**1. Call to Order**

**2. Minutes**

a. Minutes of the August 8, 2017 meeting

b. Minutes of the November 7, 2017 special call meeting

**3. Action/Discussion Items**

a. Consider a Certificate of Appropriateness from Jackie Mayfield to change the size of a sign from 4’ x 2.5’ to 4’ x 5’ for property located at 1502 W. Park Avenue.


c. Consider making a recommendation to the City Council to amend Section 12.606(6)A(n)(2) of the City of Orange Code of Ordinances pertaining to the maximum height of fences in the historic overlay zoning districts.

**4. Adjournment**

**Texas Penal Code 30.06:**

“Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun”

**Texas Penal Code 30.07:**

“Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly”

“De conformidad con la Secci n 30.06 del c digo penal (entrada de persona con licencia de portar o llevar armas de mano oculta), una persona licenciada bajo el subcap tulo H, cap tulo 411 del c digo de gobierno (ley de licenciaci n para portar o llevar armas de mano) no se permite entrar en esta propiedad con “ninguna armas de mano oculta”

“De conformidad con la Secci n 30.07 del c digo penal (entrada de una persona con licencia de portar o llevar armas de mano visible), una persona licenciada bajo el subcap tulo H, cap
título 411 del código de gobierno (ley de licencias para portar o llevar armas de mano visible) no se permite entrar en esta propiedad con ninguna “armas de mano visible”

**No Firearms Allowed**

**No se permite ninguna armas de fuego**
HISTORIC PRESERVATION COMMISSION  
Tuesday, August 8, 2017  
Meeting Minutes

**Members Present:**  
Ben Meadows................................................................. Chairman  
Suzanne Perry.......................................................................................... Vice Chairman  
Harry Wood................................................................................................. Member

**Members Absent:**  
Curtis Jeanis......................................................................................... Member

**Staff Present:**  
Kelvin Knauf, Director of Planning & Community Development  
Wendy Lloyd, Planning Secretary

**City Council Members Present:**  
Annette Pernell

Chairman Meadows called the meeting to order at 5:30 p.m.

**REGULAR BUSINESS - APPROVAL OF MEETING MINUTES**

Chairman Meadows asked for a motion to approve the meeting minutes for May 22, 2017 and June 13, 2017  
Member Wood motioned  
Vice Chairman Perry 2nd  
**Vote: 3 - 0**  
**Motion Carried**

**OLD BUSINESS**  
None

**NEW BUSINESS**

a. Consider an application for a Certificate of Appropriateness from URS Corporation to demolish the house and accessory structure at 1306 West Cherry Avenue and construct a new house.

Mr. Knauf stated this is a hurricane house and the patterns for the hurricane houses were approved years ago and they would demolish the house and the little building behind the house and then build a new house on that property. Mr. Knauf stated that to his understanding, this is the last of the hurricane houses.
**Jennifer Mattingly – 3104 Nashville, Nederland, TX** - Ms. Mattingly stated yes this is the last house unless they have some more funding.

Chairman Meadows asked if the two trees in the front are staying because that setback line not where it needs to be. Ms. Mattingly asked Mr. Knauf if he was familiar with this and stated that she believes what they are doing is using the rear for the driveway. Mr. Knauf stated yes that what they had talked about is coming in from the rear so that they would save the trees.

Member Woods asked if they were going to put the new house where the current one is. Ms. Mattingly stated both structures have to come down and the new one will be somewhere in the middle. She stated the house won’t go forward and we are putting the driveway in the rear to preserve the trees.

Member Wood motioned  
Vice Chairman Perry 2nd  
Vote: 3 – 0  
Approved

b. **Consider applications for Certificates of Appropriateness from Jim and June Hood to make alterations and re-paint the house at 1005 W. Orange Avenue.**

Mr. Knauf stated the paint was white with black trim.

Vice Chairman Perry motioned  
Member Wood 2nd  
Vote: 3 – 0  
Approved

c. **Consider an application from Robert Hunter to construct a house at 1902 Sholars Avenue**

Mr. Knauf presented an enlarged view of the plans from the agenda packet for the house for the commission to look at.

Member Wood asked if this was on the west side of 16th Street.  
**Robert Hunter – 1607 Barkins, Orange, TX** – Mr. Hunter stated yes. Member Wood asked if it was a vacant lot now. Mr. Hunter stated yes it’s actually two lots.

