

**TOWN OF DENTON
PLANNING COMMISSION**

**PUBLIC INFORMATION MEETING
APRIL 8, 2025**

**DRAFT ZONING ORDINANCE
SUMMARY OF AMENDMENTS**

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ARTICLE I - TITLE, AUTHORITY, JURISDICTION, PURPOSE, OFFICIAL MAPS.

Article I establishes the legal authority and jurisdiction for zoning regulations within Denton's incorporated territory. The ordinance's purpose is to promote public health, safety, and welfare through land use controls. It incorporates official zoning maps that define zoning districts and addresses map interpretation and conflict resolution. Finally, the ordinance specifies its enforcement and details procedures for map updates and replacements.

Revisions: Adds the following sections:

§ 128-7. Interpretation and Conflict – Minimum requirements. Describes how to interpret and apply the zoning rules with the aim of clarifying how the zoning ordinance should be understood, how it interacts with other rules, and how to use the zoning maps correctly.

§ 128-8. Severability. State that if one part of the Zoning Ordinance is found invalid, the rest of it still applies.

§ 128-9. When effective. The rules apply immediately upon adoption. Existing permits and approved site plans are generally honored under the old rules.

§ 128-10. Official Zoning Maps. The Official Zoning Maps are the final authority on zoning. They are kept in the Department of Planning and Codes Administration Office.

§ 128-11. Replacement of Official Zoning Maps. If the maps get messed up, they can be replaced with new ones.

§ 128-12. Interpretation of Zoning District Map. The ordinance provides rules for how to interpret the lines and boundaries on the zoning map. If there are any uncertainties, the Planning Commission makes the final decision.

ARTICLE II - DEFINITIONS AND WORD USAGE.

Article II lays the foundation for a transparent and fair zoning system by providing clear definitions. This Article incorporates most definitions from Chapter 128, with modifications to reflect revised standards such as those for accessory dwelling units. New definitions address changes in State law concerning cannabis production and sales, Critical Area programs, and manufactured home regulations.

ARTICLE III - ZONING DISTRICTS AND ZONING DISTRICT MAPS.

Article III adds a new Urban Residential (UR) District applicable to areas east of MD 404 and incorporates the existing zoning districts, including base districts (e.g., residential, commercial, industrial) categorized by density and permitted uses, and overlay districts (e.g., floodplain, historic) that apply in addition to base districts. Floating zones, such as planned unit developments, allow for flexible development based on specific plans.

Revisions: Overall, these revisions represent an approach to zoning that balances the need for growth and development with the preservation of existing neighborhoods and efficient land use. By encouraging a mix of housing types, promoting infill and redevelopment, and providing greater flexibility for large-scale projects, the updated Zoning Code aims to create a more vibrant, sustainable, and adaptable community.

§ 128-17. District Purpose.

- **Residential Districts Embrace Higher Density and Mixed-Use:** The revisions acknowledge the need for increased density and a wider range of housing types ("missing middle housing") within existing residential neighborhoods. These changes reflect a proactive approach to accommodate growth and affordability while preserving the character of these areas.
- **UR Urban Residential District:** The Draft Zoning Ordinance introduces a new Urban Residential (UR) District east of MD 404, designed to revitalize the area. The UR District encourages denser, mixed-use development with diverse housing options, including four-story townhomes (Refer to the attached briefing for detailed information on this new UR Urban Residential Zoning District).
- **IRD Overlay District Promotes Infill and Redevelopment:** The addition of the IRD Overlay District provides a focused tool to encourage development on vacant and underutilized land. By streamlining the development process and promoting efficient land use, the IRD incentivizes revitalization and maximizes the use of existing infrastructure (Detailed Briefing Document attached).
- **PUD Floating Zone Offers Greater Flexibility:** The modifications to the PUD Floating Zone provide developers with more flexibility in design and land use for large-scale residential projects. This allows for creative and innovative development solutions while potentially incorporating commercial elements to serve the needs of residents.

ARTICLE IV - SPECIAL DISTRICTS.

Article IV incorporates the detailed provisions regulating the Special Districts incorporated from Chapter 128 in seven parts. Its provisions regulate Special Districts, including the Critical Area, Historic District, IRD Infill and Redevelopment Zone, FP Floodplain Overlay Zone, Planned Neighborhood, Arts and Entertainment, and Planned Unit Development Floating Zones.

Revisions:

Overlay Zones.

- **Part A –** Part A updates the Critical Area Overlay District to align with SB 268 and HB 233. These revisions focus on climate change resilience, requiring measures to protect the Chesapeake Bay and its tributaries while ensuring equitable development practices.

Minor revisions affect accessory dwelling units in the Resource Conservation Area and program amendment procedures.

