



# City of Denton

City Hall  
215 E. McKinney Street  
Denton, Texas  
[www.cityofdenton.com](http://www.cityofdenton.com)

## AGENDA INFORMATION SHEET

**DEPARTMENT:** Department of Development Services

**DCM:** Cassey Ogden

**DATE:** May 20, 2025

### **SUBJECT**

Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas amending the Denton Development Code, specifically amendments to Table 5.2-A- Table of Allowed Uses, Section 5.3.5: Commercial Use-Specific Standards, Table 7.9-I: Minimum Required Off-Street Parking, and Section 9.2: Definitions related to Commercial Animal Service; providing for application requirements and process; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing savings and severability clauses, and an effective date. The Planning and Zoning Commission voted [4-0] to recommend approval of the request. Motion for approval was made by Commissioner Riggs and seconded by Commissioner Padron. (DCA24-0011d, Commercial Animal Services, Bryce Van Arsdale).

<https://dentontx.new.swagit.com/videos/340904?ts=6348>

### **BACKGROUND**

The purpose of this amendment is to establish a new land use, Commercial Animal Service, providing a greater level of specificity for uses which fall into this category. By adding this definition to the Denton Development Code, staff can better provide for the needs of the community, encouraging this development where appropriate, and enabling staff to impose use-specific standards in target areas to mitigate potential nuisances associated with the land use.

This amendment seeks to provide a land use definition which accommodates the evolution of domestic animal businesses. This establishes a land use designation which applies specifically to domestic animal-oriented businesses, rather than utilizing a broader or outdated land use which does not effectively capture the proposed land uses that are now commonplace within this industry. For example, staff has seen an increase in requests for uses such as dog daycares and cat cafes; these do not fit well within the existing definitions for either Kennel or Personal Service, General which is defined very broadly and specifically includes animal grooming as part of the definition. Additionally, use-specific standards would be put in place, and where applied, these use-specific standards are intended to ensure that uses of this type do not affect neighboring properties in a negative manner.

The following changes are proposed:

- Amend Table 5.2-A: Table of Allowed Uses to remove the existing Kennel use and add Commercial Animal Service (Indoor) and Commercial Animal Service (Outdoor) uses
- Amend Subsection 5.3.5. Commercial Use-Specific Standards to remove existing standards related to Kennels and to establish use-specific standards for the new Commercial Animal Service uses related to the location, size, and use of outdoor play/exercise areas
- Amend Table 7.9-I: Minimum Required Off-Street Parking to establish parking standards for Commercial Animal Services

- Amend Subsection 9.2: Definitions to modify the definitions of existing uses that overlap with the proposed new uses and to establish definitions for Commercial Animal Services

A redline version of the proposed changes is provided as Exhibit 4, and a clean version of the draft text is provided as Exhibit 3.

### ***PLANNING AND ZONING COMMISSION***

On August 28, 2024, staff presented the proposed DDC amendment to the Planning and Zoning Commission as a work session item. The Commission requested minor edits to the phrasing of the proposed definitions to further clarify the intent of Commercial Animal Service (Indoor) and Commercial Animal Service (Outdoor). Additionally, the use-specific standards were amended in response to the Commission's requests that the standards be amended to clarify outdoor relief areas are allowable for Commercial Animal Service (Indoor) uses. The amendments focus on ensuring that businesses are able to provide outdoor animal relief areas without triggering an SUP. Finally, the Commission requested that verbiage was added to the use-specific standards ensuring that boarding areas are climate controlled.

On September 25, 2024, the Planning and Zoning Commission held a public hearing and voted [4-0] to recommend approval of the DDC amendment. Motion for approval was made by Chair Ellis and seconded by Commissioner Pruett. During the work session, the Commission inquired about feedback from concerned business owners. Specifically, the state-mandated 929 notice, mailed out to existing business and property owners. Per state requirements, the notice includes the following text, "The City of Denton Planning and Zoning Commission is holding a hearing that will determine whether you may lose the right to continue using your property for its current use." Staff ensured that existing businesses are protected under the proposed ordinance and will not lose their right to operate as they exist today.

