



**FARMERSVILLE CITY COUNCIL  
REGULAR SESSION AGENDA  
July 26, 2022, 6:00 P.M.  
Council Chambers, City Hall  
205 S. Main Street**

**WATCH THE LIVE BROADCAST**

This meeting will be broadcast live through the City's website and by telephone. Members of the public who wish to watch this meeting, and not speak or participate in the discussion, may watch the live broadcast by

1. Going to the City's website;
2. Clicking on "GOVERNMENT";
3. Clicking on "AGENDAS AND MINUTES";
4. Clicking on the "[click here](#)" link that is located to the right of "LIVE STREAMING."

**I. PRELIMINARY MATTERS**

- Call to Order, Roll Call, Prayer and Pledge of Allegiance.
- Announcements
  - a) July and August calendars of upcoming holidays and meetings.

**II. PUBLIC COMMENT ON AGENDA ITEMS (FOR NON-PUBLIC HEARING AGENDA ITEMS)**

If you wish to address the City Council on a posted item on this agenda, please fill out a "Speaker Sign-Up" card and present it to the City Secretary before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, any person wishing to address the City Council for items listed as public hearings will be recognized when the public hearing is opened. Speakers wishing to address the City Council regarding any non-public hearing item on this agenda shall have a time limit of three (3) minutes per speaker, per agenda item. The Mayor may reduce the speaker time limit uniformly to accommodate the number of speakers or improve meeting efficiency.

**III. CITIZEN COMMENTS ON MATTERS NOT ON AGENDA**

If you wish to address the City Council on a matter not posted on this agenda, please fill out a "Speaker Sign-Up" card and present it to the City Secretary

before the meeting begins. Speakers shall have a time limit of three (3) minutes. This meeting segment is limited to a total of thirty (30) minutes.

#### IV. CONSENT AGENDA

Items in the Consent Agenda consist of non-controversial or “housekeeping” items required by law. Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually. Following approval of the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.

- A. Board of Adjustments Minutes (07-12-2022)
- B. City Council Minutes (07-12-2022)
- C. Financial Report (June 2022)

#### V. INFORMATIONAL ITEMS

These Informational Items are intended solely to keep the City Council apprised of the actions and efforts of the various boards and commissions serving the City of Farmersville. Council members who serve as a liaison to a particular board or commission may report to the City Council regarding that body's most recent and/or upcoming meetings and activities. Council members may also deliberate and/or request further information or clarification regarding any one or more of the items contained in this provision. City Council approval of, or action on, these items is not required or requested. **Matters that require City Council action shall be considered and acted on only if an item related thereto is included in the Consent Agenda or the Regular Agenda.**

Consideration and discussion regarding the following matters, minutes and reports, which consideration and discussion may also include or pertain to individual items and projects set forth in such matters, minutes and reports, as well as related background information and plans for future completion, performance or resolution as may be necessary to understand such individual items and projects and the City's related operation:

- A. City Amenities Board (*4<sup>th</sup> Thursday Each Month @4:00 p.m.*)
  - 1. Possible Council Liaison Report
- B. Farmersville Community Development Board Type B (*2<sup>nd</sup> Monday Each Month @ 6:00 p.m.*)
  - 1. Possible Council Liaison Report
- C. FEDC Farmersville Economic Development Board Type A (*3<sup>rd</sup> Thursday Each Month @ 6:00 p.m.*)
  - 1. Possible council Liaison Report
- D. Main Street Board (*2<sup>nd</sup> Monday Each Month @ 4:30 p.m.*)

1. Possible Council Liaison Report

E. Parks & Recreation Board (1<sup>st</sup> Thursday Each Month @ 5:00 p.m.)

1. Possible council

F. Planning & Zoning Commission (3<sup>rd</sup> Tuesday Each Month @6:00 p.m.)

1. Possible Council Liaison Report

G. TIRZ Board (Meets As Needed)

1. Possible Council Liaison

**VII. REGULAR AGENDA**

A. Consider, discuss and act upon a Concept Plan and Preliminary Plat for Farmersville Biz Park

B. Update and possible discussion regarding the Historic Preservation Overlay Zoning District Ordinance.

C. Consider, discuss and act upon Resolution R-2022-0726-001, regarding Oncor Electric Company's requested rate change and approving cooperation with the Steering Committee of Cities served by Oncor.

D. Consider, discuss and act upon Resolution R-2022-0726-002, regarding an update to the Collin Council Park and Open Space Project Funding Assistance Program resolution to include Caddo Park.

E. Consider, discuss and act upon appointing a member of the Tax Increment Reinvestment Zone Board (TIRZ), to act as the Chairperson of this board.

F. Consider, discuss and act upon the reappointment of Elise Bobitt to the Farmersville Economic Development Corporation (4A) Board.

**VIII. ORDINANCE WORKSHOP**

A. Discussion regarding the Food Truck Ordinance

**IX. REQUESTS TO BE PLACED ON FUTURE AGENDAS**

**X. ADJOURNMENT**

**Dated this the 22 nd day of July, 2022.**

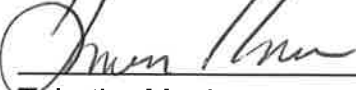


Bryon Wiebold, Mayor

The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any Work Session, Special or Regular Session agenda item requiring confidential, attorney/client advise necessitated by the deliberation or discussion of said items (as needed) listed on the agenda, as authorized by Texas Government code Section 551.071(a) ("Consultation with Attorney, Closed Meeting").

*Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at 972-782-6151 or Fax 972-782-6604 at least two (2) working days prior to the meeting so that appropriate arrangements can be made. Handicap Parking is available in the front and rear parking lot of the building.*

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in the regular posting place of the City Hall building for Farmersville, Texas, in a place and manner convenient and readily accessible to the general public at all times, and said Notice was posted July 22, 2022 by 5:00 P.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.

  
\_\_\_\_\_  
Tabatha Monk  
City Secretary



## **I. Preliminary Matters**

JULY 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2 Farmersville Market 8:00 am
3	4 City Hall Closed -- Independence Day Sparks of Freedom	5	6	7 Parks & Recs Board Meeting canceled and moved to 07-14-22	8	9
10	11 Main Street Meeting 4:30 pm FCDC (4B) Meeting 6:00 pm	12 ZBA Meeting 5:30 p.m. City Council Meeting 6:00 pm	13	14 Parks & Recs Board Meeting 5:00	15	16 Cops and Rodders
17	18 CC, 4A &4B Special Joint Meeting	19 P&Z Meeting 6:00 pm	20	21 FEDC (4A) Meeting 6:30 pm	22	23
24	25	26 City Council Meeting 6:00 pm	27	28 City Amenities Board Meeting 4:00 pm	29	30
31						

AUGUST 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6 Farmersville Market 9:00 am
7 Main Street Meeting 4:30 pm (Cancelled) FCDC (4B) Meeting 6:00 pm	8 City Council Meeting 6:00 pm	9	10	11	12	13
14	15	16 P&Z Meeting 6:00 pm	17	18 FEEDC (4A) Meeting 6:30 pm	19	20
21	22 City Council Meeting 6:00 pm	23	24	25 City Amenities Board Meeting 4:00 pm	26	27
28	29	30	31			

**II. Public Comment on agenda items (FOR NON-  
PUBLIC HEARING AGENDA ITEMS)**



Agenda Section	Public Comment on agenda items (FOR NON-PUBLIC HEARING AGENDA ITEMS)
Section Number	II.
Subject	Public Comment on agenda items (FOR NON-PUBLIC HEARING AGENDA ITEMS)
To	Mayor and Council Members
From	Ben White, City Manager
Date	July 26, 2022
Attachment(s)	NA
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	If you wish to address the City Council on a posted item on this agenda, please fill out a "Speaker Sign-Up" card and present it to the City Secretary before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, any person wishing to address the City Council for items listed as public hearings will be recognized when the public hearing is opened. Speakers wishing to address the City Council regarding any non-public hearing item on this agenda shall have a time limit of three (3) minutes per speaker, per agenda item. The Mayor may reduce the speaker time limit uniformly to accommodate the number of speakers or improve meeting efficiency.
Action	NA

### **III. cITIZEN COMMENTS ON MATTERS NOT ON AGENDA**

Agenda Section	ciTIZEN COMMENTS ON MATTERS NOT ON AGENDA
Section Number	III
Subject	ciTIZEN COMMENTS ON MATTERS NOT ON AGENDA
To	Mayor and Council Members
From	Ben White, City Manager
Date	July 26, 2022
Attachment(s)	NA
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
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Action	NA

#### **IV. Consent Agenda**

Agenda Section	Consent Agenda
Section Number	IV.A
Subject	BOA Minutes 07-12-22
To	Mayor and Council Members
From	Ben White, City Manager
Date	July 12, 2022
Attachment(s)	Minutes
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>



**FARMERSVILLE CITY COUNCIL  
SITTING AS THE  
FARMERSVILLE ZONING BOARD OF ADJUSTMENT  
REGULAR SESSION MINUTES FOR  
July 12, 2022, 5:30 P.M.**

**I. PRELIMINARY MATTERS**

- Mayor Wiebold called the meeting to order at 5:33 p.m. Councilmembers Lance Hudson, Mike Henry, Ted Wagner, Terry Williams and Craig Overstreet were present. City staff members Ben White, Tabatha Monk and City Attorney, Alan Lathrom were also present.

**II. PUBLIC TESTIMONY REGARDING AGENDA ITEMS**

- No one came forward to speak.

**III. PUBLIC HEARING**

1. Public hearing to consider, discuss and act upon a request for certain variances from the requirements of the Comprehensive Zoning Ordinance, on future Lot 4R out of the Replat for Woodard Addition Lots 4R, 5-8, Block 2, which future Lot 4R (currently designated as Lot 4) located at the northwest corner of Houston Street and Woodard Street will contain approximately 24,951 square feet or 0.573 acres of land, more or less, being addressed as 315 Houston Street and located in the W.B. Williams Survey, Abstract No. 952, Farmersville, Collin County, Texas, (the "Property"), zoned for SF-2 – Single-Family Dwelling-2 District uses and which requested variance is as follows:

A variance from the minimum front yard setback requirements of Farmersville Code §§ 77-52(d)(3), 77-62(a), and 77-62(b)(1) allowing a reduction in the required minimum front yard setback from thirty feet (30') to twenty-two and eight/tenths feet (22.8').

**Mayor Wiebold** opened the public hearing at 5:35 p.m.

**Mayor Wiebold** closed the public hearing at 5:35 p.m.

- City Attorney, Alan Latham updated the City Council on this item.

**Mayor Wiebold** reopened the public hearing at 5:36 p.m.

- Jose Duran came forward to speak about concerns regarding this item.

**Mayor Wiebold** closed the public hearing at 5:44 p.m.

- **Councilmember Overstreet** made a motion to approve the variance.
- **Councilmember Wagner** seconded the motion to approve.
- Motion carried unanimously (5-0).

2. Public hearing to consider a request for certain variances from the requirements of the Comprehensive Zoning Ordinance, on future Lot 19A1, Block 5 out of the Replat of Fowler Addition Lot 19A1 & 19A2, Block 5 containing approximately 21,824 square feet or 0.508 acres of land, more or less, located on the northwest corner of the intersection of S. Johnson Street and Haislip Street currently addressed as 316 S. Johnson Street, Farmersville, Texas 75442 (the "Property") zoned for "SF-2 – Single Family Dwelling - 2" district uses that will allow the Property to be subdivided into two separate lots to be identified as Lot 19A1 (fronting on S. Johnson Street) and Lot 19A2 (fronting on S. Johnson Street), of Block 5 of said Fowler Addition because the existing structure located on proposed Lot 19A1 (currently Lot 19) encroaches into certain of the required setbacks, and which requested variances are as follows:

A variance from the minimum front yard setback requirements of Farmersville Code §§ 77-52(d)(3), 77-62(a), and 77-62(b)(1) allowing a reduction in the required minimum front yard setback from thirty feet (30') to nineteen and four/tenths feet (19.4') along the eastern side of proposed Lot 19A1 adjacent to and facing onto South Johnson Street; and

B. A variance from the minimum front yard setback requirements of Farmersville Code §§ 77-52(d)(3), 77-62(a) and 77-62(b)(1) allowing a reduction in the required minimum front yard setback for a corner lot, which side yard is treated as a front yard setback, from thirty feet (30') to fifteen feet (15') along the southern side of proposed Lot 19A1 adjacent to and facing onto Haislip Street.

**Mayor Wiebold** opened the public hearing at 5:45 p.m.

**Mayor Wiebold** closed the public hearing at 5:47 p.m.

- City Attorney, Alan Latham updated the City Council on this item.
- **Councilmember Henry** made a motion to approve the (2) variances.
- **Councilmember Williams** seconded the motion to approve.
- Motion carried unanimously (5-0).

**IV. ADJOURNMENT**

**Mayor Wiebold** adjourned the meeting at 5:48 p.m.

APPROVE:

\_\_\_\_\_  
Bryon Wiebold, Mayor

ATTEST:

\_\_\_\_\_  
Tabatha Monk, City Secretary



Agenda Section	Consent Agenda
Section Number	IV.B
Subject	CC Minutes 07-12-22
To	Mayor and Council Members
From	Ben White, City Manager
Date	July 12, 2022
Attachment(s)	Minutes
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>



**FARMERSVILLE CITY COUNCIL  
REGULAR SESSION MINUTES  
July 12, 2022, 6:00 P.M.  
Council Chambers, City Hall  
205 S. Main Street**

**I. PRELIMINARY MATTERS**

- Mayor, Bryon Wiebold, called the meeting to order at 6:08 p.m. Council members, Craig Overstreet, Terry Williams, Ted Wagner, Mike Henry and Lance Hudson were in attendance. City staff members City Manager, Ben White; City Secretary, Tabatha Monk, Finance Director, Daphne Hamlin; Fire Chief, Kevin Lisman, Police Lieutenant Marcia Phillips, Warrant Officer Rick Ranspot and City Attorney Alan Lathrom were present.
- Prayer was led by Fire Chief, Kevin Lisman and the pledges to the United States and Texas flags were led by Mayor Wiebold.
- Mayor Wiebold advised citizens to check the City Calendar for any upcoming closings for holidays and meetings.
- Mayor Wiebold reminded everyone of Cops and Rodders event on Saturday, July 16, 2022.
- Mayor Wiebold reminded everyone that there would also be a Touch a Truck event that will also be held at Farmersville Parkway on Saturday, July 16, 2022

**II. PUBLIC COMMENT ON AGENDA ITEMS (FOR NON-PUBLIC HEARING AGENDA**

- No one spoke under this item.

**III. CITIZEN COMMENTS ON MATTERS NOT ON AGENDA**

- No one spoke under this item.

**IV. CONSENT AGENDA**

Items in the Consent Agenda consist of non-controversial, or “housekeeping” items required by law. Council members may request prior to a motion and vote on the

Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually. Following approval of the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually. Councilmember Overstreet asked to withdraw for discussion the Financial Budget Report, Public Works Report and City Manager Report.

- A. City Council Minutes (06-26-2022)
- B. Public Works Report
- C. City Managers Report

**Councilmember Henry** made a motion to approve the Consent Agenda.  
**Councilmember Hudson** seconded the motion to approve.  
The motion was approved unanimously (5-0).