- Part B – Historic Overlay Zone. § 128-52. Administrative Approvals clarifies application processes and administrative approvals for the Historic Overlay Zone.
- Part C – IRD Infill and Redevelopment Overlay Zone. The IRD Overlay Zone is a new Special District intended to support context-appropriate infill and redevelopment in older neighborhoods (Refer to the attached briefing for detailed information on this new special district).
- Part D - FP Floodplain District. Part D incorporates the FP Overlay District from the existing version of Chapter 128.

Floating Zones.

- Part E – PN Planned Neighborhood Floating Zone. Part E updates the PN Planned Neighborhood Floating Zone with revisions to density calculations.
- Part F – AE Arts and Entertainment Floating Zone. Part F incorporates the AE Floating Zone, the existing version of Chapter 128, with no changes.
- Part G - PUD Planned Unit Development Floating Zone. Part G revises the PUD Planned Unit Development Floating Zone to enable mixed-use development on large parcels. Key changes include designating the Town Council as the approving authority, specifying allowable locations, requiring diverse unit mixes, and establishing maximum densities by Zoning District (Refer to the attached briefing for detailed information on this new Special District).

ARTICLE V - PERMITTED USES.

This Article defines permitted land uses within the Town of Denton, classifying them into categories and subcategories and provides a detailed and comprehensive guide to permitted land uses in Denton. It aims to ensure that development aligns with the Town's vision for each zoning district while protecting public safety, community character, and environmental quality. The revised approach aims to provide greater clarity and predictability in the application of zoning regulations.

Revisions:

§ 128-76. Use categories.

- **Use Categories and Subcategories:** The revised ordinance establishes a comprehensive system of use categories and subcategories to classify principal land uses. This system provides a clear framework for determining the appropriate zoning district for a particular use.
- **Specific Use Types:** Some use subcategories are further broken down into specific use types to address unique characteristics or impacts.

- **Determination of Use Categories:** The Planning Commission is authorized to classify uses based on the use category, subcategory, and specific use type descriptions. If a use cannot be classified, the Board of Appeals will make a determination.
- **Permissible Uses and Exclusions:** The ordinance includes a Table of Permitted Uses that lists the uses allowed in each zoning district. The table is intended to be interpreted liberally to include similar uses with similar impacts. However, any use not listed in the table is prohibited.
- **Residential Use Category:** The residential use category includes various dwelling types, such as detached houses, attached houses, multifamily dwellings, and manufactured homes.
- **Public, Civic, and Institutional Use Category:** This category includes uses that provide unique services to the public, such as cemeteries, schools, hospitals, and government facilities.
- **Commercial Use Category:** The commercial use category includes uses that provide a business service or involve selling merchandise to the public, such as retail stores, restaurants, and offices.
- **Wholesale, Distribution, and Storage Use Category:** This category includes uses that provide and distribute goods in large quantities, such as warehouses and trucking terminals.
- **Industrial Use Category:** The industrial use category includes uses that produce goods from raw materials, such as manufacturing plants and fabrication shops.
- **Recycling Use Category:** This category includes uses that collect, store, or process recyclable materials.
- **Agricultural Use Category:** This category includes uses involved in the raising and harvesting of crops and livestock.
- **Other Use Category:** This category includes uses that do not fit into the other categories, such as drive-in facilities and temporary uses.
- **Accessory Use Category:** This category includes uses that are subordinate to the principal use, such as garages and sheds.

§ 128-87. Permitted Uses Table. The Permitted Uses Table provides a quick way to understand whether a particular use is allowed in a specific zone and what level of review or approval is needed. It outlines permitted use by zoning district, classifying them as either of the following:

- **P:** The use is Permitted within a zoning district (all uses require site plan approval by the Planning Commission or Staff as provided in Article XVI and are subject to Supplemental Use Standards as provided in Article VI).
- **SE:** The use requires a special exception from the Board of Appeals. This means it needs a more thorough review process.
- **IRD:** The use is only allowed in the Infill and Redevelopment Overlay District, a special zoning area.

ARTICLE VI - SUPPLEMENTARY USE REGULATIONS.

Supplemental Use Regulations refer to specific standards or conditions that modify the general regulations of a zoning district for particular uses.

Revisions. The sections were revised or added:

Revised:

§ 128-89. Accessory dwelling units (ADUs). This section describes the rules for adding an accessory dwelling unit (ADU) to a property.

§ 128-101. Commercial greenhouses and nurseries. Limits commercial greenhouses and nurseries for growing cannabis to the (I) Industrial District.

§ 128-103. Home occupations. This section allows residents to run businesses from their homes (home occupations) with some rules to minimize disruption to the neighborhood.

Added:

§ 128-95. Manufactured Homes. This section ensures that manufactured homes placed outside of mobile home parks are treated like any other permanent dwelling, meeting the same standards and requirements as required by the Housing Expansion and Affordability Act (HB 538). It explains the rules for placing a manufactured home outside of a designated mobile home park or subdivision.

