

**CITY OF KRUM, TEXAS**

**ORDINANCE NO. 2023-790**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KRUM, TEXAS AMENDING THE CITY'S CODE OF ORDINANCES, CHAPTER 14 "ZONING," EXHIBIT 14A "ZONING ORDINANCE," PART III "ZONING DISTRICTS," SECTION 30 "OT - OLD TOWN BUSINESS DISTRICT"; AMENDING CHAPTER 14 "ZONING," EXHIBIT 14A "ZONING ORDINANCE," PART IV "USE REGULATIONS SECTION," SECTION 37.2 "USE CHARTS"; ADDING A DEFINITION TO CHAPTER 14 "ZONING," EXHIBIT 14A "ZONING ORDINANCE," PART VI "DEFINITIONS"; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING SEVERABILITY; PROVIDING FOR SAVINGS; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES AND INCLUDING PROVISIONS FOR THE AUTHORIZATION TO SEEK INJUNCTIVE RELIEF TO ENJOIN VIOLATIONS WHICH CONSTITUTE AN IMMINENT HAZARD OR DANGER TO THE PUBLIC HEALTH AND SAFETY; PROVIDING A PUBLICATION CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Krum, Texas, is a Home Rule Municipality located in Denton County, Texas; and,

**WHEREAS**, pursuant to Chapter 211 of the Local Government Code, the City Council is authorized to adopt regulations governing the use of property within the corporate limits of the city; and,

**WHEREAS**, the Planning and Zoning Commission, after proper publication of notice thereof, held public hearing regarding the proposed zoning ordinance amendment described above on November 20, 2023; and,

**WHEREAS**, after due deliberation and consideration of the information submitted during the public hearings the City Council has concluded that the adoption of this Ordinance is in the best interest of the health, safety, and welfare of the citizens of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KRUM, TEXAS;**

**SECTION 1**  
**INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

## SECTION 2 FINDINGS

After due deliberations, the City Council has concluded that the adoption of this Ordinance is in the best interest of the City of Krum, Texas, and of the public health, safety, and welfare. The City Council further finds that the ordinance amendments herein have been made in accordance with the comprehensive plan for the city, and with Chapter 211 of the Local Government Code. The City Council further finds that the amendments have been designed with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future, to lessen congestion on the streets; to secure safety from fire, panic, flood and other dangers; to provide adequate light and air; to prevent over-crowding of the land, to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewage, drainage and surface water, parks and other public requirements and to make provisions for the normal business, commercial needs and development needs of the community.

## SECTION 3 AMENDMENTS

That the following provision in the City's Code of Ordinances are hereby amended as indicated below:

3.01 That the City of Krum Code of Ordinances, Chapter 14, "Zoning," Exhibit 14A, "Zoning Ordinance," Part III, "Zoning Districts," Section 30, "OT - Old Town Business District," is hereby repealed in its entirety and replaced with the following:

### **"§ 30 OT - OLD TOWN BUSINESS DISTRICT.**

30.1. GENERAL PURPOSE AND DESCRIPTION: The development standards in the OT, Old Town Business, district are designed to maintain and encourage redevelopment within the original business section (old downtown) of the City in a "pedestrian friendly" and vibrant environment that is conducive to a mixture of residential, office, retail, craft, cultural, and specialty uses and supportive of special events such as sidewalk sales, street dances, movie nights, festivals, and other similar events. Standards for the district are generally intended to regulate development such that the first two floors of new structures will be similar to image-setting existing ones (i.e., that promulgate and honor Krum's heritage as a small but world-class, Texas farming town) within this section of the City, using a mix of "period" architecture, modern materials and integrated land uses such that they improve both the appearance and function of the area as an key gathering and activity hub.

### 30.2. PERMITTED USES:

A. Those uses listed for the OT district in Section 37 as "P" or "SUP" are authorized uses permitted by right or conditionally permitted uses, respectively. Conditional uses must be approved utilizing procedures set forth in Section 36.