V. **INFORMATIONAL ITEMS**

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- A. City Amenities Board
  - 1. Possible Council Liaison Report: (**Councilmember Wagner** advised no meeting.)
- B. Farmersville Community Development Board (Type B)
  - 1. Possible Council Liaison Report: (**Councilmember Henry** advised they met last night and had presentations from the various groups seeking grants. They then had a short budget meeting and will meet again on July 25<sup>th</sup> to continue discussion regarding next year’s budget and the grants.)
- C. FEDC Farmersville Economic Development Board (Type A)

1. Possible Council Liaison Report: (**Councilmember Williams** advised no meeting.).
- D. Main Street Board
  1. Possible Council Liaison Report: (**Councilmember Overstreet** advised no quorum.)
- E. Parks & Recreation Board
  1. Possible Council Liaison Report: (**Councilmember Wagner** advised they moved their meeting to Thursday.)
- F. Planning & Zoning Commission
  1. Possible Council Liaison Report: (**Councilmember Hudson** advised no meeting.)
- G. TIRZ Board
  1. Possible Council Liaison Report: (**Councilmember Overstreet** advised no meeting.)

## VI. REGULAR AGENDA

- A. "Presentation, discussion and act upon North Texas Municipal Water District update presented by Jenna Covington."
- Billy George, Deputy Director Water/Wastewater Operations with NTMWD, addressed the Council and updated them on the slide presentation.
  - Mr. George introduced the rest of his team with him at the meeting: David Brewster (Is helping with the slide presentation), Assistant Deputy of Wastewater Operations; Brian Brooks, Assistant to the Executive Director and Board Liaison; and George Crump, City of Farmersville Representative Board of Director.
  - George Crump said a few words to the Council regarding his role and his appreciation for the opportunity to serve in this capacity.
  - No motion was needed.
- B. "Consider, discuss and act upon appointments of persons to City's Boards and Commissions."
- Mayor Wiebold opened this item and the following appointments were made:  
**ECONOMIC DEVELOPMENT CORPORATION:**
  - **Councilmember Williams** made a motion to appoint **Zane Clay to a 1<sup>st</sup> term to the EDC.**
  - **Councilmember Henry** seconded the motion to approve.
  - The motion passed unanimously (5-0).

### **COMMUNITY DEVELOPMENT CORPORATION**

- Councilmember Henry made a motion to reappoint Stephen Caspari and Aaron Destefano for a 2<sup>nd</sup> term to the CDC. Then he made a motion to appoint Mary Berry and Richard Repp for a 1<sup>st</sup> term to the CDC.
- Councilmember Williams seconded the motion to approve.
- The motion passed unanimously (5-0).

#### **BUILDING AND PROPERTY STANDARDS**

- Councilmember Williams made a motion to appoint Justin Bates for a 1<sup>st</sup> term to the Building and Property Standards Commission
- Councilmember Henry seconded the motion.
- The motion passed unanimously (5-0).
- This will still leave 2 vacancies on this board and not enough members to obtain a quorum.

#### **PLANNING & ZONING/CAPITAL IMPROVEMENT ADVISORY COMM.**

- Councilmember Hudson made a motion to reappoint John Klosterman and Michael Hesse for a 2<sup>nd</sup> term to the P&Z/Capital Improvement Advisory Commission. Then he made a motion to appoint Sue Williams to a 1<sup>st</sup> term on the P&Z/Capital Improvement Advisory Commission.
- Councilmember Overstreet seconded the motion.
- The motion passed unanimously (5-0).

#### **CITY AMMENITIES BOARD**

- Councilmember Wagner made a motion to reappoint Karen Rice for a 2<sup>nd</sup> term to the City Amenities Board. Then he made a motion to appoint Darla Coburn and Janie Torres to a 1<sup>st</sup> term on the City Amenities Board.
- Councilmember Hudson seconded the motion.
- The motion passed unanimously (5-0).

#### **PARKS & RECREATION BOARD**

- Councilmember Wagner made a motion to reappoint Beverly Mondy and Misty Wiebold for a 2<sup>nd</sup> term to the Parks & Recreation Board. Then he made a motion to appoint Lynn McCrary and Marty Shelton to a 1<sup>st</sup> term on the Parks & Recreation Board.
- Councilmember Hudson seconded the motion.
- The motion passed unanimously (5-0).

#### **TAX INCREMENT REINVESTMENT ZONE**

- **Councilmember Overstreet** made a motion to reappoint **Bob Collins** and **Mike Goldstein for a 2<sup>nd</sup> term to the Tax Increment Reinvestment Zone Board**. Then he made a motion to appoint **Jim Foy to a 1<sup>st</sup> term on the Tax Increment Reinvestment Zone Board**.
  - **Councilmember Henry** seconded the motion.
  - The motion passed unanimously (5-0).
  - **Councilmember Overstreet** expressed concern that the TIRZ Board does not appear to have staggered terms for their board members. City Attorney, Alan Latham, stated he will look over the terms of the TIRZ Board and if needed will have them change the bylaws to add staggered terms for the board members.
- C. “Consider, discuss and act upon the updated proposed budget to reflect changes in the general fund regarding patrol officers and adding the City’s reserve account information as discussed in the budget work session.”
- Mr. White updated the City Council on this item.
  - Discussions between the City Council and City Manager on this item.
  - No motion was needed at this time.

#### **REQUEST TO BE PLACED ON FUTURE AGENDA**

- **Councilmember Williams** request an update on the Fire Marshal inspection report.
- **Councilmember Henry** request an update on Chaparral Trail and where we are on the grants. Update on truck ordinance and sign ordinance.
- **Councilmember Hudson** requested information on where we are on the food trucks and sign ordinance.
- **Councilmember Wagner** request update on striping of the parking lot on the amenities center and library.

#### **VII.ADJOURNMENT**

**Mayor Wiebold** adjourned the meeting at 7:26 p.m.

APPROVE:

\_\_\_\_\_  
Bryon Wiebold, Mayor

ATTEST:

\_\_\_\_\_  
Tabatha Monk, City Secretary

Agenda Section	Consent Agenda
Section Number	IV.C
Subject	Financial Report (June 2022)
To	Mayor and Council Members
From	Ben White, City Manager
Date	July 12, 2022
Attachment(s)	Please be advised Daphne Hamlin will email the report to everyone Monday morning.
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

## **VI. Informational Items**



Agenda Section	Informational Items
Section Number	V.A
Subject	City Amenities Board
To	Mayor and Council Members
From	Ben White, City Manager
Date	July 26, 2022
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
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Agenda Section	Informational Items
Section Number	V.B
Subject	Farmersville Community Development Board (Type B)
To	Mayor and Council Members
From	Ben White, City Manager
Date	July 26, 2022
Attachment(s)	1. Possible Council Liaison Report 2. Minutest
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
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Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

Agenda Section	Informational Items
Section Number	V.C
Subject	FEDC Farmersville Economic Development Board (Type A)
To	Mayor and Council Members
From	Ben White, City Manager
Date	July 26, 2022
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

Agenda Section	Informational Items
Section Number	V.D
Subject	Main Street Board
To	Mayor and Council Members
From	Ben White, City Manager
Date	July 26, 2022
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

Agenda Section	Informational Items
Section Number	V.E
Subject	Parks & Recreation Board
To	Mayor and Council Members
From	Ben White, City Manager
Date	July 26, 2022
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"><li>• Motion/second/vote<ul style="list-style-type: none"><li><input type="checkbox"/> Approve</li><li><input type="checkbox"/> Approve with Updates</li><li><input type="checkbox"/> Disapprove</li></ul></li><li>• Motion/second/vote to continue to a later date. _____<ul style="list-style-type: none"><li><input type="checkbox"/> Approve</li><li><input type="checkbox"/> Disapprove</li></ul></li><li>• Move item to another agenda. _____</li><li>• No motion, no action</li></ul>

Agenda Section	Informational Items
Section Number	V.F
Subject	Planning & Zoning Commission
To	Mayor and Council Members
From	Ben White, City Manager
Date	July 26, 2022
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

Agenda Section	Informational Items
Section Number	V.G
Subject	TIRZ Board
To	Mayor and Council Members
From	Ben White, City Manager
Date	July 26, 2022
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

## **VII. REGULAR AGENDA**



Agenda Section	Regular Agenda
Section Number	VII. A
Subject	Concept Plan and Preliminary Plat Farmersville Biz Park
To	Mayor and Council Members
From	Ben White, City Manager
Date	July 26, 2022
Attachment(s)	Application, letters and plats
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	<ul style="list-style-type: none"> <li>• City Council discussion as required</li> </ul>
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>



July 15, 2022

Mr. Ben White, P.E.  
City of Farmersville  
205 S. Main St.  
Farmersville, Texas 75442

RE: Farmersville Biz Park – Concept Plan  
Dated July 14, 2022

Mr. White:

The above referenced project has been reviewed according to the ordinances of the City of Farmersville and been found to be compliant.

It is recommended that the Farmersville Biz Park Concept Plan be approved. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads 'Jacob Dupuis'.

Jacob Dupuis, PE  
Discipline Lead



## DEVELOPMENT APPLICATION

- ☐ Preliminary Plat  
☐ Amended Plat  
☒ Concept Plan

- ☐ Final Plat  
☐ Minor Plat  
☐ Specific Use Permit

- ☐ Replat  
☐ Development Plat  
☐ Site Plan  
☐ Rezoning

### Fees:

A retainer fee of \$1,000.00 is required for submittal. Once the plans have been reviewed the money will be refunded back to the applicant if all the \$1,000.00 is not used and will be billed if the amount exceeds the initial \$1,000.00. (Note: All engineering inspection fees will be billed at the time of service.)  
The application fee of \$ \_\_\_\_\_, to be paid to the City of Farmersville, is enclosed with this application.

### A. Description of Property

1. Addition Name ABS A0448 William Hemphill Survey, Sheet 3, Tract 20
2. Total Acreage 8.153
3. Current Zoning Classification(s) \_\_\_\_\_
4. Proposed Zoning Classification(s) Industrial
5. Total Number of Lots, by Type 1
6. Proposed Use of Property Light Industrial
7. Location of Property \_\_\_\_\_
8. Geographic (Tax) ID Number R- 6448-003 0200-1 R- \_\_\_\_\_

### B. Applicants: (List those persons you wish to be contacted about this request.) PLEASE PRINT

- |  |                                   |
|--|-----------------------------------|
| 1. Owner <u>Thomas Dodge Company</u>       | 2. Applicant/Representative _____ |
| Address <u>Po Box 641796</u>               | Address _____                     |
| City, State, Zip <u>Dallas TX 75360</u>    | City, State, Zip _____            |
| Phone <u>214-566-4196</u>                  | Phone _____                       |
| Email <u>tdodge@thomasdodgecompany.com</u> | Email _____                       |

### C. Variance Request: ☐ Yes ☒ No If yes, describe: \_\_\_\_\_

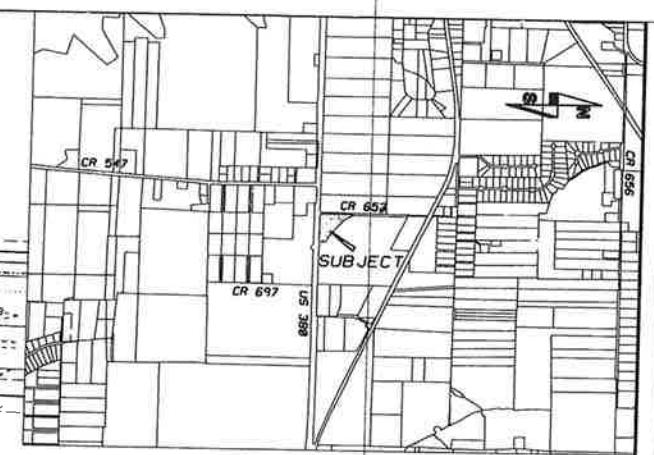
"I hereby certify that I am the owner, or duly authorized agent of the owner for the purposes of this application, of the property herein described, that all information submitted herein is true and correct."

Applicant/Owner: \_\_\_\_\_

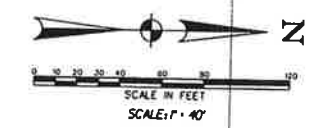
Date: 3/16/22

pres Thomas Dodge Company

SRK GROUP, LLC  
CALLED 18.53 ACRES  
CC# 20180220002310,  
D.R.C.T.I.



VICINITY MAP  
(NOT TO SCALE)



OWNER'S CERTIFICATE  
STATE OF TEXAS  
COUNTY OF COLLIN

WHEREAS, THOMAS DODGE COMPANY IS THE OWNER OF A TRACT OF LAND SITUATED IN THE STATE OF TEXAS, COUNTY OF COLLIN, AND ETJ OF FARMERSVILLE, BEING PART OF THE WILLIAM HEMPHILL SURVEY, ABSTRACT NO. 448, BEING ALL OF A CALLED 8.153 ACRE TRACT OF LAND AS RECORDED UNDER COUNTY CLERK'S FILE NO. 20220210000202270 OF THE DEED RECORDS OF COLLIN COUNTY TEXAS, WITH SAID PREMISES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN 'X' FOUND MARKING THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 380 (VARIABLE WIDTH RIGHT-OF-WAY) AND THE APPROXIMATE CENTER LINE OF COUNTY ROAD 653, BEING THE WESTERLY MOST SOUTHWEST CORNER OF SAID 8.153 ACRE TRACT AND THE HEREIN DESCRIBED PREMISES;

THENCE WITH THE APPROXIMATE CENTER LINE OF COUNTY ROAD 653 AND A WEST LINE OF SAID 8.153 ACRE TRACT, NORTH 01°02'25" EAST, 862.64 FEET TO A 'X' MARK FOUND MARKING THE SOUTHWEST CORNER OF A 20' RIGHT-OF-WAY DEDICATED BY THE DEVELOPMENT PLAT OF FARMERSVILLE RAILROAD ADDITION AS RECORDED IN VOLUME 2020, PAGE 129 OF THE PLAT RECORDS OF COLLIN COUNTY TEXAS, MARKING THE NORTHWEST CORNER OF SAID 8.153 ACRE TRACT AND SAID PREMISES;

THENCE WITH THE SOUTH LINE OF SAID 20' RIGHT-OF-WAY, THE SOUTH LINE OF LOT 1 OF SAID ADDITION AND THE NORTH LINE OF SAID 8.153 ACRE TRACT, SOUTH 04°10'05" EAST, 26.41 FEET TO A JONES & CARTER CAPPED IRON ROD FOUND IN AN INTERIOR CORNER OF LOT 1, MARKING THE NORTHERLY MOST NORTHEAST CORNER OF SAID 8.153 ACRE TRACT AND SAID PREMISES;

THENCE WITH A COMMON LINE BETWEEN LOT 1 AND SAID 8.153 ACRE TRACT AS FOLLOWS: SOUTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 30°52'30", FOR AN ARC DISTANCE OF 434.75 FEET, WITH A RADIUS OF 886.78 FEET (CHORD - SOUTH 34°28'43" EAST, 429.51 FEET) TO A ROOME CAPPED IRON ROD SET MARKING THE END OF SAID CURVE, SOUTH 49°52'58" EAST, 405.94 FEET TO A ROOME CAPPED IRON ROD SET MARKING THE BEGINNING OF A CURVE TO THE LEFT, SOUTHEASTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 12°03'22", FOR AN ARC DISTANCE OF 164.76 FEET, WITH A RADIUS OF 886.78 FEET (CHORD - SOUTH 30°54'30" EAST, 164.45 FEET) TO A JONES & CARTER CAPPED IRON ROD FOUND MARKING AN INTERIOR CORNER OF LOT 1, THE EASTERLY MOST NORTHEAST CORNER OF SAID 8.153 ACRE TRACT AND SAID PREMISES;

THENCE WITH A WEST LINE OF LOT 1 AND AN EAST LINE OF SAID 8.153 ACRE TRACT, SOUTH 04°53'51" EAST, 181.30 FEET TO A JONES & CARTER CAPPED IRON ROD FOUND IN THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 380, MARKING A SOUTHWEST CORNER OF LOT 1, THE SOUTHEAST CORNER OF SAID 8.153 ACRE TRACT AND SAID PREMISES;

THENCE WITH THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 380 AND THE SOUTH LINE OF SAID 8.153 ACRE TRACT AS FOLLOWS: SOUTH 80°41'54" WEST, 24.70 FEET TO A ROOME CAPPED IRON ROD SET FOR ANGLE BREAK, NORTH 89°29'20" WEST (BASIS OF BEARINGS), 672.01 FEET TO A TxDOT MONUMENT FOUND MARKING THE SOUTHERLY MOST SOUTHWEST CORNER OF SAID 8.153 ACRE TRACT AND SAID PREMISES;

THENCE WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 380 AND THE NORTHWESTERLY LINE OF SAID 8.153 ACRE TRACT, NORTH 44°19'25" WEST, 42.30 FEET TO A TxDOT MONUMENT FOUND MARKING AN INTERIOR CORNER OF SAID 8.153 ACRE TRACT AND SAID PREMISES;

THENCE WITH THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 380 AND A SOUTH LINE OF SAID 8.153 ACRE TRACT, NORTH 89°24'25" WEST, 28.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 8.153 GROSS ACRES OF LAND, OF WHICH 0.594 ACRES IS DEDICATED FOR RIGHT-OF-WAY FOR COUNTY ROAD 653, LEAVING 7.554 NET ACRES OF LAND.