§ 128-98. Townhouses. Revisions add regulations for four-story townhouses. (Refer to the attached briefing for detailed information on this new UR Urban Residential Zoning District).

§ 128-111. Cottage Housing Development (CHD). This section outlines the rules for creating Cottage Housing Developments (CHDs), which are small clusters of homes designed to foster a sense of community. (Refer to the attached briefing for detailed information on this new special district).

§ 128-112. Drive-through and drive-in facilities. This section regulates drive-through and drive-in facilities to ensure smooth traffic flow and minimal impact on surrounding areas.

§ 128-113. Cannabis Enterprises. This section outlines where cannabis businesses can be located within the Town.

§ 128-114. Qualified Projects Developed by Nonprofits. This section addresses the requirements of the Housing Expansion and Affordability Act (HB 538) Ordinance concerning a nonprofit's development of affordable housing projects with some flexibility in zoning rules.

§ 128-115. Multifamily Units in the UR District. The section outlines rules for building multifamily housing in an Urban Residential (UR) District.

ARTICLE VII - DENSITY AND DIMENSIONAL REGULATIONS.

This Article outlines the rules for density (how many dwelling units are allowed) and dimensions (lot sizes, setbacks, building heights) in different zoning districts in the Town of Denton. It provides a comprehensive set of rules for density and dimensional standards in development. It aims to ensure that development is appropriate for each zoning district,

protects public safety and neighborhood character, and respects environmental features. The "Table of Density and Dimensional Regulations" outlines the specific requirements in each zone.

Revisions:

§ 128-118. Minimum lot size. The CBC and MI zoning districts are added to the section, allowing the Planning Commission to reduce the minimum required lot size for single-family homes in certain zoning districts under specific conditions.

§ 128-119. Residential density and minimum lot area. Revisions to this section enable the Planning Commission to change the density (number of homes per acre) and the minimum lot area requirements for projects in the IRD Infill and Redevelopment Overlay Zone.

§ 128-122. Building height limitations. This section is revised to limit the height of public or semipublic buildings, hospitals, institutions, places of religious assembly, or schools to sixty (60) feet as opposed to seventy-five (75) in the current version of Chapter 128.

§ 128-125. Corner visibility. Revisions to this section focus on sightlines and safety at intersections where alleys or driveways meet streets.

§ 128-126. Fencing, walls, and hedges. This section outlines revised rules for building fences in the Town and ensuring that fences are safe, visually appealing, and do not cause problems for neighbors or the public.

§ 128-127. Table of Density and Dimensional Regulations. Revisions to this table include adjusting minimum lot sizes as follows:

SR - Suburban Residential District

- Single-family units – Revisions reduce the minimum lot size for detached units from 10,000 square feet to 7,200 square feet. The revisions also increase the maximum density from 4.3 to 6 dwelling units per acre.
- Adds Duplex Unit standards.
- Decreases the minimum front yard setbacks from 25 to 20 feet.

TR Town Scale Residential District

- Single-family units – Reduces the minimum lot size for detached units from 8,000 to 7,000 square feet. Revision increases the maximum density from 5 to 6 dwelling units per acre.
- Add Duplex Unit standards.
- Decreases the minimum front yard setbacks from 25 to 20 feet.

MR Mixed Residential District

- Single-family units – Reduces the minimum lot size for detached units from 7,500 to 6,000 square feet. The revision increases the maximum density from 5.8 to 8 dwelling units per acre.
- Duplex units - Increases the maximum density from 6 to 8 dwelling units per acre.
- Townhouse Units - Increases the maximum density from 8 to 10 dwelling units per acre.
- Multifamily Units – The revisions decrease the minimum lot area per dwelling unit from 4,000 to 2,500 square feet and increase the maximum density from 8 to 15 dwelling units per acre.
- Decreases the front yard setbacks from 25 to 20 feet.

UR Urban Residential District

The addition to the table outlines density and dimensional regulations for the new zoning district, incorporating the proposed MR Mixed Residential District.

GC General Commercial District –

- Adds standards for single-family residential units, minimum lot area per unit 7,000 square feet, and maximum density 6 dwelling units per acre.
- Adds standards for duplex units, 4,000 square feet per dwelling unit and a maximum density of 8 units per acre.
- Establishes a front yard setback of 20 feet for residential units.

CBC Central Business Commercial District - Establishes MR Mixed Residential District standards for residential uses in this district.

CM Medical District

- Single-family units – Reduces the minimum lot size for detached units from 7,500 to 7,000 square feet. The revisions increase the maximum density from 5.8 to 6 dwelling units per acre.
- Duplex units - Reduces the minimum lot size for detached units from 8,000 to 7,000 square feet.
- Townhouse – Reduces the maximum density from 10 to 8 dwelling units per acre.
- Decreases the minimum front yard setbacks from 25 to 20 feet.

