



City of Denton

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

AGENDA INFORMATION SHEET

DEPARTMENT: Department of Development Services

DCM: Cassey Ogden

DATE: December 19, 2025

SUBJECT

Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, amending the Denton Development Code; amendments include but are not limited to Subsection 5.3.1D, Maximum Persons Occupying a Dwelling, and Section 9.2, Definitions, related to the term “family” and bedroom and the number of unrelated persons occupying a dwelling unit; Table 5.2.A, Table of Allowed Uses, Subsection 5.4.4A, Home-Based Occupations, and Section 9.2, Definitions, related to the term “home occupations” and home-based business regulations; Table 2.2-A, Summary of Development Review Procedures, Section 2.4, Common Review Procedures, Section 2.5, Development Permits and Procedures, Section 2.7, Plan and DDC Amendments, Section 2.8, Flexibility and Relief Procedures, related to public notice requirements and protest procedures; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission voted 6-0 to recommend approval of the request. Motion for approval by Commissioner Ketchersid and second by Commissioner Garland. (DCA25-0002c, Legislative Updates, Julie Wyatt) <https://dentontx.new.swagit.com/videos/361550>

BACKGROUND

With the passage of Senate Bill 1567, House Bill 2464, and House Bill 24 as part of the State’s 89th Regular Legislative Session, several changes to state law were adopted into the Texas Local Government Code relating to municipal regulations and procedures, specifically how cities regulate maximum dwelling unit occupancy, home-based businesses, and public hearing notification and protest procedures. These bills are attached as Exhibits 3, 5, and 7, respectively. This request is a comprehensive update to the Denton Development Code (DDC), intended to ensure the City’s compliance with these new and modified provisions in state law. Staff is also proposing updates to the Code of Ordinances (COO), which are being considered as a separate ordinance concurrently with these changes. The companion updates to the COO are on this same agenda as an item for Individual Consideration (DCA25-0002c).

In order to provide a complete understanding of the scope of changes, the following list provides a summary of each bill, specific references to both the City of Denton’s DDC and COO language impacted by the legislation, and staff’s reasoning for the structure of the amendment language. Only those edits to the DDC are considered as a part of this request. The companion agenda item (DCA25-0002c) outlines the proposed amendments to the COO.

Due to the large number of text changes, the full redline versions associated with each bill are attached as Exhibits 4, 6, and 8.

- **SENATE BILL 1567**

The purpose of this legislation (attached as Exhibit 3) is to modify how dwelling occupancy is determined in home-rule municipalities which meet the following: a population less than 250,000 and

an institution of higher education with student enrollment greater than 20,000 located within the boundary. Due to the City of Denton's population at the last decennial census (141,128) and the student population at the University of North Texas Denton campus (about 46,000 students), SB 1567 applies to the City of Denton.

Senate Bill 1567 prohibits regulating the number of occupants in a dwelling based on age, familial status, occupation relationship status, or relation, but allows applicable cities to regulate occupancy based upon bedroom size. Specifically, a dwelling can accommodate one occupant per sleeping room with a minimum floor area of 70 square feet and an additional occupant per each 50 additional square feet. Thus, a dwelling with three, 120-square-foot bedrooms could accommodate six persons, or two per bedroom.

Currently, the DDC relies on familial status as a basis for occupancy limitations, setting a maximum of four unrelated persons which may occupy a dwelling. The associated definitions of "family" and "bedroom" support the regulatory framework. The COO uses a similar metric in defining and regulating "overcrowding." Because current regulations are inconsistent with recent state law, modification to existing regulations and definitions is needed.

The title and citation for the relevant regulations and a rationale for the proposed changes are provided below. The full redline versions of the DDC Subsections and COO Sections are attached as Exhibit 4:

- **DDC Subsection 5.3.1D, *Maximum Persons Occupying a Dwelling.***

The proposed revision uses a straightforward application of state law with the exception of replacing "sleeping room" with "bedroom." This modification does not change the intent of the legislation, rather, it employs a more commonly understood term for a room where a person would sleep. "Bedroom" is also a term which is already defined in the DDC.