Mr. Knauf stated this is actually two lots and we filed the lot combination last week and now it is one lot.

Chairman Meadows asked if that’s three lots. Mr. Knauf stated there is one in the back.

Mr. Hunter stated there two on Sholar and one on Hart. Member Wood asked if the driveway would be on Hart. Mr. Hunter stated no on Sholars.
Vice Chairman Perry asked if this was a story and a half or two story house. Mr. Hunter stated two story.

Mr. Knauf stated that Mr. Hunter has chosen colors that are on the preapproved color list.

Member Wood motioned
Vice Chairman Perry 2nd
*Vote: 3 – 0*
*Approved*

**d. Consider an application from the City of Orange to demolish a structure located at 607 2nd Street**

Mr. Knauf stated that the inside is all torn up and the roof in the back has collapsed.

Member Wood asked if there were any plans there or are they just taking it down.

Mr. Knauf stated the owner has consented to have it demolished.

Annette Pernell – 912 Pine, Orange, TX – Councilwoman Pernell asked if there was any way that somebody could use those bricks and reclaim them.

Mr. Knauf stated that whoever gets with the contractor that gets the bid for the demolition can get with that contractor and ask them if they can have those bricks and reuse them.

Councilwoman Pernell stated that she would like to talk to them.

Vice Chairman Perry motioned
Member Wood 2nd
*Vote: 3 – 0*
*Approved*

**Member Wood motioned to adjourn**
Vice Chairman Perry 2nd

Meeting adjourned at 5:41 p.m.
Vice Chairman Perry called the meeting to order at 5:50 p.m.

REGULAR BUSINESS - APPROVAL OF MEETING MINUTES

Vice Chairman Perry asked for a motion to approve the special call meeting minutes for October 26, 2017

Member Jeanis motioned
Member Wood 2nd
Vote: 3 - 0
Motion Carried

OLD BUSINESS
None

NEW BUSINESS

a. Consider an application for a Certificate of Appropriateness from James Pernell to replace rotted wood and re-paint areas of the house at 912 Pine Avenue.

Mr. Knauf stated on their application is paint color Sherwin Williams Woodsy Brown and that is not specifically on the pre-approved color palate and so they would like to change the paint color to Brookwood Dark Brown which is on the approved color palate and the recommendation is to approve.
Member Wood stated that he thinks it’s admirable that they are doing this and doesn’t have any problems with it.
Member Wood motioned
Member Jeanis 2\textsuperscript{nd}
\textbf{Vote: 3 – 0}
\textbf{Approved}

Vice Chairman Perry adjourned the meeting at 5:52 p.m.
Attended is an application for a Certificate of Appropriateness from Jackie Mayfield concerning replacing the sign at 1502 W. Park Avenue. Mr. Mayfield is requesting a sign that is four feet by five feet, or twenty square feet in area. A diagram of the proposed sign is also attached. An aerial photo showing the location of the property is included in your agenda packet.

Below are the sign regulations for the historic overlay zoning districts (highlight added):

(8) Signs. Signs must not obscure significant architectural features, windows or doors of the building. The shape, materials, color, design, and letter style of signs must be typical of and compatible with the style and period of the architecture of the building and complement the district. Signs shall only be allowed where permitted by section 30-28 of this Code. In addition, all signs within the district must comply with the following standards:

a. Detached signs. Only one (1) detached sign is permitted on each lot and subject to the following restrictions.

(i) The structural support of the sign must be located at least five (5) feet from any public right-of-way or property line dividing properties of different ownership. No part of any sign shall overlap any property line.
(ii) The sign must be three (3) feet or less in height;
(iii) The sign shall not be illuminated; and
(iv) The sign shall not exceed twelve (12) square feet in area.

b. Attached signs. One attached sign is permitted on each building side having street frontage. Each sign must:

(i) Not be illuminated, except by one external floodlight not to exceed one hundred fifty (150) watts in power,
(ii) Not exceed twelve (12) square feet in area; and
(iii) Not be located in or in front of any window or doorway.

c. Prohibited signs. The following types of signs are prohibited in a historic district:

(i) Advertising signs;
(ii) Illuminated signs;
(iii) Neon or fluorescent signs;
(iv) Signs affixed, either permanently or temporarily, to street furniture;
(v) Portable signs, excluding political and realty signs as defined in section 12.1000, sign regulations, as outlined in the City of Orange Code of Ordinances;
(vi) Mobile signs;
(vii) Moving signs; and
(viii) Fence signs.
(ix) Banners for commercial use, to exclude one (1) U.S. and one (1) state flag, neither to exceed four (4) feet by six (6) feet in size.
(x) Other attention-getting devices used by commercial establishments.

