Council shall decide the petition based upon the criteria in Subsection 35.3.11.
5. Tree Designations
- a. Protected Trees  
Any healthy tree with an eighteen (18) inch or greater dbh and not in a Quality Tree Stand or a Mesquite, Bois Arc, Locust Hackberry and/or Cottonwood species. All trees greater than eighteen (18) inches dbh shall be considered a Protected Tree unless a detailed tree inventory is submitted by an applicant verifying the presence of Mesquite, Bois Arc, Locust Hackberry and/or Cottonwood species.
  - b. Historic Trees
    - i. A Historic Tree is a healthy tree that stands at a place where an event of historic significance occurred that had local, regional, or national importance; or at the home of a citizen who is famous on a local, regional, or national basis.
    - ii. A tree may also be considered historic if it has taken on a legendary stature to the community; mentioned in literature or documents of historic value; or considered unusual due to size, age or has landmark status.
    - iii. The Historic Landmark Commission will make recommendations for Historic Tree designations to the Planning and Zoning Commission (which will conduct a public hearing and include property owner notification) for ultimate approval by the City Council. Upon designation, each tree shall be added to a Historic Tree Registry map to be maintained by the Director.
  - c. Quality Trees  
All healthy trees that have a dbh that is greater than six (6) inches, but is less than eighteen (18) inches and not within a Quality Tree Stand. All trees shall be considered Quality Trees unless a detailed tree inventory is submitted by an applicant identifying Secondary Trees.
  - d. Quality Tree Stands  
Three or more contiguous Quality Trees whose canopies are generally clustered together creating a contiguous drip line. All Tree Stands shall be considered Quality Tree Stands unless a detailed tree inventory is submitted by an applicant identifying the tree stand as a Secondary Tree Stand.
  - e. Large Secondary Trees  
All healthy Mesquite, Bois Arc, Locust Hackberry and/or Cottonwood trees with an eighteen (18) inch or greater dbh.
  - f. Secondary Trees  
All healthy Mesquite, Bois Arc, Locust Hackberry and/or Cottonwood trees that have a dbh that is greater than six (6) inches, but is less than eighteen (18) inches.
  - g. Secondary Tree Stands  
Three or more contiguous Secondary Trees whose canopies are generally clustered together creating a contiguous drip line. A Secondary tree stand must consist of a minimum eighty (80) percent of Secondary tree species.

6. Preservation

The following shall apply unless an application for relief is filed and approved under Subsection 35.3.11.

- a. Any tree designated as a Historic Tree shall be preserved.
- b. Any tree designated as a Protected Tree or a Large Secondary Tree shall be preserved unless mitigated under the requirements of Subsection 7.
- c. The minimum percentages of all dbh or percentage tree canopy of Quality Trees, Quality Tree Stands, Secondary Trees and Secondary Tree Stands that must be preserved as shown on Table 35.13.7.A and Table 35.13.7.B.
- d. All percentages relating to preservation stated within this section shall be based on the initial tree inventory plan. Any subsequent redevelopment of property must minimally preserve the applicable percentage of the total dbh of quality trees as indicated by the initial tree survey.
- e. A notation shall be placed on the Site Plan or Final Plat identifying each Quality Tree, Quality Tree Stand, Protected Tree Secondary Tree, Secondary Tree Stand and/or Historic Tree required to be preserved under this Subsection. The notation shall limit any future unauthorized land disturbing activity or construction that would impact and/or damage the tree(s) to be preserved or protected.

7. Mitigation

If preservation cannot be reasonably achieved, then the following mitigation standards shall apply.

- a. Protected Trees and Large Secondary Trees may be removed if mitigated as identified on Table 35.13.7.A and Table 35.13.7.B.
  - i. Exception: For applicants removing trees to facilitate installation of gas wells (including roads, pad sites, and gathering lines), gas transmission lines, or to facilitate installation of communications infrastructure or utilities which do not otherwise meet this Code's definition of a Public Utility, the following mitigation standard shall apply instead, without regard to tree designation or lot type: For every 6" dbh or larger tree removed, the applicant shall mitigate the removal by paying the established tree mitigation fee for 25% of the total dbh removed for such 6" dbh or larger trees. Fees must be paid prior to tree removal, pursuant to the procedures established by subsection 35.13.7.A.7.e.
- b. Quality Trees, Quality Tree Stands, Secondary Trees and Secondary Tree Stands may be removed in excess of the minimum preservation requirement provided the excess removal is mitigated as identified on Table 35.13.7.A and Table 35.13.7.B.
  - i. Exception: For applicants removing trees to facilitate installation of gas wells (including roads, pad sites, and gathering lines), gas transmission lines, or to facilitate installation of communications infrastructure or utilities which do not otherwise meet this Code's definition of a Public Utility, the following mitigation standard shall apply instead, without regard to tree designation or lot type: For every 6" dbh or larger tree removed, the applicant shall mitigate the removal by paying the established tree mitigation fee for 25% of the total dbh removed for such 6" dbh or larger trees. Fees must be paid prior to tree removal, pursuant to the procedures established by subsection 35.13.7.A.7.e.

**Table 35.13.7.A**  
**Preservation & Mitigation Requirements for Infill Lots**

Lot Size	Historic Trees.	Protected Trees	Quality Tree & Quality Tree Stands	Large Secondary Trees	Secondary Trees
Less than ½ acre	100% Preserved	None	None	None	None
½ acre to 1 acre	100%	If removed, mitigated at a 1:0.5 ratio.	None	If removed, mitigated at a 1:0.25 ratio.	None
1 acre to 2.0 acres	100%	If removed, mitigated at a 1:1 ratio.	None	If removed, mitigated at a 1:0.5 ratio.	None

**Table 35.13.7.A**

**Table 35.13.7.B**  
**Preservation & Mitigation Requirements for Non-Infill Lots**

Lot Size	Historic Trees.	Protected Trees	Quality Tree & Quality Tree Stands	Large Secondary Trees	Secondary Trees
Less than ½ acre	100%	If removed, mitigated at a 1:0.5 ratio	None	If removed, mitigated at a 1:0.25 ratio.	None
½ acre to 1 acre	100%	If removed, mitigated at a 1:1 ratio.	None	If removed, mitigated at a 1:0.5 ratio.	None
1 acre to 2.5 acres	100%	If removed, mitigated at a 1:1.5 ratio.	<p>A minimum of 10% preserved in Single-family &amp; Duplex Dwelling Developments:</p> <p>A minimum of 12.5% preserved in Multi-family and Non-residential developments</p> <p>Up to 50% of the percentage required to be preserved may be mitigated under the requirements of this Subsection. at a 1:1 ratio.</p>	If removed, mitigated at a 1:0.75 ratio.	<p>A minimum of 5% preserved in Single-family &amp; Duplex Dwelling Developments:</p> <p>A minimum of 6.25% preserved in Multi-family and Non-residential developments</p> <p>Up to 50% of the percentage required to be preserved may be mitigated under the requirements of this Subsection. at a 1:0.5 ratio.</p>
Greater than 2.5 acres	100%	If removed, mitigated at a 1:2 ratio.	<p>A minimum of 20% preserved in Single-family &amp; Duplex Dwelling Developments:</p> <p>A minimum of 25% preserved in Multi-family and Non-residential developments</p> <p>Up to 50% of the percentage required to be preserved may be mitigated under the requirements of this Subsection. at a 1:1.5 ratio.</p>	If removed, mitigated at a 1:1 ratio.	<p>A minimum of 10% preserved in Single-family &amp; Duplex Dwelling Developments:</p> <p>A minimum of 12.5% preserved in Multi-family and Non-residential developments</p> <p>Up to 50% of the percentage required to be preserved may be mitigated under the requirements of this Subsection. at a 1:0.75 ratio.</p>



- c. Each replacement tree shall be a minimum of 2” caliper measured 6” above grade and at least 5’ in height when planted.
  - d. Upon completion of the three-year landscape establishment period, for replacement trees, the City shall inspect the trees and determine whether ninety percent (90%) of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the City shall release the currency, bond or letter of credit. In the absence of such a finding, the Applicant shall be notified to replace any unhealthy or dead trees. If the applicant does not take remedial steps to bring the property into compliance, the City shall make demand for payment on the cash bond, surety bond, or letter of credit. The City may use all legal remedies to enforce this Subchapter in addition to making demand on the security provided herein.
  - e. Tree Fund
    - i. The City shall administer the Tree Fund. Tree funds shall be used to purchase, plant and maintain trees on public property, to preserve wooded property that remains in a naturalistic state in perpetuity, to perform and maintain a city-wide tree inventory and to educate citizens and developers on the benefits and value of trees.
    - ii. The applicant shall pay the fees established by City Council and published in the Development Review Fee Schedule in the Application Criteria Manual. The fee shall be based on the fair market value of materials and labor at the time of planting and the reasonable estimated cost for maintenance and irrigation for a period of three (3) years.
    - iii. Fees contributed to the Tree Fund shall be paid prior to the issuance of a Clearing and Grading Permit on all Commercial, Industrial, or Multi-Family Residential developments, prior to final approval of a Gas Well Development Plat and prior to filing a Final Plat in the Denton County Clerks Office for all Single-family Residential Subdivisions.
    - iv. Voluntary contributions for tree preservation shall be placed in the Tree Fund.
  - f. Tree Trusts
    - i. Areas of a minimum of one acre that have the characteristics of Cross Timber Forests are eligible to be classified as a Tree Trust.
    - ii. Designation of a Tree Trust and transfer of tree credits shall be approved by the DRC Chairman.
    - iii. Tree Trusts shall be preserved with a permanent easement that shall limit any future land disturbing activity or construction that would impact and/or damage the tree(s) and shall run with the land and be binding upon all successors and assigns of the current owner. Methods for the long-term conservation of said trees may include permanent conservation easements, restrictive covenants, or other such legal mechanisms.
    - iv. Only portions of a Tree Trust not designated towards tree credit may be used for mitigation as identified in this Subsection.
    - v. Trees that are required to be preserved in compliance with other development regulations shall not be credited towards the Tree Trust.
    - vi. Areas that are un-developable, including but not limited to undeveloped floodplain, wetlands and riparian areas, shall not be designated as Tree Trusts.
  - g. Areas that are un-developable, including but not limited to floodplain, wetlands and riparian areas, shall not be designated as Tree Trusts.
8. Alternative Tree Preservation Plan

