



20200909001518960 09/09/2020 02:55:32 PM OR 1/14

**CITY OF FARMERSVILLE  
ORDINANCE # O-2020-0908-007**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS ACCEPTING A PETITION FOR THE INCLUSION OF CERTAIN CONTIGUOUS LAND INTO THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF FARMERSVILLE; PROVIDING FOR TERMS AND CONDITIONS REGARDING ACCEPTING SAID LAND INTO THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF FARMERSVILLE; PROVIDING FOR THE FILING OF THIS ORDINANCE WITH THE COLLIN COUNTY CLERK AND THE UPDATING OF THE CITY'S OFFICIAL MAP TO REFLECT THE INCLUSION OF SAID LAND IN THE CITY OF FARMERSVILLE'S EXTRATERRITORIAL JURISDICTION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND SETTING AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Lakehaven Farmersville, LLC. owns tracts of land containing a total amount of approximately 471.086 acres of land located in the Elijah B. Reed Survey, Abstract A-739 (collectively the "Lakehaven Property"); and

**WHEREAS**, the Lakehaven Property is contiguous to the extraterritorial jurisdiction ("ETJ") of the City of Farmersville, Texas ("City") with some areas of the Lakehaven Property being located within the City's ETJ and some areas of the Lakehaven Property being situated outside the City's ETJ; and

**WHEREAS**, Lakehaven Farmersville, LLC ("Owner"), desires to plat the entirety of the Lakehaven Property in accordance with the City's Subdivision Regulations; and

**WHEREAS**, the City of Farmersville, Texas ("City") has received a petition from the Owner of the Lakehaven Property that is attached hereto as Exhibit 1 and incorporated herein by reference for all purposes allowed by law executed on or about August 28, 2020 ("Petition"), requesting that the City include the entirety of the Lakehaven Property within the City's ETJ; and

**WHEREAS**, the City Council of the City of Farmersville, Texas ("City Council"), has reviewed the Petition, along with the condition set forth in the Petition that the City will agree not to annex the Lakehaven Property into the City's corporate limits for a period of five (5) years from the date that the Lakehaven Property is included in the City's ETJ, unless the Owner gives written consent for the City to annex the Lakehaven Property; and

**WHEREAS**, the City Council of the City of Farmersville, Texas finds that it is in the best interest of the public health, safety and welfare to annex the Lakehaven Property into the City's ETJ;

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

## **SECTION 1. INCORPORATION OF FINDINGS**

All of the above premises are hereby found to be true and correct legislative and factual determinations of the City of Farmersville and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

## **SECTION 2. EXPANSION OF EXTRATERRITORIAL JURISDICTION**

Pursuant to Texas Local Government Code Section 42.022(b), the City hereby accepts and incorporates the Lakehaven Property that is comprised of approximately 471.086 acres of land with the tracts being located in the Elijah B. Reed Survey, Abstract A-739, Collin County, Texas, as such tracts of land are more particularly described in that certain Warranty Deed with Vendor's Lien ("Deed") recorded at Clerk's Document No. 20190719000850840 in the Deed Records of Collin County, Texas, and which Deed is attached as Exhibit A to the Petition that is attached hereto as Exhibit 1, into and as part of the City's ETJ. The Lakehaven Property being annexed into the City's ETJ is also depicted in Exhibit 2 that is attached hereto and incorporated herein by reference for all purposes allowed by law.

## **SECTION 3. FIVE-YEAR LIMITATION ON ANNEXATION**

Pursuant to Texas Local Government Code Section 212.172, the City hereby agrees that it will not annex the Lakehaven Property into the City's corporate limits for a period of five (5) years from the date that the Lakehaven Property is included in the City's ETJ, unless the owner of the Lakehaven Property gives written consent to the City to annex the Lakehaven Property into the City's corporate limits.

## **SECTION 4. FILING WITH THE COUNTY; MAP UPDATE**

The City Secretary is hereby directed to file a certified copy of this Ordinance with the County Clerk of Collin County, Texas, together with a copy of the Petition, as required by Texas Local Government Code Section 212.172. City staff is also directed to update the official map of the City to reflect the expansion of the City's ETJ resulting from this Ordinance, as required by Texas Local Government Code Section 41.001(c).