During the regular session at the September 25, 2024 meeting, members of the public spoke regarding the 929 notices, and expressed concerns regarding language included within the notice. Staff provided clarification on the requirements of the 929 notices and assured relevant parties that existing business would be allowed to continue their operations as conforming land uses under the proposed ordinance. Additionally, staff answered questions from the public regarding the definition of "non-compliant" as well as the applicability of the 150-foot required set back from residentially zoned properties to existing businesses.

Following the September 25, 2024 Planning and Zoning Commission meeting, the proposed amendment was scheduled to be considered by City Council on February 4, 2025; however, the item was withdrawn from consideration as staff determined it was necessary to conduct additional public notification related to potential nonconforming uses.

On April 23, 2025, the proposed amendments were returned to the Planning and Zoning Commission to ensure that state noticing requirements had been satisfied. The Planning and Zoning Commission held a public hearing and voted [4-0] to recommend approval of the DDC amendment. Motion for approval was made by Commissioner Riggs and seconded by Commissioner Padron. During the work session, the Commission inquired about the number of businesses receiving notices that would be classified as "conforming".

At the regular session of the April 23, 2025 meeting, staff informed the Commission that seven of the ten businesses that received the 929 notices would be granted conforming status based on the list provided as Exhibit B to the draft ordinance (see Exhibit 3). The other three businesses are currently operating without a Certificate of Occupancy (CO) or outside of the standards applied by their CO. A member of the public spoke regarding the land use classification of their business, inquiring how an on-site veterinary visit may affect their land use classification. Staff informed the owner that a business's land use is determined by the

primary use of the building on the property and will not be subject to change based on occasional site visits made by a veterinary practitioner.

### **OPTIONS**

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

### **RECOMMENDATION**

The Planning and Zoning Commission held a public hearing and voted [4-0] to recommend approval of the DDC Text Amendment. The motion for approval was made by Commissioner Riggs and seconded by Commissioner Padron.

Staff recommends **approval** of the amendments related to Commercial Animal Services as the proposed amendments meet the established criteria for approval for Code Text Amendments as outlined in Section 2.7.4.D of the DDC.

See Exhibit 2 for Staff Analysis.

### **PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

<b>Date</b>	<b>Council, Board, Commission</b>	<b>Request</b>	<b>Action</b>
April 23, 2019	City Council	Consider 2019 DDC Update	Approved with an effective date of October 1, 2019
August 28, 2024	Planning and Zoning Commission	Staff requested feedback regarding proposed Commercial Animal Service updates	Work Session discussion held, Planning and Zoning Commission directed staff to proceed with the amendments with minor changes.
September 25, 2024	Planning and Zoning Commission	Consider amendments related to Commercial Animal Services	Recommended Approval
February 4, 2025	City Council	Consider amendments related to Commercial Animal Services	Withdrawn and renoticed for Planning and Zoning Commission.
March 19, 2025	Planning and Zoning Commission	Consider amendments related to Commercial Animal Services	No action taken. Item renoticed for April, 23, 2025.
April 23, 2025	Planning and Zoning Commission	Consider amendments related to Commercial Animal Services	Recommended Approval

### **Public Outreach:**

The following public outreach efforts were done to meet legal notice requirements and to seek feedback from adjacent property owners and residents:

- On April 2, 2025 and April 29, 2025, 20 state-mandated 929 notices were mailed out to ten distinct businesses and their property owners whose businesses fall into the subject use definitions, meeting the requirements of Senate Bill 929 (passed during 2023 88th Texas legislative session).
- A notice was published on the City's website on April 3, 2025, and April 30, 2025.
- A notice was published in the Denton Record Chronicle on April 5, 2025, and May 3, 2025.
- As of the writing of this report, no responses have been received in favor or in opposition.

### **EXHIBITS**

Exhibit 1 – Agenda Information Sheet

Exhibit 2 – Staff Analysis

Exhibit 3 – Draft Ordinance

Exhibit 4 – Redline Markup

Exhibit 5– Presentation

Respectfully submitted:

Tina Firgens, AICP

Deputy Director of Development Services/  
Planning Director

Prepared by:

Bryce Van Arsdale

Assistant Planner