MI Mixed Industrial District

- Single-family units – Reduces the minimum lot size for detached units from 7,500 to 7,000 square feet. The revisions increase the maximum density from 5.8 to 6 dwelling units per acre.
- Duplex units – Reduces the minimum lot area per dwelling unit from 4,000 to 3,500 square feet and the minimum lot area from 8,000 to 7,000 square feet.

- Townhouse Units - Increases the maximum density from 8 to 10 dwelling units per acre.
- Multifamily Units – Decreases the minimum lot area per dwelling unit from 4,000 to 2,500 square feet. The revisions increase the maximum density from 8 to 15 dwelling units per acre.
- Decreases the minimum front yard setbacks from 25 to 20 feet.

ARTICLE VIII - PARKING, LOADING, AND UNLOADING AREA REQUIREMENTS.

This Article outlines the parking, loading, and unloading requirements for developments in the Town of Denton. It aims to ensure adequate parking and loading facilities for all developments while promoting efficient traffic flow, pedestrian safety, and environmental protection. It provides a detailed framework for regulating vehicle accommodation areas and ensuring they meet the needs of various uses.

§ 128-129. Number of parking spaces required. The Table of Parking Requirements is revised to correspond to the uses listed in the Permitted Uses Table.

§ 128-130. Unlisted uses and establishment of other parking ratios. This section gives the Planning Commission the power to decide how much parking is needed for new businesses that are not already listed in the Zoning Code.

ARTICLE IX – SIGNS.

This Article outlines the regulations for signs in the Town of Denton, aiming to balance the needs of businesses and property owners with the overall aesthetic and safety of the community. This revised Article provides more specific regulations for temporary signs, clarifies the process for master sign plans, and updates the location of the "Official Tables of Sign Types and Dimensional Regulations." It aims to provide clearer guidance and greater flexibility while maintaining the overall goals of the sign regulations.

§ 128-142. General sign regulations. The section was revised to require freestanding signs be setback a minimum of ten (10) feet from the front property line and eliminate limits on signs for drive-thru service, including but not limited to menu boards, order stations, instructional, and directional signs, are permitted without limitation. It also includes new provisions for temporary signs that are legally defensible.

§ 128-145. Master Sign Plans. This section allows for the creation of Master Sign Plans to control signage in large commercial and industrial developments.

§ 128-143. The Official Tables of Sign Types and Dimensional Regulations. The Official Tables of Sign Types and Dimensional Regulations is included as an attachment in Appendix V. General sign revisions address:

- The number of flat signs allowed for businesses
- Service station canopy signs

- Incentives for adhering to a Master Sign Plan

ARTICLE X - ENVIRONMENTAL STANDARDS, LANDSCAPING, SHADING AND BUFFERS.

This Article focuses on environmental standards for development in the Town of Denton, emphasizing the importance of trees, landscaping, and buffers. The intent is to protect and enhance the Town's environment through careful planning and development. It emphasizes the importance of trees, landscaping, and buffers in mitigating the impact of development and preserving natural resources.

Revisions: The following are additions and revisions to this Article.

Additions:

§ 128-148. Landscape plans. This section describes the requirements for landscape plans that must be submitted with development applications to ensure that new developments include landscaping that is appropriate for the area and well-maintained, contributing to the overall quality of the environment.

§ 128-149. Alternative compliance. This section allows for creative solutions to landscaping challenges while still meeting the overall goals of the landscaping regulations.

Revisions:

§ 128-152. Bufferyards. This section replaces Street Bufferyard requirements with landscape standards around parking lots that are next to streets.

ARTICLE XI - OUTDOOR LIGHTING.

This Article establishes rules for outdoor lighting in the Town of Denton with the goal of enhancing visibility and public safety while minimizing light pollution, energy consumption, and negative impacts on the natural environment. The Article promotes responsible outdoor lighting practices that prioritize safety, energy efficiency, and the preservation of the night sky.

Revisions: None.

ARTICLE XII - COMMON OPEN SPACE.

This Article outlines the requirements for common open space in residential developments in the Town of Denton with the aim of ensuring that new residential developments in Denton include adequate open space for the benefit of residents and the community. It provides a framework for how these spaces should be created, owned, and managed.

Revisions:

§ 128-166. Requirements for approval. Defines net site area and adds minimum open space requirements for cottage housing developments.

ARTICLE XIII - NONCONFORMING USES, STRUCTURES, AND BUILDINGS.

This Article deals with properties (lots, structures, and land uses) that existed before zoning regulations were put in place and no longer comply with those regulations. These are called "nonconforming" properties. Overall, the Article aims to balance the rights of property owners with the need to ensure orderly development and compliance with zoning regulations. It provides a framework for managing nonconforming properties with the goal of eventually bringing them into conformity over time.

