



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 16, 2025

SUBJECT

Consider adoption of 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. (DCA25-0002c, Legislative Updates, Julie Wyatt) <https://dentontx.new.swagit.com/videos/361550?ts=14799>

BACKGROUND

With the passage of Senate Bill 1567 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 and public hearing protest procedures. The proposed request is an update to the Code of Ordinances (COO) to ensure the City's compliance with these new and modified provisions in state law. Staff is also proposing an update to the Denton Development Code (DDC), which is being considered as a separate ordinance concurrently with these changes. The companion amendments to the DDC are on this same agenda as a Public Hearing item (DCA25-0002a).

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

- **SENATE BILL 1567**

The purpose of this legislation 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. For example, a dwelling with three, 120-square-foot bedrooms could accommodate six persons, or two per bedroom.

Code of Ordinances, Chapter 17, *Property Maintenance*, establishes the minimum maintenance and sanitary standards for all existing structures and premises to protect the health, safety, and welfare of Denton's residents. These comprise regulations for landscaping, environmental nuisances, fences, parking, outside storage, graffiti, and buildings. Limitations on occupancy are also included to prevent overcrowding.

Currently, the COO relies on familial status 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. 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, and a redline of the relevant sections from the COO is provided as part of the Draft Ordinance in Exhibit 3. Note, proposed changes are consistent with the DDC when appropriate.

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

- **Bedroom.**

- Current: "Bedroom" means 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.
 - This definition doesn't delineate what specific physical attributes constitute a bedroom, rather, it lists all rooms (other than a bedroom) needed to constitute a "dwelling." A "dwelling or dwelling unit" refers to any structure or a portion thereof which provides *living, sleeping, eating, cooking, and sanitation*.
 - 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.
 - **Proposal: "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 shall be counted as bedrooms.**

- **Family.**

- Current: "Family" means two (2) or more persons occupying a single dwelling unit where all members are related by blood, marriage, adoption, or legal guardianship of minors. The term "family" does not include any organization or institutional group that receives federal or state funding for the care of the individual.
 - This language relies on relationship status which directly conflicts with state law. Therefore, staff recommends the proposed language to support the changes associated with occupancy as required by SB 1567.
 - **Proposal: "Family" means any number of persons 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.**

- Current: “Overcrowding” means the number of persons in excess of the number allowed to live in a single dwelling unit, including family and unrelated individuals. No single dwelling unit shall have more than four (4) unrelated individuals residing therein, nor shall any family, as herein defined, have more than four (4) unrelated individuals residing with such family.
- 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.
- **Proposed: “Overcrowding” means the number of persons 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 same room.**

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

- Current: *Overcrowding*. The number of persons occupying a dwelling unit shall not create conditions that endanger the life, health, safety or welfare of the occupants, or otherwise violate the terms of the article.
- The current regulation is vague and subject to interpretation. The revision is less ambiguous by using specific physical properties and is consistent with state law.
- **Proposed: *Overcrowding*. The number of persons occupying a dwelling unit shall not exceed:**
 - (a) **One occupant per bedroom with a minimum floor area of 70 square feet and an additional occupant for each additional 50 square feet in same room; and**
 - (b) **Create conditions that endanger the life, health, safety or welfare of the occupants, or otherwise violate the terms of the article.**

• **HOUSE BILL 24**

House Bill 24 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.

House Bill 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).

Currently, the COO's *City council rules of procedure* include 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.

The title and citation for the relevant regulations and a rationale for the proposed changes are provided below, and a redline of the relevant sections from the COO is provided as part of the Draft Ordinance in Exhibit 3.

○ **COO Section 2-29. City council rules of procedure.**

▪ **Current:**

- (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; 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 (V.T.C.A. Local Government Code § 211.066 (Vernon 2014)) and section 35.3.4.C.(4) Denton City Code (Development Code)). ("All" members of the city council is 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)).

- The language update includes corrections to the state law citation for protest procedures.

▪ **Proposed:**

- (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 is 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)).

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
December 16, 2025	City Council	DDC Legislative Updates (DCA25-0002a)	Outcome unknown

RECOMMENDATION

Staff recommends approval of the amendments related to maximum dwelling unit occupancy and public hearing protest as presented.

OPTIONS

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

EXHIBITS

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Presentation

Exhibit 3 - Draft Ordinance

Respectfully submitted:
Hayley Zagurski, AICP
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Prepared by:
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