## **SECTION 5. SEVERABILITY CLAUSE**

It is not the intent of the City to include any territory within the City's ETJ that the City has no legal right to include, but to include only such additional territory as may be legally included within the City's ETJ and as described in the Petition. Should any part of the Lakehaven Property described in the Petition not be subject to the City's power to include said part of the Lakehaven Property within the City's ETJ, the City nevertheless expressly indicates its intent to include those portions of the Lakehaven Property within the City's ETJ for which the City has the legal authority. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance

shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

**SECTION 6. REPEALER CLAUSE**

All ordinances of the City of Farmersville, Texas, in conflict with the provisions of this Ordinance shall be, and the same are hereby, repealed.

**SECTION 7: EFFECTIVE DATE**


This Ordinance shall take effect immediately from and after its passage and publication of the caption as required by law.

**PASSED** on the first and only reading of this Ordinance on the 8<sup>th</sup> day of September, 2020 at a properly noticed 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 8<sup>th</sup> DAY OF SEPTEMBER, 2020.**

**APPROVED:**

BY:

  
Bryon Wiebold, Mayor

**ATTEST:**

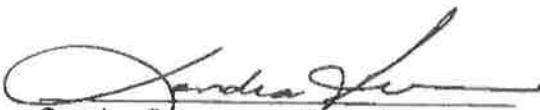
  
Sandra Green, City Secretary



EXHIBIT 1

**PETITION REQUESTING INCLUSION OF LAND INTO  
THE CITY OF FARMERSVILLE'S EXTRATERRITORIAL JURISDICTION**

TO THE MAYOR AND CITY COUNCIL OF FARMERSVILLE, TEXAS:

I, Tommy N. Cansler, in my capacity as Owner of Lakehaven Farmersville, LLC, the owner of the real property conveyed to us in the Special Warranty Deed recorded on July and 19th of 2020, in the Collin County Real Property Records as Clerk's Document Number 20190719000850840, a true and correct copy of which is attached hereto as Exhibit A (hereinafter referred to as the ("Lakehaven Property")), which land is adjacent to and contiguous to the City of Farmersville's extraterritorial jurisdiction ("Farmersville's ETJ"), hereby submits this unconditional and irrevocable petition requesting, and consenting to, the inclusion of the Lakehaven Property into Farmersville's ETJ, as authorized by Texas Local Government Code Section 42.022(b) provided that the City agrees it will not annex the Lakehaven Property for a period of five (5) years from the date that the Lakehaven Property is included in Farmersville's ETJ, unless I or my successor-in-interest as owner of the Lakehaven Property gives written consent to the City of Farmersville to annex the Lakehaven Property. .

I hereby certify that the Lakehaven Property is contiguous and adjacent to the City of Farmersville, Texas, and that this Petition Requesting Inclusion of Land into the City of Farmersville's Extraterritorial Jurisdiction is signed and duly acknowledged by each and every person having an interest in said land.

By: TM

Tommy N. Cansler  
Property Owner

THE STATE OF TEXAS )(  
COUNTY OF DALLAS )(

BEFORE ME, the undersigned authority, on this day personally appeared Tommy N. Cansler, in his capacity as Owner of Lakehaven Property, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 28<sup>th</sup> day of August, 2020.



Delia Cansler  
Notary Public in and for  
Dallas County, Texas

**EXHIBIT A**

**Special Warranty Deed with Vendor's Lien  
Recorded on July 19, 2019, in the  
Collin County Real Property Records as Clerk's Document Number 20190719000850840**

*(Consisting of the following 14 pages.)*

**SPECIAL WARRANTY DEED WITH VENDOR'S LIEN**

**IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**SPECIAL WARRANTY DEED WITH VENDOR'S LIEN**

THE STATE OF TEXAS       §  
  § KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF COLLIN       §