An applicant may propose an Alternative Tree Preservation Plan which meets or exceeds the goals and objectives of this Subchapter but does not meet the standards of this Subchapter. The Alternative Tree Preservation Plan provides the option to address the criteria through a flexible

discretionary process reviewed by the Planning and Zoning Commission utilizing the Planning and Zoning Commission Procedure process outlined in Subchapter 3.

- a. Criteria for Approval. The goals and objectives which must be met, and by which the proposal will be judged are:
    - i The proposed Alternative Tree Preservation Plan adequately achieves, or is an improvement on, the intent of the requirements of this Subsection.
    - ii Assure quality development that fits in with the character of Denton.
9. Preservation Incentives
- a. Tree Credits
    - i All Quality Trees and Quality Tree Stands that are preserved beyond the minimum requirements identified in Table 35.13.7.A and Table 35.13.7.B shall be credited towards landscape canopy requirements as identified in Table 35.13.7.C.
    - ii All Quality Tree Stands with existing understory that are preserved beyond the minimum requirements identified in Table 35.13.7.A and Table 35.13.7.B shall be credited towards landscape canopy requirements at a ratio of 1:2.
    - iii Unless trees preserved are an integral part of the parking lot design, they will not be credited towards parking lot canopy requirements.
    - iv Unless trees preserved are an integral part of a required buffer design, they will not be credited towards buffer requirements.

**Table 35.13.7.C**

**Credit Received towards landscape canopy requirements for Preservation Beyond Minimum Requirements Identified in Table 35.13.7.A and Table 35.13.7.B**

<b>Tree Classification</b>	<b>Credit Ratio</b>
Quality Tree	1:1.3
Quality Tree – Oak Species	1:1.5
Quality Tree Stands without understory	1:1.55
Quality Tree Stands consisting of a minimum 90% Oak Species	1:1.75
Quality Tree Stands with understory	1:1.8
Quality Tree Stands consisting of a minimum 90% Oak Species with understory	1:2

- b. Parking Spaces
 

For every twelve (12) dbh of Quality Tree(s) that have been protected on site, beyond the minimum requirements identified in Table 35.13.7.A and Table 35.13.7.B one (1) parking space may be added to or subtracted from the required number of parking spaces up to a fifteen (15) percent increase or decrease. Upon the approval of the Director of Planning and Development, a waiver of up to thirty (30) percent may be granted.
- c. Parking Lot Design
 

The Director of Planning and Development may allow parking lot design and parking lot landscaping requirements to vary from adopted standards to preserve existing trees.
- d. Subdivision Design

The following incentives may be approved by the DRC Chairman and must be commensurate with the quality and character of the trees to be preserved:

- i Block Length may be increased up to twenty five (25) percent.
  - ii Cul De Sac Length may be increased up to twenty five (25) percent.
  - iii Alternative sidewalk locations.
  - iv Offset street location within a right-of-way.
- e. Other Incentives

The employment of the following incentives must be approved by City Council and must be commensurate with the quality and character of the Trees to be placed within a conservation easement or otherwise conserved and the extent to which the preserved land contributes to the preservation of the remnants of the Cross Timber Forest. Incentives may include but are not limited to:

- i Fee waivers or credits,
- ii Reduced open space/park land dedication requirements,
- iii Reduction of monetary assessments relative to agricultural rollback taxes,
- iv Tax abatements,
- v Tax Increment Financing,
- vi Chapter 380 grant of money,
- vii Transfer of Development Rights, and/or
- viii Purchase of Development Rights – purchase by Government or Trust.

#### 10. Enforcement

- a. The City Arborist, Building Official or an authorized representative of the City shall have the authority to place a Stop Work Order on any activity involving the removal of Protected Tree(s), Protected Tree Stand, Historic Tree(s) Quality Tree(s) or Quality Tree Stand(s) or that may otherwise endanger trees contrary to the provisions of this Subsection and applicable Criteria Manuals. The Building Official may deny all Permits and Certificates of Occupancy for any site which is not in compliance with this Subsection and applicable Criteria Manuals.
- b. A person is criminally responsible for a violation of this subsection if the person removes, assists in the removal or causes the removal of a tree without complying with the requirements of this subsection or owns part or all of the land where the violation occurs.
- c. Each tree removed in violation of this Subsection shall constitute a distinct and separate offense.
- d. Each tree preserved or planted under this Subsection that is removed, destroyed or dies within three (3) years of approval shall constitute a distinct and separate offense.
- e. It shall be an affirmative defense that trees are injured or destroyed by natural causes, natural disasters, including but not limited to tornadoes, straight-line winds, ice storms, fire, floods, hail, or lightning strikes, or through the independent unauthorized actions of third parties.
- f. The enforcement and penalty provisions of Subsection 35.1.10.4 shall apply to this Subsection.

#### B. Landscape and Tree Canopy Requirements

The following requirements shall apply to all developments, except single and two family lots within residential developments:

- 1. The percentages of Landscape and Tree Canopy requirements are listed in the table entitled Landscape and Tree Canopy Requirements.

2. Landscape Installation and Maintenance
  - a. Landscaping installed as part of the requirements of the landscape standards must be maintained in a healthy, growing condition at all times.
  - b. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning, litter removal, and other maintenance as needed for all plantings.
  - c. Any tree that is planted as required or preserved for canopy coverage that dies must be removed immediately and replaced with an approved tree in the appropriate planting season.
  - d. Failure to replace any approved or required landscaping is a violation of this Subchapter.
3. All properties shall install automatic irrigation systems. The Director may waive the irrigation system requirement if a landscaping plan is approved that includes drought tolerant plants or a xeriscape design.
4. The following may count towards meeting the Landscape and Tree Canopy requirements:
  - a. Undisturbed vegetative areas.
  - b. Environmentally Sensitive Areas.
  - c. Landscaping in the adjacent public right of way.
  - d. Plazas and pedestrian circulation areas if constructed with pervious material.
  - e. A percentage of parking areas if constructed with brick pavers or pervious pavement systems as approved by the Director of Planning and Development.
5. **Landscape Areas.** Landscape area is the portion of a site which is not defined as “lot coverage”.
6. **Tree Canopy.** Tree canopy is measured by computing the area that the mature canopy will encompass, based on the Tree List contained in the Site Design Criteria Manual. The mature canopies shall be estimated for existing trees on site. Any tree not on the Tree List shall be estimated by use of standard landscaping references.
7. **Artificial Lot Line.** An artificial lot is intended to provide administrative relief for large sites that will achieve planting areas that exceed substantially more than 20% of gross platted lot area after development is completed. The use of artificial lots are limited by the following:
  - a. If the platted property is over two acres in size, the applicant may request permission to create an “artificial lot” to satisfy the requirements of this Subchapter.
  - b. The Director of Planning and Development shall approve the creation of an artificial lot only if the spirit and intent of this chapter will not be violated. If approved by the Director, artificial lot lines shall be indicated on the proposed Landscape Plan and shall contain, at minimum, the total amount of impervious surface coverage, plus 20% of the area inside the artificial lot reserved for required planting area.
  - c. The area within the artificial lot lines shall provide trees and landscaping in compliance with the requirements of this section, and may not extend beyond the property boundaries of a single platted lot.
  - d. The area outside the artificial lot shall be maintained as planting area with live vegetation determined by the applicant. No trees located outside the artificial lot lines may be used for tree credits.
  - e. The artificial lot lines shall include areas that are adjacent to a public right-of-way or are necessary to accomplish buffering of adjacent properties.