On September 10, 2013 the Historic Preservation Commission received an application for a Certificate of Appropriateness from Jackie Mayfield for a sign at 1502 W. Park Avenue. A copy of those meeting minutes is attached.
City of Orange, Texas

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

Applicant Information and Requested Action

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Type of Request:</th>
<th>Has request been made before?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title (Mr., Ms.): Jackie Mayfield</td>
<td>☐ Painting</td>
<td>☐ Yes</td>
</tr>
<tr>
<td>Name: Jackie Mayfield</td>
<td>☐ New construction</td>
<td>☐ No</td>
</tr>
<tr>
<td>Mailing Address: 1502 W. Park</td>
<td>☐ Demolition</td>
<td>☐ If yes, date of last request:</td>
</tr>
<tr>
<td>City, State, ZIP: Orange, TX 77630</td>
<td>☐ Fencing</td>
<td></td>
</tr>
<tr>
<td>Telephone: 409-720-9335</td>
<td>☐ Alteration</td>
<td></td>
</tr>
<tr>
<td>Email: <a href="mailto:smayfield@comcast.net">smayfield@comcast.net</a></td>
<td>☐ Repair</td>
<td></td>
</tr>
<tr>
<td>☑ Other (please state)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Property description

Address: 1502 W. Park
Lot: E 88 x 122
Block Number: 3 8/16
Addition: Eye Sheldon

OR

Tract:
Plat:
Survey, Abstract #:

Below briefly describe the proposed improvements or change on the property. Certificates of Appropriateness regulations are found in Chapter 12, Section 606(6)(c)(1) of the City Codes.

Changing from a Sign size 4' x 2.5' to 4' x 5' ft

Sign

For office use only

Date Received and Staff: 1/25/18 KEK

HPC Action: ☐ Approved as requested ☐ Modified ☐ Denied

HPC Meeting Date:

Director Signature and Date:

HPC Signature and Date:

Comments:

Approval of a Certificate of Appropriateness does not exempt the need for a building permit or other permits required by the City of Orange. Submit this form at 303 N. 8th Street during regular business hours or fax to (409) 988-7407.
HISTORIC PRESERVATION COMMISSION

Tuesday, September 10, 2013
Meeting Minutes

Members Present:
Ben Meadows .................................................. Chairman
Suzanne Perry ................................................... Vice Chairman
Demetrius Hunter ............................................... Member

Members Absent:
Harry Wood

Staff Present:
Jimmie B. Lewis, Director of Planning & Community Development
Trish Cvengros, Planning Secretary

City Council Members Present:
Mary McKenna

Chairman Meadows called the meeting to order at 5:30 p.m.

REGULAR BUSINESS - APPROVAL OF MEETING MINUTES

Commissioner Hunter made a motion to approve the meeting minutes for August 13, 2013
Commissioner Perry 2nd
Vote: 3 - 0
Motion Carried.

NEW BUSINESS - DISCUSSION AND APPROVAL OF NEW SIGNAGE AT 1502 WEST PARK

Mr. Lewis presented photos' of the property located at 1502 West Park owned by Mr. Jackie Mayfield of Compro-Tax. He then presented photos' of the signage they are currently using at their Northway Shopping Center location. Mr. Lewis explained that the owner, Mr. Jackie Mayfield, is requesting to use the wall mounted signage (Compro-Tax lettering) from his Northway location at the Park Street location. He is requesting approval to mount the lettering on the front of the structure between the two (2) windows, under the eave. Mr. Lewis then showed the Commission, in the photo, where Mr. Mayfield is wanting to locate the signage (lettering,) He went on to explain that the signage does not comply with the Historic rules. Signs within the HOZD cannot be illuminated and the signs have to be twelve (12) square feet or less. The lettering that Mr. Mayfield wants to use is approximately twenty-four (24) square feet and it is illuminated. Mr. Lewis stated that the sign that Mr. Mayfield currently has on his property does comply with the HOZD rules and a variance can be granted to increase the yard sign above the twelve (12) square foot restriction. He
then introduced Mr. Mayfield to the Commission.

