

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SUBCHAPTER 7 OF THE DENTON DEVELOPMENT CODE CREATING AND TO PROVIDE FOR REGULATIONS FOR THE WEST OAK AREA HISTORIC DISTRICT, INCLUDING ARCHITECTURAL, SIGN, AND PARKING REGULATIONS; PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000 FOR VIOLATIONS THEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR 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 “Development Code”); and

WHEREAS, after providing notice and after conducting public hearings as required by law, the Planning and Zoning Commission recommended approval of certain changes to Subchapter 35.7 of the Development Code, pertaining to the creation of historic districts; and

WHEREAS, after providing notice and after conducting a public hearing as required by law, the City Council finds that the changes to the Development Code are consistent with the Comprehensive Plan, and are in the public interest. 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 as true.

SECTION 2.

35.7.\_\_\_\_ Purpose

The purpose of this subsection is to ensure the protection and preservation of the West Oak Area Historic District by providing regulations for the use, construction, alteration, repair, improvement and alteration of buildings, structures, properties and sites within the district.

35.7.\_\_\_\_ Definitions

The following words, terms and phrases, when used in this subsection, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commission means the historic landmark commission authorized and appointed in accordance with Section 35.4.3.

District means the area encompassed in the West Oak Area Historic District as established by and described in Ordinance No. 87-224, as amended which is on file in the office of the city secretary.

35.7.\_\_\_\_ Applicability; conflicts with other provisions

- A. Other regulations applicable to the West Oak Area Historic District as contained in any other section of this chapter or Code shall continue to apply to the district, except as specifically modified in this subsection.
- B. If any provision of this subsection conflicts with any other provision of this Code, the provisions of this subsection shall govern and control.
- C. Where any provision of this subsection modifies any provision of any other ordinance applicable to the district, the words used in this subsection shall have the meaning as defined in the provisions of the ordinance modified, unless the definition is otherwise provided for in this subsection.

35.7.\_\_\_\_ Certificate of appropriateness

- A. It shall be unlawful for any person to do or to allow or cause any other person to do any of the following acts on any property located within the West Oak Area Historic District without first applying for and receiving a certificate of appropriateness from the Historic Landmark Commission:
  - 1. Constructing a new building or making an addition to an existing building;
  - 2. Reconstructing, altering, changing or restoring the exterior façade of any existing building;
  - 3. Placing or locating any building;
  - 4. Performing any act for which a certificate of appropriateness is required by this article.
  - 5. Constructing or erecting a fence, wall sign or other permanent improvement which is subject to regulation by this subsection.
- B. Any construction, alteration or improvement made on any property within the district which would not require a certificate of appropriateness by reason of it not being visible from any public street as provided in this article shall be submitted to the commission prior to the beginning of the work for its determination of whether the improvement would be visible from a public street.

The requirements and procedures of Section 35.7.6 providing for application and issuance of certificates of appropriateness shall apply and be followed for any certificate of appropriateness required in this subsection; provided, however, that no certificate of appropriateness required by Section 35.7.6 or this section shall be granted except upon compliance with the additional regulations of this section, where applicable.

35.7.\_\_\_\_ Architectural Requirements

Architectural requirements in the West Oak Area Historic District shall be as follows:

- A. **Main building.** Main buildings must be compatible in scale with structures existing in the district.
- B. **Accessory buildings.** Accessory buildings which are visible from any public street, other than an alley, as determined by the historic landmark commission, must be

compatible with the scale, shape, roof form, materials, detailing and color of the main building.