Farmersville Investors, LP, a Texas limited partnership (hereinafter called "Grantor"), in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration in hand paid by Lakehaven Farmersville, LLC, a Texas limited liability company, whose address is 4556 Knoll Ridge Drive, Aledo, Texas 76008 (hereinafter called "Grantee"), the receipt and sufficiency of which are hereby acknowledged and confessed, and the further consideration of the execution and delivery by Grantee of that one certain Promissory Note dated July 18, 2019 (the "Promissory Note") in the principal sum of \$7,000,000, payable to the order of Happy State Bank, a Texas banking association (the "Lender"), as therein specified, the payment of which Promissory Note is secured by the vendor's lien herein retained, and is additionally secured by a Deed of Trust, Security Agreement, Financing Statement, and Assignment of Rents of even date herewith (the "Deed of Trust") to PLA Services, Inc. as the trustee named therein for the benefit of the Lender, has GRANTED, BARGAINED, SOLD AND CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY unto Grantee, the real property located in Collin County, Texas which is more particularly described on Exhibit A attached hereto (the "Land"), together with (i) all improvements located thereon; (ii) any strips or gores between the Land and abutting properties; (iii) all rights, privileges and appurtenances pertaining thereto, including all right, title and interest of Grantor in any roads, alleys, rights-of-way and easements adjacent to or serving the Land; and (iv) one hundred percent (100%) of any and all development rights, licenses, permits, approvals, powers, privileges, options or other benefits associated with the Land, including (without limitation) all of the rights, title and interests in and to the Lakehaven Municipal Utility District (the "Lakehaven MUD") and one hundred percent (100%) of any reimbursements available from such Lakehaven MUD or from any other governmental or quasi-governmental agency (all of the foregoing collectively called the "Property"), subject to the terms and conditions set forth in this Special Warranty Deed with Vendor's Lien.

Grantor hereby reserves, and the Property does not include, the oil, gas, hydrocarbons and other minerals that are in, on or under the Land and that may be produced from it (the "Mineral Interests"); provided, however, that Grantor hereby waives all rights of access, ingress and egress over the surface of any of the Property for the purpose of mining, drilling, exploring, exploiting, producing, processing, transporting, marketing or developing the Mineral Interests or for any other reason, including, without limitation, any right to construct houses, pits, tanks, pipelines, compressors or similar structures on the Property; provided further, however, nothing herein shall prevent Grantor or its successors or assigns from exploring for, developing, and/or producing the Mineral Interests in and under the Property by pooling or by directional drilling, which enters or bottoms at least 500 feet under the surface of the Property, from well sites located on other property so long as such production activities for the Mineral Interests do not impair the lateral or subjacent support of the surface of the Property or any improvements thereon. The Mineral Interests to be excepted and reserved from the Property is subject to any valid, recorded oil and gas and other mineral lease or leases which cover the Mineral Interests, but covers and includes all delay rentals and royalties, and any other rights and payments due or to become due or which have been or may hereafter

be payable or paid under the terms of said lease or leases to the lessor therein, its successors and assigns, insofar as said lease or leases cover all or any part of the Property to be conveyed pursuant to this Special Warranty Deed with Vendor's Lien. Upon termination of any and/or all of such leases as to any of the Property described herein, the interest of said lessee, its successors and assigns, shall revert to the applicable party comprising Grantor, its successors and assigns and be subject to the surface waiver set forth herein.

This conveyance is made and accepted subject to the foregoing mineral reservation and to all items on Exhibit B attached hereto, to the extent same are valid and affect the Property (such matters being referred to as the "Permitted Exceptions").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, its successors and assigns FOREVER, subject to the Permitted Exceptions, and, subject to the Permitted Exceptions, Grantor does hereby bind itself and its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise.

BUT IT IS EXPRESSLY AGREED THAT the vendor's lien retained herein as well as superior title in and to the Property are retained against the Property and assigned, without recourse, representation or warranty, to Lender until the Promissory Note, and all interest thereon, and all sums secured by the lien of the Deed of Trust are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