Revisions:

§ 128-169. Nonconforming lots of record. Allows the Planning Commission to determine the setbacks for vacant nonconforming lots of records based on the existing patterns on surrounding properties.

ARTICLE XIV - CITIZEN BOARDS.

This Article describes the structure and functions of two important citizen boards in the Town of Denton: the Planning Commission and the Board of Appeals. The Planning Commission focuses on long-range planning and making recommendations, while the Board of Appeals handles appeals, special exceptions, and variances. They provide a mechanism for citizen involvement and ensure that development decisions are made fairly and transparently.

Revisions:

§ 128-178. Board of Appeals.

Subsection H (Records) requires all costs incurred by the Town in transcribing records of meetings and hearings to be borne by the appellants, and all fees must be paid before any record of the case is submitted to the appropriate court.

ARTICLE - XV AMENDMENTS.

This Article outlines the process for amending the zoning regulations and maps in the Town of Denton. It establishes a clear and transparent process for amending the Town's zoning regulations. It involves review by the Planning Commission, public hearings, and specific findings of fact to ensure that any changes are well-considered and in the best interests of the community.

Revisions: None.

ARTICLE XVI – ADMINISTRATION.

This Article describes the administrative procedures and requirements related to zoning in the Town of Denton. It provides a detailed framework for the administration and enforcement of the Zoning Ordinance. It outlines the permits required, the site plan review process, and other procedures to ensure that development in Denton is conducted in an orderly and compliant manner.

Revisions:

§ 128-202. Procedures for processing. Allows building permit applications to be submitted with the final site plan. Exempts minor, simplified, and concept site plans from the forty-five-day prior submittal requirement. Gives discretion to the Director to forward minor site plans to the Planning Commission for review and approval.

§ 128-203. Simplified site plans and concept plans. Adds microbusiness change of use as eligible for a simplified site plan.

§ 128-204. Site Plan Review. This section outlines review criteria for site plans to ensure the developments are thoroughly reviewed and meet the Town's standards for safety, functionality, aesthetics, and environmental protection.

§ 128-212. Construction and Use. This section limits the use, arrangement, and construction to that outlined in approved plans and applications.

ARTICLE XVII - REQUIREMENTS FOR PUBLIC HEARING AND PUBLIC NOTICE.

This Article outlines the public hearing and notice requirements for various planning and zoning actions in the Town of Denton. It aims to ensure transparency and public participation in the development review process. These requirements ensure the public is informed about proposed developments and zoning changes and has opportunities to participate in the process. The combination of posting, newspaper publication, and mailed notices aims to reach a broad audience and provide transparency.

Revisions: None

ARTICLE XVIII - ENFORCEMENT.

This Article outlines the enforcement mechanisms for the zoning regulations in the Town of Denton. It establishes a clear framework for enforcing the zoning regulations and holding violators accountable. It empowers the Director of Planning to take action to ensure compliance and protect the integrity of the Zoning Ordinance.

Revisions: None.

APPENDIX III - DESIGN GUIDELINES.

This Appendix provides design guidelines for development in the Town of Denton, promoting attractive and functional communities while preserving the Town's character. It modifies and combines design guidelines from Chapter 128 into one appendix. These guidelines provide a framework for achieving high-quality development that respects the existing character of Denton while encouraging innovation and creativity. They emphasize compatibility, functionality, and environmental sensitivity in all aspects of design. It includes three parts: Community Appearance, Residential Infill and Redevelopment, and PN Planned Neighborhood Design Guidelines.

BRIEFING DOCUMENT: UR URBAN RESIDENTIAL DISTRICT

Executive Summary:

This document outlines proposed amendments to the Denton Zoning Ordinance, primarily focused on the creation of a new Urban Residential (UR) Zoning District east of MD 404.

Purpose.

These amendments aim to revitalize underutilized areas by encouraging denser, mixed-use development, increasing housing options, fostering walkable communities, and promoting a more sustainable urban environment. Key changes include the establishment of the UR District, revised regulations for Planned Unit Developments (PUDs), modifications to townhouse and multifamily unit regulations, and adjustments to the permitted use tables. The overall intent is to shift away from low-density, single-family-dominated suburban patterns.

Key Themes and Objectives.

Revitalization and Urbanization: The central goal is to revitalize underutilized land east of MD 404, transforming vacant or underdeveloped parcels into vibrant urban spaces. The UR District "provides a framework for revitalizing underutilized areas east of MD 404, creating walkable, mixed-use communities that offer a range of housing choices and contribute to a more sustainable and vibrant urban fabric."

