



# 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

**ACM:** Cassey Ogden

**DATE:** March 20, 2024

### **SUBJECT**

Hold a public hearing and consider making a recommendation to City Council regarding amending the Denton Development Code's land occupancy process; amendments include but are not limited to: Table 2.2-A: *Summary of Development Review Procedures* and Section 2.5: *Development Permits and Procedures*. (DCA24-0002a, Land Occupancy, Julie Wyatt)

### **BACKGROUND**

Denton Development Code (DDC) Section 1.2 outlines the purpose of the City's zoning regulations, including the following:

- 1.2.7** Encourage the appropriate use of land, buildings, and structures; and
- 1.2.8** Establish procedures for the processing of planning and zoning actions that affect the development and use of property subject to the planning jurisdiction of the City.

Generally, the processes established by DDC Subchapter 2 allow for review of any proposed land use and development through plats, zoning change requests, Zoning Compliance Plans, Certificates of Occupancy, and/or other procedures. There are, however, some instances that do not fall within the one of the established procedures, limiting the City's ability to review a proposed land use to ensure that it meets all zoning and development regulations. This situation most often occurs when a building or horizontal improvements (i.e. paving or utilities) would not be needed to facilitate the use of land. Examples of where this may occur could include the use of land for outdoor recreation purposes that don't involve construction of any occupiable buildings, or the conversion of an existing parking lot to automobile storage associated with an off-site internet sales office.

The purpose of this amendment is to establish a new process whereby staff can review the use of land when a building is not being occupied to confirm that a proposal meets zoning and development standards. The amendment requires additions to Subchapter 2 as shown below and in Exhibit 3:

## Table Error! No text of specified style in document.-A Summary of Development Review Procedures

R = Review/recommendation D = Decision A = Appeal [R/D/A] = Public hearing required

<R/D/A> = Public meeting required ◇ = Recommended ✓ = Required

Procedure	DDC Reference	Public Notice				Pre-Application Activities		Review and Decision-Making Bodies				
		Online	Mailed	Published	Posted Sign	Pre-App. Conference	Citizen Participation	Development Assistance Team	Director	Planning and Zoning Commission	City Council	Zoning Board of Adjustment
Certificate of Land Use	2.5.11					◇		R	D			<A>

### 2.5.11 Certificate of Land Use

#### A. Purpose

The certificate of land use procedure provides a mechanism for the city to evaluate new, existing, and/or changes in the use of land to ensure compliance with applicable standards of this DDC.

#### B. Applicability

A certificate of land use shall be required prior to the use of land, except when a Certificate of Occupancy or Temporary Use Permit is required. The certificate of land use shall be used to confirm the proposed use is permitted as a primary use of the property or may be used to confirm the proposed use is a permitted accessory use to an established primary use of the property.

#### C. Certificate of Land Use Procedure

**Error! Reference source not found.** identifies the applicable steps from the common review procedures in Section **Error! Reference source not found.** that apply to the review of a certificate of land use. Additions or modifications to the common review procedures are noted below.

##### 1. Step 1: Pre-Application Activities

###### a. Pre-Application Conference

A pre-application conference is optional in accordance with Subsection **Error! Reference source not found.**

###### b. Citizen Participation

Not required.

##### 2. Step 2: Application Submittal and Processing

The certificate of land use application shall be submitted and accepted, and may be revised or withdrawn, in accordance with Subsection **Error! Reference source not found.**

##### 3. Step 3: Staff Review and Action

The Director shall review the application and/or examine the site to determine conformance with the applicable standards. The applicable standards may include, but are not limited to zoning, platting, parking, landscaping, lighting, noise, and other standards in accordance with Subsection 2.4.5.

##### 4. Step 4: Scheduling and Notice of Public Meetings/Hearings

Not required.

##### 5. Step 5: Review and Decision

The Director shall issue a certificate of land use, subject to any additional conditions, if the Director finds that the land use complies with the applicable provisions of this DDC and other applicable ordinances of the city in accordance with Subsection **Error! Reference source not found.**

##### 6. Step 6: Post-Decision Actions and Limitations

Post-decision actions and limitations in Subsection **Error! Reference source not found.** shall apply, with the following modifications:

###### a. Effect of Approval

- i. A certificate of land use authorizes establishment of a particular use on land, subject to any additional conditions.
  - ii. The certificate of land use shall clearly state the approved permitted use of the land and any conditions associated with that use.
- b. **Appeal to the Zoning Board of Adjustment**  
The applicant may appeal the denial, revocation, or suspension of a certificate of land use to the Zoning Board of Adjustment in accordance with Subsection **Error!**  
**Reference source not found..**

Since the proposed amendments will create a new process and permit requirement for property owners and/or tenants, staff has begun the following tasks to assist with the implementation, if approved:

- Update the Certificate of Occupancy application to add the Certificate of Land Use option.
- Analyze the existing land uses to identify properties which may be impacted by the proposed regulatory change. If approved, a letter will be sent to the property owners and tenants (if different) to inform them of the change in regulations and assist with them coming into compliance.

Additionally, review and inspection fees for the Certificate of Lane Use will be recommended to City Council. Staff anticipates that the proposed fee will be consistent with the current fees for a Certificate of Occupancy and will likely include a 90-day “grace period” before the fee goes into effect to incentivize compliance and ease the transition for existing property owners and tenants.

**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	2019 Denton Development Code	Approved with an effective date of October 1, 2019

**EXHIBITS**

1. Agenda Information Sheet
2. Staff Analysis
3. Draft DDC Amendment
4. Draft Ordinance

Respectfully submitted:  
Tina Firgens, AICP  
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