

Staff Analysis

DCA24-0002/ Land Occupancy

REQUEST:

This is a city-initiated Code amendment to 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*.

CONSIDERATIONS:

Section 2.7.4D of the DDC states that an application for a DDC text amendment may be approved upon consideration of the following criteria as to whether and to what extent the proposed amendment:

1. *Is consistent with the Comprehensive Plan, other adopted plans, and other city policies;*

The proposed Code amendment will allow staff to verify that all land uses within the City (regardless of the presence of a structure) meet development regulations consistent with the Comprehensive Plan and other plans and policies. Specifically, the proposed Certificate of Land Use supports the following Land Use Goal by implementing the established Future Land Use Designations and associated zoning regulations:

GOAL LU-6: Grow with Balance: Establish land use designations that respond to the growing needs and character specifications of the Denton community.

2. *Does not conflict with other provisions of this DDC or other provisions in the Municipal Code of Ordinances;*

The proposed Code amendment does not conflict with any provisions of the DDC or Municipal Code of Ordinances. Rather, it will provide a defined process for the community and the City to verify that any proposed land use is developed in a manner consistent with the DDC.

3. *Is necessary to address a demonstrated community need;*

This proposed city-initiated DDC amendment is needed to establish a defined procedure to review any proposed land use, regardless of building occupancy, to ensure that the City's zoning regulations are being applied evenly throughout the community. Since there is currently no mechanism to review these types of proposals, the use of land often follows an ad hoc process whereby the City gets involved after a use is established and/or complaints are received. This can result in contentious situations that may have been avoided with early review and guidance.

As proposed, the Certificate of Land Use would provide assistance to property owners or tenants prior to the use of land, giving certainty before any monetary or physical investments are made. Furthermore, it would assure surrounding property owners that a given use is permitted and any other regulations are applied correctly.

4. *Is necessary to respond to a substantial change in conditions and/or policy; and*

The City desires to amend the DDC to ensure consistency with existing city policies and statutory requirements associated with state and federal law.

5. *Is consistent with the general purpose and intent of this DDC.*

The proposed Code amendments are consistent with the general purpose and intent of the DDC.