Increased Density and Efficiency: The amendments promote higher-density development, specifically allowing four-story townhomes and taller multifamily buildings (up to 60 feet with Planning Commission approval) to make more efficient use of land. The document states, "Permitting taller buildings is a key strategy for increasing density and making efficient use of land without significantly expanding a building's footprint."

Diverse Housing Options: A key objective is to increase the variety of housing choices to accommodate a wider range of needs and incomes. The UR district "allows a mix of single-family, multifamily, and townhomes to accommodate diverse needs and increase housing availability in vibrant, mixed residential neighborhoods."

Walkability and Community: The amendments seek to create pedestrian-friendly environments and foster a sense of community through mixed-use developments. The aim is to "create walkable, mixed-use communities."

Compatibility and Integration: The document also emphasizes the need for new development to be compatible with existing neighborhoods and avoid abrupt transitions. "District standards incorporate provisions to ensure new development complements the surrounding character, avoids abrupt transitions, and is compatible with adjacent land uses."

Key Changes and Provisions.

Creation of Urban Residential (UR) District:

- The ordinance introduces the UR District as a new base zoning district, specifically targeted for areas east of MD 404 (see draft Official Zoning Map).
- The stated purpose of the UR District is to "revitalize underutilized areas...creating walkable, mixed-use communities that offer a range of housing choices" and promote a shift away from suburban sprawl.
- The UR District permits a mix of housing types, including single-family, multifamily, and four-story townhomes.

Planned Unit Developments (PUDs):

- PUDs are now permitted in the UR District, in addition to SR, TR, MI, and MR Districts.
- Density calculations for PUDs are based on adjusted tract acreage, excluding certain areas like existing street rights-of-way and floodplains.
- Specific maximum density and unit type mix percentages are defined for PUDs in various districts, with higher densities permitted in MR and UR Districts compared to SR, TR, RA, and MI Districts.
- For instance, apartments have a maximum density of 20 du/acre in the MR and UR Districts within a PUD.

Townhouse Regulations:

- The definition of "Townhouse" is amended to include four-story townhomes exceeding 40 feet in height.
- "Four-story townhomes are a specialized category in residential architecture added to the permitted uses... These structures are characterized by their compact design, featuring attached homes that are arranged side-by-side across four floors."
- Lot frontage for individual townhouse units can be reduced to 18 feet.
- "The Planning Commission may permit more than six (6) dwelling units in four-story townhouse buildings."
- Four-story townhouses have specific restrictions: a maximum of four stacked units, height not to exceed 60 feet, and the first floor must contain an interior garage.

Multifamily Unit Regulations in UR District:

- The Planning Commission can approve multifamily buildings up to 60 feet if they deem it compatible with the neighborhood and does not adversely affect public health, safety, or welfare.
- The ordinance restricts the amount of living space to four floors. Still, it allows upper zones for essential building features such as "structural supports, mechanical equipment, or decorative architectural elements, including pitched roofs."

- Applications for multifamily buildings exceeding 40 feet will be evaluated based on factors like neighborhood character, building design, impacts, open space, effects on neighbors, and contribution to affordable or workforce housing.

Permitted Uses Table:

- The Permitted Use Tables have been revised to include the UR District, outlining what types of developments are allowed in each zoning district.
- Four-story townhouses and standalone triplexes and fourplexes are specifically listed as permitted uses in the UR District.
- Mixed-use buildings are also permitted in the UR District

Density and Dimensional Regulations Table:

- The table lays out specific lot area, width, depth, density, yard requirements, and height restrictions for various zoning districts and uses.
- The UR District allows for slightly higher density (8 du/acre for single-family) and maximum height (60 feet for Townhomes and Multifamily with Planning Commission approval) compared to other districts like SR, TR, and MR.

BRIEFING DOCUMENT: IRD INFILL AND REDEVELOPMENT OVERLAY ZONE

This document summarizes Part C of the Draft Denton Zoning Ordinance, which establishes the IRD Infill and Redevelopment Overlay Zone.

Purpose

- **§ 128-53 General:** The IRD Overlay Zone encourages infill and redevelopment projects that align with the Comprehensive Plan's objectives, even if they do not fully conform to standard zoning regulations. It provides flexibility to promote context-appropriate development in designated areas.

Applicability

- **§ 128-54:** Applies to properties **0.75 acres or less** within the SR, TR, MR, and CBC Zoning Districts that are:
 - Located within the IRD Overlay Zone (see attached map).
 - Recorded before September 23, 2010.
 - Not part of a recorded subdivision.
- Small lots meeting these criteria can be combined (up to 0.75 acres).
- Larger parcels cannot be subdivided to become eligible.
- **No presumption of approval:** Each application is evaluated on its merits, considering the specific location and the developer's ability to mitigate adverse impacts and further the goals of the ordinance.