30.3. HEIGHT REGULATIONS:

A. Maximum Height:

1. Two (2) stories or thirty-five feet (35') for the main building(s), or as buildings existed as of the effective date of this Ordinance.
2. Additional height for three (3) to five (5) stories or seventy feet (70') may be allowed with approval of a Specific Use Permit.
3. One (1) story for accessory buildings.
4. 4. Other (Section 43).

30.4. AREA REGULATIONS:

A. Size of Lot:

1. Minimum Lot Area: none specified
2. Minimum Lot Width: twenty-five feet (25'), or as lots existed on May 4, 2015
3. Minimum Lot Depth: eighty feet (80'), or as lots existed on May 4, 2015

B. Size of Yards:

1. Front Yard: A Build to Line (BTL) shall be used along all front yard areas within the OT District instead of a building setback line. Any building in existence prior to May 4, 2015 shall be considered conforming and shall only be required to abide by the Build To standard for significant additions to an existing building, for significant expansion of an existing use (as determined by the Development Services Director or his/her designee), and for a newly constructed building within the district. In the event of destruction of an existing structure within the OT district, said structure may be rebuilt to its pre-destruction location and size with no requirements for adherence to the Build To standard provided that reconstruction commences (i.e., a building permit is applied for and issued) within two (2) years following the date of destruction. If reconstruction does not commence within the two-year period, or if the structure is rebuilt to exceed its pre-destruction size, then the structure's nonconforming status is deemed to expire, and any reconstruction of the structure must comply with the Build To provision. a) A Build To line of zero to two feet (0' - 2') is required
2. Minimum Side Yard: zero feet (0') unless adjacent to a street with less than eighty feet (80') of ROW width in which case a ten-foot (10') side yard setback shall apply.

3. Minimum Rear Yard: zero feet (0')
- C. Maximum Lot Coverage: One hundred percent (100%)
- D. Maximum Floor Area Ratio (FAR): five to one (5:1)
- E. Parking and Loading space Requirements:
  1. For existing structures/uses (in existence prior to the effective date of this Ordinance): Any existing parking, or lack of same, for any existing structure or use within the OT district shall be considered a conforming parking arrangement (including head-in and off-site parking arrangements in existence prior to May 4, 2015. Additional parking, and loading in accordance with Section 38, shall only be required for significant additions to an existing building, for significant expansion of an existing use (as determined by the Development Services Director or his/her designee), and for a newly constructed building within the district. In the event of destruction of an existing structure within the OT district, said structure may be rebuilt to its pre-destruction size with no requirements for additional parking provided that reconstruction commences (i.e., a building permit is applied for and issued) within two (2) years following the date of destruction. If reconstruction does not commence within the two -year time frame, or if the structure is rebuilt to exceed its pre-destruction size, then the structure's nonconforming parking status is deemed to expire and any reconstruction of the structure must provide additional parking spaces in accordance with this Ordinance (this can be additional head-in or off-site parking spaces, provided that this was the parking arrangement that existed for such structure prior to May 4, 2015, and provided that such space is available without compromising other properties' rights, access, or public safety).
  2. For new structures and uses: Parking and loading spaces, in accordance with Section 38, shall be required except as modified hereafter Parking to the side or rear of a structure is preferred with each such parking space to the side to be counted at 1.25 spaces and each space at the rear to be counted as 1.5 for meeting parking requirements. For any use which cannot provide off-street parking or loading due to the size or location of the lot, such parking may be provided on other property not more than six hundred feet (600') from the site, in accordance with Section 38.7 and Section 38.8 of this Ordinance as applicable. In cases where the parking requirement cannot still be achieved, up to seventy-five percent (75%) of the parking requirement may be waived by the Director of Development Services.
  3. Recreational vehicles, travel trailers, motor homes and other types of special or oversized vehicles and trailers may not be parked or stored for longer than a twenty-four (24) hour period on any lot or premises in the OT district, nor

may they be used for on-site dwelling or nonresidential purposes.

