

Staff Analysis

DCA25-0002/ Legislative Updates

REQUEST:

This is a city-initiated Code amendment to the Denton Development Code's regulations and processes related to dwelling occupancy, public notification and protest, and home occupations.

CONSIDERATIONS:

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

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

Overall, the proposed Code amendments are consistent with Denton 2040 Comprehensive Plan's Community Vision, goals and actions, including:

- The City of Denton has integrated, reconciled, and streamlined its plans, processes, policies, and regulations for consistency, clarity, and effectiveness.
- We support and encourage our entrepreneurs and small businesses with a business-friendly attitude and efficient regulations and permitting.

More particularly, the amendments associated with HB 2464 support the Southeast Denton Area Plan Action 3.1.1: Amend regulatory barriers for home-based businesses, for example, removing the SUP requirement for small family home day cares in residential districts.

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

The proposed amendments are intended to incorporate SB 1567, HB 2464, and HB 24 as adopted by the 89th Legislative Session.

The updated DDC language outlined in Exhibits 4, 6, and 8 does not conflict with other provisions of the DDC and aims to coordinate the procedures, uses, and definitions outlined in Subchapters 2, 5, and 9. Likewise, a companion amendment to the Municipal Code of Ordinances will address conflicts associated with SB 1567 as it relates to overcrowding and HB 24 as it relates to protest procedures.

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

This proposed city-initiated Code amendment to the Denton Development Code is needed to ensure consistency with state law as discussed in Exhibit 1 and as follows:

- SB 1567 amends Texas Local Government Code (TLGC) Chapter 211 to modify how dwelling occupancy is determined in certain home-rule municipalities. The proposed change removes the DDC reliance on familial status to determine the maximum occupancy of a dwelling unit in favor of occupancy based upon bedroom size. Current regulations can be difficult to apply, potentially intrusive to residents, and set a different standard based upon occupants' relationships. This change will provide clearer direction and enforceability for both community members and staff.

- HB 2464 amends TLGC Chapter 229 to modify applicable regulations for home-based businesses. Current DDC regulations are inconsistent with current state law, necessitating an update to the Use-Specific Standards so that the regulations reflect the items that cities may regulate. The proposed change may ease the regulatory burden for residents interested in starting a home-based business.
- HB 24 amends TLGC Chapter 211 to revise the notification and protest procedures to clarify what notices are needed and protest procedures are applicable for certain types of zoning cases.

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

The City desires to amend the DDC to ensure consistency with existing city policies and statutory requirements associated with state and federal law.

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

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