



## Legislation Details (With Text)

**File #:** DCA17-0005a      **Version:** 1      **Name:**

**Type:** Ordinance

**File created:** 3/1/2017      **In control:** City Council

**On agenda:** 4/4/2017      **Final action:**

**Title:** Hold a public hearing and consider adoption of 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 L(44); providing for a penalty in the maximum amount of \$2,000 for violations thereof; providing a severability clause, savings clause, and an effective date. The Planning and Zoning Commission recommends denial (5-1). A supermajority vote by Council is required for approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1 - Denton Urban Core Zonng Map, 2. Exhibit 2 - Section 35.6.1, 3. Exhibit 3 - Draft Ordinance, 4. Exhibit 4 - Staff Presentation

Date	Ver.	Action By	Action	Result
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## AGENDA INFORMATION SHEET

**DEPARTMENT:** Department of Development Services

**CM/ACM:** Todd Hileman

**DATE:** April 4, 2017

### SUBJECT

Hold a public hearing and consider adoption of 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 L(44); providing for a penalty in the maximum amount of \$2,000 for violations thereof; providing a severability clause, savings clause, and an effective date. The Planning and Zoning Commission recommends denial (5-1). **A supermajority vote by Council is required for approval.**

### BACKGROUND

On November 8, 2016, the City Council discussed Collegiate Housing often referred to as Single Room Occupancy (SRO) developments. Included in staff's presentation were recommendations to add a definition for Collegiate Housing in Subchapter 35.23 and to add Collegiate Housing as a land use in Subchapter 35.5 with associated limitations to the Denton Development Code (DDC). As an alternative the Council directed staff to

review the multi-family development standards as it relates to parking ratios, building height limitations, and neighborhood compatibility.

On February 21, 2017, the City Council continued the discussion regarding Collegiate Housing and received a presentation with a recommendation to add an SUP requirement for multi-family dwelling units in the DR-2, DC-N and DC-G zoning districts. The City Council directed staff to proceed with preparing an ordinance. Per the DDC, any proposed Code amendment must follow the Zoning Amendment Procedure, which requires a dual public hearing held before the Planning and Zoning Commission and City Council in accordance with state law.

### **CONSIDERATIONS:**

1. The City's housing stock currently comprises approximately 49,000 dwelling units, of which approximately 58 percent is single-family and 42 percent is multi-family.
2. Collegiate Housing developments are multiple dwelling units designed for college students. These developments are leased to students by the bedroom and generally include amenities that provide special features to students. The DDC does not specifically define Collegiate Housing and the use is categorized as multi-family which is defined as "a structure that contains three (3) or more dwellings and any ancillary uses".
3. Multi-family is currently a permitted use in the following Zoning Districts or with an SUP and/or limitations:
  - Rural Commercial (RC) with an SUP
  - Neighborhood Residential Mixed Use 12 (NRMU-12) with a limitation L(4)
  - Neighborhood Residential Mixed Use (NRMU) with an SUP and limitation L(4)
  - Downtown Residential 2 (DR-2) with a limitation L(5)
  - Downtown Commercial Neighborhood (DC-N) with a limitation L(5)
  - Downtown Commercial General (DC-G) with a limitation L(5)
  - Community Mixed Use General (CM-G) with a limitation L(4) and L(6)
  - Community Mixed Use Employment (CM-E) with a limitation L(4) and L(6)
  - Regional Center Residential 1 (RCR-1) with a limitation L(4)
  - Regional Center Residential 2 (RCR-2) with a limitation L(4)
  - Regional Center Commercial Neighborhood (RCC-N) with a limitation L(4) and L(6)
  - Regional Center Commercial Downtown (RCC-D) with a limitation L(4) and L(6)

L(4) = Multi-family is permitted only:

1. With a Specific Use Permit; or
2. As part of a Mixed-Use Development; or
3. As part of a Master Plan Development, Existing; or
4. If the development received zoning approval allowing multi-family use within one year prior to the effective date of Ordinance No. \_2005-224; or
5. If allowed by a City Council approved neighborhood (small area) plan.

L(5) = Within this district the density of apartments will be calculated as one bedroom equating to 0.5 units.

L(6) = Permitted only on 2<sup>nd</sup> story and above, when an office, retail, or other permitted commercial use is on the ground floor along any avenue, collector, or arterial street, otherwise office or retail uses are not required.