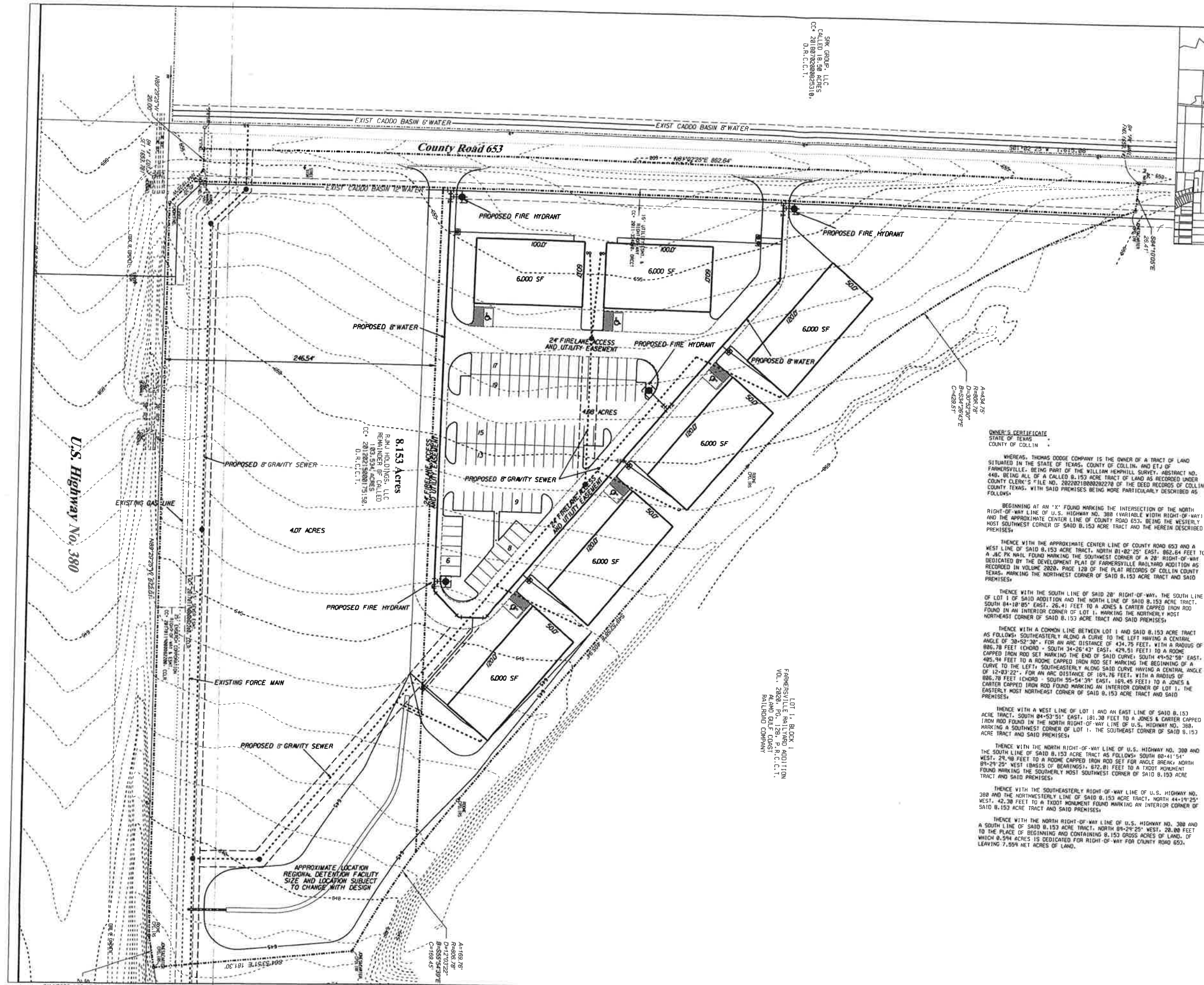
LINE LEGEND:

---	PROPERTY LINE
---	DRAINAGE FLOW
---	PROPOSED WATER LINE
---	PROPOSED CURB
---	EXISTING CONTOUR LINE
---	BUILDING SETBACK LINE
---	UTILITY EASEMENT
---	DRAINAGE DIVIDE LINE
---	LOT LINE
---	EXISTING SEWER/FORCE MAIN
---	PROPOSED GRAVITY SEWER

OWNER:  
KNAKEDODGE & COMPANY  
3040 MILTON AVENUE  
DALLAS, TEXAS 75205  
MAX KNAKE, PARTNER  
(214) 263-0293

ENGINEER:  
HELMBERGER ASSOCIATES, INC.  
1525 BOZMAN ROAD  
WYLIE, TEXAS 75098  
RANDALL T. HELMBERGER, P.E.  
(972) 442-7459

SITE PLAN / CONCEPT PLAN						
FARMERSVILLE BIZ ADDITION - LOTS 1 & 2, BLOCK 1						
8.153 ACRES, WILLIAM HEMPHILL SURVEY, A-448						
FARMERSVILLE, TEXAS						
TYPE REGISTRATION No. F-000756		<b>HELMBERGER ASSOCIATES, INC.</b> CIVIL AND ENVIRONMENTAL ENGINEERS 1525 BOZMAN ROAD, WYLIE, TEXAS 75098 (972) 442-7459				
DESIGN	DRAWN	DATE	SCALE	NOTES	FILE	NO.
HELM.	CADD	JULY 2022	1"=40'	SPLAN	212B	C1





July 15, 2022

Mr. Ben White, P.E.  
City of Farmersville  
205 S. Main St.  
Farmersville, Texas 75442

RE: Farmersville Biz Park – Preliminary Plat  
Dated June 17, 2022

Mr. White:

The above referenced project has been reviewed according to the ordinances of the City of Farmersville and been found to be compliant.

It is recommended that the Farmersville Biz Park Preliminary Plat be approved. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads 'Jacob Dupuis'.

Jacob Dupuis, PE  
Discipline Lead





## DEVELOPMENT APPLICATION

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Final Plat          | <input type="checkbox"/> Replat           |
| <input type="checkbox"/> Amended Plat                | <input type="checkbox"/> Minor Plat          | <input type="checkbox"/> Development Plat |
| <input type="checkbox"/> Concept Plan                | <input type="checkbox"/> Specific Use Permit | <input type="checkbox"/> Site Plan        |
|  |  | <input type="checkbox"/> Rezoning         |

### Fees:

A retainer fee of \$1,000.00 is required for submittal. Once the plans have been reviewed the money will be refunded back to the applicant if all the \$1,000.00 is not used and will be billed if the amount exceeds the initial \$1,000.00. (Note: All engineering inspection fees will be billed at the time of service.)  
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### A. Description of Property

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2. Total Acreage 8.153
3. Current Zoning Classification(s) \_\_\_\_\_
4. Proposed Zoning Classification(s) Industrial
5. Total Number of Lots, by Type 1
6. Proposed Use of Property Light Industrial
7. Location of Property \_\_\_\_\_
8. Geographic (Tax) ID Number R- 6448-003 0200-1 R- \_\_\_\_\_

### B. Applicants: (List those persons you wish to be contacted about this request.) PLEASE PRINT

- |  |                                   |
|--|-----------------------------------|
| 1. Owner <u>Thomas Dodge Company</u>       | 2. Applicant/Representative _____ |
| Address <u>Po Box 661796</u>               | Address _____                     |
| City, State, Zip <u>Dallas TX 75366</u>    | City, State, Zip _____            |
| Phone <u>214-566-4196</u>                  | Phone _____                       |
| Email <u>tdodge@thomasdodgecompany.com</u> | Email _____                       |

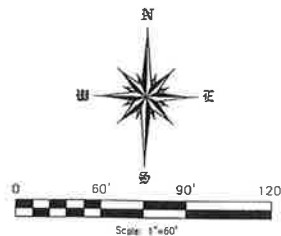
C. Variance Request: ☐ Yes ☒ No If yes, describe: \_\_\_\_\_

"I hereby certify that I am the owner, or duly authorized agent of the owner for the purposes of this application, of the property herein described, that all information submitted herein is true and correct."

Applicant/Owner: \_\_\_\_\_

Date: 3/16/22

Pres Thomas Dodge Company



#### LINE TABLE

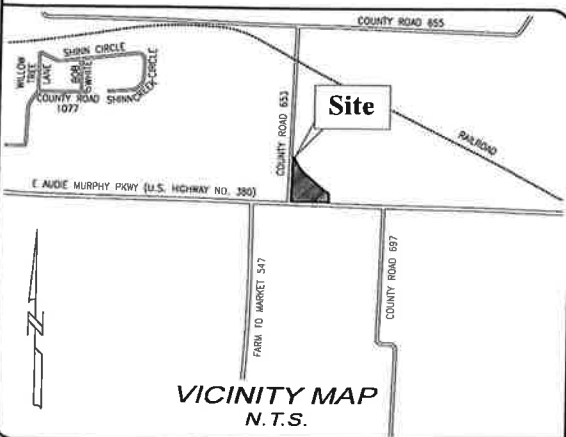
LINE	BEARING	DISTANCE
L1	N44°19'25"W	28.24
L2	N44°19'25"W	14.00
L3	N61°02'25"E	10.00
L4	S88°57'35"E	2.22
L5	N61°02'25"E	10.00
L6	S43°14'24"W	10.50
L7	N49°57'58"W	10.01
L8	N43°14'24"E	9.89
L9	N61°02'25"E	10.00
L10	S88°57'35"E	10.00
L11	S88°57'35"E	10.50
L12	S61°02'25"W	8.94
L13	S44°52'58"E	18.19
L14	S40°07'01"W	5.00
L15	N19°52'28"W	22.08
L16	S44°52'58"E	18.19
L17	N24°16'13"E	16.53
L18	S88°57'35"E	5.44
L19	S24°16'13"W	20.07
L20	S20°40'48"W	07.60
L21	N00°30'32"E	20.55

#### CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	806.78	474.50	10.55	S19°22'58"E	0°44'51"
C2	806.78	474.50	10.55	S19°22'58"E	0°44'51"
C3	806.78	60.73	60.73	S52°02'33"E	4°18'51"
C4	806.78	109.92	108.93	S58°04'04"E	7°44'35"
C5	44.00	39.01	29.43	S69°23'12"E	3°04'55"
C6	44.00	108.22	82.93	S20°54'43"W	140°55'33"
C7	44.00	18.91	18.76	S37°34'22"E	24°37'12"
C8	44.00	18.91	18.76	S18°55'19"E	12°40'58"
C9	44.00	18.71	18.54	S20°10'01"W	12°40'58"
C10	44.00	59.87	55.38	S52°03'38"W	77°53'11"
C11	20.00	31.42	28.28	N48°02'25"E	90°00'00"
C12	20.00	17.78	17.46	N24°25'48"W	90°00'00"
C13	20.00	13.84	13.38	N69°20'16"W	39°04'37"
C14	20.00	45.78	36.11	N65°44'44"E	129°04'37"
C15	20.00	40.02	31.68	N43°14'24"E	114°44'37"
C16	20.00	5.00	4.99	S57°03'03"E	14°20'14"
C17	20.00	48.19	37.20	S20°14'41"W	140°55'33"
C18	20.00	42.84	35.07	N11°12'00"W	122°58'58"
C19	20.00	6.55	6.52	S41°39'43"W	18°45'27"
C20	20.00	31.42	28.28	N43°17'35"W	90°00'00"

#### Legend

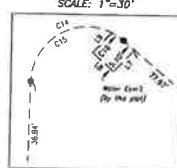
RCIRF Roome Capped 1/2" Iron Rod Set  
CIRF Capped Iron Rod Found  
DRCTC Deed Records of Collin County Texas  
PRCCT Plat Records of Collin County Texas  
CM Controlling Monument  
BM Benchmark



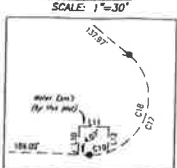
#### NOTES

- NOTICE: SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY SUBDIVISION ORDINANCE AND STATE PLATTING STATUTES AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING CERTIFICATES.
- Bearings based on State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983 (NAD 83).
- No part of the subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Map No. 48085C0340 J of the F.E.M.A Flood Insurance Rate Maps for Collin County, Texas and incorporated Areas dated June 2, 2009. (Zone "X").
- Current Zoning = Extra-Territorial Jurisdiction

#### DETAIL A



#### DETAIL B



#### SURVEYOR'S CERTIFICATE

STATE OF TEXAS §  
COUNTY OF COLLIN §

THAT I, F.E. Bemenderfer Jr., do hereby certify that I prepared this plat from an actual and accurate survey of land and that the corner monuments shown thereon were properly placed under my supervision. This plat was prepared in accordance with the subdivision rules and regulations of the City of Princeton, Texas.

#### NOT FOR RECORDING

F.E. Bemenderfer Jr.  
Registered Professional  
Land Surveyor No. 4051

#### PRELIMINARY

THIS DOCUMENT SHALL  
NOT BE RECORDED FOR  
ANY PURPOSE AND  
SHALL NOT BE USED OR  
VIEWED OR RELIED  
UPON AS A FINAL  
SURVEY DOCUMENT

STATE OF TEXAS §  
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, on this day personally appeared F.E. Bemenderfer Jr., known to me to be the person whose name is subscribed to the foregoing instrument, who acknowledged to me that he is the owner of the premises and that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated and as that act and deed therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the \_\_\_\_ day of \_\_\_\_ 2022.

Notary Public in and for  
The State of Texas

#### DEDICATION STATEMENT

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Thomas Dodge Company, acting herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described property as Farmersville Biz Park Lots 1 & 2, Block A, an addition to the ETJ of Farmersville, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, rights-of-way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes and any and all related necessary appurtenances. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over, or across the easements as shown, except the landscape easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Farmersville's use thereof.

The ETJ of Farmersville and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The ETJ of Farmersville and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the ETJ of Farmersville, Texas.

WITNESS MY HAND THIS \_\_\_\_ DAY OF \_\_\_\_ 2022.