EXCEPT FOR THE WARRANTY OF TITLE CONTAINED IN THIS DEED AND EXCEPT AS EXPRESSLY SET FORTH IN THE REAL ESTATE CONTRACT DATED MARCH 6, 2019, BETWEEN GRANTOR, AS SELLER, AND GRANTEE, AS PURCHASER, FOR THE SALE AND PURCHASE OF THE PROPERTY, (A) THE PROPERTY IS SOLD BY GRANTOR AND PURCHASED AND ACCEPTED BY GRANTEE ON AN "AS IS," "WHERE IS" AND "WITH ALL FAULTS" BASIS, SUBJECT TO ANY CONDITION WHICH MAY EXIST, AND WITHOUT THE EXISTENCE OF AND WITHOUT RELIANCE UPON ANY REPRESENTATION, WARRANTY, AGREEMENT, OR STATEMENT BY GRANTOR, OR ANYONE ACTING ON BEHALF OF GRANTOR INCLUDING, WITHOUT LIMITATION, ANY BROKER, ENGINEER, ARCHITECT, ATTORNEY, SURVEYOR, APPRAISER, OR ENVIRONMENTAL CONSULTANT; (B) GRANTEE HAS THOROUGHLY INSPECTED AND EXAMINED THE PROPERTY TO THE EXTENT DEEMED NECESSARY BY GRANTEE IN ORDER TO ENABLE GRANTEE TO EVALUATE THE PURCHASE OF THE PROPERTY ON THE FOREGOING BASIS; (C) GRANTEE IS RELYING SOLELY UPON SUCH INSPECTIONS, EXAMINATION, AND EVALUATION OF THE PROPERTY BY GRANTEE IN PURCHASING THE PROPERTY ON AN "AS IS," "WHERE IS" AND "WITH ALL FAULTS" BASIS, WITHOUT REPRESENTATION, WARRANTY, AGREEMENT OR STATEMENT BY GRANTOR OR ANYONE ACTING ON BEHALF OF GRANTOR, EXPRESS OR IMPLIED, OF ANY KIND OR NATURE, OTHER THAN THE WARRANTY OF TITLE CONTAINED IN THIS DEED.

Real property ad valorem taxes and assessments having been prorated to the date hereof, Grantee hereby assumes and agrees to pay when due all such ad valorem property taxes and assessments for the year 2019 and subsequent years.

If the Property has been assessed for ad valorem real estate tax purposes at such rates (by exemption or otherwise) as would result in additional taxes or assessments being due in connection with the change in ownership of the Property or a change in the use of the Property for time periods prior to or after the date of this Deed, Grantee agrees to pay all such taxes and assessments, and Grantee indemnifies and agrees to

defend and hold Grantor harmless from any claim, expense or liability relating to such taxes or assessments.

Executed effective as of July 18, 2019

GRANTOR:

Farmersville Investors, LP,  
a Texas limited partnership

By: Clearview Crown Partners, LP,  
its limited partner  
By: CCP GP, LLC, its general partner

By: [Signature]  
Mike Starcher, President

By: Farmersville Investors GP, LLC,  
a Texas limited liability company,  
its general partner

By: [Signature]  
Julian Hawes, Jr., Vice President

STATE OF TEXAS

COUNTY OF DALLAS

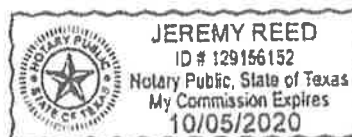
This instrument was acknowledged before me on the 18 day of July, 2019, by Mike Starcher, President of CCP GP, L.L.C, general partner of Clearview Crown Partners, L.P., limited partner of Farmersville Investors, LP, a Texas limited partnership, on behalf of said limited partnership.

[Signature]  
Notary Public in and for the State of Texas

[SEAL]

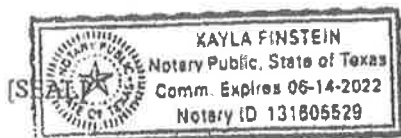
STATE OF TEXAS

COUNTY OF DALLAS



This instrument was acknowledged before me on the 17 day of July, 2019, by Julian Hawes, Jr., Vice President of Farmersville Investors GP, LLC, a Texas limited liability company, general partner of Farmersville Investors, LP, a Texas limited partnership, on behalf of said limited partnership.

[Signature]  
Notary Public in and for the State of Texas





**EXHIBIT A**

**PROPERTY**

BEING 471.086 acres of land situated in the Elijah B. Reed Survey, Abstract No. 739, Collin County, Texas and being all of a called 471.016 acre tract of land described in a Deed to Farmersville Investors, LP, recorded as Instrument No. 20060324000384140 of the Deed Records of Collin County, Texas (DRCCT) and this tract being more particularly described as follows:

BEGINNING at a 3/8" iron rod found for corner at the northwest corner of said 471.016 acre tract common to the northeast corner of a called 7.483 acre tract of land described in a Deed to Owot E. Owot & wife, Inyang Owot, recorded as Instrument No. 201412030013173 (DRCCT) and the southeast corner of a called 17.326 acre tract of land described as Tract 1 in a Deed to James F. Holliman & Lellani Holliman, recorded in Volume 4623, Page 694 (DRCCT);