30.5. SPECIAL REQUIREMENTS:

- A. Site Plan Review: Public hearing, review and approval of a site plan by the Planning and Zoning Commission and the City Council (in accordance with Section 12) shall be required for site redevelopment or the construction of any new structure within the OT district. No certificate of occupancy shall be issued unless all construction and development conform to the site plan as approved by the City Council.
- B. For site redevelopment or new construction, building facade (i.e., elevation) plans shall be submitted for review and approval along with the site plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from the road(s) upon which the property faces and/or sides, and will portray a reasonably accurate depiction of the materials and colors to be used. Architectural style and scale of new/renovated buildings within the OT district shall be compatible with the styles and scale of other adjacent buildings and shall be historically accurate to the greatest extent possible to preserve the unique character of the downtown area.

The Mayor, or his/her designee, may, as he/she deems appropriate, require submission of additional information and materials (including samples of materials to be used) during the site plan review process.

- C. A public hearing is required by the Planning and Zoning Commission and the City Council for all site plans within the OT district. Development standards for all uses in the OT district shall be established on the site plan and all supporting information will be required at the time of approval.
- D. Driveway Standards: Due to the unique and diverse mix of land uses, density of development, potential heavy pedestrian activity and the site-specific nature of existing and potentially new development within this district, driveways are to be limited in number and shall be evaluated on a case by-case basis. Driveway locations, width, depth, curvature, spacing and other design elements shall conform to that shown on a site plan approved by the City Council. Shared drives, the use of on-street parking, structured parking, and the use of off-site parking shall be used whenever feasible to limit the number of driveways. In addition to City Council approval, any driveway accessing a State ROW shall meet TxDOT standards and obtain appropriate approval from the applicable administrative official.
- E. Sidewalks: Pedestrian access and activity are vital to the OT District. A minimum sidewalk width of eight feet (8') shall be required along all streets. Said sidewalk requirement may be satisfied within the public right-of-way (ROW) or it may be outside the ROW if contained within an appropriate pedestrian easement. To the extent any ordinance conflicts with this standard, this provision will apply.

F. Design Standards for the OT District:

1. Facades of new, reconstructed, and renovated buildings shall be compatible with, and shall promulgate and enhance, the period design of the original McCart Street buildings. False fronts or parapets may be added to existing buildings in order to add character and detail to simple facades provided that they enhance the overall design aesthetic and period character of the downtown area.
2. Predominant exterior finish colors and visual appearance within the first two stories shall be similar to that which is present on adjacent existing buildings. Trim (i.e., lintels, sills, door jambs, cornices and other similar items) shall be tones and textures that are visually complementary to the predominant facade. Where wood trim may be in use, for existing buildings, materials that duplicate or simulate the appearance of the original construction must be used in refurbishment (Accent colors for friezes, doors and door frames, window frames and mullions, signage, awnings, moldings and other similar features shall be colors that are complementary to, and compatible with, the spirit and intent of the downtown streetscape (bright or fluorescent colors which were not typically used in early Texas downtowns shall not be used). For stories above the second floor, materials shall match or be complementary to the first two stories so as to not by means of design, exterior illumination, signage, or other means detract from, be more reflective than, be more vibrant than, or draw the eye from the first two floors.
3. Reflective glass shall not be used for windows; detailing for windows, doors and other openings shall be of wood, glass or a metal material that is complementary to the period or building style. The use of paned windows (rather than large single-pane modern storefront style windows) shall be required on all new buildings in the OT district unless specifically addressed in an approved site plan approved by the City Council.
4. Facade openings shall comprise at least forty percent (40%) of the building's facade area on the first two (2) floors.
5. Awnings/Canopies:
  - a. Ratios: Awnings/canopies shall be at an appropriate scale to the building size and configuration and shall be of appropriate period design. They shall not extend above the roof line of any single-story structure, or above the top of the second floor's interior floor level of any multi-story structure at the awnings' highest points (except individual, period-appropriate awnings may be placed over upper story windows). Awnings shall not completely obstruct any windows on the building.