Owner: Thomas Dodge Company  
Signee: Thomas Dodge (Partner)

#### ACKNOWLEDGEMENT

STATE OF TEXAS §  
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this, \_\_\_\_ day personally appeared Thomas Dodge, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_ day of \_\_\_\_ 2022.

Notary Public in and  
for the State of Texas

#### OWNER'S CERTIFICATE

STATE OF TEXAS §  
COUNTY OF COLLIN §

WHEREAS, Thomas Dodge Company is the owner of a tract of land situated in the State of Texas, County of Collin, and ETJ of Farmersville, being part of the William Hemphill Survey, Abstract No. 448, being all of a called 8.153 acre tract of land as recorded under County Clerk's File No. 20220218000282270 of the Deed Records of Collin County Texas, with said premises being more particularly described as follows:

BEGINNING at an "X" found marking the intersection of the north right-of-way line of U.S. Highway No. 380 (Variable width right-of-way) and the approximate center line of County Road 653, being the westerly most southwest corner of said 8.153 acre tract and the herein described premises;

THENCE with the approximate center line of County Road 653 and a west line of said 8.153 acre tract, North 01°02'25" East, 862.64 feet to a J&C PK nail found marking the southwest corner of a 20' right-of-way dedicated by the Development Plot of Farmersville Railroad Addition as recorded in Volume 2020, Page 128 of the Plat Records of Collin County Texas, marking the northwest corner of said 8.153 acre tract and said premises;

THENCE with the south line of said 20' right-of-way, the south line of Lot 1 of said Addition and the north line of said 8.153 acre tract, South 84°10'05" East, 26.41 feet to a Jones & Carter capped iron rod found in an interior corner of Lot 1, marking the northerly most northeast corner of said 8.153 acre tract and said premises;

THENCE with a common line between Lot 1 and said 8.153 acre tract as follows: southeasterly along a curve to the left having a central angle of 30°52'30", for an arc distance of 434.75 feet, with a radius of 806.78 feet (chord = South 34°26'43" East, 429.51 feet) to a Roome capped iron rod set marking the end of said curve; South 49°52'58" East, 405.94 feet to a Roome capped iron rod set marking the beginning of a curve to the left; southeasterly along said curve having a central angle of 12°03'22", for an arc distance of 169.76 feet, with a radius of 806.78 feet (chord = South 55°54'39" East, 169.45 feet) to a Jones & Carter capped iron rod found marking an interior corner of Lot 1, the easterly most northeast corner of said 8.153 acre tract and said premises;

THENCE with a west line of Lot 1 and an east line of said 8.153 acre tract, South 04°53'51" East, 181.30 feet to a Jones & Carter capped iron rod found in the north right-of-way line of U.S. Highway No. 380, marking a southeast corner of Lot 1, the southeast corner of said 8.153 acre tract and said premises;

THENCE with the north right-of-way line of U.S. Highway No. 380 and the south line of said 8.153 acre tract as follows: South 80°41'54" West, 29.98 feet to a Roome capped iron rod set for angle break; North 89°29'25" West (Basis of Bearings), 672.01 feet to a TxDOT Monument found marking the southerly most southwest corner of said 8.153 acre tract and said premises;

THENCE with the southeasterly right-of-way line of U.S. Highway No. 380 and the northwesterly line of said 8.153 acre tract, North 44°19'25" West, 42.30 feet to a TxDOT Monument found marking an interior corner of said 8.153 acre tract and said premises;

THENCE with the north right-of-way line of U.S. Highway No. 380 and a south line of said 8.153 acre tract, North 89°29'25" West, 20.00 feet to the place of beginning and containing 8.153 gross acres of land, of which 0.594 acres is dedicated for Right-of-Way for County Road 653, leaving 7.559 net acres of land.

## Preliminary Plat Farmersville Biz Park Lots 1 & 2, Block A

8.153 Gross Acres / 7.559 Net Acres

William Hemphill Survey, Abstract No. 448  
ETJ of Farmersville, Collin County, Texas  
June 2022

P:\VC\20220218000282270.dwg



Revised: \_\_\_\_\_  
Owner: Thomas Dodge Company  
PO Box 801795  
Dallas, TX 75350  
(214) 566-4198  
Attn: Thomas Dodge  
tdodge@thomasdodgecompany.com

Engineer: Helmberger & Associates  
1525 Bazemore Road  
Wylie, TX 75098  
(972) 442-7459  
Attn: Randy Helmberger  
randyhelmberger@hbacon.net

Surveyor: Roome Land Surveying  
2000 Ave G, Suite 810  
Plano, TX 75074  
(972) 423-4372  
Attn: Fred Bemenderfer  
fred@roomeinc.com

Agenda Section	Regular Agenda
Section Number	VII.B
Subject	Ordinance O-2022-0726-001 Historical Preservation Overlay Zoning
To	Mayor and Council Members
From	Ben White, City Manager
Date	July 26, 2022
Attachment(s)	Ordinance.
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	Please be advised P&Z tabled this ordinance until their next meeting as they felt they needed more time to review it. Alan will brief the CC regarding this item.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>



**CITY OF FARMERSVILLE  
ORDINANCE # O-2022-0726-001**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF FARMERSVILLE, TEXAS, AS HERETOFORE AMENDED, BY AMENDING CHAPTER 77, "ZONING," THROUGH THE AMENDMENT OF SECTION 77-54, "SPECIAL DISTRICT REGULATIONS," BY ADOPTING A NEW SUBSECTION (C) ENTITLED "HISTORIC PRESERVATION OVERLAY ZONING DISTRICT (HD)" THAT ESTABLISHES AN OVERLAY ZONING DISTRICT THAT WILL ALLOW FOR THE PROTECTION AND PRESERVATION OF INDIVIDUAL HISTORIC STRUCTURES AND PROPERTIES AS WELL AS THE PROTECTION AND PRESERVATION OF BOTH POTENTIAL AND DESIGNATED HISTORIC DISTRICTS TOGETHER WITH INDIVIDUAL HISTORIC STRUCTURES AND PROPERTIES AND CONTRIBUTING STRUCTURES AND PROPERTIES WITHIN SUCH POTENTIAL AND DESIGNATED HISTORIC DISTRICTS, AND THROUGH THE ADOPTION OF A NEW ARTICLE VII ENTITLED "HISTORIC PRESERVATION OVERLAY ZONING DISTRICT (HD) STANDARDS" THAT CONTAINS BY WAY OF ILLUSTRATION, AND NOT LIMITATION: DEFINITIONS; DESIGN GUIDELINES; THE ESTABLISHMENT OF A HISTORIC PRESERVATION BODY; A PROCESS THROUGH WHICH STRUCTURES AND DISTRICTS ARE DESIGNATED AS BEING HISTORIC; MINIMUM MAINTENANCE REQUIREMENTS; A CERTIFICATE OF APPROPRIATENESS PROCESS FOR MODIFICATIONS TO AND RENOVATIONS OF HISTORIC STRUCTURES AND CONTRIBUTING STRUCTURES; PROHIBITIONS AGAINST DEMOLITION OF HISTORIC STRUCTURES AND CONTRIBUTING STRUCTURES WHETHER BY NEGLECT OR OTHERWISE; AND, A PERMITTING PROCESS FOR DEMOLITION OF DANGEROUS AND SUBSTANDARD HISTORIC STRUCTURES AND CONTRIBUTING STRUCTURES; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; PROVIDING ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of Farmersville, Texas ("City") is a Home Rule City possessing the full power of local self-government pursuant to Article XI, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code, and its Home Rule Charter; and

**WHEREAS**, Chapter 211 of the Texas Local Government Code, as amended, authorizes a municipality to adopt and update zoning ordinances for the purpose of promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance; and

**WHEREAS**, the City has previously adopted a Zoning Ordinance under the authority of Chapter 211 of the Texas Local Government Code, which Zoning Ordinance is codified as Chapter 77 of the Farmersville Code; and

**WHEREAS**, Section 211.003(b) of the Texas Local Government Code provides that in the case of designated places and areas of historical, cultural, or architectural importance and significance, the governing body of a municipality may regulate the construction, reconstruction, alteration, or razing of buildings and other structures.

**WHEREAS**, Section 211.005(a) of the Texas Local Government Code authorizes the governing body of a municipality to divide the municipality into districts, within which the governing body may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land and within which zoning regulation must be uniform for each class or kind of building in a district; however, zoning regulations may vary from district to district.

**WHEREAS**, Section 214.00111 of the Texas Local Government Code provides additional authority to preserve substandard buildings as historic property which applies only to a municipality that is designated as a certified local government by the state historic preservation officer as provided by 16 U.S.C.A. Section 470, *et seq.*

**WHEREAS**, the City Council of the City of Farmersville, Texas ("City Council"), desires to amend Chapter 77 of the Farmersville Code to provide a Historic Preservation Overlay Zoning District to protect the historic structures and areas within the City; and

**WHEREAS**, after public notice and public hearing as required by law, the Planning and Zoning Commission of the City of Farmersville, Texas, has recommended the adoption of a Historic Preservation Overlay Zoning District; and

**WHEREAS**, all legal requirements, conditions, and prerequisites have been complied with prior to these matters coming before the City Council of the City of Farmersville; and

**WHEREAS**, the City Council of the City of Farmersville, after public notice and public hearing as required by law, and upon due deliberation and consideration of the recommendation of the Planning and Zoning Commission of the City of Farmersville and of all testimony and information submitted during said public hearings, has determined that in the public's best interest and in support of the health, safety, morals, and general welfare of the citizens of the City, the Historic Preservation Overlay Zoning District should be adopted as provided herein; and

**WHEREAS**, the City Council of the City of Farmersville, Texas, does hereby find and determine that the adoption of this Ordinance is in the best interest of the public health, safety, morals, and general welfare of the City of Farmersville.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, THAT:**

**SECTION 1. INCORPORATION OF FINDINGS**

The findings set forth above are hereby found to be true and correct and are hereby incorporated into the body of this Ordinance and made a part hereof for all purposes as if fully set forth herein.

**SECTION 2. AMENDING CHAPTER 77, “ZONING,” THROUGH THE AMENDMENT OF SECTION 77-54, “SPECIAL DISTRICT REGULATIONS,” BY ADOPTING A NEW SUBSECTION (C) ENTITLED “HISTORIC PRESERVATION OVERLAY ZONING DISTRICT (HD)” THAT ESTABLISHES AN OVERLAY ZONING DISTRICT THAT WILL ALLOW FOR THE PROTECTION AND PRESERVATION OF INDIVIDUAL HISTORIC STRUCTURES AND PROPERTIES AS WELL AS THE PROTECTION AND PRESERVATION OF BOTH POTENTIAL AND DESIGNATED HISTORIC DISTRICTS TOGETHER WITH INDIVIDUAL HISTORIC STRUCTURES AND PROPERTIES AND CONTRIBUTING STRUCTURES AND PROPERTIES WITHIN SUCH POTENTIAL AND DESIGNATED HISTORIC DISTRICTS**

From and after the effective date of this Ordinance Chapter 77, “Zoning Ordinance,” of the Farmersville Code is amended through the amendment of Section 77-54, “Special District Regulations,” by adopting a new Subsection (c) entitled “Historic Preservation Overlay Zoning District (HD)” to read as follows:

**“Sec. 77-54. – Special District Regulations.**

*[Subparagraphs (a) and (b) remain unchanged.]*

**(c) Historic Preservation Overlay Zoning District (HD)  
Suffix**

- (1) The City Council of the City of Farmersville hereby declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks and districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. The City therefore establishes the Historic Preservation Overlay Zoning District designated by the Suffix “HD.”
- (2) The Historic Preservation Overlay Zoning District is intended initially to protect the “Downtown Historic District” or the “Farmersville Commercial District” as listed in the Nation

Register of Historic Places by the U.S. Department of Interior, Reference Number 100000670 as of February 21, 2017. The City plans to provide notice and hold public hearings as required by state law to apply the Historic Preservation Overlay Zoning District to that geographic area in the future, And to such other Historic Landmarks, Historic Properties and other Historic Districts as may be requested by the owners of such additional properties in the future.

- (3) The rules and regulations applicable to and within the Historic Preservation Overlay Zoning District are set out in detail in Article VII, "Historic Preservation Overlay Zoning District (HD) Standards" of this Chapter 77, "Zoning," of the Farmersville Code.
- (4) The Historic Preservation Overlay Zoning District is intended to:
  - (a) protect and enhance the landmarks and districts which represent distinctive elements of Farmersville's historic, architectural, and cultural heritage;
  - (b) foster civic pride in the accomplishments of the past;
  - (c) protect and enhance Farmersville's attractiveness to visitors thereby providing support for and stimulating the economic benefits of local commerce and tourism;
  - (d) insure the harmonious, orderly, and efficient growth and development of the city that is sensitive to its historic resources;
  - (e) promote economic prosperity and welfare of the community by encouraging the most appropriate use of historic properties within the city; and

- (f) encourage stabilization, restoration, and improvements of such properties and their values by offering incentives for rehabilitation."

**SECTION 3. AMENDING CHAPTER 77, "ZONING," THROUGH THE ADOPTION OF A NEW ARTICLE VII ENTITLED "HISTORIC PRESERVATION OVERLAY ZONING DISTRICT (HD) STANDARDS" THAT CONTAINS BY WAY OF ILLUSTRATION, AND NOT LIMITATION: DEFINITIONS; DESIGN GUIDELINES; THE ESTABLISHMENT OF A HISTORIC PRESERVATION BODY; A PROCESS THROUGH WHICH STRUCTURES AND DISTRICTS ARE DESIGNATED AS BEING HISTORIC; MINIMUM MAINTENANCE REQUIREMENTS; A CERTIFICATE OF APPROPRIATENESS PROCESS FOR MODIFICATIONS TO AND RENOVATIONS OF HISTORIC STRUCTURES AND CONTRIBUTING STRUCTURES; PROHIBITIONS AGAINST DEMOLITION OF HISTORIC STRUCTURES AND CONTRIBUTING STRUCTURES WHETHER BY NEGLECT OR OTHERWISE; AND, A PERMITTING PROCESS FOR DEMOLITION OF DANGEROUS AND SUBSTANDARD HISTORIC STRUCTURES AND CONTRIBUTING STRUCTURES**

From and after the effective date of this Ordinance Chapter 77, "Zoning Ordinance," of the Farmersville Code is amended by adopting a new Article VII entitled "Historic Preservation Overlay Zoning District (HD) Standards" to read as follows:

**"ARTICLE VII. - HISTORIC PRESERVATION OVERLAY  
ZONING DISTRICT (HD) STANDARDS**

**Sec. 77.110. – Definitions.**

*Architectural Details* shall mean the small details like moldings, carved woodwork, etc. that add character to a building.

*Alteration* shall mean any act or process that changes one of more historic, architectural, or physical features of an area, site, place, and/or structure including, but not limited to the erection, construction, reconstruction or removal of any structure.

*Applicant* means a person seeking a designation or authorization under this Chapter or the person's designated and duly authorized agent or representative. This term may include the property owner, occupant of the site, the Historic Preservation Commission ("HPC") or City Council.

*Appurtenant features* means the features that define the design of a building or property including but not limited to porches, railings; columns, shutters, steps, fences, attic vents, sidewalks, driveways, garages, carports, outbuildings, gazebos, and arbors.

*Archeological property/site* means any locale where there is physical evidence of past human activity that is either prehistoric or historic in age.

*Building* shall refer to a dwelling, such as a house, barn, church, hotel, or similar structure created to shelter any form of human activity. The term may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn. The term also includes mobile homes, manufactured homes, and industrial housing.

