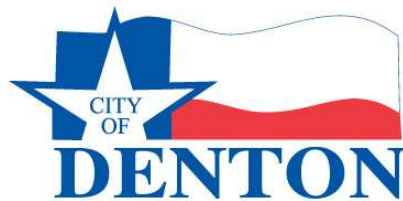


# DCA24-0002b Land Occupancy

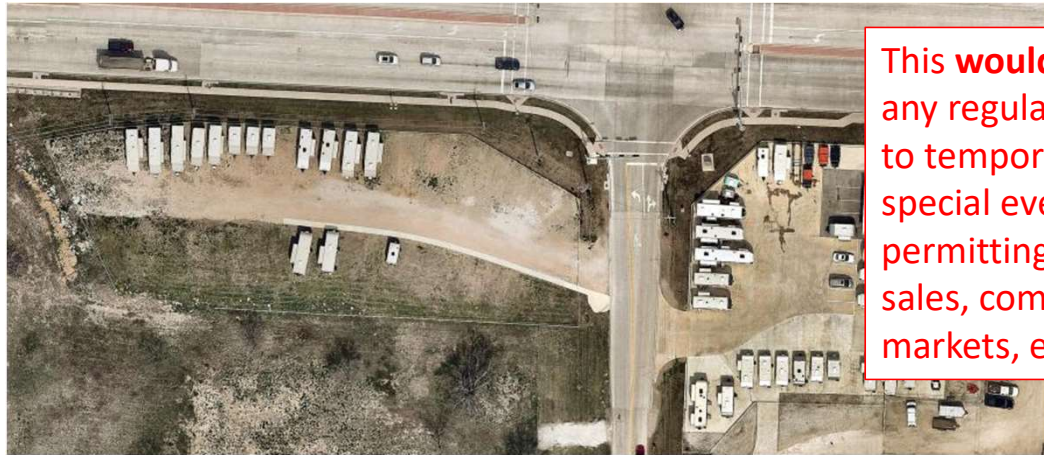
Julie Wyatt  
Principal Planner  
April 16, 2024





## Background

- Processes established by DDC Subchapter 2 allow for review of any proposed land use through a variety of procedures: zoning compliance plans, plats, etc.
- Some scenarios fall outside of the processes, limiting the ability to review a proposed land use.
- This situation most often occurs when a building or horizontal improvements would not be needed to use the land.
- **Examples:** food truck park, conversion of an existing parking lot to automobile storage associated with an off-site internet sales office, sales of storage buildings.



This **would not change** any regulations related to temporary uses or special event permitting for seasonal sales, community markets, etc.

# Proposal

- Establish a process to review the use of land to ensure that the regulations are being applied evenly
- Provide certainty for property owners or tenants prior to the use of land, before any monetary or physical investments are made
- Assure surrounding property owners that a given use is permitted and any other regulations are applied correctly
- If approved, would ~~likely~~ follow the established CO procedure



## 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.

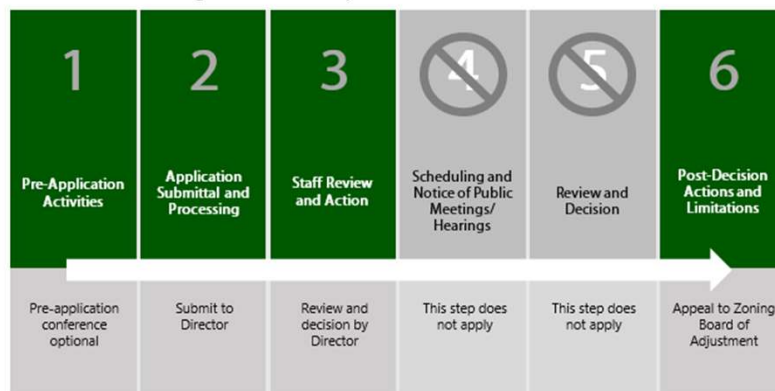
### B. Applicability

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

Figure 2.5-11 identifies the applicable steps from the common review procedures in Section 2.4 that apply to the review of a certificate of land use. Additions or modifications to the common review procedures are noted below.

Figure 2.5-11: Summary of Certificate of Land Use Procedure



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

#### a. Pre-Application Conference

A pre-application conference is optional in accordance with Subsection 2.4.3.

#### 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 2.4.4.

### 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 2.4.7.

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

Post-decision actions and limitations in Subsection 2.4.8 shall apply, with the following modifications:

#### a. Effect of Approval

- A certificate of land use authorizes establishment of a particular use on land, subject to any additional conditions.
- 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 2.8.3.

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## Recommendation

The Planning and Zoning Commission recommended **approval** of the proposal (7-0)

Staff recommended **approval** of the request, as it is consistent with the criteria in Section 2.4.5E of the Denton Development Code (DDC) for approval of all applications, and Section 2.7.4D of the DDC for approval of a DDC text amendment



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**Questions?**



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