

Proposed General Section of Code

35.7.6. Historic Preservation

35.7.6.1. Purpose

The City Council hereby finds as a matter of public policy that the protection enhancement, preservation and use of historic landmarks is a public necessity and is required in the interest of culture, prosperity, education and general welfare. The purposes is to:

- A. Protect, enhance, promote and perpetuate historic landmarks which represent or reflect distinctive and important elements of the City's and State's architectural, archeological, cultural, social, economic, ethnic and political history and to develop appropriate settings for such places.
- B. Safeguard the City's historic and cultural heritage, as embodied and reflected in such historic landmarks by appropriate regulations;
- C. Stabilize and improve property values in such locations;
- D. Foster civic pride in the beauty and accomplishments of the past;
- E. Protect and enhance the City's attractions to tourists and visitors and provide incidental support and stimulus to business and industry;
- F. Strengthen the economy of the City;
- G. Promote the use of historic landmarks for the culture, prosperity, education, and general welfare of the people of the City and visitors of the City.

35.7.6.2. Penalty

- A. It shall be unlawful to construct, reconstruct, structurally alter, remodel, renovate, restore, demolish, raze or maintain any building, structure or land with a historic landmark designation or located in a historic or conservation district in violation of the provisions of this Subchapter, and the City in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful construction, restoration, demolition, razing or maintenance to restrain, correct or abate such violation to prevent any illegal act, business or maintenance in an about such premises.
- B. Any person violating any provision of this Section shall be guilty of a misdemeanor and shall be punished as provided in Section 35.1.10.4 of this Chapter.

35.7.6.3. Enforcement

- A. No person shall construct, reconstruct, alter, remodel, renovate, restore, demolish, raze or maintain any building, structure or land with a Historic Landmark designation or a building, structure or land located in a locally designated Historic or Conservation District unless application is made for a Certificate of Appropriateness (COA) for said work and such a certificate is granted as provided in Section 35.3.14 of the Denton Development Code.
- B. The City in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful construction, restoration, demolition, razing or maintenance to restrain, correct or abate such violation to prevent any illegal act, business or maintenance in an about such premises.
- C. Other regulations applicable to Historic Landmarks, Conservation Districts and Historic Districts as contained in any other section of this Subchapter or Code shall continue to apply, except as specifically modified in this Section.

- D. Any person violating any provision of this Subchapter shall be guilty of a misdemeanor and may be punished as provided in Section 35.1.10.4 of this Chapter, as amended.

35.7.9. Oak-Hickory Historic District.

35.7.9.1. Purpose

The purpose of this Section is to ensure the protection and preservation of the Oak-Hickory Historic District by providing regulations for the use, construction, alteration, repair, improvement and alteration of buildings, structures, properties and sites within the district. All properties within the district must comply with the underlying zoning district and use classification regulations.

35.7.9.2. Boundaries

The Oak-Hickory Historic District is generally bounded by Hickory Street to south, Welch Street to the west, Pearl Street to the north, and Williams Street to the east as established by Ordinance No. 87-224. Major Public Streets in the District are West Oak, West Hickory, Mounts, Denton, Pearl and Fulton Streets.



Exhibit 1: Approximate Boundaries of The Oak Hickory Historic District

35.7.9.3. Architectural Requirements

Architectural requirements in the Oak-Hickory Historic District shall be as follows:

- A. Primary structure. The primary structure must be compatible in scale with primary structures existing in the district. The combined square footage of all structures on a given lot may not exceed fifty percent (50%) lot coverage. Compatibility or the appropriateness with respect to additions or alterations to an existing structure shall be determined by comparison with historical photographs or documentation whenever available.
- B. Accessory buildings. Accessory buildings which are visible from any public street, as determined by the Historic Preservation Officer, must be compatible with the scale, shape, roof form, materials, detailing and color of the main building. The combined square footage of all structures on a given lot may not exceed fifty percent (50%) of the square footage of said lot. Compatibility and or the appropriateness with respect to additions or alterations to an existing structure shall be determined by comparison with historical photographs or documentation whenever available.
- 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. Destruction: If the exterior of historic structures are to be altered and if previous alterations have modified the original design, then the alteration process shall return the structure to a form based on historic documentation. In the case of destruction by natural forces, replacement structures and or repairs shall conform with the original form based on historical documentation, or if none exists, shall conform in scale and proportion to the remaining structure and or the scale and proportion of structures similarly designed.
- E. New Construction and additions: Generally, all buildings must be placed so as to not adversely affect the rhythm of spaces between buildings on the block. Additions and or replacement buildings shall have a front setback that is the average of the adjacent lots of contributing buildings.
- 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. Color. Structures in The District may be painted any color from the following paint manufacturer's preservation color pallets: Sherwin Williams America's Heritage Historical Exterior Colors Pallet, Valspar Paint National Trust Historic Colors, Pittsburgh Paints Historic Collection, or similarly intended pallets. Any paint brand is allowed. Fluorescent and 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 permitted façade materials are brick, wood siding, wood, stone and stucco. The use of cementitious siding is also permitted on new construction and accessory buildings. Artificial facsimiles of these materials will be considered on a case by case basis as material technologies progress. All façade treatments and materials must be typical of the style and period of the main building.
 - 2. Wood façades. Existing wood façades must be preserved as wood façades.
- J. Front entrances and porches
 - 1. Detailing. Railings, moldings, tile work, carvings, and other detailing and architectural decorations must be applied in a manner 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. New 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 HLC 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. In the Oak Hickory Historic District, Skylights are permitted on the rear of accessory buildings only.

L. Windows and doors

1. Front façade openings. The location and size of windows and doors in proposed façades 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 façades 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.

35.7.9.4. Fences

Fences are not mandatory; however when installed or replaced in the Oak-Hickory Historic District they shall meet the requirements of the section of the Development Code specific to fencing and shall require an administratively approved COA. They shall also comply with the following additional requirements:

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.
 3. In general fencing is discouraged between the setback line of structures and the street.
- A. Color and style. Fences must be of a color, style, and material which is compatible to the main building.
 - B. 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.

35.7.9.5. Signs

All signs located within the Oak-Hickory Historic District shall be subject to the provisions of Chapter 33 of the Code of Ordinances, except as modified as follows:

- A. Signs permitted. Wall signs are permitted. Ground, roof, projecting, portable, and off-premises signs are prohibited.
- B. Wall 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.
- C. 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 they identify by name the occupants of a residential building.
- D. Approval procedure for signs. No signs shall be constructed or located and no existing wall sign shall be altered, until a COA is issued in accordance with the procedure applicable to alterations or changes of the exterior architectural features of buildings.

35.7.9.6. Parking

The provisions of the Development Code applicable to parking shall apply to the Oak-Hickory 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) times the number of parking spaces required for that use by Subchapter 35.14.

35.7.10. Bell Avenue Historic District

35.7.10.1. Purpose

The purpose of establishing the Bell Avenue Historic District is to safeguard the heritage of the City of Denton by preserving the Bell Avenue area of the City. The area contains landmarks, buildings, and/or

sites which reflect elements of the City's cultural, social, economic, political or architectural or archeological history. It is also to: ensure compatibility of new construction and structural alterations with the existing scale and characteristics of surrounding properties, foster civic pride in the beauty and accomplishments of the past, and identify and promote the use of historic resources for the education, pleasure, and welfare of citizens of the City of Denton.

35.7.10.2. **Boundaries.** The Bell Avenue Historic District includes all the properties that front Bell Avenue between East University Drive and East Sherman Drive established by Ordinance No. 2005-099.

