

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, REGARDING AMENDING SUBCHAPTER 35.5 OF THE DENTON DEVELOPMENT CODE BY ADDING A SPECIFIC USE PERMIT (SUP) REQUIREMENT FOR MULTI-FAMILY DWELLING UNITS IN THE DOWNTOWN RESIDENTIAL 2 (DR-2), DOWNTOWN COMMERCIAL NEIGHBORHOOD (DC-N) AND DOWNTOWN COMMERCIAL GENERAL (DC-G) ZONING DISTRICT AND USE CLASSIFICATIONS AND ADDING A LIMITATION 44; PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000.00 FOR VIOLATIONS THEREOF; PROVIDING A SEVERABILITY CLAUSE, SAVINGS CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 2002-040, the City Council of the City of Denton, Texas adopted the Denton Development Code (the "DDC"); and

WHEREAS, the City desires to amend Subchapter 35.5 of the DDC by adding a Specific Use Permit (SUP) requirement for multi-family dwelling units in the Downtown Residential 2 (DR-2), Downtown Commercial Neighborhood (DC-N) and Downtown Commercial General (DC-G) zoning district and use classifications; and

WHEREAS, on November 8, 2016 and February 21, 2017, the City Council discussed the issues surrounding collegiate housing in the downtown districts, which are often referred to as Single Room Occupancy (SRO) developments and determined that an SUP requirement for multi-family use would better suit the area; and

WHEREAS, the City desires to amend Subchapter 35.5 to add an SUP requirement for multi-family dwelling units in the DR-2, DC-N and DC-G zoning districts in order to address the concern of the adjacency of multi-family developments to established residential neighborhoods, Historic Districts, and Special Purpose Overlay Districts and the impact of these and SRO developments; and

WHEREAS, the SUP would serve as the land use analysis tool to determine not just the appropriateness of the massing and scale of the proposed development but would also serve to determine the compatibility of the use as it relates to the surrounding zoning and land use pattern with the addition of Limitation 44 (L44) and the criteria under Subchapter 6 of the Denton Development Code; and

WHEREAS, after noticed published, a public hearing was held before the Planning and Zoning Commission on March 22, 2017 in accordance with local and state law and was DENIED by a vote of 5-1 with one member absent; and

WHEREAS, the City Council held a hearing in accordance with local and state law and hereby finds by a supermajority vote that the amendment to Subchapter 35.5 of the DDC to add an SUP requirement for multi-family dwelling units in the DR-2, DC-N and DC-G zoning district and use classifications and the addition of Limitation 44 is consistent with the City's comprehensive plan, and federal, state, and local law and such action is in the best interests of the citizens 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 Denton Development Code, Subchapter 35.5, "Zoning Districts and Limitations," Section 35.5.3.2, "Permitted Uses" is hereby amended to add an SUP and a Limitation 44 (L44) requirement for multi-family dwelling units in the DR-2, DC-N and DC-G zoning district and use classifications, as depicted in Exhibit A, and incorporated by reference herein, and such amendment is hereby adopted as part of the DDC.

SECTION 3. The Denton Development Code, Subchapter 35.5, "Zoning Districts and Limitations," Section 35.5.8, "Limitations," is amended to include a Limitation 44 (L44) as indicated in Exhibit A.

SECTION 4. 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 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 5. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall not affect the validity of the provisions or applications, and to this end the provisions of this ordinance are severable.

SECTION 6. That an offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Denton Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. 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.

PASSED AND APPROVED this the ____ day of _____, 2017.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, INTERIM CITY ATTORNEY

BY:

A handwritten signature in cursive script, appearing to read "Jennifer W. DeCuir", written over a horizontal line.

Exhibit A

Residential Land Use Categories	DR-1	DR-2	DC-N	DC-G
Multi-Family Dwellings	N	SUP L(5) L(44)	SUP L(5) L(44)	SUP L(5) L(44)
P= Permitted, N=not permitted, SUP= Specific Use Permit Required, L(X) = Limited as defined in Section 35.5.8				

35.5.8 Limitations

The following define the limitations to zoning uses when the zoning matrix identify a use as permitted, but limited

L(44) = Permitted subject to the approval of a Specific Use Permit using the criteria in Subchapter 35.6 of the Denton Development Code, which may include a discretionary analysis of height, density and compatibility.