Please note, "dwelling or dwelling unit" refers to any structure or a portion thereof which provides living, sleeping, eating, cooking, and sanitation. Dwellings are not specifically listed uses but can be classified as single-family homes, multifamily units, townhomes, duplexes, etc.

- **DDC Subchapter 9, Definitions.**

- **Bedroom:**

The current definition for "Bedroom" doesn't delineate what specific physical attributes constitute a bedroom. The proposed change provides clearer direction as to what is needed to classify a room as a bedroom by first, referencing the requirements established by the International Residential Code (IRC) of how a bedroom is established, and second, requiring labeling on the floorplan. The IRC sets industry standards for classifying a room as a bedroom, including minimum square footage (70 square feet) and appropriate egress.

Since the proposed DDC change to dwelling occupancy and state law refer to "bedroom" or "sleeping room" as a basis for calculating the maximum number of persons who can occupy a dwelling, the definition change will ensure clear understanding and enforceability of the term.

- **Family:**

Since "family" is used throughout the DDC, staff concluded that the defined term should remain in Subchapter 9. However, the current language creates conflicts with state law. Therefore, staff recommends the proposed language to support the changes associated with occupancy as required by SB 1567.

- **COO Section 17-2, Definitions.**

- **Bedroom.**

The proposed modification corresponds with the DDC, as discussed above.

- **Family.**

The proposed modification corresponds with the DDC, as discussed above.

- **Overcrowding.**

One purpose of occupancy regulations is to prevent overcrowding within a dwelling. The proposed change to the “overcrowding” definition maintains the City’s ability to establish minimum standards for residential property while remaining consistent with SB 1567.

- **COO Section 17-159, Overcrowding.**

The current regulation is vague and subject to interpretation. The revision provides specific physical standards and is consistent with state law.

- **HOUSE BILL 2464**

The purpose of HB 2464 (attached as Exhibit 5) is to clarify how municipalities may regulate home-based businesses. Specifically, the legislation creates a distinction between home-based businesses which have operational characteristics that are deemed to have no impact (No Impact Home-Based Business) on adjacent residential properties or neighborhoods and all other home-based businesses that may have an impact. “No impact” is defined as limiting employees and clients to the occupancy limit, restricting on-street parking and any increases in traffic, and creating no visual or noise impacts.

In particular, HB 2462, includes the following:

- Cities may not prohibit the operation of a No Impact Home-Based Business.
- For all other home-based businesses, cities can prohibit specific uses but may not require rezoning or the installation of fire sprinklers in single-family or duplex dwellings.
- Cities may regulate the following for both No Impact and all other Home-Based Businesses: municipal regulations related to fire and building codes, health and sanitation, transportation or traffic control, waste, pollution, and noise; businesses which may be incompatible with the residential use; the scale of the business, such that it must be secondary to the residential use; limitation or prohibition for alcohol sales, sober living, and sexually oriented business as home-based businesses.

Currently, the DDC prohibits retail sales, doctors, dentists, automobile repair, greenhouses or nurseries, and animal grooming as “Home Occupation” uses and outlines other development standards which are designed to reduce the impacts to surrounding property. Additionally, the DDC does not differentiate “No Impact Home-Based Business” as a separate subset of use. Because current regulations are inconsistent with recent state law, modification to existing regulations and definitions is needed.

The title and citation for the relevant regulations and a rationale for the proposed changes are provided below. The full redline versions of the DDC Subsections are attached as Exhibit 6:

- **DDC Table 5.2-A: Table of Allowed Uses.**

The proposed amendment modifies the DDC Allowed Use Table to permit Home-Based Businesses in all zoning districts. Note, while some districts may not allow new residential uses to be established (LI, HI, and PF Districts), DDC Subsection 1.5.2I allows any existing, legally established single-family, townhome, and duplex uses within these districts to remain as conforming uses. This change reflects state law protecting home-based businesses, subject to applicable standards established by HB 2464.