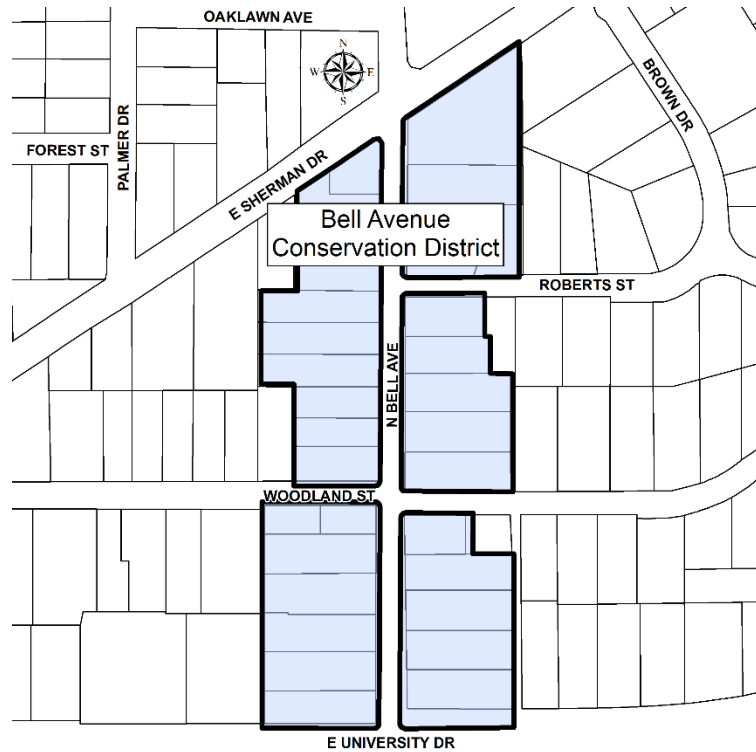


Exhibit 2: Approximate Boundaries of The Bell Avenue Historic District

35.7.10.3. **Architectural Regulations**

Architectural requirements in the Bell Avenue Historic District shall be as follows:

- A. **Primary Structures.** Primary structures must be compatible in scale with primary 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 Preservation Officer, 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. **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.
- E. **Color.** Colors of all structures should be complementary to each other and the overall character of the main building. The HPO may administratively approve re-painting of homes in this district.
- F. **Façade Materials.**

1. The permitted façade materials are brick, wood siding, wood, stone and stucco. The use of cementitious siding is also permitted on new construction and accessory buildings. Artificial facsimiles of these materials will be considered on a case by case basis as material technologies progress. All façade treatments and materials must be typical of the style and period of the main building.
 2. Brick or stone that was originally unpainted should remain so, since irreversible damage can result from attempts to remove paint by methods such as sandblasting. Painting or covering original brick or stone is discouraged.
 3. Retain significant character defining wooden or metal façade elements. Examples include cornice brackets, gingerbread, decorative trim elements, ornamental barge/fascia board, and soffit.
- G. Historic architectural elements of the façade are to be preserved if they are still historically accurate at the time of the creation of the district. Every effort should be made to repair damaged portions of original materials.
- H. Roof Material and Colors. Roof materials and colors must complement the style and overall scheme of the structure.
1. Existing roofs that are visible from the public right-of-way should retain their profile as it relates to shape and slope. Appropriate roof treatments include dimensional shingles, real or synthetic slate shingles or standing seam metal.
 2. Historic systems that are integral to the roof, such as flashing, and leader/conductor boxes, built-in gutters, downspouts or snow guards, should be retained and maintained on a regular basis, as these types of systems often were crafted of heavy gauge, resilient materials such as copper or zinc and generally outperform modern materials, as well as retain a patina and contribute to the appearance of the structure.
 3. Buildings that incorporate a sloped roof, such as a gable and/or hipped roof, often feature decorative elements that should be retained, including but not limited to, roof cresting, ridge caps and finials.
- I. Fencing. A certificate of appropriateness is not required to install a fence in the Bell Avenue Historic District; however fencing shall comply with the City's development code requirements.
- J. Doors. Replacement doors should be sized to fit in the existing opening. The opening should not be altered so as to accept either a smaller door (e.g., filling in excess space with material such as lumber, bricks or cement blocks) or to facilitate a larger door or doors (e.g., knocking out part of the surrounding wall and reframing the opening).
- K. Windows.
1. Window openings should not be altered to accommodate replacement windows (e.g., "blocking down" or "blocking in" the opening).
 2. Replacement windows should relate to and be appropriate for the age and architectural style of the structure.
 3. In situations where original windows remain, every effort should be made to repair such windows, rather than replace them outright.