Mr. Jackie Mayfield, who resides at 2500 West Sunset and is the owner of Compro-Tax, stated that he would like approval from the Commission to reuse the signage from his Northway location at his Park Street Location so that he can draw more attention to his business. He went on to say that they are in the process of changing their logo and would also like approval to increase the yard signage above the twelve (12) square foot minimums so the new logo will fit on the sign. He went on to say that he understands this request does not conform to the District rules but would appreciate the Commission working with him.

Chairman Meadows and Commissioner Perry both stated that the lettering is too modern for the District and would like to see something less intrusive. After some discussion, Commissioner Hunter made a motion to deny the request by Mr. Mayfield to install the Compro-Tax letting from his Northway location on his building located at 1502 Park and to approve a variance of an increase up to a six (6) inches in the yard signage to allow for the new sign face to fit the new company logo.

Commissioner Perry 2nd
Vote: 3 - 0
Motion Carried.

NEW BUSINESS - DEMOLITIONS WITHIN THE HOZD

Mr. Lewis presented photos' of the property located at 104 East Cherry and explained to the Commission that overall, the house is in good condition. He went on to explain that the home was damaged and flooded during Hurricane Ike and the owners started the demolition process at that time. They removed all of the walls, Sheetrock, insulation and flooring. The interior has been demolished down to the studs. It is now ready to be refurbished. Unfortunately, the city has been receiving complaints regarding vagrants living in the home and the condition of the exterior of the property because no one has been taking care of it.

Commissioner Hunter asked Mr. Lewis if the Commission could table this request until the owner is found and the property placed on the market for sale.

Mr. Lewis said yes, the Commissioner can postpone a decision for up to six (6) months.

After some discussion, Commissioner Hunter made a motion to table the request to demolish the property located at 104 East Cherry for six (6) months to allow time to locate and make contact with the property owner.

Commissioner Perry 2nd
Vote: 3 - 0
Motion carried.

OTHER BUSINESS - NEW METAL ROOF AT 1908 WEST PARK

Mr. Lewis presented photos' of the home located at 1908 West Park. The owner of the property is requesting approval to replace the existing roof with a new metal roof. Mr. Lewis went on to explain that the home does not contribute to the District and staff does not have a problem with approving this request. However, since it is in the District, approval from the Commission is being requested.
Commissioner Perry stated that she approves this request and said the metal roofs comply with the requirements of the district.

Commissioner Hunter and Chairman Meadows agreed and Commissioner Hunter made a motion to approve the request by the property owner at 1908 West Park to replace her existing roof with a metal roof.

Commissioner Perry 2nd
Vote: 3 - 0
Motion Carried.

OTHER BUSINESS

Commissioner Hunter asked Mr. Lewis if Cherry Street near the church will be included in the overlay project.

Mr. Lewis said yes it will be. They are working on the paperwork at this time and as soon as they are finished with it, the overlay will be completed.

Commissioner Perry asked Mr. Lewis if any new information has become available regarding the old Train Depot.

Mr. Lewis said no, not at this time. He has not received any additional contact from the interested party.

Commissioner Hunter asked Mr. Lewis to check on the property located at 7th & John. The property has been vacant for a long time and the home is currently in very poor condition.

Commissioner Perry asked Mr. Lewis what the next step will be to getting the property located at 1512 Cherry cleaned up.

Mr. Lewis stated that if the owner does not make contact with the city then they will be taking the property to Municipal Court.

Mr. Dwayne Brinkerhoff, stated that he is the agent representing the property at 1512 Cherry and is visiting the meeting to introduce himself to the Commission and to see if there are any programs available to potential buyers.

Mr. Lewis said yes and he would be happy to meet with him and go over the programs, rules and
regulations of the District.

Commissioner Perry asked Mr. Lewis for an update at 1102 Orange Avenue.

Mr. Lewis explained that the owner has obtained his permit and is currently working on restoring the porch.