**Landscape and Tree Canopy Requirements**

Districts		Percent Landscape area	Percent Tree Canopy Cover
Rural			
RD-5	Rural Residential	75%	25%
RC	Rural Commercial	65%	35%
Neighborhood Residential			
NR-1	Neighborhood Residential 1	70%	50%
NR-2	Neighborhood Residential 2	70%	50%
NR-3	Neighborhood Residential 3	50%	50%
NR-4	Neighborhood Residential 4	40%	50%
NR-6	Neighborhood Residential 6	40%	50%
NRMU-12	Neighborhood Residential Mixed Use 12	40%	45%
NRMU	Neighborhood Residential Mixed Use	20%	40%
Downtown University Core			
DR-1	Downtown Residential	40%	45%
DR-2	Downtown Residential	25%	25%
DC-N	Downtown Commercial Neighborhood	20%	25%
DC-G	Downtown Commercial General	15%	20%
Community Mixed Use Centers			
CM-G	Community Mixed Use General	20%	30%
CM-E	Community Mixed Use employment	15%	30%
Regional Mixed Use Centers			
RCR-1	Regional Center Residential 1	45%	45%
RCR-2	Regional Center Residential 2	25%	30%
RCC-N	Regional Center Commercial Neighborhood	15%	30%
RCC-D	Regional Center Commercial Downtown	10%	20%
Employment Centers			
EC-C	Employment Centers Commercial	20%	30%
EC-I	Employment Centers Industrial	15%	30%
Industrial Centers			
IC-E	Industrial Centers Employment	20%	15%
IC-G	Industrial Centers General	10%	15%

### C. Street Tree Requirements

All development, with the exception of estate style single-family subdivisions shall be required to plant street trees in accordance with the following standards and in accordance to the Site Design Criteria Manual. Estate style single-family subdivisions are those subdivisions that utilize barrow ditches as drainage along streets, on public or private streets. The Director of Planning and Development may approve alternative plans due to special site conditions, which may, for reasons such as safety, site conditions, or existing trees on the lot, affect the ability to meet these regulations.

1. Street Tree Plan. All development shall be required to submit a master street tree plan noting location, number, and species of trees to be used within the development.
2. Location. Street trees shall be located between the street and sidewalk, except in cases where there is a designated planting strip in the right-of-way, or the sidewalk is greater than eight (8) feet wide and designed to accept trees in tree wells.
3. Number and Spacing. Street trees shall be planted by the following requirements:
  - a. Spacing along street
    - i. Single Family Residential – spacing of street trees within single-family residential developments shall be conducted as follows:
      - a. One (1) tree per lot, evenly spaced, for developments with lots less than 60 linear feet of street frontage.
      - b. Two (2) trees per lot, evenly spaced for developments with lots greater than 60 linear feet of street frontage.
      - c. Corner lots for all single-family developments shall require two or more street trees, evenly spaced, depending on the length of frontage on each street for such lots.
    - ii. Multi-Family Residential, Townhome and Non-residential Developments – spacing of street trees within multi-family residential, townhome or non-residential developments shall be one (1) tree for every 45 linear feet of street frontage.
    - iii. Corner lots - street trees on corner lots for all developments shall be located a minimum of twenty-five (25) feet from the property corner adjacent to the street right-of-way intersection.
  - b. Spacing from Utilities
    - i. Water and Wastewater Service Lines – no trees shall be planted closer than nine (9) feet from any underground water or wastewater utility connection or main. The location of the water and wastewater utility line shall be considered, for distance purposes, to be the surface of the ground above the line.
    - ii. Fire hydrants – no trees shall be planted closer than ten (10) feet from any fire hydrant.
    - iii. Street lighting – street lighting instruments shall be installed according to the design criteria of the electric utility. Individual street light instruments may be substituted in the place of individual street trees in order to reduce tree/instrument conflict.

- iv. Within planting strip – all street trees shall be planted within the centerline of the planting strip running parallel between the curblineline and sidewalk.
  - v. Root Barrier System – spacing requirements from utilities may be reduced at the discretion of the Development Review Committee Chair with a street tree plan submitted and approved which would include the installation of root barrier systems approved of by the Water or Wastewater Department.
  - c. Spacing from Driveways – no trees shall be planted closer than five (5) feet from any driveway.
4. Tree Species
- a. Street Tree Species Type – tree species to be used for street trees will come from the City of Denton tree list and be of a medium or large tree variety.
  - b. Species Diversity – street tree species shall be of the same variety along an individual block. The same species of tree shall not be used on streets which are generally parallel and within two (2) blocks apart. If a species of tree is approved to be installed on the dead-end street, the same species of tree should be used on the extension of the street into the new subdivision.
5. Maintenance
- a. Street trees shall be maintained by the adjoining property owner. It is the adjoining property owner's responsibility to thin, prune, spray, water and fertilize, and otherwise maintain street trees, as may be deemed necessary and feasible. All incurred costs are to be borne by the property owner.
  - b. Tree Canopy height – The street tree shall be maintained by pruning, thinning and other necessary care by the adjacent property owner to ensure a minimum clearance of fifteen (15) vertical feet from the curblineline to any intruding canopy branches.
  - c. Removal of Trees or Plantings in Public Right-of-Way: The City may remove any planting which constitutes a hazard or may endanger the health, well-being or property of the public or which constitutes an obstruction to the vision of traffic.
  - d. Tree Replacement: The City may replace an approved street tree or other planting which has died or may have been removed for any reason, or plant additional street trees deemed appropriate and consistent with available resources.
  - e. Abuse or Mutilation: It shall be unlawful for any person to break, destroy, or mutilate any approved street tree, or to set fire or permit any fire to cause damage to any portion of any street tree, or to attach or place any rope or wire, sign, poster or other device on any street tree.

### **35.13.8 Buffer Requirement.**

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Landscaped buffers are required between certain abutting land use categories to mitigate or minimize potential nuisances such as noise, light, glare, dirt, litter, signs, parking or storage areas and to provide a transition between uses that may not be compatible with each other.

#### **A. Buffer Requirement**

1. The buffer matrix, Table 35.13.1 outlines the requirements for buffers, and is based on the intensity/density between land use categories. The letters A, B, C, and D in Table 35.13.1 refer to specific types of buffers which are illustrated in Section 35.13.8.B. The letter “N” means no buffer is required between the land use categories. When an abutting property is vacant, the land use category designation of the vacant abutting property will determine the type of buffer required on that side of the property at the time of development.
2. Buffers shall be located on the outer perimeter of a lot(s) or parcel(s) extending to the limits of the developed area of the site. They may not occupy any portion of an existing, dedicated, or reserved right-of-way or be located on public property.
  - a. In instances where a required drainage or public utility easement is located within a buffer area, the easement area will count as part of the buffer area requirement. No trees or shrubs are allowed within the easement. However, if the remaining buffer area outside the easement is greater than ten (10) feet, trees and shrubs are required as outlined in Table 35.13.1.
  - b. In those instances where a perimeter fence or wall is used in conjunction with a buffer, the perimeter fence or wall shall have a minimum height of six (6) feet, shall be constructed of material permitted by Section 35.13.9.A.1, and shall be located on the inside boundary of the required buffer.
3. Vegetation planted within a required buffer shall be comprised of a combination of evergreen and deciduous plants and trees.
4. The owner of the property upon which a required buffer is located shall care for and maintain the buffer, so as to present a neat, healthy, and orderly appearance that is free of refuse and debris. Maintenance shall include the replacement of all dead plants or trees.
5. Designated tree preservation areas occupying a portion of a required buffer satisfy the planting requirement for the portion they occupy.
6. Up to forty percent (40%) of canopy tree coverage, consisting of Quality Trees located within a required buffer area, may be counted towards the minimum canopy coverage required under the tree code.



**Table 35.13.1**

Land Use Categories/Classes	Abutting Uses/Buffer Requirement				
	Single-Family Residential – Class 1	All other Residential – Class 2	Agricultural/Livestock – Class 3	Commercial/Institutional – Class 4	Industrial – Class 5
Single-Family Residential – Class 1	N	B	A	C	D
All other Residential – Class 2	B	N	A	C	D
Agricultural/Livestock – Class 3	A	A	N	N	N
Commercial/Institutional – Class 4	C	C	N	N	B
Industrial – Class 5	D	D	N	B	N

**B. Types of Buffers:**

a. **Type A:**

A 6-foot high opaque fence constructed of material authorized in this code.

b. **Type B:**

Ten (10) foot planted strip that includes a combination of 5 evergreen and deciduous trees and 30 shrubs per 100 linear feet.

c. **Type C:**

Fifteen (15) foot planted strip that includes a combination of 6 evergreen and deciduous trees and 25 shrubs per 100 linear feet.

d. **Type D:**

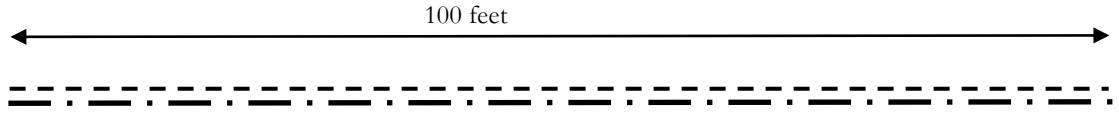
Thirty (30) foot planted strip that includes a combination of 8 evergreen and deciduous trees and 20 shrubs per 100 linear feet.

