

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, AMENDING CHAPTER 17 "PROPERTY MAINTENANCE", ARTICLE I "IN GENERAL", SECTION 17-2 "DEFINITIONS", OF THE CODE OF ORDINANCES OF THE CITY OF DENTON, TO REVISE DEFINITIONS RELATED TO DWELLING OCCUPANCY; AMENDING CHAPTER 17, ARTICLE XIII "MINIMUM BUILDING STANDARDS", DIVISION 2 "MINIMUM STANDARDS", SECTION 17-159 "OCCUPANCY LIMITATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF DENTON, TO REVISE OVERCROWDING STANDARDS; CHAPTER 2 "ADMINISTRATION", ARTICLE II, "ADMINISTRATIVE ORGANIZATION", SECTION 2-29 "CITY COUNCIL RULES OF PROCEDURE" OF THE CODE OF ORDINANCES OF THE CITY OF DENTON, TO REVISE WRITTEN PROTEST PROCEDURES; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, as part of the State of Texas 89th Legislative Session Senate Bill 1567 was adopted and became effective September 1, 2025, amending Chapter 211 of the Texas Local Government Code and limiting occupancy regulations in certain municipalities; and

WHEREAS, as part of the State of Texas 89th Legislative Session House Bill 24 was adopted and became effective September 1, 2025, amending Chapter 211 of the Texas Local Government Code to revise protest procedures for all changes to zoning regulations and district boundaries that are not comprehensive zoning changes; and

WHEREAS, in response to changes to Chapter 211 of the Local Government Code and the City's desire to amend the Code of Ordinances to ensure consistency with the state law as adopted by the State Legislature; and

WHEREAS, the City Council hereby finds that the Code amendment is in the best interest 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. The City Council hereby amends the Code of Ordinances to read as follows:

Sec. 17-2. Definitions.

Bedroom means any room used predominately as a sleeping room other than a living room, family room, dining room, kitchen, bathroom, closets, or utility room, shall be considered a bedroom. Dens, studies, etc. which comply with all requirements established by the International Residential Code and labeled as such on the floorplan with or without closets and similar areas, which may be used as bedrooms shall be counted as bedrooms. Any

room other than a living room, family room, dining room, kitchen, bathroom, closet, or utility room, den, study, etc., and is used predominately as a sleeping room.

Family means two or more people occupying a single dwelling unit and living as a single housekeeping unit. The term "family" does not include any organization or institutional group that receives federal or state funding for the care of the individual.

Overcrowding means the number of people in excess of one occupant per bedroom with a minimum floor area of 70 square feet and an additional occupant for each additional 50 square feet in the same room.

Sec. 17-159. Occupancy limitations.

The number of people occupying a dwelling unit shall not exceed one occupant per bedroom with a minimum floor area of 70 square feet and an additional occupant for each additional 50 square feet in the same room.

Sec. 2-29. City council rules of procedure.

(i) Votes required. Questions on which the voting requirement is varied by the Charter, State Statutes and these rules are listed below:

(1) Charter and state statutory requirements:

d. *Changes in zoning ordinance or zoning classifications*: In cases of a written protest of a change in a zoning regulation or zoning classification by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of the lots immediately adjoining the same and extending two hundred (200) feet therefrom, such amendment shall not become effective except by the favorable vote of three-fourths ($\frac{3}{4}$) of all members of the city council unless the change meets the criteria relating to residential development in Section 211.0061(b)(3) of the TLGC, as amended; further, three-fourths ($\frac{3}{4}$) of all the members of the city council is required to override the decision of the planning and zoning commission that a zoning change be denied. ("All" members of the city council are construed to mean all who are qualified to vote on a matter, and any legal disqualification of a member could change the requisite number of votes required for passage. *City of Alamo Heights v. Gerety et al.*, 264 S.W. 2d 778 (Ct. App. — San Antonio (1954)).

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 a fine in a 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. This ordinance shall supersede and replace all previous conflicting provisions of City ordinances and Code, including Section 17-2, Section 17-159, and Section 2-

29, and such previous conflicting provisions are hereby repealed. All other non-conflicting provisions, including those of Chapter 17 and Chapter 2 of the Code of the City of Denton, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence paragraph, or section.

SECTION 6. The City Secretary is hereby directed to record and publish the above revised section in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

SECTION 7. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Local Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

SECTION 8. 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
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Suzi Rumohr, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Jill Jester, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2025.

GERARD HUDSPETH, MAYOR

ATTEST:

INGRID REX, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:

MACK REINWAND, CITY ATTORNEY

BY:  _____