There were no other items for discussion so Commissioner Hunter made a motion to adjourn
Commissioner Perry 2nd
Vote: 3 - 0
Motion Carried

Meeting adjourned at 6:00 p.m.
1502 W. Park Avenue
Attached for your consideration are draft rules of procedure for the Historic Preservation Commission. In my experience, written rules help new Commission members get oriented to how the commission works and what to do at commission meetings. Many of the proposed rules are what the Commission does now—they have just never been written down before.

The proposed rules you may want to give special attention to are:

3. A and B. Election of officers. The proposed rule is that the Chair and Vice-Chair be elected annually at the first meeting after October 1st of each year. Commission terms end in September and it seems advisable that the election occur at the first meeting after which the terms expire.

3.I. Legal conflicts of interest. The proposed rule is that if a member has a legal conflict, they must leave the room during the discussion and vote. Some organizations allow the member to stay in the meeting room and not talk during the matter. However, the best practice is to leave the room since eye gestures or other body language is still a form of communication that a member could use to persuade other members on the matter.

4.A.2. Order of Business. The proposed rule is that the presiding officer may request a law enforcement officer to remove from the meeting any person who refuses to stop speaking after being told to stop by the presiding officer or any person who is disrupting the meeting. While citizens are allowed to speak at the meeting, there is no law that gives them the right to disrupt meetings.

4.D. Reconsideration. This proposed rule would prevent applicants from submitting the same Certificate of Appropriateness application to the commission for six months after the application has been denied. This is to keep applicants from trying to wear down the commission through repeated applications for the same work.

5. Applications Required to be Brought Before the Commission. These are the types of applications that only the Commission can approve.

6. Authority Delegated to the Director of Planning and Community Development. These are the types of applications that the Director can approve on his/her own.
City of Orange

Historic Preservation Commission

Rules of Procedure

1. Authority

A. Authority. The Historic Preservation Commission (“Commission”), its duties and authorities, are authorized by the Orange Code of Ordinances.

B. Intention. These rules are intended to supplement and not replace relevant sections of State law, the Orange City Charter or the Orange Code of Ordinances.

2. General Rules

A. Meetings to be public except when consulting with Commission’s attorney. The Commission shall comply with the Texas Open Meetings Act. Every regular, workshop, joint meeting or special called meeting of the Commission shall be open to the public. Meetings need not be open to the public when the Commission is consulting with its attorney.

B. Quorum. Three members of the Commission shall constitute a quorum. The members will be notified and will be expected to attend each Commission meeting whenever possible.

C. Minutes of the Meeting. Accurate minutes of all proceedings of the Commission shall be kept by the Director of Planning and Community Development or his/her designee. Commission minutes shall be reviewed and voted on by members who attended that particular meeting. The Chair will announce when the minutes are approved.

D. Right of Floor. Any regular member desiring to speak will wait to be recognized by the Chair and shall confine his/her remarks to the subject under consideration.

E. Amendment of Rules. These rules may be amended or new rules adopted by a majority vote of the entire Commission and upon approval by the City Council.

3. Officers and Duties

A. Chair. The Chair is elected by the Commission members in attendance at the meeting for a term of one year. The Chair shall preside at all meetings of the Commission where he/she is present and shall decide all points of order or procedure not in conflict with these rules. The Chair shall
be elected at the first meeting after October 1st of each calendar year and as the position becomes vacant.¹

B. **Vice-Chair.** The Vice-Chair is elected by the Commission members in attendance at the meeting for a term of one year. In the absence of the Chair, the Vice-Chair shall preside. The Vice-Chair shall be elected at the first meeting after October 1st of each calendar year and as the position becomes vacant.

C. **Acting Chair.** Should both the Chair and the Vice-Chair be absent from a meeting, the most senior member of the Commission shall be the Acting Chair. Should two or more Commissioners be senior, the Commission shall elect an Acting Chair.

D. **Call to Order.** The presiding member shall call the meeting to order. The meeting shall not begin before the posted time on the agenda.

E. **Preservation of Order.** The presiding officer shall preserve order and decorum and confine members and/or interested parties in debate to the question under discussion.