Note:

1. An alternative buffer may be provided with the authorization by the Director of Planning and Development or his or her designee if the proposed landscaping meets the intent of mitigating or minimizing potential nuisances, as described in the purpose statement in Section 35.13.8.

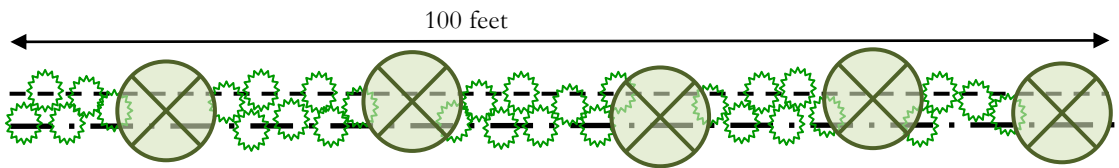
**Buffer Types (Not to scale)**

**Type A Buffer**



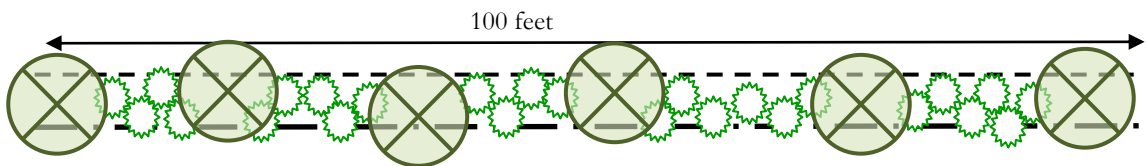
A 6-foot high opaque fence constructed of material authorized in this code.

**Type B Buffer**



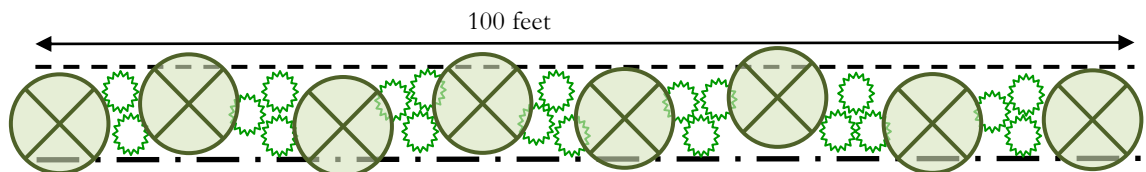
Ten (10) foot planted strip that includes a combination of 5 evergreen and deciduous trees and 30 shrubs per 100 linear feet.

**Type C Buffer**



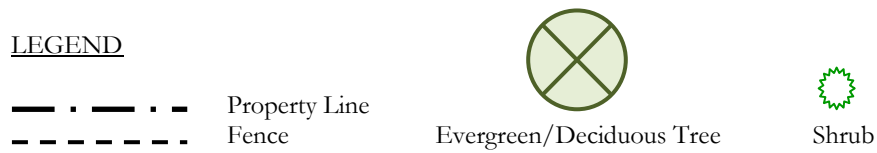
Fifteen (15) foot planted strip that includes a combination of 6 evergreen and deciduous trees and 25 shrubs per 100 linear feet.

**Type D Buffer**



Thirty (30) foot planted strip that includes a combination of 8 evergreen and deciduous trees and 20 shrubs per 100 linear feet.

**LEGEND**



**C. Exceptions to Buffering Requirements.**

Buffer requirements that are internal to a development may be waived by the Director of Planning and Development or his or her designee when the affected site is:

- a. part of a master planned development;
- b. within a mixed-use development; or
- c. within the boundaries of the Infill Special Purpose District as described in 35.7.14.

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**35.13.9 Perimeter Fences and Screening Requirements.**

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**A. Perimeter Fences.** Perimeter fences are not mandatory; however, when used, all perimeter fences or walls shall be constructed in compliance with applicable Code of Ordinance provisions, and are subject to the following additional requirements:

1. **Perimeter Fence Materials.** Perimeter fences shall be constructed of wood, wrought iron, masonry, brick, vinyl, PVC, or composite material, and shall be designed and constructed to allow proper drainage flow. The structural support members of wooden perimeter fences shall be located on the interior of the fence and shall not be visible from public view. Natural vegetative edge row is also permitted.
2. **Security Fences.** Barbed wire, razor wire or electrified fences may only be used when necessitated by an allowed agricultural or industrial use.
3. **Fence Height.** Fences constructed along rear and side property lines shall not exceed eight (8) feet in height. Fences that are constructed in front yards or forward of the front building line shall not exceed three and one-half (3 1/2) feet in height.
4. **Fence Location.** Fences shall not be located within any right-of-way, easement, designated fire lane, or within any required parking spaces. Fences shall not obstruct safe vehicular or pedestrian passage; ingresses or egresses; nor shall they obscure any visibility lines or sight visibility triangles.
5. **Setback.** Perimeter fences shall be setback at least ten (10) feet from the edge of right-of-way pavement or five (5) feet from sidewalks, whichever is greater. The measurement associated with the sidewalk shall be taken from the edge of the sidewalk that is closest to the property line or the edge of the sidewalk furthest from the centerline of the road.
6. **Clear Visibility Area.** A vision clearance area meeting the standards contained in the Transportation Criteria Manual shall be provided at all intersections.

**B. Screening.** Screening is required for the following applications as specified below:

1. **Refuse Container Screen.** Containers for commercial solid waste and recycling service shall be screened from public view. Materials used for container enclosure construction shall be of masonry, metal, wood, vinyl, PVC, or composite material and shall be maintained in a state of good repair at all times. Refuse containers which are not visible to the public are not required to be screened. All refuse and recyclables materials shall be contained within the screened refuse and recyclables area.
2. **Mechanical Equipment Screen.** All mechanical equipment, including those on roof tops, shall be screened from all rights-of-way and residential uses or zoning districts.
3. **Outside Storage.** All outside storage shall be screened from all rights-of-way.
4. **Inoperable or Junk Vehicle.** Unless otherwise provided, all inoperable or junk vehicles that are stored outside an enclosed structure shall be screened from all rights-of-way.

**C. Exceptions to Screening Requirements.**

Screening requirements may be waived by the Director of Planning and Development or his or her designee if an opaque screening of equivalent height or greater exists immediately abutting, and on the opposite side of the lot line.

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**35.13.10 Access, Parking and Circulation Requirements.**

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**A. External to the Development.**

**1. Vehicular access.**

- a. **Access Management.** All development shall provide access that complies with Access Management principals of location, spacing and sharing of curb cuts. All developments shall provide adequate stacking distance for all entrances.
  - b. **Connectivity.** All non-residential development, excluding industrial, shall provide access to adjoining properties or developments.
- 2. Pedestrian access.** All developments shall provide pedestrian access by linking to any adjacent sidewalk(s), multi-use path(s), or public transportation stop. Where a special use permit is approved by the city council for a gated community, then this section on connectivity does not apply.
- 3. Transit Amenities.** Transit amenities, bus shelters, and pullouts shall be provided as required under Subchapter 20 Transportation.

**B. Internal to the Development.**

**1. Vehicular circulation.**

- a. Internal circulation shall be well defined by use of end caps and landscaped areas.
- b. **Cross Access.** Prior to division of property, circulation and access standards shall be applied and, if necessary, cross easements shall be required so that access to all properties created by the subdivision can be made from shared curb cuts.
- c. Parking lots with 100 spaces or more shall be divided into separate areas and divided by landscaped areas or walkways at least 10 feet in width, or by a building or group of buildings.
- d. Permeable paving is required for those parking spaces that exceed the number of parking spaces required.

**2. Pedestrian circulation.**

- a. Parking lots with 100 spaces or more shall provide adequate pedestrian circulation within the site. Pedestrian walkways shall be directly linked to entrances and the internal circulation of the building(s).
- b. A raised walkway, of a minimum unobstructive width of 5', shall be installed through parking areas for Large Scale Developments as defined in Section 35.13.13.5 of this code.

**C. Parking Lot Landscaping and Screening Standards.**

All parking lots, which for purposes of this section, include areas of vehicle maneuvering, parking, and loading, shall be landscaped and screened as follows:

**1. Landscape Standards.**

- a. A minimum of 7% of the total parking area shall be landscaped.
- b. A minimum of 15% of the required parking shall be covered by tree canopy.

- c. The tree species shall be an appropriate shade tree and shall be selected from the Tree List in the Site Design Criteria Manual.
- d. The landscaped and end cap areas shall be planted with trees, shrubs or groundcover. Landscaped areas should be evenly distributed throughout the parking area and parking perimeter.