*Certificate of Appropriateness* shall mean a permit or order obtained from the City of Farmersville indicating approval of plans for alteration, construction, or removal affecting a designated landmark or property within a designated district.

*Certified Local Government* means a local government that has been certified or approved by the State Historic Preservation Office (SHPO), which has an appointed commission to oversee the survey and inventory of historic resources, to review areas for historically significant structures, and to develop and maintain community planning and education programs.

*Contributing building* shall mean a historic building that is at least 70 years old or older that retains the physical characteristics that existed during its period of significance. The building's physical integrity is determined by reviewing the following seven aspects: location, setting, design, construction, workmanship, and/or association with historical persons or events.

*Design Guidelines* shall mean guidelines of appropriateness or compatibility of building design within a community or historic district. Often in the form of a handbook, design guidelines contain drawings accompanying "do's and don'ts" for a property owner. The Historic Preservation Commission has authority to administer design guidelines.

*Design review* shall refer to the decision-making process conducted by the Historic Preservation Commission or an appointed Historic Preservation Officer that is guided by reviewing and comparing the classic or traditional design style and guidelines applicable to the architectural style of a historic structure against the designs and alterations proposed in a building owner's application for a certificate of appropriateness.

*Demolition by Neglect* shall mean allowing a building to fall into such a state of disrepair that it becomes necessary or desirable to demolish it.

*Downtown Historic District* is the Farmersville Commercial District as listed in the Nation Register of Historic Places by the U.S. Department of Interior, Reference Number 100000670 as of February 21, 2017.

*Exterior Architectural Feature* shall mean but not be limited to architectural style and general arrangement of such portion of the exterior of a structure as is designed to be open to the view from a public way.

*Façade* shall mean every face, side, and angle of the entire building that is visible from a public right-of-way including the parapet, whether front, sides, or rear facade.

*Historic designations* means an official recognition of the significance of a building, property or district. Designation can occur on three different levels:

**Federal** - The National Register of Historic Places (for both individual buildings and entire districts);

**State** - Recorded Texas Historic landmarks (only for individual buildings) and State Archeological Landmarks; or

**County** – A National Register of Historical Places – Collin County Texas, historical properties, historic district, lodging, shopping and restaurant renovation opportunities.

**Local** - designated under a municipal historic ordinance either individually as a landmark or as a locally designated district.

*Historic Districts*, designated by the suffix “HD,” shall mean any neighborhood or region designated by the City Council as being a part of the Historic Preservation Overlay Zoning District.

*Historic Landmarks*, designated by the suffix “HL,” shall mean a building, structure object or site designated by City Council as a historic landmark.

*Historic Preservation* means the protection, reconstruction, rehabilitation, repair and restoration of places and structures of historic, architectural, or archeological Significance.

*Historic Preservation Commission* (HPC) shall mean the five-member Board established under this ordinance and appointed by City Council.

*Historic Preservation Easement* means a voluntary legal agreement, typically in the form of a deed, which permanently protects a significant historic property. A historic preservation easement is a perpetual easement through which the owner granting the easement is assured that the property’s historic character will be preserved. In addition, an owner who donates a historic preservation easement may be eligible for one or more forms of federal tax benefits.

*Historic Rehabilitation* shall mean the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

*Historic Resource* shall mean any building, structure, object or site that is 50 years or older or any resource that has been identified as a high or medium priority because of its unique history or architectural characteristics.

*Historic Resources Survey* means a systematic, detailed examination of an area designed to gather information about historic properties sufficient to evaluate them against predetermined criteria of significance.



*Integrity* means the authenticity of a property's historic identity, evidenced by survival of physical characteristics that existed during the property's historic or prehistoric period.

*Inventory* means a list of historic properties that have been identified and evaluated as meeting specified criteria of significance.

*Local Historic District* means a geographically and locally defined area that possesses a significant concentration, linkage, or continuity of buildings, objects, sites, structures, or landscapes united by past events, periods, or styles of architecture, and that, by reason of such factors, constitute a distinct section of the City. Historic sites within a local district need not be contiguous for an area to constitute a district. All sites, buildings, and structures within a local historic district, whether individually contributing or not are subject to the regulations of the district.

*Local Historic Landmark* means any site, building, structure, or landscape of historic significance that receives designation by the City pursuant to this Chapter.

*Minor Alteration* shall mean the installation or alteration to awnings, fences, gutters, downspouts, and incandescent lighting fixtures; restoration of original architectural features that constitute a change from the existing condition; alterations to signs; and additions and changes not visible from any street to the rear of the main structure or to an accessory structure.

*National Register of Historic Places* shall mean the nation's official list of buildings, districts, and sites (including structures and objects) significant in American history and culture, architecture, archeology, and engineering maintained by the National Park Service and administered on a state-wide basis by the Texas Historical Commission.

*Object* means a physical item associated with a specific setting or environment that is movable by nature or design, such as statuary in a designed landscape. The term object is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed.

*Order of Demolition* shall mean an order issued by the Historic Preservation Commission indicating approval of plans for demolition of a designated landmark or property within a designated district.

*Ordinary Maintenance* shall mean repair of any exterior or architectural feature of a landmark or property within a historic district which does not involve a change to the architectural or historic value, style or general design. In-kind replacement or repair is included in this definition of ordinary maintenance.

*Overlay District* shall mean zoning, applied over one or more other districts, creates a second, mapped zone that is superimposed over the conventional zoning districts. Overlay districts typically provide for a higher level of regulations in certain areas such as transit station areas, downtown areas, and historic districts, but may also be used to permit exceptions or less restrictive standards (fewer parking spaces in a downtown or transit station area, or more density in an economic development area).

*Owner* shall mean the individual, corporation, partnership, or other legal entity in whom is vested the ownership, dominion, or title of property and who is responsible for payment of ad valorem taxes on that property; including a Lessor or Lessee if responsible for payment of ad valorem taxes.

*Preservation* shall mean the stabilization of an historic building, its materials and features in their present condition to prevent future deterioration. Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time. (Protection and Stabilization have now been consolidated under this treatment.)

*Preservation Easement* means a voluntary legal agreement that permanently protects the historic character of a historic property. Under the terms of a typical preservation easement, a property owner places restrictions on the development of, or changes to, the property and transfers these restrictions to a qualified organization whose mission includes environmental protection, land conservation, open space preservation, or historic preservation. The organization to which the Preservation Easement is conveyed must have the resources to manage and enforce the restrictions provided for

in the easement and have a commitment to do so. Once recorded, the easement restrictions become part of the property's chain of title and "run with the land" in perpetuity, thus binding not only the owner who grants the easement but all future owners as well. Preservation Easements may also be referred to as "deed restrictions," "covenants," or "equitable servitudes."

*Preservationist* shall mean someone with experience, education or training in the field of preservation.

*Reconstruction* shall mean the act or process of reproducing by new construction the exact form and detail of a vanished building as it appeared at a specific period of time. A technique used earlier in the 20th century; reconstruction is rarely used today because of the preference to use limited financial resources to preserve existing historic buildings.

*Recorded Texas Historical Landmark* shall mean a state designation for buildings important for their historical associations and which have retained a high degree of their original historic fabric. They must be at least 50 years of age and retain their original exterior appearance. State historical landmarks receive greater legal protection than National Register of Historic Places designations.

*Rehabilitation* means the act or process of returning a property to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.

*Restoration* shall mean returning a property to a state indicative of a particular period of time in its history, while removing evidence of other periods.

*Secretary of the Interior Standards for Rehabilitation* shall mean the standards established by the Secretary of the Interior for advising federal agencies on the preservation/rehabilitation of historic properties listed or eligible for listing on the National Register of Historic Places.

*Site* means the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location

itself possesses historical, cultural, or archeological value regardless of the value of any existing structure.

*Stabilization Proposal* is a document that provides the historic preservation commission and officer a step-by-step plan to mitigate the need to demolish a building by explaining work to be done to stabilize said building. This proposal shall include the name of the contractor, a timeline, and work to be done.

*State Archeological Landmark* shall mean a designation made by the Texas Historical Commission and, in the case of privately owned property, with the landowner's permission. Although called "archeological" landmarks, this designation can include buildings as well as archeological sites. For a building to be designated as a State Archeological Landmark, it must first be listed on the National Register of Historic Places. Damage to a State Archeological Landmark is subject to criminal, not civil, penalties.

*State Historic Preservation Office (SHPO)* shall mean the State Office responsible for administering federal historic preservation programs as defined in the National Historic Preservation Act of 1966 as amended and subsequent legislation. The Executive Director of the Texas Historical Commission serves as SHPO for the State of Texas.

*Structure* is a term used to distinguish specific types of functional constructions from buildings that are usually made for purposes other than creating shelter.

*Zoning* means a police power measure, enacted by a municipality, including the City, in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards.

**Sec. 77.111. – Historic Preservation Commission; Initial appointment of members; reappointment; removal.**

- (a) *Appointment and reappointment.* There is hereby created a commission to be known as the Historic Preservation Commission, which Commission is sometimes referred to herein as the "HPC." The Historic Preservation Commission shall consist of five

members appointed by majority vote of the City Council identified as Places One through Five. The initial members shall serve as follows: one member (Place One) shall be appointed to serve for one year, or until their successor is appointed; and two members (Places Two and Three) shall be appointed to serve for two years, or until their successors are appointed; and two members (Places Four and Five) shall be appointed to serve for three years, or until their successors are appointed. Thereafter, each member appointed or reappointed shall serve a term not to exceed three-years until the member resigns or is removed as herein provided. All members may serve a maximum of two consecutive terms three-year terms. After serving two consecutive three-year terms, a member will not be eligible for re-appointment to the commission for a period of one term (three years).

- (b) *Commission Members.* All members of the Commission shall be residents of the City. To the extent available among the residents of the City, the Commission should consist of the following:

- (1) A majority of its members (3) should own contributing buildings in the historic downtown area;
- (2) At least one member should be a business owner operating in a contributing building in the historic downtown area;
- (3) At least one member should be an architect, planner, or representative of a design profession; and
- (4) One member should be a member of the City of Farmersville Historic Society.

Regardless of background, each member of the HPC should have a known and demonstrated interest, competence, or knowledge in historic preservation within the City of Farmersville, Texas.

- (c) *Removal.* Members of the Historic Preservation Commission serve at the will and pleasure of the City

Council. Any member may be removed before their terms of office expire.

**Sec. 77-112. – Duties and Functions of the Historic Preservation Commission.**

The purpose and object of the Historic Preservation Commission is to act as an advisory board to the City Council regarding historic preservation and as the City Council may deem beneficial to the City. In this regard the Historic Preservation Commission may, subject to the final authority of the City Council:

- (a) Prepare rules and procedures as necessary to carry out the business of the Commission, which rules and procedures must be approved by the City Council;
- (b) Maintain written minutes that record all action taken by the Commission and the reasons for taking such actions;
- (c) Adopt criteria for the designation of historic, architectural, and cultural landmarks and the delineation of historic districts, which criteria must be approved by the City Council;
- (d) Approve or deny applications for Certificates of Appropriateness pursuant to this Article;
- (e) Conduct historic property surveys and maintain an inventory of significant historic, architectural, and cultural landmarks and all properties located in the historic preservation overlay district within the City
- (f) Recommend following receipt of a request and public hearing and notice, as required by law, the designation of resources as historic landmarks and historic districts to the Planning and Zoning Commission and/or City Council;
- (g) Recommend to City Council conferral of recognition upon the owners of historic landmarks and/or properties within historic districts by means of certificates, plaques, or markers;

- (h) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs;
- (i) Make recommendations to the City Council concerning utilization of state, federal or private funds to promote the preservation of historic landmarks and historic districts within the City;
- (j) Prepare specific design guidelines for the review of historic landmarks and districts; and
- (k) Notify property owners of conditions which may place a historic landmark at risk or jeopardize the historic integrity of the historic district or historic landmark.

**Sec. 77-113. – Meetings of the Historic Preservation Commission.**

- (a) The Historic Preservation Commission shall meet at least monthly if business is at hand.
- (b) Special meetings may be called at any time by the Chairman or on the written request of any two Commission members or on the written request of the City Manager.
- (c) All meetings shall be held in conformance with the Texas Open Meetings Act, Texas Gov't Code Chapter 551.
- (d) A quorum for the transaction of business shall consist of not less than three members of the Commission.

**Sec. 77-114. – Authority of the Historic Preservation Commission.**

The Historic Preservation Commission is hereby generally empowered, subject to any restrictions imposed by the Farmersville Code and state or federal law, to:

- (a) Make recommendations to the City Council regarding any need for staffing and professional consultants to carry out the duties of the HPC.

- (b) Adopt parliamentary rules and procedures necessary to carry out the business of the HPC, which rules and procedures shall be subject to approval by the City Council.
- (c) Review and make recommendations to the Planning and Zoning Commission and City Council regarding the designation of Historic Landmarks and the delineation of Historic Districts.
- (d) Recommend and subject to City Council consent confer recognition upon the owners of Historic Landmarks or properties within Historic Districts by means of certificates, plaques, or markers.
- (e) Review and recommend to the Planning and Zoning Commission and the City Council (and any other impacted City Boards and Commissions) all proposed changes to the zoning ordinance, building code, general plan or other adopted policies of the City that may affect the purpose of the Article.
- (f) Conduct public hearings and provide comment regarding buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places to the Texas Historic Commission. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.
- (g) Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and all properties located within the Historic Preservation Overlay Zoning District and any other Historic Districts located in the City. Such information shall be maintained securely, made accessible to the public and should be updated at least one time every ten (10) years.
- (h) Monitor and report to the Texas Historical Commission all actions affecting any Recorded Texas Historic Landmark, State Archaeological Landmark, National Register property and any locally designated Landmark, as deemed necessary.



- (i) Create subcommittees from among its membership and delegate to those subcommittees such responsibilities as may facilitate the Commission's efforts to carry out the purposes of this Article in a more efficient manner.
- (j) Maintain written meeting minutes, which are recorded by City staff, reflecting all matters considered by and actions taken by the HPC and the reasons supporting the HPC's actions.
- (k) Develop, prepare, and adopt specific Design Guidelines that must be approved by the City Council, for use in the review of all Certificates of Appropriateness applications.
- (l) Prepare and submit annually to the City Council a report summarizing the goals and objectives and work completed during the previous year by the HPC and any recommended budgetary items.
- (m) Make recommendations to the City Council concerning the utilization of state, federal, or private funds to promote the preservation of Historic Landmarks and Historic Districts within the City.
- (n) Recommend to City Council the acquisition of endangered Historic Landmarks by demolition where the preservation thereof is essential to the purpose of this Article and where private preservation is not feasible.
- (o) Propose incentive program(s) to City Council for local property owners of Historic Landmarks or within Local Historic Districts.
- (p) Recommend to the City Council whether donations of Preservation Easements as well as any other gift of value for the purpose of historic preservation should be accepted.
- (q) Provide comment to the Texas Historical Commission on any federal undertakings (projects utilizing federal funds or requiring a federal permit) pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended.

**Sec. 77.115. – Historic Preservation Officer; Appointment and Responsibilities.**

- (a) The City Manager or their designee will appoint a qualified city official, or staff person to serve as Historic Preservation Officer (HPO) subject to the City Council's allocation of funding for such purpose. The HPO must have an interest, knowledge and a demonstrated background in the disciplines of architecture, history, urban planning, real estate, legal, archeology, or other disciplines related to historic preservation. In the absence of a qualified official or staff person of the municipality, a volunteer resident of the City may be appointed by City Council as HPO.
- (b) The HPO shall be a non-voting member of the Commission tasked with administering this ordinance and advising the Commission on matters submitted to it.
- (c) In addition to serving as representative of the Commission, the HPO is responsible for coordinating the City's preservation activities with those of state and federal agencies and with local, state, and national nonprofit preservation organizations.
- (d) The HPO shall be aware of the condition of all structures within the Historic District or any designated Historic Landmark. The HPO will notify property owners of conditions that may put a Historic Structure at risk or jeopardize the historic integrity of the Historic district or Historic Landmark.

