

ORDINANCE NO. 750

AN ORDINANCE OF THE TOWN OF DENTON TO AMEND THE DENTON TOWN CODE ZONING ORDINANCE AND THE PROVISIONS CONTAINED IN CHAPTER 128 OF THE DENTON TOWN CODE WITH RESPECT TO MULTIFAMILY HOUSING AND APARTMENTS

WHEREAS, the Town of Denton (“Town”) is authorized by the Maryland Annotated Code (“Code”), Land Use Article, Section 4-204 to amend the Denton Town Code Chapter 128, Zoning Ordinance; and

WHEREAS, Chapter 128 (Zoning) of the Denton Town Code sets forth guidelines for Multifamily housing and apartments in all Zoning Districts; and

WHEREAS, the Denton Town Council, upon the recommendation of the Denton Planning Commission, has amended the Denton Town Code to clarify the building and design standards for multifamily housing in all Zoning Districts; and

WHEREAS, the Denton Town Council has determined that it is desirable, in the public interest, and will ensure consistent standards of development in any zoning district; and will confirm owner responsibility and guarantee successful future repairs on existing common roofs; and

NOW, THEREFORE, BE IT ENACTED, the Denton Town Council hereby ordains as follows:

**SECTION 1:** The Denton Town Code §128-95 Multifamily housing and apartments is hereby modified and reenacted with amendments as follows:

**§ 128-95. Multifamily housing and apartments.**

- C. Multi-family buildings: condominiums, townhomes, duplexes, and mixed-use buildings with separate ownership of roof structures and shingles must be designed and built with a vertical plane clearly delineating the roofline of each unit. The roofs shall not be on a common plane without being divided by a parapet, or an approved preformed vertical metal flashing with a minimum of 1 inch rise and 8-inch horizontal extensions, installed from eave to ridge. Roofs designed with a minimum 6-inch step would also meet the requirements of delineation.*

***D. The following are exempt from §128-95 (C):***

- a. Any multifamily building for which a recorded enforceable condominium declaration or declaration of covenants exists for maintenance and repairs of common elements, common exterior areas (roof, siding, walkways, etc.), or roof structures and shingles even if separately owned.***

**SECTION 2:** If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Denton Town Council hereby declares that it would have passed this Ordinance and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

**SECTION 3:** In accordance with Md. Code Ann., Land Use §§ 4-203(b)(3), this Ordinance shall not be effective until at least ten (10) days after a public hearing.

ENACTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

DENTON TOWN COUNCIL:

\_\_\_\_\_  
Abigail McNinch, Mayor

\_\_\_\_\_  
Dallas Lister, Councilperson

\_\_\_\_\_  
Lester L. Branson, Councilperson

\_\_\_\_\_  
Walter Keith Johnson, Councilperson

\_\_\_\_\_  
Frank Taylor, Councilperson

ATTEST:

\_\_\_\_\_  
Karen L. Monteith, Clerk-Treasurer

Approved for legal sufficiency this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Christopher F. Drummond, Town Attorney

Date Introduced \_\_\_\_\_

Date Amendments Introduced \_\_\_\_\_

Date Passed \_\_\_\_\_

Effective Date \_\_\_\_\_

Text that is stricken reflects language omitted from the Town Code

Text in **bold** and *italicized* reflects additions to the Town Code