**2. Screening at Right of Way.**

Any combination of the following may be used. These requirements are in addition to the street tree requirements:

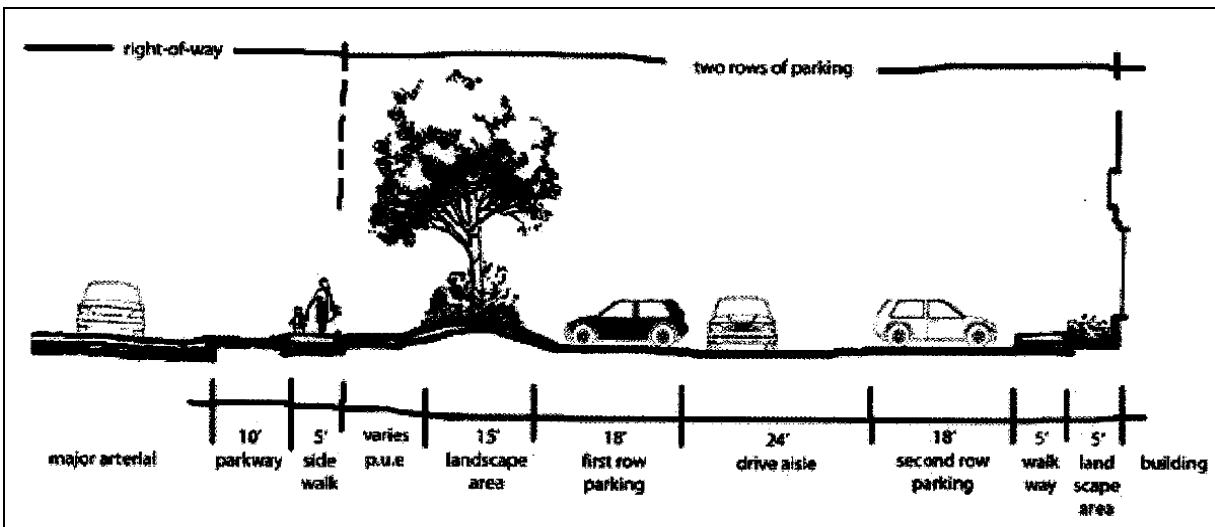
- a. A 3 foot high wall made of any combination of wrought iron, masonry, stone or decorative concrete panels.
- b. A minimum 10 foot wide landscape area planted with one large tree for every 40 linear feet, except along areas where parking in front of buildings is permitted.

**3. Landscaping Standards where front parking is allowed.**

The following landscaping standards shall apply, incorporating the landscaping standards of the Site Design Criteria Manual (see Figure 35.13.10.C.3):

- a. Parking lots shall be separated from the street frontage by a 15' landscape area to reduce visual impacts.
- b. The 15 feet landscape area shall begin from the Public Utilities Easement (PUE). If an easement does not exist, the landscape area shall begin from the street right-of-way.
- c. A landscape berm with a maximum 1 on 4 side slope on both sides shall be designed within the 15' landscape area to help screen the parking lot.
- d. Large trees shall be planted every 40 linear feet within the 15' landscape area.
- e. A minimum of 3 small accent trees clustered every 30 linear feet within the 15' landscape area may be substituted for the large tree requirement.
- f. At least one or any combination of the following shall be used to help screen the parking lot:
  - i. Xeriscape landscaping shall be planted within the 15' landscape area. Xeriscape landscaping shall require water irrigation for a period of 3 years for landscaping to be established. After 3 years no water irrigation is required;
  - ii. A minimum 3-foot high continuous row of evergreen shrubs planted within the 15' landscape area; or
  - iii. A minimum 3-foot high continuous wall made of any combination of wrought iron, masonry, stone or decorative concrete panels within the 15' landscape area. If wrought iron is used, vines shall be grown on the wrought iron to help screen the parking lot.
- g. Parking lots shall provide interior planting islands between parking spaces at an average of every 10 parking spaces to avoid long rows of parked cars. The planting islands shall be a minimum of 153 square feet and be protected by a 6-inch high curb on all sides and a 12-inch wide concrete step-off area adjacent to parking spaces. A large tree shall be planted within this planting island.

Figure 35.13.10.C.3



### 35.13.11 Drive-through Use Requirements.

Any establishment in a pedestrian district, which has a drive-through use, is subject to the following conditions:

- A. Drive-through uses shall provide sufficient stacking area to ensure that public rights-of-way are not obstructed.
- B. Drive-through uses must be built as an integral architectural element of the primary structure and use. The materials are the same as those used in the primary structure. Drive-through structures and facilities separate from the primary structure are prohibited.
- C. Drive-through uses must be located to the rear or side of the structure, and buffered on the rear and side lot lines as required in section 35.13.10.

### **35.13.12 Light and Glare Performance Requirements.**

All lighting within developments other than single-family developments, shall meet the following standards:

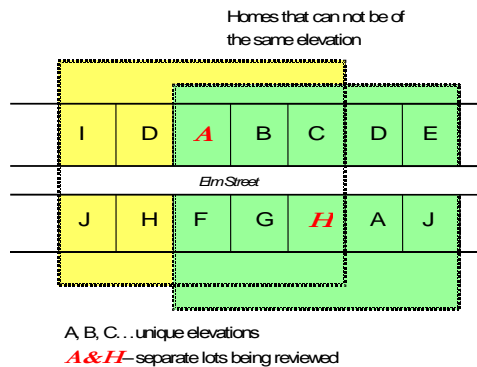
- A. Light may not measure more than one-half foot-candle of illumination at the property line, except as provided in 35.13.12.D and when state and federal regulations apply.
- B. Non-residential developments comprising of multiple lots, such as a shopping center where internal property lines adjoin each other, are exempted from the requirement 35.13.12.A.
- C. Lights shall be shielded to prevent upward diffusion.
- D. Areas designated for pedestrian use shall provide a minimum of one foot-candle of illumination.

### **35.13.13 Site Development Requirements.**

#### **35.13.13.1 Residential Buildings**

Any residential building that is built on a lot of less than 10,000 square feet or contains two or more dwelling units shall comply with the following standards:

- A. Buildings shall utilize at least three of the following design features to provide visual relief along the front of the residence:
  - 1. Dormers
  - 2. Gables.
  - 3. Recessed entries, a minimum of three feet (3') deep.
  - 4. Covered front porches.
  - 5. Cupolas.
  - 6. Architectural Pillars or Posts.
  - 7. Bay window, a minimum 24" projection.
- B. Attached front entry garages of residential dwellings may not extend forward of the front building wall and the total width of the garage door(s) shall not occupy more than 40% of the total building frontage. This requirement does not apply to attached side entry garages. Front entry garages that are setback at least 30 feet behind the front building wall are exempted from the 40% maximum limitation.
- C. The same elevation may not be used within any ten lot groupings as depicted below:



- D. Duplex buildings shall be designed to appear as a single unit.
- E. Within the front façade (front adjoining a public or private right-of-way where the entrance/address is located) of any single-family residential structure, windows or doors (excluding garage doors) shall comprise at least 25% of the wall area. All other facades that face a public or private street or right-of-way (excluding alleys), this minimum percentage of wall area for windows and doors may be reduced to 10%, or may provide one window or door per sleeping area (as defined by the Building Code), whichever method provides for the greater coverage of windows and doors. Shutters, trims, or false windows shall not count toward the minimum requirement.
- F. Primary entrances shall face the public street and sidewalk.
- G. Windows shall be provided with trim or shall be recessed. Windows shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb.
- H. Exterior finishes shall be of wood, masonry, stone, stucco, HDO board or other high quality material customarily used for the building style.
- I. At least 50% of the front yard frontage shall have buildings within the maximum front yard setback.
- J. Five percent of the land area that is non-constrained open space will be designed into a green, plaza, or a combination of planned open space oriented to the neighborhood.

### **35.13.13.2 Multiple Unit Residential Dwellings and Multi Family Developments**

Any residential buildings designed for multiple units, either for rental or condominium ownership and their lots shall comply with the following standards:

- A. **Orientation.**
  - 1. Orientation requirements for all multi unit buildings, except in designated pedestrian zones:
    - a. At least 50% of the front yard frontage shall have buildings within 20 feet of the front property line or within 30 feet of the curb line of a private street.
    - b. Within the front façade (front adjoining a public or private right-of-way where the entrance/address is located) of any multi-family development and multiple unit residential dwellings, except for structures that are part of a non-residential and mixed use building in a Pedestrian Oriented District, windows or doors (excluding garage doors) shall comprise at least 25% of the wall area. All other facades that face a public or private street or right-of-way (excluding alleys) this minimum percentage of wall area for windows and doors may be reduced to 10%, or may provide one window or door per sleeping area (as defined by the Building Code), whichever method provides for the greater coverage of windows and doors. Shutters, trims, or false windows shall not count toward the minimum requirement<sup>1</sup>.
    - c. Parking areas shall not be located between buildings and the street. Parking lots may be located on the sides and behind the buildings.
    - d. Buildings proposed for construction on any lot(s) that abuts a single-family residential zone shall be constructed to a maximum height of (40') forty feet or;  
  
Buildings proposed for construction on any lot(s) that abuts a single-family residential zone in excess of (40') forty feet shall be designed and constructed in conformance with the requirements of the residential proximity slope, and no part of the building may extend beyond the residential proximity slope.
    - e. Residential proximity slope is represented by two planes projected upward and outward from a specific property or site, as defined by the text and diagrams below:

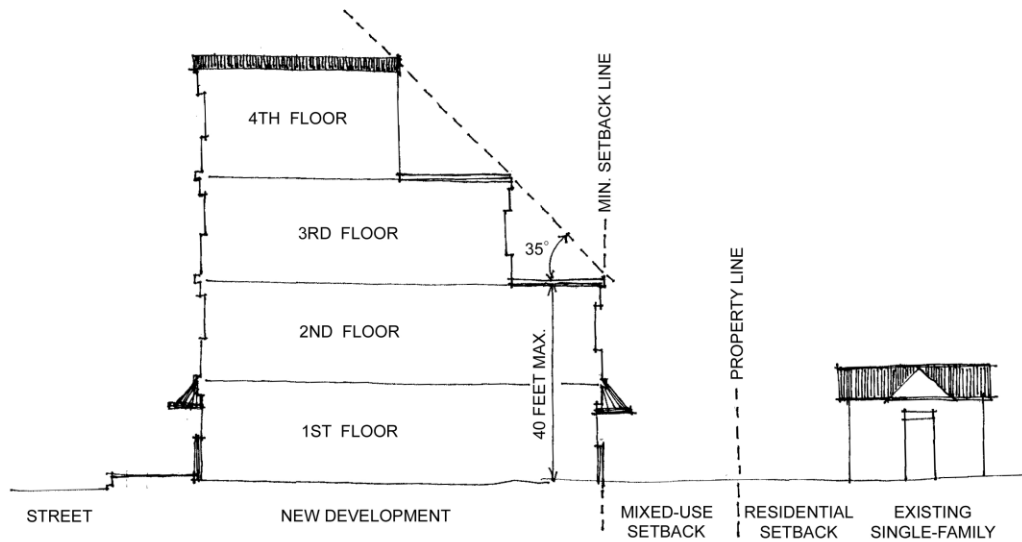
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<sup>1</sup> Cross reference – Window and door area requirements for structures that are part of a non-residential and mixed use building in a Pedestrian Oriented District, Subchapter 35.13.13.4.

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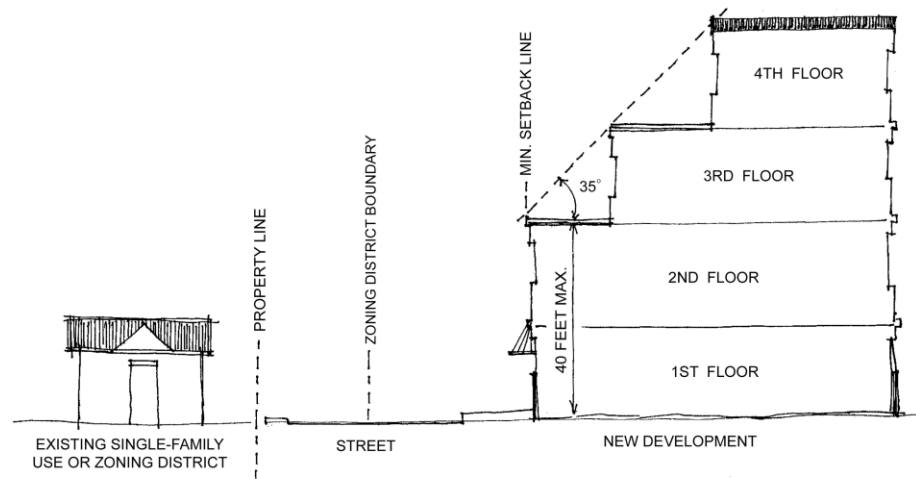


- i. The first plane is a vertical plane extending through the boundary line of a specific property or site at the building setback line up to a height of forty feet (40'), and
- ii. The second plane extends upwards and towards the restricted building at a slope of 35 degrees from horizontal, from its intersection with the top of the first plane. (See figures 1 and 2).
- iii. The horizontal distances used to calculate the height restrictions imposed by the residential proximity slope may be determined by using the lot, block, and right-of-way dimensions.



A RESIDENTIAL PROXIMITY SLOPE IS REQUIRED IF THE NEW DEVELOPMENT SHARES A PROPERTY LINE WITH AN EXISTING SINGLE-FAMILY USE OR ZONING DISTRICT. A 35-DEGREE RESIDENTIAL PROXIMITY SLOPE ANGLE IS MEASURED FROM A POINT 40 FEET ABOVE GRADE AT THE MINIMUM SETBACK LINE.

Figure 1



A RESIDENTIAL PROXIMITY SLOPE IS REQUIRED IF THE NEW DEVELOPMENT SHARES A PROPERTY LINE WITH AN EXISTING SINGLE-FAMILY USE OR ZONING DISTRICT. A 35-DEGREE RESIDENTIAL PROXIMITY SLOPE ANGLE IS MEASURED FROM A POINT 40 FEET ABOVE GRADE AT THE MINIMUM SETBACK LINE.

**Figure 2**

- f. Buildings shall front on public streets and/or a private street system and not parking lots.
  - g. Buildings shall be directly accessed from the street and the sidewalk. A minimum of one ground floor pedestrian entrance must be oriented toward the street and include a porch.
  - h. Entrances shall be clearly visible from the street edge sidewalk and shall be pedestrian-scaled. Front entries should be denoted through the use of distinctive architectural elements and materials, such as ornamental glazing or paving, over doors, porches, trellises or planter boxes or as otherwise identified in this section.
  - i. Accessory structures such as carports, garages and storage units (but not including leasing offices, club houses or recreation centers) shall not be located along public right-of-way and/or private street system.
  - j. Garages may occupy no more than 40% of the total building frontage. This measurement does not apply to garages facing an alley or courtyard entrance. Any garage may not extend beyond the building front. Garages that are at least 30 feet behind the house front may exceed the 40% frontage minimum. Garages shall not be located along the portion of the building that fronts the public or private street.
2. A project greater than 3 acres must contain a public or private street system. Private Streets shall be required to include sidewalks of at least 5 feet, a 5 foot wide planting area between the curb and the sidewalk and include street trees according to the standards of this section, but public street setbacks shall not apply.
  3. Special Standards for Large Scale Multi Family Developments (greater than 30 units and/or more than 3 buildings). The same exterior design may not be used for greater than 30 units and/or more than 3 buildings in a project. A variety of compatible exterior materials' use and type, building styles, massing, composition, and prominent architectural features, such as door and window openings, porches, rooflines, shall be used.

**B. Building Materials.**

1. Windows shall be provided with trim. Windows shall not be flush with exterior wall treatment.
2. An amount equal to 40% of the total net exterior wall area of each building elevation, excluding gables, windows, doors and related trim, shall be brick or stone or masonry. The balance of the net exterior wall may be wood clapboard siding, wood beaded siding, stucco, masonry, HDO board or other high quality material (as determined by the Building Official) customarily used for the building and neighborhood style.
3. Metal Roofs. Metal roofs are permitted provided that they are of architectural quality.

**C. Open Space.**

1. An area equal to at least 8% of the lot area, excepting required setbacks, shall be dedicated to open space for recreation for use by the tenants of the development. Mixed-use developments of greater than 35 units per acre shall be exempt from this requirement.
2. Areas covered by shrubs, bark mulch and other ground covers which do not provide a suitable surface for human use may not be counted toward this requirement.
3. Private decks, patios, and similar areas are eligible for up to 5 percent of the 8 percent required open space.
4. Play areas for children should be provided for projects of greater than 50 units that are not designed as age limited or student housing.

**D. Architectural Requirements**

1. Facade modulations/building articulation: Facades must be broken up to give the appearance of a collection of smaller structures. Elements including but not limited to balconies, setbacks and projections may be utilized to articulate individual units or collections of units. Unarticulated and windowless walls along street-facing or principle access lane facades are not permitted.
  2. Fronts and street sides of buildings visible from the public right of way or private street system shall include changes in relief such as columns, cornices, bases, fenestration, and fluted masonry, for at least 15% of the exterior wall area.
  3. Stairwells shall not be the dominant architectural feature along any façade facing a public street or private street system.
  4. Accessory structures (including detached garages, carports and storage units) visible from the public right-of-way, private street system and/or adjacent residential properties shall include at least three (3) of the following on the façade that is visible:
    - a. Façade modulation of at least six (6) inches for every thirty (30) feet of wall length;
    - b. Multiple building materials (e.g. brick, fieldstone, limestone, marble, granite, textured block, architectural pre-cast concrete, concrete composite siding, wood clapboard siding, wood beaded siding, stucco or vinyl siding);
    - c. Multiple surface textures (e.g. rough, striated, imprinted, etc.) or patterns;
    - d. Separation in roof pitch, variation in direction of roof pitches, inclusion or dormers, or other variation on roof design; or
  5. Use of false door or window openings shall be defined by frames, sills and lintels.
  6. Fronts and street sides of buildings visible from the public right of way shall include changes in relief such as columns, cornices, bases, fenestration, and fluted masonry, for at least 15% of the exterior wall area.
  7. Building frontages greater than 100 feet in length shall have recesses, projections, windows, arcades or other distinctive features to interrupt the length of the building façade.
  8. Adjacent buildings shall have different elevations.
-

9. Any buildings constructed with a flat roof must contain a distinctive finish consisting of a cornice, banding or other architectural termination.

### **35.13.13.3 Nonresidential and Mixed Use Buildings.**

Non-residential buildings or mixed-use buildings and their lots (Those that combine non-residential and residential uses) not in a pedestrian oriented district and their lots shall comply with the following standards.