THENCE North 89°48'16" East, along the north line of said 471.016 acre tract, a distance of 3436.93 feet, to a point for corner at the northeast corner thereof and being in the west line of a called 6.727 acre tract described in a Deed to Jessica N. Sayre, recorded as Instrument No. 20180522000623970 (DRCCT), near the center of County Road 551, from which a 5/8" iron rod with a yellow cap, stamped "RPLS 3963" set for reference bears South 88°16'37" West a distance of 13.85 feet;

THENCE South 00°09'32" West, along a east line of said 471.016 acre tract and the west lines of said 6.727 acre tract, a called 79.862 acre tract described in a Deed to Cecilia M. Lafon, Trustee, a called 28.532 acre tract described in a Deed to Jack Hendricks, a 28.521 acre tract of land described in a Deed to Issa Ismail, and a tract of land described in a Deed to Ibrahim Alkam, recorded in Volume 5818, Page 1656 (DRCCT), Volume 2832, Page 917 (DRCCT), Volume 2832, 915 (DRCCT), and as Instrument No. 20140214000140310 (DRCCT), respectively, a distance of 2465.00 feet, to a 5/8" iron rod with a yellow cap found for an exterior ell corner of said 471.016 acre tract;

THENCE South 89°48'42" West, along a south line of said 471.016 acre tract common to a north line of said Alkam tract, a distance of 222.48 feet, to a 5/8" iron rod with a yellow cap found for an interior ell corner of said 471.016 acre tract common to the northwest corner of said Alkam tract and being near the center of said County Road 551;

THENCE South 00°04'34" West, along and near a barbed wire fence and with an east line of said 471.016 acre tract common to the west lines of said Alkam tract and a called 33.183 acre tract described in a Deed to Frank H. Moore, Jr., recorded in Volume 5518, Page 3839 (DRCCT), a distance of 2193.72 feet, to a 1/2" iron rod found for corner at an interior ell corner of said 471.016 acre tract common to the southwest corner of said 33.183 acre tract;

THENCE North 87°58'19" East, along and near a barbed wire fence and with a north line of said 471.016 acre tract common to the south line of said 33.183 acre tract, a distance of 1897.42 feet, to a point for corner near the base of a 10" wooden fence post at the most eastern northeast corner of said 471.016 acre tract common to the northwest corner of a called 9.99 acre tract

described in a Deed to Frank H. Moore, Jr., recorded as Instrument No. 1997060400043989 (DRCCT),

THENCE South  $01^{\circ}43'10''$  West, along the a east line of said 471.016 acre tract common to the west line of said 9.99 acre tract, a distance of 733.83 feet, to a  $5/8''$  iron rod with a yellow cap, found for corner in the northwest right-of-way line of County Road 550 (a variable width right-of-way) at an exterior ell corner of said 471.016 acre tract common to the southwest corner of said 9.99 acre tract;

THENCE in a southwesterly direction along southeast lines of said 471.016 acre tract common to northwest right-of-way lines of said County Road 550, the following courses:

South  $56^{\circ}44'16''$  West, a distance of 469.39 feet, to a  $5/8''$  iron rod with a yellow cap, stamped "RPLS 3963" set for corner at the beginning of a non-tangent curve to the left, having a radius of 613.00 feet, and a chord which bears South  $36^{\circ}40'45''$  West a distance of 371.46 feet;

In a southwesterly direction along said curve to the left, having a central angle of  $35^{\circ}16'26''$ , a distance of 377.39 feet, to a  $5/8''$  iron rod with a yellow cap, stamped "RPLS 3963" set for corner;

South  $18^{\circ}47'48''$  West, a distance of 408.47 feet, to a concrete monument with an aluminum disc found for corner at an exterior corner thereof common to the northeast corner of a called 13.17 acre tract of land described in a Deed to James A. Martin & Shirley J. Martin, recorded in Volume 1856, Page 567 (DRCCT);

THENCE along the common boundary lines of said 471.016 acre tract and said 13.17 acre tract, the following courses:

South  $89^{\circ}35'38''$  West, a distance of 1000.06 feet, to a  $5/8''$  iron rod found for corner;

North  $21^{\circ}31'34''$  West, a distance of 400.47 feet, to a concrete monument with an aluminum disc found for corner;

South  $01^{\circ}08'15''$  West, a distance of 500.06 feet, to a concrete monument with an aluminum disc found for corner;