F. **Attendance.** Members are subject to the attendance requirement contained in the Code of Ordinances.²

G. **Decorum.** Commission members value and recognize the importance of the trust invested to them by the public and the City Council to accomplish the business of the City. Commission members shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the Commission. City staff shall act at all times in a business-like and professional manner towards Commission members and members of the public. Noise emanating from the audience that disrupts Commission meetings shall not be permitted.

H. **Endorsements.** It is inappropriate to endorse political candidates, political causes, or items placed on a ballot during Commission meetings.

I. **Conflicts of Interest.** Unless the Commission member has a legal conflict of interest in the matter, the member should vote on the agenda item. If a legal conflict of interest exists, the member shall leave the Commission meeting room until after the agenda item has been discussed and action taken by the Commission.³

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¹ Commission members’ terms expire in September.
² Section 8.2101 of the Code of Ordinances provides that any appointed member of any board or commission who fails to attend three (3) regular meetings in succession without notifying the chairman in advance or who does not attend at least sixty percent (60%) of the regularly scheduled board meetings within a twelve-month period will be considered to have automatically resigned from the board or commission.
³ Even if a member does not speak during consideration of an item where the member has a legal conflict, the member can still communicate through body language and eye contact. The best practice is to have the member with the legal conflict leave the room.
4. Order of Business

A. Agenda. The order of business for each meeting shall be as contained in the agenda prepared by the Director of Planning and Community Development or his/her designee. The agenda shall be a listing of subjects to be considered by the Commission and shall be delivered to members by either email or regular mail no later than seventy-two (72) hours before the meeting.

1. The presiding officer may take agenda items out of the order in which they are listed unless a majority of the members present object to this variation.

2. The applicant will be allowed to speak on the application. The Chair shall decide whether any interested party other than the applicant is allowed to speak on the application. The applicant and any interested parties will be required to keep their comments and/or questions to the application under consideration. The applicant and interested parties shall address their comments and questions to the Commission. If a person is repetitive in their comments or presents information not related to the application under consideration, the presiding officer may prohibit the person from making further comments. The presiding officer may stop the person from speaking further if the remarks or gestures are profane, abusive, inflammatory or otherwise offensive. Persons who refuse to stop speaking at the direction of the presiding officer or otherwise disrupt the meeting may be escorted from the meeting by a law enforcement officer at the request of the presiding officer.

3. Before voting on an agenda item, a motion must be made and seconded. The presiding officer may make a motion or second a motion. Once the motion has been made and seconded, the presiding officer will call for a vote on the motion through members saying “aye” (approving the motion) or “nay” (disapproving the motion). A motion may be amended with the approval of the member making the original motion and the person seconding the original motion. The presiding officer shall announce whether or not the motion carried or fails.

4. If no second is made to a motion, then the motion fails and a new motion must be made and seconded.

5. If a motion (and second) does not pass, a new motion and second must be made before the agenda item can be voted on. The presiding officer shall announce whether or not the motion carried or fails.

6. A majority vote of the Commission members in attendance at the meeting shall carry.

B. General. Prior to consideration of a Certificate of Appropriateness before the Commission, the applicant must have first made an application to the Commission. The City of Orange may be an applicant for any property within the city limits of Orange. The application shall be on a form
approved by the Director of Planning and Community Development and as provided in the Code of Ordinances.

C. **Minutes.** Minutes from the previous meeting(s) shall be reviewed and may either be approved as submitted; be approved with corrections; or, be tabled to a future meeting to allow time for staff corrections and revisions.

D. **Reconsideration.** No request for a Certificate of Appropriateness that the Commission has denied may be re-considered by the Commission for six months after the meeting at which the decision was made to deny the application.\(^4\)

5. **Applications Required to be Brought Before the Commission**

A. **Applications Required to be Considered by the Commission.** The following applications are required to be brought before the commission for consideration:

1. Significant additions, renovations, alterations or removal to any part of the primary structure on the property;
2. New construction of a primary structure on the property;
3. Demolition of primary structures on the property;
4. Demolition of any accessory structures that have a historic or architectural value
5. Improvements, demolitions, repairs or renovations that require commission approval under federal or state laws; and
6. Primary or accessory structures that, in the opinion of the Director of Planning and Community Development, are questionable as to their color or architectural compatibility with the historic district in which the property is located.