These standards do not apply to uses in the industrial uses where the building or structure is located:

1. Adjacent to a local or collector street.
2. Adjacent to a Secondary Arterial, the building may have a maximum fifty percent (50%) metal façade.
3. In excess of 250 feet of the ultimate right-of-way of an arterial or interstate roadway.
4. Behind another building or structure that screens the building or structure from the adjacent arterial or interstate roadway.

#### **A. Orientation.**

1. Building frontages greater than 100 feet in length shall have offsets, jogs, or other distinctive changes in the building façade.
2. Buildings shall incorporate arcades, roofs, alcoves, porticoes and awnings as a design element of the façade. The planting of trees may be used in place of these architectural features.
3. The primary entrance of a building or store shall have a clearly defined, highly visible customer entrance with distinguishing features such as a canopy, portico or other prominent element of the architectural design.
4. Buildings shall have their primary orientation toward the street rather than the parking area.
5. Buildings that are within 30 feet of the street shall have an entrance for pedestrians from the street to the building interior.
6. Trash storage areas, mechanical equipment, and similar areas are not permitted to be visible from the street.
7. Loading docks are not permitted to be visible from the street, and may not be accessed directly from the street.
8. These requirements may be waived by the Director if the building is not accessed by pedestrians, such as warehouses and industrial buildings without attached offices, automotive service uses such as gasoline sales and automobile sales or the development is on an infill site.

#### **B. Building Materials.**

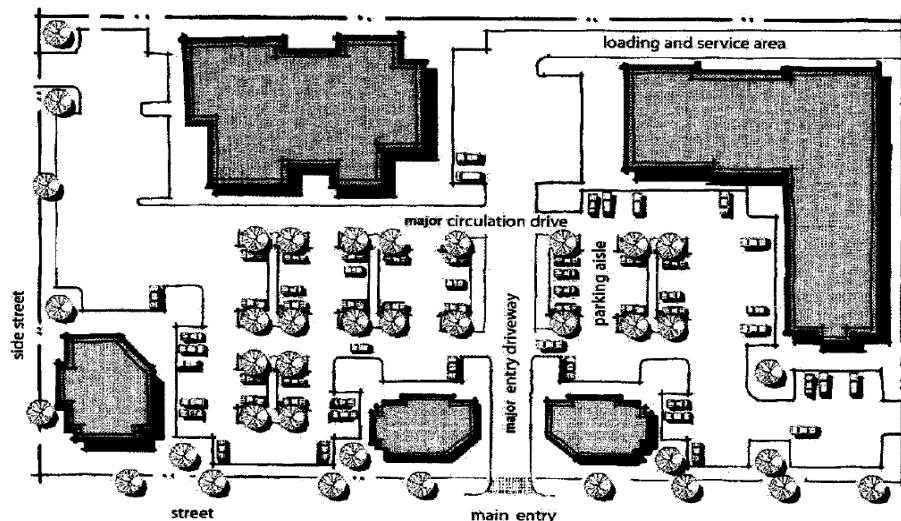
1. Windows shall be provided with trim. Windows shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb.
2. Fronts and street sides of buildings visible from the public right of way shall be non-reflective and shall be of wood, masonry, stone, decorative block, stucco, HDO board or other high quality material customarily used for the building style.
3. Glass. Use of glass for displays and to allow visual access to interior space is permitted. Buildings may not incorporate glass for more than 70% of the building skin.
4. Metal Roofs. Metal roofs are permitted provided that they are of architectural quality.

C. **Parking.**

1. **General Requirement- Parking in Rear.** Parking areas shall be located behind buildings or on one or both sides, unless excepted from this requirement by 35.13.13.3.C.2.
  - a. Unless granted by an Alternative Development Plan (ADP) this general requirement may not be excepted for parcels adjoining the following corridors:
    - 1) Fort Worth Drive (between Carroll Boulevard and Eagle Street)
    - 2) Dallas Drive (between Teasley Boulevard and Eagle Street)
    - 3) Elm Street (between University Drive and Eagle Street)
    - 4) Locust Street (between University Drive and Eagle Street)
2. **Exceptions to General Rear Parking Requirement:**
  - a. Except as prohibited by Section 35.13.13.3.C.1.a parking is allowed in front of buildings if a parcel complies with all of the following conditions:
    - 1) It is not located within in a Pedestrian Oriented District.
    - 2) It adjoins either side of a Primary or Secondary Major Arterial. As defined in the Mobility Plan; and.
    - 3) It meets the general regulations for parking in front of buildings as set forth in 35.13.13.3.C.3
  - b. Except as prohibited by Section 35.13.13.3.C.1.a. Infill parcels meeting the requirements of Section 35.7.14.3 and the general regulations for parking in front of buildings set forth in 35.13.13.3.C.3 are exempted from prohibitions against parking in front of buildings.
3. **General Regulations Where Front Parking Allowed.** In the event there is a conflict between the requirements of this subsection and the general requirements of Subchapters 13 or 14, the more restrictive requirements shall prevail.
  - a. Site Design Standards
    - 1) Developments proposing fewer than 100 parking spaces. These are limited to two rows of parking in front of buildings.
    - 2) Developments proposing more than 100 spaces. These may exceed two rows of parking in front provided that pad sites are reserved for buildings located along any street frontage. At a minimum, pad sites shall be located at corners where two streets intersect and at both corners of the main drive into the development. The main drive is the drive that receives the majority of vehicular traffic. When required, the TIA (Traffic Impact Analysis) shall determine the main drive.
      - i. Corner pad sites shall be built UP to the front setback line: however, buildings may be set back to allow for outdoor dining or a plaza with a focal point that includes seating, public art, and a water feature.
      - ii. Pad sites not located on a corner shall not exceed two rows of parking in front of the building.
      - iii. Development proposals for parking lots exceeding 100 spaces shall be designed with a clear hierarchy of circulation (See Figure 35.13.13.3.C.2). The hierarchy shall consist of:
        - (a) major entry driveways without parking spaces; then
        - (b) major circulation drives with little or no parking: then
        - (c) parking aisles for direct access to parking spaces.

- 3) All proposals shall connect offsite public sidewalks to building entrances and provide pedestrian circulation within the site.
- 4) Development proposals with two rows of parking in front of buildings shall have a maximum front yard setback of 85 feet from the PUE (Public Utility Easement). If an easement does not exist, the front yard setback shall be measured from the street right-of-way. The front yard setback shall be provided as follows:
  - i. 15 feet landscape area
  - ii. 18 feet first row of parking
  - iii. 24 feet drive aisle
  - iv. 18 feet second row of parking
  - v. 5 feet walkway
  - vi. 5 feet landscape area in front of building; this area may be paved as a walkway if pots or planters are incorporated.

Figure 35.13.13.3.C.2



- b. **Landscape Standards.** Applicable landscaping standards are defined in Section 35.13.10.C.3
- c. **Architectural Standards.** Buildings shall be enhanced with added architectural features beyond those minimum features required to reduce the mass and scale of buildings. These features may include but are not limited to cornices, cupola, eaves, sills, bay windows, arcades, canopies, awnings and other architectural elements.

#### 35.13.13.4 Nonresidential and Mixed Use Buildings in a Pedestrian Oriented District.

Design standards non-residential buildings or mixed-use buildings (Those that combine non-residential and residential uses) in a pedestrian oriented district and their lots.

##### A. Orientation.

1. Buildings shall have their primary orientation toward the street rather than the parking area. The primary entrance must be readily apparent as a prominent architectural component and visible from the street.
2. Any ground floor wall which is within 30 feet of the main street, plaza or other public open space shall contain at least 50% of the wall area facing the street in display areas, windows, or doorways.

Windows must allow views into working areas or lobbies, pedestrian entrances or display areas. Walls facing side streets must contain at least 25% of the wall space in windows, display areas, or doors. Blank walls within 30 feet of the street are prohibited. Up to 40% of the length of the building perimeter can be exempted from this standard if oriented toward loading or service area

3. At least 60% of the street frontage shall have buildings within 10 feet of the front property line.
4. Trash storage areas, mechanical equipment, and similar areas are not permitted to be visible from the street, or and are not permitted between the building and the street.
5. Buildings that are open to the public and are within 30 feet of the street shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be attractive and functional, be a distinctive and prominent element of the architectural design, and shall be open to the public during all business hours.
6. Developments shall have a minimum Floor Area Ratio of 0.4. Plazas and pedestrian areas shall count as floor area for the purpose of meeting the minimum floor area ratio.
7. Buildings shall incorporate lighting and changes in mass, surface or finish to give emphasis to entrances.
8. The top floor of any building rising over four stories will be contain a distinctive finish, consisting of a cornice or other architectural termination.
9. Building Scale. Balconies may project over the public right of way, subject to an encroachment agreement issued by the City.
10. Parking areas shall be located behind buildings or on one or both sides.