**Sec. 77.116 – CERTIFICATES OF APPROPRIATENESS FOR ALTERATIONS OR NEW CONSTRUCTION AFFECTING HISTORIC LANDMARKS OR HISTORIC DISTRICTS**

- (a) The requirements for a Certificate of Appropriateness impact the following:
  - (1) All Buildings; and
  - (2) New construction within the Local Historic District

- (b) Certificate of Appropriateness (“COA”) for Alteration or New Construction Affecting Historic Landmarks or Historic Districts:

Persons shall obtain a Certificate of Appropriateness to carry out: any exterior new construction, reconstruction, alteration, restoration, exterior new rehabilitation, or relocation of any Historic Landmark or on any property within a Historic District. Likewise, any person making any material change in the light fixtures, signs, sidewalks, fences, steps, paving, building exteriors or other exterior elements in a Historic District or to a Historic Landmark, visible from a public right-of-way in that Historic District or Historic Landmark, which affect the appearance and cohesiveness of any Historic Landmark or any property within the Historic District shall obtain a Certificate of Appropriateness prior to commencing work.

- (c) Criteria for Approval of a Certificate of Appropriateness.

Approval or disapproval of applications for Certificates of Appropriateness shall be determined by the Historic Preservation Commission, following a public hearing on the matter. In considering an application for a Certificate of Appropriateness, the Commission shall be guided by any specific design guidelines adopted for a particular district or landmark.

- (d) Certification of Appropriateness Application Procedure

- (1) Prior to the commencement of any work requiring a Certificate of Appropriateness, the owner shall file an application for such a certificate with the Commission. The application shall contain:
  - a. The physical address of the property to be modified;
  - b. The name, address, telephone number of the applicants;
  - c. A detailed description of the proposed work;

- d. Elevation drawings of the proposed work and changes, if available;
  - e. Samples or a description of materials proposed to be used;
  - f. If the proposal includes signs or lettering, a scale drawing/example showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination (if any), and a plan showing the sign's location on the property; and
  - g. Current photographs of the property and adjacent properties as well as historical photographs, if available, and photographs of the current area for which the COA is sought shall be provided to the staff liaison for the HPC.
- (2) The Historic Preservation Commission shall issue a Certificate of Appropriateness prior to the City's issuance of a building permit for the proposed work.
  - (3) The COA required by this Article shall be in addition to and not in lieu of any building permit that may be required by any other Ordinance of the City of Farmersville.
  - (4) The Historic Preservation Commission shall review an application for a Certificate of Appropriateness at a regularly scheduled meeting or special called meeting of the HPC within forty-five (45) days from the date the application is determined to be administratively complete.
  - (5) The applicant will be afforded an opportunity to speak regarding the application for a Certificate of Appropriateness at the HPC's meeting.
  - (6) The Commission may take one of the following actions on the application for a Certificate of

Appropriateness: approve, deny, or approve with modifications.

- (7) If the Historic Preservation Commission does not act on the application for a Certificate of Appropriateness within ninety (90) days of the date the Application is determined to be administratively complete, the Certificate of Appropriateness shall be deemed to have been approved.
- (8) All decisions of the Historic Preservation Commission shall be in writing. The Commission's decision shall state its findings pertaining to approval, denial, or modification of the application for a Certificate of Appropriateness. A copy of the Commission's written decision regarding the Certificate of Appropriateness shall be sent to the applicant.
- (9) Additional copies of the Commission's written decision regarding the Certificate of Appropriateness shall be filed as part of the public record on that property and dispersed to the Building Inspections & Permits Department of the City. The approval or conditional approval of a Certificate of Appropriateness is not, and shall not be interpreted as being, a substitute for a building permit and does not assure the issuance of a building permit.
- (10) An applicant for a Certificate of Appropriateness dissatisfied with the Commission's denial or conditional approve of their Application for a Certificate of Appropriateness may appeal that decision to the City Council within thirty (30) days after receipt of notification of the HPC's action.
- (11) If the applicant appeals the HPC's decision, the City Council shall hold a public hearing after providing notice and publication. The City Council may affirm the decision of the Historic Preservation Commission or issue such determination as the City Council believes to be correct.

- (12) As with the determination of the HPC, the decision of the City Council shall also be reduced to writing and distributed in the same fashion as the original determination of the Historic Preservation Commission. The decision of the City Council shall not be interpreted as being, a substitute for a building permit and also does not assure the issuance of a building permit.

(e) Certificate of Appropriateness Required for Demolition

The review of an administratively complete application for a Certificate of Appropriateness by the Historic Preservation Commission is required prior to the issuance of a demolition permit of a Historic Landmark or a property within a Historic District including secondary buildings and landscape features, as provided for in subsections (f), (g) and (h) of this section.

(f) Economic Hardship Application Procedure

(1) For Deviations.

- (a) After receiving written notification from the Historic Preservation Commission of the denial of a Certificate of Appropriateness under Subsection (d), above, the applicant shall have the right to seek deviations from the applicable criteria and design guidelines based on economic hardship. In the alternative, the applicant may raise the existence of economic hardship simultaneously with the original Certificate of Appropriateness. To be entitled to relief from based on economic hardship, the applicant must prove by a preponderance of the evidence that they will have no reasonable opportunity to recover the cost of the proposed work if they are required to perform the work in accordance with the criteria and design guidelines identified by the HPC.

- (b) The applicant must provide the Historic Preservation Commission evidence of an economic hardship as a justification for a deviation from the applicable criteria and design guidelines for a Certificate of Appropriateness based on economic hardship by the applicant. The Commission must review such evidence to confirm whether an economic hardship exists before a Certificate of Appropriateness with deviations to the applicable criteria and design guidelines may be issued based on economic hardship.
- (c) If the Historic Preservation Commission finds that the applicant would have no reasonable opportunity to recover the cost of the proposed work if performed in accordance with the criteria and the design guidelines, the HPC may grant a deviation from the criteria and any applicable design guidelines and may issue a Certificate of Appropriateness for the required work, with or without conditions. If the HPC finds that the applicant has failed to satisfy this burden of proof, the Certificate of Appropriateness will be denied.
- (d) The following factors may be considered by the Historic Preservation Commission in determining whether and to what extent a Certificate of Appropriateness with one or more deviations from the criteria and any applicable design guidelines should be considered:
  - (1) The cost to perform the work in compliance with the criteria and design guidelines and the value of the property;
  - (2) The extent to which a deviation is necessary to allow the owner a

reasonable opportunity to recover the cost of the work;

- (3) Whether granting the deviation will harm an existing or proposed Historic Landmark, Historic District or Historic Property designated with a high priority rating; and/or
  - (4) Whether the proposed work is in harmony with the spirit and purposes of this Article.
- (2) For Demolition.
- (a) After receiving written notification from the Historic Preservation Commission of the denial of a Certificate of Appropriateness under Subsection (e), above, for a proposed demolition has been denied, the applicant shall have the right to seek relief based on economic hardship. In the alternative, the applicant may raise the existence of economic hardship simultaneously with the original Certificate of Appropriateness for demolition. The Commission must confirm that a hardship exists before a Certificate of Appropriateness for demolition shall be issued.
  - (b) When a claim of economic hardship is made, due to the effect of this ordinance, the applicant must prove that:
    - (1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
    - (2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return;



- (3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed; and/or
- (4) The structure or property is in such a condition as to be irreparably damaged and, as such, poses a nuisance to the surrounding area and is a threat to the health, safety and general welfare of the community.

(3) The Process.

- (a) The applicant shall consult in good faith with the Historic Preservation Commission and other local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the Historic Landmark or property. Evidence of the applicant's efforts must be shown to the Commission.
- (b) The Historic Preservation Commission shall hold a public hearing on the application within sixty (60) days from the date the application is determined to be administratively complete by the City.
- (c) Following the hearing regarding economic hardship, the Historic Preservation Commission has thirty (30) days to prepare a written decision regarding the claimed economic hardship associated with the Historic Landmark or property. If the Commission does not act within ninety (90) days after the Application for a claimed hardship is deemed administratively complete, the hardship application shall be deemed approved.

- (d) All decisions of the Historic Preservation Commission shall be in writing. The Commission's decision shall state its findings pertaining to approval, denial, or modification of the application for the alleged economic hardship as it applies to a Certificate of Appropriateness. A copy of the Commission's written decision shall be sent to the applicant by mail.
- (e) Additional copies of the Commission's written decision regarding the Certificate of Appropriateness shall be filed as part of the public record on that property and dispersed to the Building Inspections & Permits Department of the City. The approval or conditional approval of a Certificate of Appropriateness is not, and shall not be interpreted as being, a substitute for a building permit and does not assure the issuance of a building permit.
- (f) The Commission's decision shall state the reasons for granting or denying the economic hardship application related to the Certificate of Appropriateness or demolition permit.
- (g) An applicant for a Certificate of Appropriateness dissatisfied with the Commission's denial or conditional approve of their Application for a Certificate of Appropriateness may appeal that decision to the City Council within thirty (30) days after receipt of notification of the HPC's action.
- (h) If the applicant appeals the HPC's decision, the City Council shall hold a public hearing after providing notice and publication. The City Council may affirm the decision of the Historic Preservation Commission or issue such determination

as the City Council believes to be correct.

- (i) As with the determination of the HPC, the decision of the City Council shall also be reduced to writing and distributed in the same fashion as the original determination of the Historic Preservation Commission. The decision of the City Council shall not be interpreted as being, a substitute for a building permit and also does not assure the issuance of a building permit.
- (g) *Enforcement.* All work performed pursuant to a Certificate of Appropriateness issued under this ordinance shall conform to any requirements included therein. It shall be the duty of the building official to periodically inspect any such work to assure compliance. In the event work is not being performed in accordance with the Certificate of Appropriateness, or upon notification of such fact by the Historic Preservation Commission and verification by the building official, the building official shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. Once compliance is confirmed by the building official, the stop work order may be lifted by the receipt of a written notice of compliance by the official to the Building Inspections and Permits Department.

#### **Sec.77-117. -- ORDINARY MAINTENANCE.**

Nothing in this Article shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a Historic Landmark or Historic Property within a Historic District that does not involve a change in design, material, or outward appearance. In-kind replacement or repair is included in this definition of ordinary maintenance.

#### **Sec. 77-118. -- DEMOLITION BY NEGLECT.**

No owner or person with an interest in real property designated as a Historic Landmark or included within a Historic District shall permit the property to fall into a serious

state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Historic Preservation Commission, produce a detrimental effect upon the character of the Historic District as a whole or the life and character of the Historic Property itself. Examples of such deterioration shall include:

- (a) Deterioration of exterior walls or other vertical supports;
- (b) Deterioration of roofs or other horizontal members;
- (c) Deterioration of exterior chimneys;
- (d) Deterioration or crumbling stucco or mortar;
- (e) Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors; and/or
- (f) Deterioration of any feature so as to create a hazardous condition that could lead to the claim that demolition is necessary for the public health, safety and welfare.

#### **Section 77.119. -- ARCHITECTURAL ELEMENTS**

- (a) *New Development or Construction.* All new structures and expansions within the Historic Overlay Zoning District and the Historic Downtown District shall require the approval of a Certificate of Appropriateness before any work begins and must have front, side and rear facades comprised of wood, brick, masonry, stone, stucco, or glass that are consistent with existing buildings in the same general area. Architectural metal accents, such as copper or bronze may be used to accent structural elements. No metal buildings shall be permitted.
- (b) *Existing structures.* Every reasonable effort shall be made to refurbish, rehabilitate and/or adapt any existing structures in the Historic Overlay Zoning District and the Historic Downtown District shall require the approval of a Certificate of Appropriateness before any work begins and shall require minimal alteration of

any distinctive architectural features or characteristics of the structure and shall remain harmonious with the historical character of existing buildings in the same general area.

- (c) The design of walls and other structures located on the same site, including those used for screening, within the Historic Overlay Zoning District and the Historic Downtown District shall require the approval of a Certificate of Appropriateness before any work begins and shall generally be constructed of the same or similar materials as the primary building on the lot consistent with the historical character of the main building.
- (d) Paint colors must be taken from an appropriate historical palette.
- (e) Provided, however, with regard to subsections (a) through (c), above, an applicant must present a Certificate of Appropriateness to the Historic Preservation Commission, together with a site plan and specifications that include elevation drawings and proposed alternative materials which meet or exceed the appearance and durability requirements of this Article.

#### **Sec. 77.120. -- DESIGNATION OF HISTORIC LANDMARKS**

- (a) The owner of a Historical Landmark or a Historical Property may submit a request to have their Historical Landmark or Historical Property designated as a Local Historic Landmark or Historical Property through the Historical Preservation Overlay Zoning District (HD).
- (b) Designation of Historic Landmarks is accomplished through the zoning process by having the Historical Preservation Overlay Zoning District (HD) applied to the property and amending the official zoning map for the City of Farmersville to reflect the application of the Overlay District. Such an amendment must be approved by ordinance of City Council, following notice, public hearing, and recommendations by both the Historic Preservation Commission and the City Planning and Zoning Commission, in that order to the City Council and a final determination by the City

Council following applicable notice and a public hearing.

- (c) Property owners of proposed Historic Landmarks shall be notified prior to the hearing of the Historic Preservation Commission, on the recommended designation. At the Historic Preservation Commission's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence that will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic landmark.
- (d) The recommendation of the Historic Preservation Commission regarding a request to rezone a Historic Landmark with the Historical Preservation Overlay Zoning District (HD) shall be submitted to the City Secretary for consideration by the City Planning & Zoning Commission. The City Planning & Zoning Commission shall give notice and conduct its hearing on the proposed zoning case and thereafter forward its recommendation to the City Council for final determination following notice and public hearing on the request.
- (e) Upon designation of a building, object, site, or structure as a Historic Landmark, the City Council shall cause the designation to be recorded in the official zoning maps of the City of Farmersville. The official zoning map should indicate the designated Historic Landmarks with an appropriate mark.
- (f) Criteria for the Designation of Historic Landmarks. A Historic Landmark may be designated if it:
  - (1) Possesses significance in history, architecture, archaeology, or culture.
  - (2) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.
  - (3) Is associated with the lives of persons significant in our past; embodies the distinctive characteristics of a type, period, or method of construction.

- (4) Represents the work of a master designer, builder, or craftsman.
- (5) Represents an established and familiar visual feature of the city.
- (6) Possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- (7) Has yielded, or may be likely to yield, information important in prehistory or history.

**Sec. 77-121. -- DESIGNATION OF OTHER HISTORIC DISTRICTS**

- (a) Designation of Historic Districts is accomplished by amendment to the official zoning map for the City of Farmersville. Such an amendment must be approved by ordinance of City Council, following a public hearing and recommendation by the City Planning & Zoning Commission.
- (b) Owners of property within a proposed Historic District shall be notified prior to the hearing of the Historic Preservation Commission, on the recommended designation. At the Commission's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence which will become part of the record regarding the historic, architectural, or cultural importance of the proposed Historic District.
- (c) Upon recommendation of the Historic Preservation Commission, the proposed Historic District shall be submitted to the Secretary of the City Planning & Zoning Commission. The City Planning & Zoning Commission shall give notice and conduct its hearing on the proposed designation and forward its recommendation regarding the proposed Historic District to the City Council after which the City Council will provide notice and conduct a public hearing in accordance with state law and make a final determination regarding the designation of the proposed Historic District.