- C. **Architectural detail.** Materials, colors, structural and decoration elements and the manner in which they are used, applied or joined together must be compatible with nearby and adjacent structures.
- D. **Awnings.** Metal and corrugated plastic awnings are only permitted on an accessory building or the rear façade of a main building, if not visible from any public street, other than an alley, as determined by the commission. Other awnings must be typical of any proposed structure and the character of the main building.
- E. **Building placement.** All buildings must be placed so as to not adversely affect the rhythm of spaces between buildings on the block.
- F. **Chimneys.** All chimneys must be compatible with the style of the proposed building. Chimneys must be constructed of brick, stucco, stone or other materials compatible in texture, color and style with the proposed main building.
- G. **Additions.** All additions to a building must be compatible with the dominant horizontal or vertical characteristics, scale, shape, roof form, materials, detailing and color of the existing building.
- H. **Color.**
  - 1. **Certain colors prohibited.** Fluorescent, metallic colors are not permitted on the exterior of any structure in the district.
  - 2. **Dominant and trim colors.** All structures must have a dominant color which shall not be of vivid saturation. The colors of a structure must be complementary to each other and the overall character of the main building.
  - 3. **Gutters and downspouts.** Gutters and downspouts must be of a color that matches or complements the color scheme of the main building.
  - 4. **Roof colors.** Roof colors must complement the style and overall color scheme of the structure.
  - 5. **Masonry and brick surfaces.** Masonry and brick surfaces not previously painted must not be painted unless it is determined that:
    - a. The painting is absolutely necessary to restore or preserve the masonry or brick; or
    - b. The color and texture of replacement masonry or brick cannot be matched with that of the existing masonry or brick surface.
  - 6. **Stain.** The use and color of stain must be typical of the style and period of the structure.
- I. **Façade materials.**
  - 1. **Generally.** The only permitted façade materials are brick, wood siding, wood, stone, and stucco. All façade treatments and materials must be typical of the style and period of the main building.
  - 2. **Wood facades.** Existing wood facades must be preserved as wood facades.

J. Front entrances and porches.

1. **Detailing.** Railings, moldings, tile work, carvings, and other detailing and architectural decorations must be typical of the style and period of the main building.
2. **Enclosures.** A front entrance or porch may not be enclosed with any material, including iron bars, glass, or mesh screening.
3. **Façade openings.** Porches must not obscure or conceal any façade openings in the main buildings.
4. **Floor coverings.** Carpeting is not permitted as a porch floor or step covering.
5. **Style.** Each proposed main building must have a front porch or entry treatment with a shape, roof form, materials and colors that are typical of the style of the proposed main building. A front entry or porch must reflect the dominant horizontal and vertical characteristics of the proposed main building.

K. Roof Forms.

1. **Material and colors.** Roof material and colors must complement the style and overall color scheme of the structure.
2. **Patterns.** Roof patterns must be typical of the style and period of the main building.
3. **Slope and pitch.** The degree and direction of the roof slope and pitch must be typical of the style and period of the main building.
4. **Skylights and solar panels.** The commission may allow skylights and solar panels on a building if their placement does not have an adverse effect on the architecture of a building or the district as a whole.

L. Windows and doors.

1. **Front façade openings.** The location and size of windows and doors in proposed facades must be compatible in scale with the typical style and period of the main building.
2. **Glass.** Reflective, tinted, and mirrored glass and plastic are not permitted in any opening.
3. **Screen, storm doors and storm windows.** Screens, storm doors, and storm windows may be permitted if:
  - a. Their frames are painted to match or complement the color scheme of the main building; and
  - b. They do not obscure significant features of the windows and doors they cover.
4. **Security and ornamental bars.** Security and ornamental bars are only permitted on the exterior of an accessory building, the rear façade of the main building and the interior of the building.
5. **Shutters.** Shutters must be typical of the style of the proposed main building and appear to be installed in a manner to perform their intended functions.

6. **Style.** All windows and doors in the front façade of the main building must be proportionally balanced in a manner typical of the style and period of the building.
  7. **Size.** The size and proportion of window and door openings located on the front and sides of the main building must be typical of the style and period of the main building.
  8. **Frames.** The frames of the windows must be trimmed in a manner typical of the style and period of the building.
  9. **Openings.** All windows, doors, and lights in the front and side facades of the main building must be typical of the style and period of the building. Sidelights must be compatible with the door.
- M. **Outdoor lighting.** Outdoor light fixtures must be compatible with the style and period of the main building and not obscure or conflict with significant architectural details of the building.