- b. Projection: Since awnings must extend beyond the building face, a reasonable amount of projection shall be allowed. No awning shall extend more than eight feet (8') outward from the building face/surface.
  - c. Colors and Materials: A mixture of basic, period-appropriate colors is recommended, but no more than two different colors shall be used for awnings on a single building facade (excluding business logo, which may have more colors) and bright, "neon-like" colors shall not be allowed.
  - d. Movement: Except for slight movements that are normal for fabric canopies (i.e., along fringe, etc.), no movement shall be allowed for awnings and canopy structures.
6. Overhead Power Lines: New utility lines to business establishments shall be placed underground wherever feasible (or toward the rear of existing buildings if placing underground is not possible). Overhead utility lines to existing businesses that existed on May 4, 2015 shall be deemed legally nonconforming and shall be allowed to remain until improvements are made to the building (or the building is reconstructed), at which time the utility lines shall be relocated underground if such improvements or reconstruction are extensive (see Section 7, Nonconforming Uses and Structures), and if it is reasonably possible to do so.
7. Pedestrian Streetscape: Pedestrian spaces shall be treated with amenities that are selected based upon their ability to unify the streetscape with the area's historic past. It is important that elements such as construction materials, colors, textures, and fixture design complement the area's historic qualities. These features shall be repeated throughout the streetscape so as to unify the district as a whole.
8. Streetscape Features: Planters, window boxes, planter boxes and containers, street furniture, street and building lighting, benches, trash receptacles, bollards, street signs, building signage, and other streetscape furnishings shall be complementary to the historical time frame of the OT area, and shall be located not more than eight feet (8') from the building front/facade or shall be located within the pedestrian zone directly in front of the applicable building or business. The City shall be authorized to create and maintain a "pattern book" to guide, and regulate, the selection of all streetscape amenities and fixtures for the purpose of ensuring compatibility among such amenities and fixtures within the OT district. Conformance and compatibility with such designs shall be required, and installations that are not in keeping with these designs and with the OT district's overall historic image shall be removed if so directed by the City.
- G. Long-term and permanent open storage is prohibited in the OT district.

- H. Temporary (i.e., not long-term, or permanent) outside display of seasonal items (e.g., Christmas trees, pumpkins, etc.) shall be allowed but limited to the following:
1. Shall not be placed/located more than eight feet (8') from the main building or within any easement; limited amounts of items can be displayed outside on the public sidewalk, even if such sidewalk is technically within a front or side yard setback, provided that minimum four-foot (4') wide ADA-compliant clearance is maintained at all times (any items that are deemed to be hazardous or a nuisance must be removed immediately upon notice by the City).
  2. Shall not occupy any on-street or off-street parking spaces.
  3. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way (i.e., sidewalk sales cannot block the sidewalk or extend out into the street).
  4. Shall only be located in front of the property/business which is selling the item(s).
  5. All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).
  6. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
- I. Architectural Design: The architectural design of buildings and sites shall strive to achieve the following objectives:
1. Architectural compatibility;
  2. Human scale design;
  3. Integration of uses;
  4. Encouragement of pedestrian activity;
  5. Buildings that relate to, and are oriented toward, the pedestrian areas and surrounding buildings; and
  6. Buildings that contain special architectural features to signify entrances;
  7. All building materials shall be established on architectural elevations and supporting information that are submitted during the site plan review and approval process.



- J. Signs: {Reserved for Future Use}
- K. Lighting: New construction or major renovation, as determined by the Mayor or designee, shall require the installation of exterior wall, pole, or bollard style lighting to enhance safety, security, and pedestrian comfort along all streets, alleys, and parking areas. Lighting fixtures or styles shall visually mimic historic designs, be compatible with similar lighting along the same block face or comply with any architectural style book approved for the OT District by the City of Krum. If used, poles, or bollards shall be fluted or decorative and shall be of a height and spacing to provide adequate coverage to avoid dark zones along pedestrian paths Site plans shall include information on the location and design of all proposed external lighting.
- L. Other Regulations: As established in the Development Standards, Sections 38 through 47 except as modified below:

Sight Visibility – Triangular visibility areas in the OT District as specified in Section 43.8 A.2. shall not apply at street intersections with a ROW width of eighty feet (80') or more. All other sight visibility standards shall remain.”

3.02 That the City of Krum Code of Ordinances, Chapter 14, “Zoning,” Exhibit 14A, “Zoning Ordinance,” Part IV, “Use Regulations Section,” Section 37, “Use Regulations,” Subsection 37.2, “Use Charts,” is hereby amended as per Exhibit A of this ordinance.