Permitted Uses

- **§ 128-55:** The Planning Commission may approve the following uses within the IRD Overlay Zone:
 - Detached single-family unit
 - Two-family unit
 - Duplex
 - Standalone Tri-plex
 - Standalone Four-plex
 - Mixed-use building
 - Neighborhood center

Development Standards

- **§ 128-56:**
 - **Flexible Standards:** The Planning Commission has discretion in establishing minimum lot area, width, and yard requirements.
 - **Setback Restriction:** No new principal structure can be located on a property line or closer than 10 feet to a principal structure on an adjacent property.
 - **Density:** The Planning Commission may permit additional dwelling units if the lot area for the additional unit(s) is 75% or more of the required minimum area

per unit. However, townhouses and multifamily dwellings are limited to a maximum of 4 units.

- **Height:** Buildings and structures must adhere to the height limit of the underlying zoning district.

Findings Requirement

- **§ 128-57:** The Planning Commission can approve a project if it finds that:
 - The plan is consistent with the Design Guidelines (Appendix III).
 - The plan aligns with the Denton Comprehensive Plan.
 - The plan is internally and externally compatible with existing and planned land uses.
 - Existing or planned public facilities can adequately serve the proposed development.
- **Conditions for Non-residential Uses:** The Planning Commission may impose conditions on non-residential uses (hours of operation, buffering, signage, lighting) to ensure compatibility with nearby residential uses.

Application Process

- **§ 128-58:**
 - **Public Notice:** Public notice and site posting are required at least 14 days before the Planning Commission's consideration.
 - **Burden of Proof:** The applicant must demonstrate that the proposal meets or exceeds the Development Guidelines.
 - **Application Requirements:**
 - Description of the proposed development site (plot plan/survey).
 - Description of existing conditions in the vicinity (photographs, analysis of architectural features, site characteristics).
 - Description of existing neighborhood architectural characteristics.
 - Description of the proposed infill/redevelopment (elevations, compatibility statement, compliance with Design Guidelines, and findings requirements).

Remedies

- **§ 128-59:** Appeals from the Planning Commission's decision can be made as outlined in § 128-179 of the ordinance.

BRIEFING DOCUMENT: PUD PLANNED UNIT DEVELOPMENT FLOATING ZONE

This document summarizes Part G of the draft Denton Zoning Ordinance, which outlines the regulations for Planned Unit Developments (PUDs). Chapter 128 already includes provisions for PUDs. This draft revises those existing provisions.

Purpose. PUDs offer a flexible zoning approach that allows for creative and comprehensive site planning, promoting a mix of land uses and housing types while preserving open space and community amenities. This ordinance aims to:

- Encourage well-planned, mixed-use developments that integrate residential and commercial uses.
- Promote flexibility in design and development while ensuring compatibility with surrounding areas.
- Provide for a variety of housing types and densities.
- Preserve open space and community amenities.

Procedures.

- **§ 128-70:** The Town Council follows procedures outlined in Article XV and § 128-72 for approving a PUD Floating Zone.

PUD Requirements.

- **§ 128-71:**
 - **Permitted Uses:**
 - Primarily residential in nature.
 - Single-family detached units.
 - Multifamily dwellings (attached/detached, one/two-family, townhouses, garden apartments).
 - Apartments.
 - Developer's office (incidental to PUD management and sales).
 - Temporary structures for construction.
 - **Planned Commercial Center (in PUDs over 50 acres):**
 - Limited to 20% of the PUD's gross area.
 - Must be compatible with the residential character of the PUD and the Town.
 - Construction allowed only after 30% of planned residential units are complete.
 - Public assembly spaces, recreational buildings, public buildings, and accessory buildings.
 - **Where Permitted:**
 - SR, TR, MI, and MR Districts.
 - RA District (on properties east of the Choptank River).
 - **Computation of Dwelling Units:**

- Total density cannot exceed what would be allowed under conventional zoning.
- Density can be averaged over the entire PUD or clustered.
- **Maximum Density and Unit Type Mix:**
 - Density is calculated based on adjusted tract acreage (excluding rights-of-way, easements, floodplains, and wetlands).
 - Maximum density and unit type mix requirements vary by zoning district (see ordinance for details).
 - Each PUD and phase must have at least three of the five unit types (with potential for variation by the Town Council).
- **Development Standards:**
 - The Planning Commission establishes setbacks, lot size, lot dimensions, lot coverage, height, and yard requirements for each project, considering factors like project intensity and neighborhood character.
- **Land Coverage:** Maximum 70% of the net land area can be covered by structures, parking, roads, etc.
- **Area:** Minimum 3 acres.
- **Open Space:**
 - Minimum 25% of the gross area.
 - Must comply with Article XII.
 - Designated for common use of all PUD occupants.
 - At least 50% developed as recreational areas.
- **Sanitary Facilities:** Must be served by public water and sewer systems.
- **Parking:**
 - Minimum 2 off-street parking spaces per dwelling unit.
 - Additional parking may be required.
 - See Article VIII for detailed parking requirements.