- (d) Upon designation of a Historic District, the City Council shall cause the designated boundaries to be recorded on the Official Zoning Map of the City of Farmersville.
- (e) Criteria for the Designation of Historic Districts:
  - (1) Contains properties and an environmental setting which meet one or more of the criteria for designation of a landmark; and
  - (2) Constitutes a distinct section of the city.

**Sec. 77.122. – ENFORCEMENT**

All work performed pursuant to a certificate of appropriateness issued under this ordinance shall conform to any requirements included therein. It shall be the duty of the building inspector to inspect periodically any such work to assure compliance. In the event work is not being performed in accordance with the certificate of appropriateness, or upon notification of such fact by the HPC and verification by the HPO, the building inspector shall issue a stop work order and all work shall immediately cease. The property owner shall then be required to apply for a hearing before the HPC to explain the non-compliance. No further work shall be undertaken on the project as long as a stop work is in effect until a decision is rendered by the HPC on the application.

**Sec. 77.123. – PENALTIES**

It shall be unlawful to construct reconstruct significantly alter restore or demolish any building or structure designated as a Landmark or in a designated District in violation of the provisions of this Article. The city in addition to other remedies may institute any appropriate action or proceeding to prevent such unlawful construction reconstruction significant alteration or demolition to restrain correct or abate such violation or to prevent any illegal act business or maintenance in and about such premises including acquisition of the property

- 1) Any person firm or corporation violating any provision of this division shall be guilty of a class C misdemeanor punishable by a fine of not less than two hundred and fifty dollars (\$250.00 or more than two thousand dollars



(\$2,000.00). Each day the violation continues shall be considered a separate offence. Such remedy under this section is in addition to the abatement restitution.”

#### **SECTION 4. SEVERABILITY**

It is hereby declared to be the intention of the City Council that the several provisions of this Ordinance are severable, and if any court of competent jurisdiction shall judge any provisions of this Ordinance to be illegal, invalid, or unenforceable, such judgment shall not affect any other provisions of this Ordinance which are not specifically designated as being illegal, invalid or unenforceable.

#### **SECTION 5. REPEALER**

This Ordinance shall be cumulative of all other Ordinances, resolutions, and/or policies of the City, whether written or otherwise, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Any and all ordinances, resolutions, and/or policies of the City, whether written or otherwise, which are in any manner in conflict with or inconsistent with this Ordinance shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

#### **SECTION 6. PENALTY**

Any person, firm, corporation, or business entity violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City of Farmersville from filing suit to enjoin the violation. The City of Farmersville retains all legal rights and remedies available to it pursuant to local, state and federal law.

#### **SECTION 7. PUBLICATION**

The City Secretary of the City of Farmersville is hereby directed to publish in the Official Newspaper of the City of Farmersville the Caption, Penalty and Effective Date Clause of this Ordinance as required by Section 52.011 of the Local Government Code.

#### **SECTION 8. ENGROSSMENT AND ENROLLMENT**

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

**SECTION 9. SAVINGS**

All rights and remedies of the City of Farmersville are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued 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 courts.

**SECTION 10. EFFECTIVE DATE**

The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of Farmersville, and this Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the City of Farmersville, Texas

**PASSED** on first and only reading on the \_\_\_\_ day of \_\_\_\_\_, 2022, at a properly scheduled meeting of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

**APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

**APPROVED:**

BY: \_\_\_\_\_  
BRYON WIEBOLD  
Mayor

**ATTEST:**

\_\_\_\_\_  
TABATHA MONK  
City Secretary

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
ALAN D. LATHROM  
City Attorney

Agenda Section	Regular Agenda
Section Number	VII.C
Subject	Resolution R-2022-0726-001 Oncor rates/Steering Committee
To	Mayor and Council Members
From	Ben White, City Manager
Date	July 26, 2022
Attachment(s)	Resolution and back up documents
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

**CITY OF FARMERSVILLE  
RESOLUTION #R-2022-0726-001**

**RESOLUTION OF THE CITY COUNCIL OF FARMERSVILLE, TEXAS, SUSPENDING THE AUGUST 1, 2022 EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY'S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE**

WHEREAS, on or about May 13, 2022, Oncor Electric Delivery Company (Oncor), pursuant to PURA §§ 33.001 and 36.001 filed with the City of Farmersville, Texas, a Statement of Intent to increase electric transmission and distribution rates in all municipalities exercising original jurisdiction within its service area effective August 1, 2022; and

WHEREAS, the City of Farmersville, Texas, is a member of the Steering Committee of Cities Served by Oncor ("Steering Committee") and will cooperate with the 169 similarly situated city members and other city participants in conducting a review of the Company's application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company prior to getting reasonable rates and direct any necessary litigation; and

WHEREAS, PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

WHEREAS, PURA § 33.023 provides that costs incurred by Cities in ratemaking proceedings are to be reimbursed by the regulated utility.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, THAT:

1. The August 1, 2022, effective date of the rate request submitted by Oncor on or about May 13, 2022, be suspended for the maximum period allowed by law to

permit adequate time to review the proposed changes and to establish reasonable rates.

2. As indicated in the City's resolution approving membership in the Steering Committee, the Executive Committee of Steering Committee is authorized to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations regarding reasonable rates, and to intervene and direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Public Utility Commission.

3. That the City's reasonable rate case expenses shall be reimbursed by Oncor.

4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

5. A copy of this Resolution shall be sent to Oncor, Care of Howard V. Fisher, Oncor Electric Delivery Company LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202 and to Thomas Brocato, Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS ON THIS 26<sup>TH</sup> DAY OF JUNE 2022.**

APPROVED:

\_\_\_\_\_  
Bryon Wiebold, Mayor

ATTEST:

\_\_\_\_\_  
Tabatha Monk, City Secretary



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## MEMORANDUM

TO: Steering Committee of Cities Served by Oncor Members

FROM: Thomas Brocato *YTB*  
Jamie Mauldin  
Roslyn Dubberstein

DATE: June 13, 2022

RE: Oncor Electric Delivery Company's Statement of Intent to Increase Rates Suspension Packet – **Updated Effective Date**

### ACTION REQUIRED TO SUSPEND THE EFFECTIVE DATE BY AUGUST 10, 2022

On Friday, May 13, 2022, Oncor filed a Statement of Intent to Increase Rates with all cities in its service area that retain original jurisdiction. The Company is seeking to increase rates by approximately \$251 million over rates currently in place, or approximately 4.5% over present revenues. Residential customers would see an 11.2% increase in rates. If approved, a residential customer using 1,300 kWh per month would see a bill increase of about \$6.02 per month. Additionally, the Company proposes to increase street lighting rates by 1.6%.

The rate increase requested by Oncor will become effective on August 1, 2022, unless the city takes action to suspend the effective date. By statute, cities are permitted to extend the effective date by up to 90 days in order to study the filing. **The city must take action to suspend the effective date by August 1, 2022.** If your city does not have a regular council meeting scheduled before August 1<sup>st</sup> or is otherwise unable to take action on the suspension resolution August 1<sup>st</sup>, please contact us as soon as possible.

Attached to this memo is a model suspension resolution and staff report. In the past, Oncor local managers have provided cities with a model denial resolution and may recommend that the city immediately deny the rate request. If this occurs, we do not recommend that you deny the request at this time. Suspending the effective date allows cities more time to review the application and decide on the final action, including settlement or denial of Oncor's requested rate increase.

If you have any questions, please feel free to contact us:

Thomas – [tbrocato@lglawfirm.com](mailto:tbrocato@lglawfirm.com) / 512-322-5857  
Jamie – [jmauldin@lglawfirm.com](mailto:jmauldin@lglawfirm.com) / 512-322-5890  
Roslyn – [rdubberstein@lglawfirm.com](mailto:rdubberstein@lglawfirm.com) / 512-322-5802

## MODEL STAFF REPORT

**\*\*\*ACTION MUST BE TAKEN TO SUSPEND THE EFFECTIVE DATE ON OR BEFORE AUGUST 1, 2022\*\*\***

### PURPOSE

Oncor Electric Delivery Company ("Oncor" or "the Company") filed an application on or about May 13, 2022 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by about \$251 million or approximately 4.5% over present revenues. The Company asks the City to approve an 11.2% increase in residential rates and a 1.6% increase in street lighting rates. If approved, a residential customer using 1,300 kWh per month would see a bill increase of about \$6.02 per month.

The resolution suspends the August 1, 2022 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the Steering Committee of Cities Served by Oncor, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. **If the City fails to take some action regarding the filing before the effective date, Oncor's rate request is deemed administratively approved.**

### DISCUSSION

The City of Farmersville is a member of a 169-city coalition known as the Steering Committee of Cities Served by Oncor ("Steering Committee"). The Steering Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s when cities served by the former TXU gave up their statutory right to rate case expense reimbursement in exchange for higher franchise fee payments. Empowered by city resolutions and funded by *per capita* assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission, the Courts, and the Legislature on electric utility regulation matters for the last 30 years.

Although Oncor has increased rates many times over the past few years, this is the first comprehensive base rate case for the Company since March 2017.

### Explanation of "Be It Resolved" Paragraphs:

Section 1. The City is authorized to suspend the rate change for 90 days after the date that the rate change would otherwise be effective for any legitimate purpose. Time to study and investigate the application is always a legitimate purpose. Please note that the resolution refers to the suspension period as "the maximum period allowed by law" rather than ending by a specific date. This is because the Company controls the effective date and can extend the

deadline for final city action to increase the time that the City retains jurisdiction if necessary to reach settlement on the case. If the suspension period is not otherwise extended by the Company, the City must take final action on Oncor's request to raise rates by August 1, 2022.

Section 2. This provision authorizes the Steering Committee, consistent with the City's resolution approving membership in the Steering Committee, to act on behalf of the City at the local level in settlement discussions, in preparation of a rate ordinance, on appeal of the rate ordinance to the PUC, and on appeal to the Courts. Negotiating clout and efficiency are enhanced by the City cooperating with the Steering Committee in a common review and common purpose. Additionally, rate case expenses are minimized when the Steering Committee hires one set of attorneys and experts who work under the guidance and control of the Executive Committee of the Steering Committee.

Section 3. The Company will reimburse the Steering Committee for its reasonable rate case expenses. Legal counsel and consultants approved by the Executive Committee of the Steering Committee will submit monthly invoices that will be forwarded to Oncor for reimbursement. No individual city incurs liability for payment of rate case expenses by adopting a suspension resolution.

Section 4. This section merely recites that the resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

Section 5. This section provides that both Oncor and Steering Committee counsel will be notified of the City's action by sending a copy of the approved and signed resolution to certain designated individuals.



Agenda Section	Regular Agenda
Section Number	VII. D
Subject	Resolution R-2022-0726-002 Open Space Upday (Caddo Park)
To	Mayor and Council Members
From	Ben White, City Manager
Date	July 26, 2022
Attachment(s)	Resolution
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to a future agenda. _____</li> <li>• No motion, no action</li> </ul>

**CITY OF FARMERSVILLE  
RESOLUTION #R-2022-0726-002**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, DESIGNATING CERTAIN OFFICIALS TO ACT FOR, AND ON BEHALF OF, THE CITY OF FARMERSVILLE, TEXAS, FOR THE PURPOSE OF PARTICIPATING IN THE COLLIN COUNTY PARK AND OPEN SPACE PROJECT FUNDING ASSISTANCE PROGRAM FOR CADDO PARK ALONG THE SHORES OF LAKE LAVON IN COLLIN COUNTY, TEXAS, IN COOPERATION WITH THE UNITED STATES ARMY CORPS OF ENGINEERS; CERTIFYING THE CITY OF FARMERSVILLE IS ELIGIBLE TO PARTICIPATE IN AND RECEIVE PROGRAM ASSISTANCE; CERTIFYING THE MATCHING SHARE IS READILY AVAILABLE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the City of Farmersville, Texas, hereinafter referred to as "Applicant," is fully eligible to participate in and receive assistance under the Collin County Park and Open Space Project Funding Assistance Program ("Program"); and,

**WHEREAS,** the Applicant is desirous of authorizing an official to represent and act for the Applicant in dealing with Collin County, Texas, (the "Grantor") regarding the Program; and,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, THAT:**

**Section 1.** All of the findings set forth above are hereby adopted by the City Council of the City of Farmersville, Texas ("City" or "Applicant") and incorporated into the body of this Resolution for all purposes allowed by law.

**Section 2.** The Applicant hereby certifies that it is eligible to participate in and receive assistance under the Program.

**Section 3.** The Applicant is working in cooperation with the United States Army Corps of Engineers ("USACE") to facilitate improvements to Caddo Park, a public park that is situated in Collin County, Texas, along the shores of the eastern side of Lake Lavon just north of U.S. Highway 380, as a "pass-through project" that will improve the overall public park experience for residents of Collin County that take advantage of Caddo Park's location.

**Section 4.** The Applicant hereby certifies that the matching share for this application in the amount of One Hundred Thousand Dollars (\$ 100,000.00) for the Caddo Park Project is readily available at this time and is being provided to the City by the USACE.

**Section 5.** The Applicant hereby designates Ben White as the Applicant's representative to act for and on behalf of the Applicant in dealing with the Grantor for the purpose of the Program (hereinafter "Official").

**Section 6.** The Applicant hereby specifically authorizes the Official to make application to the Grantor concerning the project known as the "Caddo Park Road, Parking Lot, Trail and Restrooms" as a "pass-through project" between the City and the USACE in Collin County, Texas that will improve the overall public park experience for people utilizing the Caddo Park along the shores of Lake Lavon.

**Section 7.** This Resolution shall become effective immediately from and after the date of its passage and is so resolved.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS ON THIS 26<sup>TH</sup> DAY OF JULY 2022.**

APPROVED:

\_\_\_\_\_  
Bryon Wiebold, Mayor

ATTEST:

\_\_\_\_\_  
Tabatha Monk, City Secretary

Agenda Section	Regular Agenda
Section Number	VII.E
Subject	Chairperson for TIRZ Board
To	Mayor and Council Members
From	Ben White, City Manager
Date	July 26, 2022
Attachment(s)	None
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to a future agenda. _____</li> <li>• No motion, no action</li> </ul>

Agenda Section	Regular Agenda
Section Number	VII.F
Subject	Reappointment EDC 4A (Elise Bobitt)
To	Mayor and Council Members
From	Ben White, City Manager
Date	July 26, 2022
Attachment(s)	Elise was overlooked at last meeting so she just needs to be reappointed.
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to a future agenda. _____</li> <li>• No motion, no action</li> </ul>

## **VIII. ORDINANCE WORKSHOP**

Agenda Section	Ordinance Workshop
Section Number	VIII.
Subject	Food Truck Ordinance Workshop
To	Mayor and Council Members
From	Ben White, City Manager
Date	July 26, 2022
Attachment(s)	Food Truck Ordinance
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

## 77-49 – USE SPECIFIC REGULATIONS

### (n) *Food trucks, operation sites and food truck courts.*

#### (1) *Purpose.*

The purpose of this section is to establish regulations governing “Food Trucks,” “Operation Sites” and the use of property or a tract of land as a “Food Truck Court.” These regulations are intended to promote the health, safety, and welfare of the public, and to protect the property rights of the owners of land located adjacent to and within the vicinity of properties containing a Food Truck, an Operation Site or a Food Truck Court.

