



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: Department of Development Services

CM: Todd Hileman

DATE: September 19, 2017

SUBJECT

Hold a public hearing and consider adoption of an ordinance for proposed revisions to the Denton Development Code; specifically to amend Subchapters 5 and 23 pertaining to medical land use categories and definitions. The Planning and Zoning Commission voted 5-0 to approve the request. (DCA17-0008, Medical Uses).

BACKGROUND

Staff is proposing amendments to the Denton Development Code (DDC) Section 35.5 *Zoning Districts and Limitations* and Section 35.23 *Definitions* to create new and clarify existing definitions for a variety of medical service uses. The proposed amendments define a wider variety of medical services and correlate these definitions to one of three broad land use categories:

- Medical Offices
- Medical Clinics
- Hospital Services

The majority of the new definitions included in Section 35.23 defer to an industry standard definition contained in State regulations. These amendments are intended to ensure better compatibility when medical service uses are constructed in commercial and mixed use districts, which often abut residential districts.

Currently the DDC defines the following three uses that can be applied to medical services:

- **Professional Services and Offices** – Offices used for the conduct of business-related activities, excluding the sale of merchandise or storing of merchandise on the premises.
- **Hospitals** – An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis; or a nursing home.
- **Medical Centers** – A walk-in facility for medical, obstetrical, or surgical care limited to day use only.

The medical care industry is evolving, and many uses that are becoming more prevalent, such as urgent care facilities and free-standing emergency rooms, are not clearly defined in the current code. Existing urgent care and free-standing emergency facilities have been permitted as either Professional Services and Offices or Medical Centers. Even though these facilities may be designed for 24-hour operation and handle higher levels of emergency/ambulatory services, most do not regularly provide sleeping or eating quarters as is required under the Hospital definition. In the past year, at least four applications related to new urgent care or emergency facilities were received. Due to the relatively high number of applications for facilities of this type, these amendments to the code are being brought forward in advance of the overall DDC update.

With the proposed amendment, the three existing use categories and definitions would be modified as follows:

- Professional Services and Offices: This use category and definition would remain, but would no longer include medical offices. **Medical Offices** would become a separate use category with its own definition. Medical Offices would be permitted in the same zoning districts where Professional Services and Offices are currently permitted.
- Hospitals: This use category would be renamed **Hospital Services** and would be more specifically defined to align with State definitions. Hospital Services would be permitted in the same districts where Hospitals are currently permitted.
- Medical Centers: This use category would be renamed **Medical Clinics** and would be more specifically defined to align with State definitions. Medical Clinics would be permitted in the same districts where Medical Centers are currently permitted, with the following exceptions:
 - A Specific Use Permit (SUP) would be required for this use in the Neighborhood Residential Mixed Use (NRMU) District rather than being permitted by right because this district permits many residential uses and often adjoins less intensive residential districts. An SUP would provide more opportunity to ensure adequate nuisance prevention is provided in the site design.
 - The use would no longer be permitted within the Downtown Residential 2 (DR-2) District, even with a SUP. Since the Medical Clinic category encompasses more intensive medical services such as outpatient surgery and emergency care, this use is not compatible within a district that encourages pedestrian-oriented, lower-density residential development.

The table below summarizes the proposed medical services that would be defined and shows which of the three new land use categories each definition fits within:

Medical Service to be Defined	Corresponding Land Use Category
Ambulatory Surgical Center	Medical Clinic
End Stage Renal Disease Facility	
Freestanding Emergency Medical Care Facility	
Medical Clinic	
Outpatient Services	
Medical Office	Medical Office
General Hospital	Hospital Services
Hospital Services	
Niche Hospital	
Special Hospital	
Trauma Facility	

Medical Offices are considered a separate use because these are typically outpatient facilities which are specialized in their area of care and operate more on an appointment basis rather than for the walk-in public. Medical Clinics also operate primarily as outpatient facilities and may be open for the walk-in public or offer more intensive services such as outpatient surgery. Hospitals are distinguished by primarily being inpatient facilities, which are able to accommodate extended stays and are able to accept and treat more intensive levels of emergency or trauma.

In summary, the proposed amendments would accomplish the following objectives:

- a. Align City definitions with State definitions for consistency
- b. Restructure medical services land uses in keeping with medical industry trends
- c. Assign appropriate permitted zoning districts to the newly defined land use categories

OPTIONS

1. Approve as submitted.
2. Approve subject to conditions.
3. Deny.
4. Postpone consideration.
5. Table item.

RECOMMENDATION

The Development Review Committee recommends approval of this request.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On August 9, 2017 the Planning and Zoning Commission recommended approval of the rezoning request (5-0).

The Planning and Zoning Commission sought clarification that these amendments would be incorporated into the overall DDC update if they are approved. The Commission also discussed whether 24-hour emergency rooms should be a separate use category, but staff clarified that one of the goals of these amendments is to ensure the medical uses included in the DDC align with uses that are clearly defined by state regulations to avoid ambiguity in the future.

STRATEGIC PLAN RELATIONSHIP

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

Related Key Focus Area: Economic Development

Related Goal: 3.4 Encourage development, redevelopment, recruitment, and retention

EXHIBITS

1. Agenda Information Sheet
2. Staff Analysis
3. Subchapter 5 Zoning Districts and Limitations (Redline)
4. Subchapter 23 Definitions (Redline)
5. Presentation Slides
6. Planning and Zoning Commission Meeting Minutes (DRAFT)
7. Draft Ordinance

Respectfully submitted:
Munal Mauladad
Director of Development Services

Prepared by:
Hayley Zagurski
Senior Planner