35.7.13. West Oak Area Historic District

35.7.13.1. 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.

35.7.13.2. Boundaries

The West Oak Historic District is generally bounded by Oak Street to the south, Thomas Street to the west, Houston Place to the north, and Jagoe Street to the east as established by Ordinance No. 2008-136.

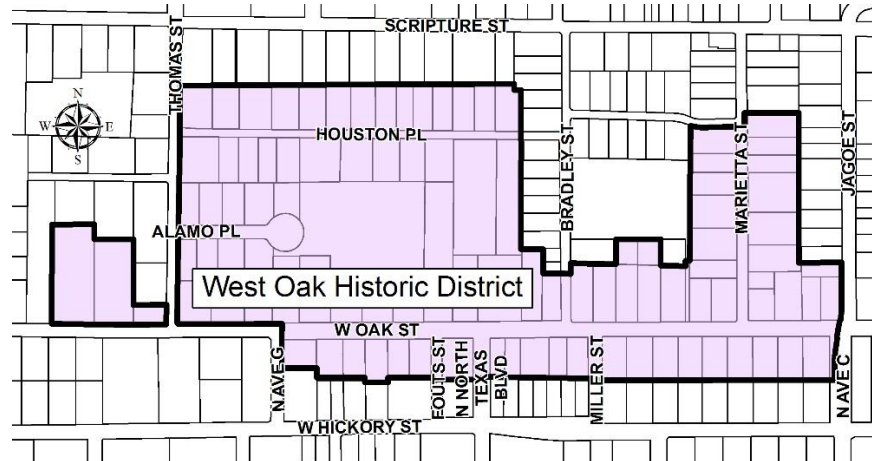


Exhibit 3: Approximate Boundaries of The West Oak Historic District

35.7.13.3. Architectural Requirements

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

- A. Primary Structure. Primary structures must be compatible in scale with the primary 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 Preservation Officer, 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 Historic Preservation Officer. 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. A thirty (30) foot minimum setback is standard in this area and new construction shall follow that standard. Additions and or replacement buildings shall have a front setback that is the average of the adjacent lots of contributing buildings.
- 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. Roof colors. Roof colors must complement the style and overall color scheme of the structure.
 - 2. 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; or
 - c. The structure is not a contributing structure to the district and or the brick and style of the building are not complimentary to such a degree that together they define an architecturally significant whole.
- 3. A COA shall not be required for exterior painting of structures in the West Oak Historic District; however, it is suggested that structures in the West Oak Historic District be painted colors from the following paint manufacturer's preservation color palettes: Sherwin Williams Preservation Pallet (including America's Heritage Historical Exterior Colors and Suburban Modern Historical Exterior Colors), Valspar Paint National Trust Historic Colors, Pittsburgh Paints Historic Collection, or similarly appropriate products.
- I. Façade materials.
 - 1. Generally. The permitted façade materials are brick, wood siding, wood, stone and stucco. The use of cementitious siding is also permitted on new construction and accessory buildings. Artificial facsimiles of these materials will be considered on a case by case basis as material technologies progress. All façade treatments and materials must be typical of the style and period of the main building.
 - 2. Wood façades. Existing wood façades must be preserved as wood façades.
- 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 façades 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 façades 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.
- N. Fencing. A certificate of appropriateness is not required to install a fence in the West Oak Historic District; however fencing shall comply with the City's development code requirements

35.7.13.4. Signs

A Special Sign District is hereby established, imposing additional regulations upon all signs located within the West Oak Area Historic District subject to the additional provisions of Chapter 33 of the Code of Ordinances, except as modified as follows:

- A. Additional 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 line which defines the effective area of the sign.
- B. 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 they identify by name the occupants of a residential building.
- C. Approval procedure for wall signs. No new signs shall be constructed or located and no existing sign shall be altered, until a COA is issued in accordance with the procedure applicable to alterations or changes of the exterior architectural features of buildings, as provided for in this Subchapter.

35.7.13.5. Parking

The provisions of the Development Code applicable to parking shall apply to the West Oak Area District, except for the following modifications:

- 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 the Development Code.