**B. Building Materials.**

1. Windows shall be provided with trim. Windows shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb.
2. Fronts and street sides of buildings visible from the public right of way shall be non-reflective and shall be of wood, masonry, stone, decorative block, stucco, HDO board or other high quality material customarily used for the building style.
3. Glass. Use of glass for displays and to allow visual access to interior space is permitted. Buildings may not incorporate glass for more than 70% of the building skin.
4. Metal Roofs. Metal roofs are permitted provided that they are of architectural quality.
5. Buildings shall include changes in relief such as columns, cornices, bases, fenestration, and fluted masonry, for at least 15% of the exterior wall area.

**C. Streetscape.**

1. Hardscape (paving material) shall be utilized to designate “people” areas. Sample materials could be pavers, scored and colored concrete, grasscrete, or combinations of the above.
2. A building shall be setback not more than 15 feet from the right-of-way unless the area is used for pedestrian activities such as plazas or outside eating areas.
3. Outdoor storage areas shall be screened from view from adjacent public rights-of-way. Loading facilities shall be screened and buffered when adjacent to residentially zoned land and public streets.

**35.13.13.5 Large Scale Development Regulations.**

Developments involving a gross floor area in excess of 40,000 square feet and located in a Neighborhood, Community or Regional Mixed Use Center Districts, or in the Downtown University Core District shall, comply with the basic Site Design Standards and conform to the following standards:

Standards and Guidelines: Standards and guidelines set out below require a basic level of architectural variety, compatible scale, and mitigation of negative impacts. “Guidelines” are not mandatory, but are provided in order to educate planners, design consultants, developers and City staff about design objectives. “Standards” are mandatory.

A. Orientation.

1. **Architectural features:**

- a. **Guidelines:** Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large retail building and provide visual interest.
- b. **Standards:** Architectural features on building facades that are visible from adjoining properties and/or public street (excluding facades residential property that are screen by an eight-foot masonry wall and facades facing the side or rear of property zoned and used for commercial purposes or industrial purposes) shall address the visual impact of long uninterrupted walls by providing a minimum of three of the following elements. No uninterrupted length of any façade shall exceed 100 feet. See illustrations of architectural features in the Site Design Criteria Manual.
  - i. Variation in color and materials;
  - ii. Wall plane projections or recesses having a depth of at least 3% of the length of the façade and extending at least 20 % of the length of the façade, not to exceed 100 feet;
  - iii. Variation of a minimum of two feet in the height of parapets. Variation to parapet height may include pilasters and projected raised entrance features;
  - iv. Pilasters projecting from the plane of the wall by a minimum of 16 inches. The use of pilasters to interrupt horizontal patterns such as accent banding is encourages;
  - v. Canopies projecting a minimum of 10 feet from the plane of the primary façade walls; and
  - vi. Repetitive ornamentation including decorative applied features such as wall-mounted light fixtures or applied materials. Repetitive ornamentation shall be located with a maximum spacing of 50 feet.

2. **Sidewalk display and cart storage.** “Sidewalk” display is a term commonly used in the retail industry to describe display areas along the front of a building. Nothing herein permits storage, display or sale of any item on property that has been dedicated for public use. Sidewalk display and cart storage in the sidewalk display area are prohibited:

- a. Areas for customer loading of merchandise shall be clearly delineated and shall not be located in front of any customer entrances or exit door(s) or within 15 feet on either side of the door(s).
- b. This section does not prohibit storage of carts in the parking lot, but merely regulates storage of carts in the sidewalk display area.

3. **Permanent outdoor display, sales and storage.** Merchandise may be stored or displayed for sale to customers on the front or side of the building in accordance with this paragraph.

- a. The total square footage of all permanent outdoor storage, display and sales areas shall be limited to 10% of the footprint of the building, but in no event shall exceed 15,000 square feet.
- b. Permanent outdoor storage, display and sales shall be contiguous to the building and shall not be permitted within 100 feet of residential property.
- c. The permanent storage, display and sales area shall be enclosed by a minimum eight-foot wall of like appearance to the building topped by wrought iron or tubular steel fencing. No merchandise other than trees shall be visible above the wall or fence.

4. **Seasonal outdoor display and sales.** Christmas trees may be displayed for sale from November 15 to December 31. In addition, bedding plants, trees, shrubs, potting soil and bagged yard products including without limitation bark, mulch, peat moss and play sand may be displayed from March 15 to June 15. Fertilizer or other chemical products shall not be stored or displayed outdoors. The



seasonal outdoor sales area shall be limited to 5% of the footprint of the building but in no event shall exceed 6,000 square feet. No merchandise may exceed five feet in height, except Christmas trees.

5. **Rear storage.** Bulk merchandise may be stored behind the building. The sides and back of the storage area shall be screened with a chain link fence covered with windscreen, except for any side or back that is separated from any residential property by an eight-foot masonry wall and landscaped bufferyard. Windscreen shall be maintained in good repair and free of tears. The rear storage area shall not be accessible to customers. Merchandise shall be stacked no higher than 25-feet or level with the top of the adjacent side wall of the building, whichever is lower, and may not be stacked above the height of the chain link fence.
  6. **Wall and landscaped bufferyard.** An eight-foot masonry wall of brick, stone, split block or concrete cast to simulated such materials shall be constructed along the common boundary line of the adjacent residential property, or as close as practicable in the event of intervening alleys, easements and drainage channels. If the large retail store property and residential property are separated by intervening property under separate ownership that is less than 20 feet wide, a wall shall be constructed along the property line of the large retail store facing the residential property.
  7. **Pickup and Delivery.** Outdoor storage, pickup, delivery, loading and unloading of merchandise, equipment or other items may not occur within 100 feet of residential property. Loading docks must be located to the side or rear of the building unless the loading area is completely screened from the street, and loading docks shall be located more than 100 feet from residential property.
  8. **Trash Collection and Compaction.** Trash collection and compaction may not occur within 100 feet of residential property and shall be screened from public view.
  9. **Mechanical equipment.** No mechanical equipment may be located within 100 feet of residential property. Mechanical equipment shall be screened from public view.
- B. **Buildings Materials.**
1. **Guidelines:** Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in the surrounding area.
  2. **Standards:**
  3. **Materials.** Fronts and street sides of buildings visible from the public right of way shall be non-reflective and shall be of wood, masonry, stone, decorative block, stucco, HDO board or other high quality material customarily used for the building style.
- C. Streetscape.
1. **Public Spaces.**
    - a. One square foot of plaza or public space shall be required for every 10 square feet of gross ground floor area.
    - b. Plazas or public spaces shall incorporate at least 3 of the 5 following elements:
      - i. Sitting space – at least one sitting space for each 250 square feet shall be included in the plaza. Seating shall be a minimum of 16 inches in height and 30 inches in width. Ledge benches shall have a minimum depth of 30 inches.
      - ii. A mixture of areas that provide shade.
      - iii. Trees in proportion to the space at a minimum of 1 tree per 800 square feet.
      - iv. Water features or public art.
      - v. Outdoor eating areas or food vendors.
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### **35.13.13.6 Left Blank For Future Use**

### **35.13.13.7 Solid Waste and Recycling Facilities Design Standards.**

Commercial and non-residential solid waste and recycling storage facilities (container enclosures) shall be located on each platted lot of non-residential property, except as otherwise provided within the Denton Development Code Criteria Manual, and shall be constructed and maintained by the property owner or developer, and made available for use by the City of Denton Solid Waste Department and/or commercial recycling service provider. For purposes of these solid waste requirements, “commercial development” includes any attached residential dwellings of four or more living units and all non-residential development.

Commercial and non-residential on-site waste and recycling storage facilities (container enclosures) shall be available for the storage of all municipal solid waste and recyclables generated for each platted property. The city reserves the ability to determine which, if any parcels or areas (e.g., Downtown Square, strip centers, multi-family residential, etc.) may be recommended for shared container or other alternative service. Container enclosures shall be of adequate size to contain all solid and liquid wastes and recyclables generated on the property, which may include, but are not limited to municipal solid waste, recyclables, grease and oils, process by-products and wastes, hazardous waste, medical waste, and any special wastes, contained as necessary to meet disposal standards published by the City. The container enclosures shall be constructed to such capacity prescribed by the City of Denton Criteria Manual for non-residential solid waste and recycling facilities. Enclosures are not required for non-residential uses where the dumpster locations cannot be seen from the public right of way.

(Amended Ord. No. 2004-332, 10/19/2004)  
(Amended Ord. No. 2005-066, 02/22/2005)  
(Amended Ord. No. 2005-224, 08/16/2005)  
(Amended Ord. No. 2006-011, 01/03/2006)  
(Amended Ord. No. 2006-201, 07/18/2006)  
(Amended Ord. No. 2006-221, 08/01/2006)  
(Amended Ord. No. 2006-322, 11/07/2006)  
(Amended Ord. No. 2006-363, 12/19/2006)  
(Amended Ord. No. 2007-095, 05/01/2007)  
(Amended Ord. No. 2007-096, 05/01/2007)  
(Amended Ord. No. 2009-082, 04/07/2009)  
(Amended Ord. No. 2009-083, 04/07/2009)  
(Amended Ord. No. 2009-148, 06/16/2009)  
(Amended Ord. No. 2011-089, 05/17/2011)  
(Amended Ord. No. 2013-303, 10/15/2013)