#### 35.7.9\_\_ Fences.

Fences in the West Oak Area Historic District shall comply with the following requirements:

- A. **Outdoor lighting.** Outdoor light fixtures must be compatible with the style and period of the main building and not obscure or conflict with significant architectural details of the building.
  1. Fences must be maintained in a vertical position.
  2. The top edge of a fence must be along a line that is either horizontal or substantially parallel to grade.
- B. **Height.** The maximum permitted height for a fence shall be as provided by this Code.
- C. **Materials.** A fence must be constructed of one (1) or more of the following materials: cast metal, wrought iron, wood, stone, brick, patterned concrete, or stucco. Exposed concrete blocks are not permitted.
- D. **Color and style.** Fences must be of a color, style, and material which is compatible to the main building.
- E. **Masonry columns and bases.** The color, texture, pattern, and dimensions of masonry and the color, width, type, and elevation of mortar joints in a fence column or base must match the masonry and mortar joints of the main building as nearly as practicable.
- F. **Wooden fences.**
  1. All wooden structural posts must be at least four (4) inches in diameter.
  2. The side of a wooden fence facing a public street must be the finished side.
  3. Wooden fences may be painted or stained a color that is complimentary to the main building.

### 35.7.\_\_\_\_ Signs.

All signs located within the West Oak Area Historic District shall be subject to the provisions of Subchapter 35.15 of this Code, except as modified as follows:

- A. Signs permitted. Stake and wall signs are permitted. Ground, roof, projecting, portable, and off-premises signs are prohibited, except for wind device signs used as ground or projecting signs as specifically permitted in this section.
- B. Wall and stake sign regulations.
  - 1. Number of wall signs. Only one (1) wall sign per premises is permitted.
  - 2. Size. No wall sign shall have a maximum dimension which is greater than two (2) feet, measured along the greater distance of any one (1) line which defines the effective area of the sign. No stake sign shall have an effective area greater than ten (10) square feet.
- C. Wind device signs. No wind device signs are permitted in the district, except that one (1) national, one (1) state and one (1) registered corporate logo flag may be displayed on any one (1) premises as a ground sign, wall sign, or projecting sign. If a flag is displayed as a ground sign or projecting sign, the setback requirements applicable to ground signs in residential districts shall apply. A corporate logo flag may only be displayed on a premises owned or controlled by the corporation. No flag shall have a dimension, as to any one (1) side, which is greater than six (6) feet.
- D. Address or name signs. The sign regulations of this section shall not apply to the signs or numbers which are used solely to identify the street address of the premises or the identify by name the occupants of a residential building.
- E. Approval procedure for wall signs. No new wall signs shall be constructed or located and no existing wall sign shall be altered, until a certificate of appropriateness is issued by the historic landmark commission in accordance with the procedure applicable to alterations or changes of the exterior architectural features of buildings, as provided for in this Subchapter.

### 35.7.\_\_\_\_ Parking.

The provisions of Subchapter 35.14 of this Code shall apply to the West Oak Area District, except as modified as follows:

- A. Location. All off-street parking spaces for any building used as a multi-family dwelling or for a non-residential use shall be located between the building fronting the public street and the rear property line.
- B. Number of parking spaces. Each specified use shall provide the following number of parking spaces:
  - 1. Multi-family buildings shall have a minimum of two (2) parking spaces for each dwelling unit.
  - 2. Non-residential uses shall provide one and one-half (1.5) the number of parking spaces required for that use by Subchapter 35.14.

SECTION 3. If any section, subsection, paragraph, sentence, clause, phrase or word in this ordinance, or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the City Council of the City of Denton, Texas, hereby declares it would have enacted such remaining portions despite any such invalidity.

SECTION 4. Any person who shall violate a provision of this ordinance, or fails to comply therewith or with any of the requirements thereof, or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor punishable by a fine not to exceed Two Thousand Dollars (\$2,000.00). Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof, during which a violation of this ordinance is committed, or continued, and upon conviction of such violation, shall be punished within the limits above.

SECTION 5. 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, the official newspaper of the City of Denton, Texas, within ten (10) days of the date of its passage.

PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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PERRY R. McNEILL, MAYOR

ATTEST:  
JENNIFER WALTERS, CITY SECRETARY

BY: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
EDWIN M. SNYDER, CITY ATTORNEY

BY: \_\_\_\_\_