South  $50^{\circ}43'08''$  East, a distance of 1121.08 feet, to a  $5/8''$  iron rod with a yellow cap found for corner at the most southern corner of said 13.17 acre tract;

THENCE South  $69^{\circ}20'14''$  East, along a northeast line of said 471.016 acre tract, a distance of 9.91 feet, to a  $5/8''$  iron rod with a yellow cap found for corner in the west right-of-way line of said County Road 550 at an exterior corner of said 471.016 acre tract;

THENCE in a southwesterly direction along southeast lines of said 471.016 acre tract common to northwest right-of-way lines of said County Road 550, the following courses:

South 18°45'13" West, a distance of 259.13 feet, to a 5/8" iron with a yellow cap, stamped "RPLS 3963" rod set for corner at the beginning of a non-tangent curve to the right, having a radius of 199.17 feet and a chord which bears South 54°34'56" West a distance of 232.53 feet;

In a southwesterly direction with said curve to the right, having a central angle of 71°25'45", an arc distance of 248.30 feet, to a 1/2" iron rod found for corner;

South 88°36'34" West, a distance of 99.99 feet, to a 5/8" iron with a yellow cap, stamped "RPLS 3963" rod set for corner;

South 84°27'33" West, a distance of 50.24 feet, to a 5/8" iron with a yellow cap, stamped "RPLS 3963" rod set for corner;

THENCE South 00°13'34" West, along an east line of said 471.016 acre tract, a distance of 25.00 feet, to a point for corner near the center of said County Road 550 at a lower exterior corner of said 471.016 acre tract;

THENCE North 89°31'26" West, along and near the center of said County Road 550 and with a south line of said 471.016 acre tract, a distance of 865.83 feet, to a P.K. Nail set for corner at the southwest corner of last mentioned tract common to the southeast corner of Elm Creek Estates Addition, an Addition to Collin County, Texas, recorded in Cabinet F, Page 580 of the Plat Records of Collin County, Texas (PRCCT);

THENCE North 01°13'37" West, along a west line of said 471.016 acre tract, a distance of 1957.32 feet, to a 1/2" iron rod found for corner at an angle point thereof;

THENCE North 02°52'33" West, along and near a barbed wire fence and with a west line of said 471.016 acre tract, a distance of 71.45 feet, to a point for corner at an interior ell corner of said 471.016 acre tract, from which a 1/2" iron rod found for reference at the northeast corner of said Elm Creek Estates Addition bears North 89°51'01" West a distance of 5.70 feet;

THENCE North 88°51'01" West, along and near a barbed wire fence and with a south line of said 471.016 acre tract and the north line of said Addition, a distance of 1067.24 feet, to a 1" iron pipe found inside a 2" iron pipe at an angle point thereof;

THENCE North 89°12'36" West, along and near a barbed wire fence and with a south line of said 471.016 acre tract common to the north line of said Elm Creek Estates and a tract of land described as Tract 4B in a Deed to Camille Reagan, recorded in Volume 5680, Page 2201 (DRCCT), a distance of 1093.04 feet, to a 5/8" iron rod with a yellow cap found for corner in an east line of a tract of land described in a Deed to James Reynolds Costabile, recorded as 20181116001419060 (DRCCT) at a southwest corner of said 471.016 acre tract;

THENCE North 00°14'57" East, along a west line of said 471.016 acre tract common to the east line of said Costabile tracts and a tract of land described as First Tract in a Deed to Patricia Jane Eaves, recorded in Volume 1483, Page 382 (DRCCT), a distance of 2980.76 feet, to a 3/8" iron

rod found at a common corner thereof near the center of said County Road 551;

THENCE South 89°54'45" West, along and near the center of said County Road 551 and with a south line of said 471.016 acre tract common to the north line of said First Tract, a distance of 569.84 feet, to a 5/8" iron rod found for corner at an exterior ell corner of said 471.016 acre tract;

THENCE North 00°02'50" West, along a west line of said 471.016 acre tract, a distance of 2464.53 feet, to THE POINT OF BEGINNING and containing 20,520,495 square feet, or 471.086 acres of land.