Administrative Procedures.

- **§ 128-72:**
 - **Preliminary Application:**
 - Submitted to the Town Council and referred to the Planning Commission.
 - Includes a general diagram, general development plan (concept plan), and other information as required (see Appendix I).
 - The Town Council may conditionally approve the application.
 - **Preliminary Site Plan:**
 - Submitted to the Planning Commission after conditional approval.
 - Must comply with the ordinance and include supporting materials (see Appendix I).
 - Includes a schedule of construction, management statement, and details on infrastructure, amenities, and landscaping.
 - The Planning Commission reviews and provides comments and recommendations to the Town Council.

- **Final Review and Approval:**
 - The Town Council reviews the final preliminary site plan and holds a public hearing.
 - The Town Council may approve or disapprove of the PUD zoning.
 - Approval requires a surety bond, final site plan (plat), building permits issued according to the construction schedule, and a public works agreement.
 - PUDs developed in stages are processed separately.
 - The Town Council approves dates for initiation and completion.
- **Conflict with Other Articles:**
 - PUD Zone provisions supersede conflicting provisions in this Chapter and Chapter 73 (Land Subdivision).

BRIEFING DOCUMENT: COTTAGE HOUSING DEVELOPMENT (CHD)

Section 128-111 of the D

raft Denton Zoning Ordinance outlines the regulations for Cottage Housing Developments (CHDs) within the Town. This document provides an overview of the key provisions.

Purpose. This ordinance aims to provide an alternative housing option that:

- Caters to diverse household sizes and needs.
- Encourages community living.
- Promotes efficient land use.
- Ensures compatibility with surrounding development.

Definition.

A CHD is a unique housing type characterized by a cluster of 4 to 12 small, detached single-family dwelling units ("cottages") arranged around a shared open space, fostering a sense of community.

Applicability.

A CHD is permitted in the SR, TR, MR, and MI zoning districts and a PN Planned Neighborhood Floating Zone.

Key Features.

- **Minimum Land Area:** 1 acre
- **Maximum Density:** 1 unit per 3,600 sq ft, with potential for higher density on larger parcels (2+ acres) at the Planning Commission's discretion.
- **Cottage Clusters:** 4-12 units per cluster.
- **Common Open Space:**
 - Minimum 3,000 sq ft per cluster.
 - Minimum dimension of 20 ft on all sides.
 - It can be divided into no more than two separate areas.
 - It must have cottages on at least two sides of its perimeter.
- **Community Buildings:** Permitted but must be incidental in use and size to dwelling units and limited to one story.
- **Ownership:** Community buildings, parking areas, and shared open spaces are owned and maintained by residents (HOA or similar), not dedicated to the Town.

Design Standards.

- **Cottage Size:**
 - Maximum 1,200 sq ft gross floor area.

- Exclusions from gross floor area: spaces with ceiling height ≤ 6 ft, basements, small architectural projections, unenclosed porches, garages/carports.
- **Unit Height:** Maximum 26 ft.
- **Orientation:**
 - Cottages clustered around shared open space with primary entry and covered porch facing the common area.
 - Units facing public streets must have a façade, secondary entrance, porch, or other architectural enhancement oriented to the street.
- **Setbacks:**
 - 10 ft from any public right-of-way.
 - 10 ft from any other structure.
 - 25 ft from the common open area.
 - No structure more than 150 ft from fire department vehicle access.
- **Porches:** Covered front porches facing common open space, minimum 60 sq ft.
- **Parking:**
 - Minimum spaces per unit based on unit size (1-2 spaces).
 - Guest parking: minimum 0.5 spaces per unit.
 - Parking areas are screened from common areas and public streets.
 - Access to parking via private driveway or public alley.
 - Garages/carports compatible with cottage design.
 - Parking areas are limited to 5 contiguous spaces.
- **Walkways:**
 - Sidewalks along all public streets.
 - Interior walkways connecting cottages, parking areas, and public sidewalks.
 - Minimum 5 ft width for walkways and sidewalks.

Flexibility and Approvals.

- **Flexibility:** The Planning Commission has the authority to approve minor design modifications that do not significantly alter the project's intent.
- **Project Plan Application & Approval:**
 - Detailed plans and information are required for application.
 - Planning Commission review includes a public hearing.
 - The Planning Commission can approve, approve with conditions, or deny applications.
- **Amendments & Modifications:** Any changes to the approved development plan require a new application and review process.
- **Variations to Zone Permitted:** The Planning Commission may allow variations from existing zone development standards if they are included in the approved development plans. Changes to permitted uses are generally not allowed.