3.03 That the City of Krum Code of Ordinances, Chapter 14, “Zoning,” Exhibit 14A, “Zoning Ordinance,” Part VI, “Definitions.” shall be amended to add the following definition:

“Build-To Line (BTL): A build-to line (BTL) is a set building line on a lot, measured parallel from the front and/or corner side lot line, where the structure must be located. The building facade must be located on the build-to line. Facade articulation, such as window or wall recesses and qualifying projections are not counted as the building façade line, which begins at the applicable façade wall.”

3.04 All other articles, chapters, sections, paragraphs, sentences, phrases, and words are not amended but are hereby ratified and affirmed.

#### **SECTION 4 CUMULATIVE REPEALER CLAUSE**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other

Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**SECTION 5**  
**SAVINGS CLAUSE**

All rights and remedies of the City of Krum, Texas are expressly saved as to any and all violations of the provisions of the City's Code of Ordinances or of any other ordinance affecting zoning, which have been secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

**SECTION 6**  
**PENALTY**

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

**SECTION 7**  
**SEVERABILITY**

The provisions of this Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decision or enactment.

**SECTION 8**  
**PUBLICATION**

The City Secretary of the City of Krum is directed to publish in the official newspaper of the City, the caption, and effective date of this Ordinance as required by law.

**SECTION 9**  
**ENGROSSMENT AND ENROLLMENT**

The City Secretary is hereby directed to engross and enroll this Ordinance by copying the exact Caption and Effective Date clause in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City of Krum, Texas.

**SECTION 10**  
**EFFECTIVE DATE**

This Ordinance shall become effective from and after its date of passage in accordance with law.

**IT IS SO ORDAINED.**

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KRUM, TEXAS,  
ON THIS THE 4<sup>TH</sup> DAY OF DECEMBER, 2023.**

  
Rhonda Harrison  
Mayor

ATTEST:

  
\_\_\_\_\_  
Lisa Dawn Cabrera, TRMC, CMC  
City Secretary



APPROVED AS TO FORM AND CONTENT:

  
\_\_\_\_\_  
Lance Vanzant  
City Attorney

EXHIBIT A

§ 37.2 Use Chart

Use	AG	SF-R	SF-E	SF-20	SF-10	SF-7.5	SF-6	SF-PH	2F	SFA	MF-15	MH	O	R	OT	C	LI	Parking Requirements	Cross-Reference(s) for Special Standards	
<b>SPECIALIZE BUILDING FEATURES AND USES</b>																				
Building heights above two (2) stories or 35 feet	P*	P*	P*	P*															*Applies to certain agricultural buildings Refer to COO, CH 14, EX 14A, PT III, Sections: 14.3A, 15.3A, 16.3A & 17.3A	
<b>RESIDENTIAL USES</b>																				
Dwelling, Accessory - Guard/Manager/Caretaker	P	P	S												S	S	S	S	2/dwelling unit	
Dwelling, Multifamily										P						S			Efficiency: 1 space 1-2 bedrooms: 2 spaces 3+ bedrooms: 2 spaces + .5 space per additional bedroom over two (at least 50% to be enclosed or covered)	
<b>ACCESSORY &amp; TEMPORARY USES</b>																				
Outside Display, New Materials															P	P*	S	P	N/A	
<b>RECREATIONAL, SOCIAL AND ENTERTAINMENT USES</b>																				
Athletic Field, Stadium, Arena	S	S	S	S	S	S	S	S	S	S	S	S	S	S				S	S	1/125 gfa or 1/3 bleacher and spectator seats (whichever is greater)
<b>OFFICE, RETAIL &amp; SERVICE USES</b>																				
Hotel/Motel, Limited Service														S	S	S	S	S	1/room + 1/200 sf restaurant, retail, conference, and office area	
Retail Store															P	P	P			
Recycled Materials Collection															S		S	P	1/employee	
<b>MOTOR VEHICLE &amp; RELATED USES</b>																				
Parking Lot or Garage, Commercial															P	S	P	P	1/300 office gfa	
<b>INDUSTRIAL USES</b>																				
Distribution Center, Micro (indoors only)																S	S	P	1/300 office gfa + 1/1,000 remainder gfa	