6. **Authority Delegated to the Director of Planning and Community Development**

A. **Director Authority.** The Director of Planning and Community Development may approve the following:

1. Colors that are compatible with the color charts that are on file in the Planning and Community Development Department;
2. Construction of detached accessory structures including fences that are clearly of a color and architectural style compatible with the primary building on the property;
3. Demolition of accessory structures including fences that have no historic or architectural value;
4. Replacement of materials that are of a similar style as the original structure; and

\(^4\) This is intended to prevent an applicant from trying to wear down the Historic Preservation Commission by continually filing the same application for a Certificate of Appropriateness.
5. Construction or demolition of structures that cannot be seen from the street in front of the primary structure.

7. Adjournment

A. Adjourning Meetings. After all items on the agenda have been considered, the presiding officer may adjourn the meeting without a motion and second. The Commission shall not discuss or decide any item that is not on the agenda unless specifically allowed by Texas law.

Approved by the Historic Preservation Commission: ____________________________

Approved by the City Council: ____________________________________________

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5 This would include approval, denial, tabling an item, the applicant withdrawing an item, or postponing consideration of an item. If the Commission has a number of items and cannot get to all of them in a meeting, it can table the remaining items to a future Commission meeting.
MEMORANDUM

To: Historic Preservation Commission Members
From: Kelvin Knauf, Director of Planning and Community Development
Subject: Consider making a recommendation to the City Council to amend Section 12.606(6)(A)(n)(2) of the City of Orange Code of Ordinances pertaining to the maximum height of fences in the historic overlay zoning districts.

Date: January 30, 2018

Section 12.606(6)(A)(n)(2) of the Code of Ordinances provides that the maximum height of fences in the front yard of properties in the historic overlay zoning districts may not exceed five (5) feet. In or about 2012, the City changed the maximum height of fences in the front yard from five (5) feet to four (4) feet; however, Section 12.606(6)(A)(n)(2) of the Code of Ordinances was not changed.

Also, Section 12.606(6)(A)(n)(2) regulates the maximum height of fences in the front yard and rear yard (8 feet for the rear yard) but there is no regulation of the maximum height of fences in the side yards.

Attached is a marked up copy of Section 12.606(6)(A)(n)(2). The words that are struck through in red would be deleted and the words that are underlined in red would be added.
(2) **Fences.** The commission may approve a fence not in compliance with this paragraph if the applicant establishes the fence is historically sensitive or unless the absence of said fence poses a significant hazard to life or property.

   a. **Form.** Fences must be constructed and maintained in a vertical position.

   b. **Height.** Within a front yard, no solid fence or wall shall be erected. A nonopaque fence may be erected not to exceed a height of five (5) four (4) feet, unless a taller fence is required to screen off-street parking or screen incompatible land uses as required in section 12.611(6) of the Code of Ordinances. Within a rear yard and side yard a fence may be erected not to exceed eight (8) feet.

   c. **Location.**

      (i) A fence in an interior side yard must be located no further forward on the lot than the front of the main building.

      (ii) A fence in a corner side yard must not be directly in front of the corner side facade, except that the director may allow a fence that is directly in front of the corner side facade if:

         1. More screening is necessary to insure privacy due to unusually high pedestrian or vehicular traffic; and

         2. The fence does not screen all or any portion of a significant architectural feature of the main building.

      (iii) A fence must run either parallel or perpendicular to a building wall or lot line.

   d. **Materials.** A fence in a front or corner side yard must be constructed of wrought iron, wood or brick. Concrete block fences and chain link fences are not permitted.

   e. **Masonry columns and bases.**

      (i) The color, texture, pattern and dimensions of masonry and the color, width, type and elevation or mortar joints in a fence column or base must match the masonry and mortar joints of the main building as nearly as practicable.

      (ii) All exposed brick in a fence column or base must be fired brick as defined by the American Standard Testing Materials Designation C-126-75A, Type Grade FBS-SW.

   f. **Metal fences.** Wrought iron and metal fences must be compatible with the style and period of the main building. Chain link, barbed and razor wire fences are permitted in back yards and must not be visible from abutting streets.

   g. **Wooden fences.**

      (i) All wooden structural posts must be at least four (4) inches by four (4) inches in diameter (normal size).

      (ii) The side of the wooden fence facing a public street must be the finished side.

      (iii) Wooden fences may be painted or stained a color that is complementary to the main building.