Additionally, the modification renames “Home Occupation” as “Home-Based Business,” consistent with state law terminology. It should be noted that “No Impact Home-Based Business” is not included in the Table of Allowed Uses, as per HB 2474, that use is a subtype of Home-Based Business and is allowed without exception, as noted in the proposed amendment to Subsection 5.4.4C.11b.

- **DDC Subsection 5.4.4, Additional Standards for Specific Accessory Uses.**

The modified Use-Specific Standards for Home-Based Business reflect the regulatory framework established by HB 2464. Each of these standards is related to those elements that cities may regulate as outlined in the legislation, including compatibility with the residential use, limitations on parking, and prohibitions on certain uses, including those specifically listed in HB 2464 and those which could not comply with health and sanitation, traffic, waste, pollution, and noise regulations. These standards apply to all types of Home-Based Businesses, including “No-Impact Home-Based Businesses,” with the exception that those businesses that do not qualify as “No-Impact-Home-Based Businesses” per HB 2464 must be uses specifically allowed in the City of Denton.

- **DDC Subchapter 9, Definitions.**

The proposed changes resolve conflicts with state law by clarifying who and how a dwelling occupant may operate a Home-Based Business and adding the term “Home-Based Business, No Impact.”

- **HOUSE BILL 24**

The purpose of HB 24 (see attached Exhibit 7) is to enact several updates to the notification and protest procedures for proposed zoning changes.

First, the legislation establishes a special category for “comprehensive zoning change” which has specific notification and protest procedures. This “comprehensive zoning change” is defined as any city-initiated change in existing zoning regulations that allows more residential development and applies uniformly to the parcels in one or more zoning districts, adoption of a new zoning code or map that applies to the entire city, or adoption of a zoning overlay that allows more residential development and includes area along a major roadway, highway, or transit corridor.

For example, a modification of a base residential zoning district to reduce the minimum lot size from 10,000 square feet to 5,000 square feet (smaller lots would allow for more housing) qualifies as a comprehensive zoning change. Additionally, the 2002 adoption of the Denton Development Code and citywide rezoning also meets the criteria for a comprehensive zoning change.

Second, the legislation clarified the public notification procedures for comprehensive zoning changes. Comprehensive zoning changes require notification to be published online and in an official newspaper at least 17 days before the public hearings at both the Planning and Zoning Commission and City Council. Mailed notices and sign postings are not required. All other rezoning cases require the following notifications to be accomplished within specific prescribed timelines: published online and in an official newspaper, mailed to all property owners within 200 feet of the request (Denton also requires a postcard to be mailed to all residents within 500 feet), and a sign installed on the subject property (previously required by Denton, but not by state law).

Finally, HB 24 updates protest procedures associated with both comprehensive zoning changes and all other rezoning cases. Previously, any rezoning request which garnered written opposition from owners of at least 20% of the property within 200 feet of the request required a supermajority of City Council members (6 out of 7 total members) to approve. The following is a list of changes to the previous practice:

- Comprehensive zoning changes are now fully exempted from the protest procedure.
- Rezoning cases which do not have the effect of adding housing follow the previous protest procedure described above.
- Rezoning cases which are not city initiated and allow additional housing or meet specific standards for mixed-use development require written protest from owners of at least 60% of the property within 200 feet. In those instances where a case garners 60% written opposition, the rezoning requires a majority of the City Council members (for example, 4 out of 7 members, regardless of how many are present at the meeting).

Current DDC and COO language include the notification procedures and protest guidelines specific to Denton's practices and the state law prior to HB 24. Because current regulations are inconsistent with HB 24, modification to existing regulations and definitions is needed. sanguine

It should also be noted that in addition to the updates necessitated by HB 24, the proposed changes to the DDC and COO reflect the impacts associated with the 2023 *Acuna v. City of Austin* decision, which found that the City of Austin violated state law when the Council adopted new zoning regulations without notifying all property owners by mail.

