

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS AMENDING THE DENTON DEVELOPMENT CODE, SPECIFICALLY AMENDMENTS RELATED TO TWO NEW USES: DATA CENTER, MODULAR AND DATA CENTER, WAREHOUSE; PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000.00 FOR VIOLATIONS THEREOF; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. (DCA22-0003)

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

WHEREAS, the City desires to amend the Denton Development Code to include two new uses; Data Center, Modular and Data Center, Warehouse and associated use-specific standards and minimum development requirements; and

WHEREAS, the amendments include the following:

1. Amend Table 5.2-A (Table of Allowed Uses) to include each use and identify the appropriate zoning districts.
2. Amend Subchapter 5.3.6 (Use-Specific Standards, Industrial Uses) to include use-specific standards for each use.
3. Amend Table 7.9-I (Minimum Required Off-Street Parking) to include each use and associated parking.
4. Amend Subchapter 9.2 (Definitions) to include definitions for Modular Data Center and Warehouse Data Center, and to update the definition of Electric Substation; and

WHEREAS, on **August 10, 2022**, the Planning and Zoning Commission, in compliance with the laws of the State of Texas, gave the requisite notices by publication, held due hearings and recommended **_____ [____ - ____]** of the amendment to the Denton Development Code; and

WHEREAS, on **September 20, 2022**, the City Council likewise conducted a public hearing in accordance with local and state law and the City Council hereby finds that the Code amendments related to a new use: Data Center are consistent with the City’s comprehensive plan, and federal, state, and local law are in best interests of the City of Denton; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

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

SECTION 2. Subchapter 2 – Administration and Procedures of the DDC is amended as set forth **“Exhibit A”** which is attached and fully incorporated herein by reference.

SECTION 3. Any person, firm, partnership or corporation violating any provision of this ordinance shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by

fine in sum not exceeding \$2,000.00 for each offense. Each day that a provision of this ordinance is violated, shall constitute a separate and distinct offense.

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

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

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

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

	Aye	Nay	Abstain	Absent
Gerard Hudspeth, Mayor:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Jesse Davis, District 3:	_____	_____	_____	_____
Alison Maguire, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Chris Watts, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this, the _____ day of _____, 2022.

GERARD HUDSPETH, MAYOR

ATTEST:
ROSA RIOS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY: _____

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Exhibit A

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