4. The maximum building height for all developments is governed by the zoning district in which the building is located in and consist of the following:

- RC: 65 feet
- NRMU-12: 40 feet
- NRMU: 65 feet
- DR-2: 45 feet
- DC-N and DC-G: 100 feet
- CM-E and CM-G: 65 feet
- RCR-1: 40 feet
- RCR-2: 50 feet
- RCC-N: 65 feet
- RCC-D: 100 feet
- Special Purpose Overlay District(s): Dependent on the overlay conditions

5. The maximum lot coverage for all developments is governed by the zoning district in which the building is located in and consist of the following:

- RC: 35% except for agricultural buildings
- NRMU-12: 60%
- NRMU: 80%
- DR-2: 75%
- DC-N and DC-G: 80%
- CM-E and CM-G: 85%
- RCR-1: 55%
- RCR-2: 75%
- RCC-N: 85%
- RCC-D: 90%
- Special Purpose Overlay District(s): Dependent on the overlay conditions

6. Section 35.14.4.A.2 of the DDC provides parking standards for mixed density developments, which includes multi-family developments:

- Efficiency/studio under 600 square feet 1.25 space/unit
- 1-bedroom units or efficiency/studio over 600 square feet 1.50 space/unit
- 2-bedroom units 1.75 space/unit
- 3-bedroom units 2.00 space/unit
- 4-bedroom units and more 1.00 space/bedroom
- Retirement or senior living facilities 1.00 space/unit
- Special Purpose Overlay District(s): Dependent on the overlay conditions

7. The Council's direction to review the multifamily development standards related to parking ratios,

building height and neighborhood compatibility was a result of 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. The areas of concern are primarily located within the DR-2, DC-N, and DC-G Districts which are typically found in Denton's urban core. The urban core area is depicted in Exhibit 1 - Denton Urban Core Zoning Map.

8. In order to be able to evaluate the physical impact of multifamily development in the urban core, it is recommended that an SUP be required for multi-family developments proposed within the DR-2, DC-N, and DC-G zoning districts. The SUP with the addition of limitation L(44) and the criteria under Subchapter 35.6 of the DDC 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. An SUP would also enable the creation of an alternative parking ratio, maximum building height, and site design standards to mitigate potential compatibility impacts of the use on the surrounding land use pattern.
9. It is recommended that the following limitation be added for multi-family developments proposed within the DR-2, DC-N, and DC-G zoning districts.

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.

10. Certain uses are only permitted by obtaining an SUP. Section 35.13.6 of the DDC provides provisions by which SUP applications are evaluated. This Section contains approval criteria to determine if the specific use conforms with the surrounding area. Using the approval criteria the City Council may approve the SUP if it finds that the specific use conforms, or the Council can impose conditions to ensure conformance. If applicable, an SUP application may require the submittal of a site plan, landscape plan or architectural elevations. The City Council can condition that the proposed development substantially complies with the proposed plans or elevations. Any alteration or expansion of the SUP must follow the same approval process in which the original SUP was approved. Additional information is provided in Exhibit 2 - Section 35.13.6.
11. The City recently selected Clarion to rewrite the DDC. Part of their scope of work is to review the DDC's development and design standards. A major task of their work will be to establish tailored standards for infill and redevelopment.

## **OPTIONS**

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

## **RECOMMENDATIONS**

Staff recommends approval of the request to require an SUP with the addition of limitation L(44) for multi-family developments within the DR-2, DC-N, and DC-G zoning districts. The SUP and associated limitations would serve as the land use analysis tool to determine the appropriateness and scale of the multi-family

development.

The Planning and Zoning Commission recommended denial 5-1 indicating the proposed Code amendment did not specifically address collegiate housing, as an independent use, and associated impact on the neighborhoods located north of the UNT campus. It was stated that the SUP was not an appropriate tool to manage collegiate housing developments. They also concluded that adding an SUP requirement throughout the Denton Core was imposing additional cost and time to developers that want to build small scale multi-family developments.

### **PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

November 8, 2016, City Council Work Session

February 21, 2017, City Council Work Session

March 22, 2017, Planning and Zoning Commission Public Hearing

### **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:**                **3.1 Develop targeted policies and incentives to achieve desired economic growth**

### **EXHIBITS**

1.      Denton Urban Core Zoning Map
2.      Section 35.6.1
3.      Draft Ordinance
4.      Staff Presentation

Respectfully submitted:  
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Director of Development Services

Prepared by:  
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Long Range Planning Administrator