The title and citation for the relevant regulations and a rationale for the proposed changes are provided below. The full redline versions of the DDC Subsections and COO Sections are attached as Exhibit 8:

- **DDC Table 2.2-A, Summary of Development Review Procedures.**
Currently, some procedure types outlined in Table 2.2-A reference specific Notes included at the bottom of the table. The proposed amendment adds two new Notes summarizing HB 24 notification procedures, identifies which projects should adhere to which procedure, and renumbers the notes as needed.
- **DDC Subsection 2.4B: Public Notice Requirements.**
Proposed updates expand this Subsection to provide more specificity as to the types of notification required. These include the procedures and applicability required by the City of Denton and HB 24, plus SB 929, which was enacted as part of the 88th Regular Legislative Session for properties which may become nonconforming due to a zoning action.
- **DDC Subsection 2.5.2C.5.d: Protest Procedure.**
The update modifies Specific Use Permit protest procedures to remove conflicts with state law.
- **DDC Subsection 2.7.1A: Comprehensive Plan Amendment.**
The proposal adds language which states that updates to the Mobility Plan follow the Comprehensive Plan Amendment Procedure. The purpose of this change is to clarify the applicability of the procedure.
- **DDC Subsection 2.7.2C.5.c: Protest Procedure.**
The update modifies Zoning Map Amendment protest procedures to remove conflicts with state law.
- **DDC Subsection 2.7.3D.5.c: Protest Procedure.**
The update modifies Planned Development protest procedures to remove conflicts with state law.
- **DDC Subsection 2.7.4C.4: Protest Procedure.**
The update modifies Zoning Text Amendment protest procedures to remove conflicts with state law.
- **DDC Subsection 2.8.3C.4: Scheduling and Notice of Public Meetings/Hearings.**
The update adds appropriate state law citations for Appeals of Administrative Decisions procedures.
- **DDC Subsection 2.8.4C: Protest Procedure.**
The update modifies Alternative Environmentally Sensitive Plan protest procedures to remove conflicts with state law.
- **COO Section 2-29. City council rules of procedure.**
The language update includes corrections to the state law citations for protest procedures.

See Exhibit 2 for Staff Analysis.

PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission held a public hearing for the request at their November 19, 2025, meeting. Staff presented the proposed DDC amendments needed to comply with several bills adopted by the 89th Regular Legislative Session. One Commissioner observed that he was glad to see the modifications to the maximum occupancy regulations.

OPTIONS

1. Approve
2. Approve with conditions
3. Deny
4. Postpone item

RECOMMENDATION

The Planning and Zoning Commission recommended approval of the request (6-0).

Staff recommends approval of the Denton Development Code text amendments related to maximum dwelling unit occupancy, home-based businesses, and public hearing public notification as the proposed amendments meet the established criteria for approval for Code Text Amendments as outlined in Section 2.7.4D of the DDC.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Date	Council, Board, Commission	Request	Action
April 23, 2019	City Council	2019 Denton Development Code	Approved with an effective date of October 1, 2019
November 19, 2025	Planning and Zoning Commission	DDC Legislative Updates (DCA25-0002)	Recommended approval

PUBLIC OUTREACH:

A notice was published in the Denton Record Chronicle on November 29, 2025. As of the writing of this report, Staff has not received any written responses.

EXHIBITS

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Staff Analysis

Exhibit 3 - Senate Bill 1567

Exhibit 4 - Proposed Redlined SB 1567 Amendments to the Denton Development Code and Code of Ordinances

Exhibit 5 - House Bill 2464

Exhibit 6 - Proposed Redlined HB 2464 Amendments to the Denton Development Code

Exhibit 7 - House Bill 24

Exhibit 8 - Proposed Redlined HB 24 Amendments to the Denton Development Code and Code of Ordinances

Exhibit 9 - Draft Ordinance

Exhibit 10 - Presentation

Respectfully submitted:
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Prepared by:
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