#### (2) *Definitions.*

- a. *Food Truck* means an operational motor vehicle and/or trailer from which food and associated non-alcoholic beverages, which food and beverages are not typically tied to a single season of the year, are prepared, served and sold on private property for a period of time which exceeds 60 minutes or two instances of 30 minutes or more each day. This definition shall also apply to any seating, garbage and/or recycling containers, gear or equipment that is associated with the Food Truck’s operation and/or use.
- b. *Food Truck Court* means a commercially zoned property used or developed to accommodate one or more Food Trucks as the primary use of the property while possibly accommodating areas on the property for entertainment or recreational opportunities. Food Truck Courts must have a valid certificate of occupancy in addition to all other applicable permits and inspections.
- c. *Operation Site* means the geographic area, not located within a Food Truck Court, within which area the Food Truck will park and prepare and/or sell food and/or associated non-alcoholic beverages. This term also includes areas where the Food Truck’s customers go to consume food and/or non-alcoholic beverages sold from the Food Truck. The sale of merchandise other than food and non-alcoholic beverages shall be prohibited. The owner and operator, if separate entities, operating a Food Truck must have a valid Food Truck temporary site permit for each Operation Site utilized by a Food Truck for any business purpose in addition to all other applicable permits and inspections.
- d. *Temporary Operation Site* means the geographic area, not located within a Food Truck Court, within which area the Food Truck will park and prepare and/or sell food and/or associated non-alcoholic beverages adjacent to a commercial construction site or designated locations along Farmersville Parkway. This term also includes areas where the Food Truck’s customers go to consume food and/or non-alcoholic beverages sold from the Food Truck adjacent to a commercial construction site. The sale of merchandise other than



food and non-alcoholic beverages shall be prohibited. The owner and operator, if separate entities, operating a Food Truck must have a valid Food Truck temporary site permit for each Temporary Operation Site utilized by a Food Truck for any business purpose in addition to all other applicable permits and inspections.

*(3) Required permits, plans and inspections.*

- a. **Certificate of Occupancy (Food Truck Courts only).** Each Food Truck Court shall be required to receive a certificate of occupancy from the Chief Building Official or their designee. As part of the request for a certificate of occupancy, the following information, at a minimum, shall be provided:
  1. The name and address of the owner and/or operator;
  2. A description of the owner and/or operator;
  3. If the applicant represents a corporation, association, partnership or any other business entity, the names and addresses of the officers, partners or principals;
  4. The address and name under which the Food Truck Court will be operated; and
  5. Any other information reasonably required by the Chief Building Official to document the use and operation of the Food Truck Court.
- b. **Food Truck temporary site permit (for an Operation Site).**
  1. Except as part of a Food Truck Court, the owner or the owner's authorized representative of property containing an operation site where a Food Truck may be located from time to time must apply for a Food Truck temporary site permit from the Building Inspections Department prior to allowing a Food Truck to operate on their property. The permit application, which shall be verified in the same manner as required for a deed, shall include information that details where the Food Truck will be located on the property along with the location of any refuse receptacle(s), restroom(s), vehicle parking, dining area(s), and any other pertinent information regarding the operation of the Food Truck on and about the Operation Site. As part of the permit application, any necessary authorization letters from adjacent property owners and businesses shall be provided. Authorization letters that limit the allowance of Food Trucks to a specific type or style of food will not be accepted. Any additional information as may be deemed necessary by the Chief Building Official to thoroughly review the request shall also be submitted as part of the permit application.

2. A Food Truck temporary site permit for an Operation Site issued by the Building Inspections Department shall only remain valid for a maximum of six months and regardless of the date of issuance shall expire on June 30 or December 31 of such calendar year, whichever date occurs first following the issuance of the initial permit and then every six months thereafter.
  3. A Food Truck temporary site permit may accommodate any licensed Food Truck vendor that the property owner/temporary site permit holder deems acceptable for an Operation Site.
  4. The Chief Building Official, in approving or denying such application shall consider the nature of the use; existing uses in surrounding areas; noise, dust, light, and traffic generated; health and sanitary conditions; and compliance with other regulations of this chapter. The chief building official shall have the right, upon finding that a hazard or nuisance shall exist by continuing such use, to revoke any temporary use at any time or to deny any extension. After which revocation, such temporary use shall immediately cease and all temporary structures shall be removed within ten days of notification of such finding.
- c. *Food Truck vendor permit.* All Food Trucks shall be required to register and obtain all applicable permits in accordance with Chapter 32 of the Farmersville Code prior to operation.
  - d. *Health permit.* All Food Trucks must obtain a permit in accordance with Chapter 32 of the Farmersville Code prior to operating at a Food Truck Court.
  - e. *Inspections.* Food Truck Courts, Operation Sites and Food Trucks may be inspected from time to time by appropriate City or County personnel. Food Truck Courts, Operation Sites and Food Trucks shall immediately be made available for inspection upon request of such City or County personnel.
  - f. *Other permits required.* Food Trucks shall be responsible for identifying and obtaining all applicable permits and shall be responsible for conforming to all applicable city, county, state and federal regulations. Property owners shall be responsible for ensuring that any Food Truck which operates as part of the Food Truck Court or a temporary site permit for any Operation Site obtains all necessary permits prior to operation and conforms to all applicable city, county, state and federal regulations.
  - g. *Safety.* The Chief Building Official, Fire Marshal and/or the City Manager shall have the authority to require that additional safety measures be provided at a Food Truck Court, Operation Site or Food Truck to ensure the health, safety, and welfare of the general public. These additional safety measures may include, but are not limited to, limitations governing the provision of utilities (water, wastewater, electricity, gas, etc.) to the Food Truck, providing fire

extinguisher(s), and adding limitations to the use of deep fat fryers or flat top grills in specific instances.

- h. *Site plan required (food truck court only)*. A site plan as specified in section 77-82 (Site Plan Approval Required for Commercial Development) of the Farmersville Code shall be required to be submitted and approved prior to the issuance of any permits for a Food Truck Court.

(4) *Acceptable locations.*

a. *Food Truck Courts.*

1. Food truck courts shall be a permitted land use with the City Council's discretionary approval of a specific use permit on property that is not located within 100 feet of any property used for single-family or duplex residential purposes in the following zoning districts of the City:
  - i. Multi-Family Residential Zoning Districts;
  - ii. Non-Residential Zoning Districts; or
  - iii. Agricultural Zoning Districts.
2. A specific use permit for a Food Truck Court may be revoked by the City Council if it finds that any condition imposed at the time of granting the permit is not met, or if thereafter ceases to exist. The City Council may deny a specific use permit for a Food Truck Court if the development of said use would be detrimental or offensive to the surrounding area or otherwise be contrary to the health, safety, or general welfare of the City and its inhabitants. In approving or denying a specific use permit for a Food Truck Court, the City Council shall consider:
  - i. The nature of the proposed use;
  - ii. Proximity to other Food Truck Courts;
  - iii. Proximity to existing "brick and mortar" restaurants;
  - iv. The number of Food Trucks allowed within the Food Truck Court at a single time;
  - v. Existing uses in surrounding areas;
  - vi. Noise, dust, light, and traffic generated;
  - vii. Health and sanitary conditions; and

viii. Compliance with other regulations of the Farmerville Code.

**b. Food Truck Operation Sites.**

1. Subsequent to all permits being issued, Operation Sites for Food Trucks may be located within any multi-family residential zoning district or non-residential zoning district assuming all applicable locational criteria and the following requirements are satisfied:
  - i. No Food Truck operations including, but not limited to food preparation, sales, or consumption shall be permitted within 100 feet of any door, window or outdoor dining area of any existing restaurant(s) or food service establishment(s). Food Trucks shall be exempted from this requirement with the express written permission of the restaurants' or food service establishments' owner or authorized representative.
  - ii. Only one Food Truck shall be permitted on each lot or property that is smaller than five acres in size.
  - iii. Lots or properties that are five acres in size or larger may have two Food Trucks for every five acres of land area with the maximum allowable number of Food Trucks on a particular lot or property being limited to no more than six Food Trucks.
  - iv. Food Trucks shall not be allowed to engage in sales operations within 100 feet of any property used for single-family or duplex residential purposes. This distance may be eliminated if unanimous written consent from each property owner located within the 100 foot buffer is provided.
2. Food Trucks and their customers shall be prohibited from utilizing the public rights-of-ways for food sales, preparation, and/or consumption.
3. Food Truck Courts and Operation Sites shall only be permitted on private property, save and except that Food Trucks may park and prepare and/or sell food and/or associated non-alcoholic beverages adjacent to a commercial construction site within the City's corporate limits and/or at designated locations along Farmersville Parkway.
4. All portions of a Food Truck and its associated Operation Site shall be located within 150 feet, as determined by the Fire Marshal, of a dedicated fire lane easement or a public street.

5. Food Trucks must be parked, situated, and operated in a manner that does not restrict orderly and/or safe vehicular and/or pedestrian movements.
6. Food Trucks and Operation Sites may not occupy required off-street parking or loading spaces.
7. All Food Trucks participating in a Food Truck Court shall remain fully mobile and operational unless a commissary is provided on site and said Food Truck is authorized to utilize the on-site commissary.
8. Food Trucks shall report to their designated commissary at least once per day for food, supplies, cleaning, and servicing.

*(5) Hours of operation.*

a. *Food Truck Courts.*

1. Food Truck Courts shall only be allowed to engage in sales operations between the hours of 7:00 am to 12:00 am.

b. *Food Truck Operation Sites.*

1. Food Trucks shall only be allowed to engage in sales operations between the hours of 8:00 am and 10:00 pm.

*(6) Noise.*

- a. Food Truck Courts and Operation Sites shall be subject to the noise requirements of Chapter 44, Article II (Noise Regulation) of the Farmersville Code.
- b. No amplified sound shall be permitted after 10:00 p.m.

*(7) Refuse, recycling, litter and food preparation byproducts.*

a. *Food Truck Courts.*

1. Food Truck Courts shall provide containers of sufficient size and number for the disposal of refuse and recyclables resulting from the Food Truck Court's operation and sales. The containers shall be identified as being for the disposal of refuse and/or recyclables.

b. *Food Truck Operation Sites.*

1. Food Trucks shall provide, on or within 20 feet of the Food Truck, containers of sufficient size and number for the disposal of refuse and recyclables



resulting from the Food Truck's operation and sales. The containers shall be identified as being for the disposal of refuse and/or recyclables.

- c. City-provided refuse and recycling containers shall not be used for the Food Truck's or Food Truck Court's refuse and/or recycling needs unless written authorization has first been obtained from the City for such use.
- d. Any refuse, recycling and/or litter on the ground at the Food Truck Court or Operation Site shall be immediately picked up and discarded appropriately by the Food Truck operator or the Food Truck Court's on-site manager. Refuse and/or recycling must be removed from the Operation Site or Food Truck Court at least daily or more frequently as needed to remove excess refuse and/or recycling from the property thereby avoiding the creation of an unsanitary or unhealthy condition or nuisance.
- e. Greases, oils, vapors and other similar food preparation byproducts shall be kept inside the Food Truck at all times. Dumping, or the improper disposal, of food preparation byproducts onto the ground, pavement or other surface or into a storm water collection system or other system not designed for that specific use is strictly prohibited and may result in the immediate revocation of all permits and licenses of the Food Truck, Food Truck Court and/or Operation Site in addition to the performance of any necessary remediation and the issuance of citations and fines.
- f. Sewage, liquid wastes and food preparation byproducts shall be removed from a Food Truck at an approved waste servicing area in such a way that a public health hazard or nuisance is not created.

**(8) Signage.**

All signage pertaining to or advertising a Food Truck and/or its menu shall be attached to the Food Truck. There shall be no limit to the amount of signage that is allowed on a Food Truck while the Food Truck is parked at a Food Truck Court or Operation Site. A Food Truck shall not be outfitted with a "changeable electronic variable message sign" or any manner of "prohibited signage" as defined and/or set forth in Chapter 56 (Signs and Advertising) of the Farmersville Code. Notwithstanding the foregoing, signage for the Food Truck Court shall be permitted as outlined in Chapter 56 (Signs and Advertising) of the Farmersville Code. Signage containing profanity or lewd or obscene images shall be prohibited.

**(9) Off-street vehicle parking.**

**a. Food Truck Courts.**

- 1. One off-street vehicle parking space shall be required for every 150 square feet of dining area. The minimum number of required customer parking

spaces may be reduced by the Planning and Zoning Commission as part of the site plan approval process should the Commission find that the full provision of required parking may not be necessary.

b. **Food Truck Operation Sites.**

1. One off-street vehicle parking space shall be required for each table that is provided for use by Food Truck customers. If no tables are provided, no off-street vehicle parking shall be required. Any customer parking that is provided must be finished with concrete or asphaltic surface materials.

c. Required off-street vehicle parking and maneuvering shall adhere to the requirements of Chapter 71 (Traffic and Vehicles) of the Farmersville Code, except as otherwise specified herein.

d. Food Truck Courts and Operation Sites must feature an area of sufficient size that is finished with a compacted gravel base, concrete or asphaltic surface materials on which any Food Trucks may park and operate. Customer parking must be finished with concrete or asphaltic surface materials.

(10) *Restrooms required.*

a. **Food Truck Courts.**

1. Permanent restrooms located within a permitted building or structure must be provided on-site within the Food Truck Court for the use of the Food Truck's and the Food Truck Court's customers, operators and employees. The minimum number and type of restrooms shall be determined based on the occupant load of the Food Truck Court. Such restroom(s) must remain open and available for use at all times during which the Food Truck Court is being used. No portable or temporary restrooms shall be allowed.

b. **Food Truck Operation Sites.**

1. Restrooms for each sex, or a gender neutral restroom(s), located within a permanent building that has been issued a valid certificate of occupancy shall be provided for the use of the Food Truck's customers, operators and employees at an Operation Site. Such restroom(s) must remain open and available for use at all times during which the Food Truck is situated on the Operation Site. No portable or temporary restrooms shall be allowed.

c. **Temporary Food Truck Operation Sites.**

1. Restrooms located within a permanent building that has been issued a valid certificate of occupancy shall not be required for the use of the Food Truck's customers, operators and employees at a Temporary Operation Site

located adjacent to a commercial construction site or designated locations along Farmersville Parkway provided that the Food Truck is not stopped at such location for more than two hours.

(11) *Utility services required at Food Truck Courts.*

- a. Each site at the Food Truck Court on which a Food Truck will be located and operated shall be provided hookups for electricity and potable water. Each individual Food Truck is not permitted to operate a generator at the site unless emergency circumstances necessitate the need for the use of a generator on a temporary basis not to exceed two hours within any given six hour period of time.

(12) *Exceptions.*

- a. These regulations shall not apply to Food Trucks that operate:
  1. At a special event that is properly licensed pursuant to a special event permit issued by the City, provided that the Food Truck is identified in the special event permit application as a participating concessionaire or caterer; or
  2. As a vendor at a properly permitted farmers' market for which the Food Truck has rented space from the farmers' market and/or its organizer(s); or
  3. On public property including, but not limited to a public park, public library, recreation or aquatics center, or performing art center at the request of and with the express written permission of the property owner.

(13) *Prohibited Locations.*

- a. Food Trucks shall not be allowed or operated at any location:
  1. Within the Central Business District;
  2. Within any single-family residential zoning district; or
  3. Along, about, or within:
    - i. Southlake Park;
    - ii. J.W. Spain; or
    - iii. The Riding Arena.



**IX. REQUEST TO BE PLACED ON FUTURE AGENDAS**

## **X. ADJOURNMENT**