## EXHIBIT B

### PERMITTED EXCEPTIONS

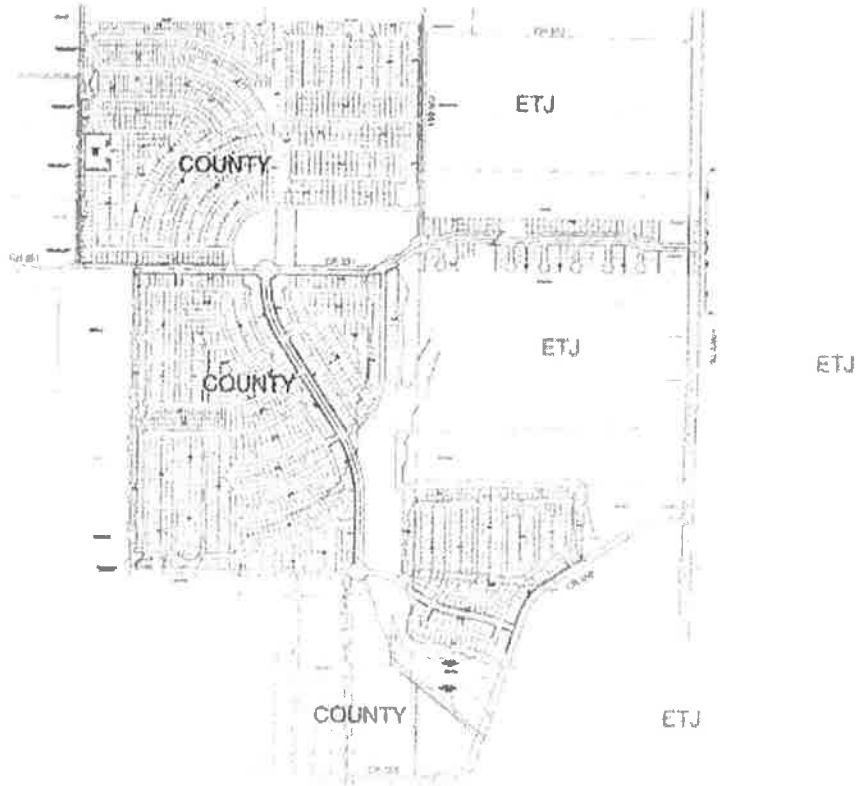
1. Terms, conditions, provisions, stipulations and obligations contained in Wastewater Regionalization Agreement, by and between North Texas Municipal Water District, the City of Farmersville, Texas and Farmersville Investors, LP, recorded April 3, 2009, as Clerk's File No. 20090403000388540, Real Property Records, Collin County, Texas.
2. Affidavit Regarding Certification of OSSF Requiring Maintenance recorded July 25, 2014, as Clerk's File No. 20140725000781630, Real Property Records, Collin County, Texas.
3. Terms, conditions, provisions, stipulations and obligations contained in Agreement Relating to Creation and Operation of Lakehaven Municipal Utility District, recorded October 17, 2013, as Clerks' File No. 20131017001430550, Real Property Records, Collin County, Texas.
4. Easement, right of way and or agreement by and between Farmersville Investors, LP, and Copeville Special Utility District, by Waterline Easement ad Right-Of-Way recorded October 6, 2014, as Clerks File No. 20141006001091760, Real Property Records, Collin County, Texas.
5. Caretaker Agreement dated July 1, 2017, by and between Farmersville Investors, LP and Robert Guinn.
6. Farming Lease Agreement dated January 1, 2009, by and between Farmersville Investors, LP and Raymon W. Montgomery.
7. Easement, right of way and or agreement by and between Farmersville Investors, L.P., and City of Farmersville, Texas, by Sanitary Sewer Easement recorded October 22, 2013, as Clerks' File No. 20131022001448090, Real Property Records, Collin County, Texas.
8. Easement, right of way and or agreement by and between Farmersville Investors, L.P., and City of Farmersville, Texas, by Right of Entry recorded October 22, 2013, as Clerks' File No. 20131022001448100, Real Property Records, Collin County, Texas.



Filed and Recorded  
Official Public Records  
Stacey Kemp, County Clerk  
Collin County, TEXAS  
07/19/2019 08:04:03 AM  
\$54.00 DUTY FEE  
20190719000450240

*Stacey Kemp*

## EXHIBIT 2



Filed and Recorded  
Official Public Records  
Stacey Kemp, County Clerk  
Collin County, TEXAS  
09/09/2020 02:55:32 PM  
\$78.00 DFOSTER  
20200909001518960



*Stacey Kemp*

# Development Regulations

## LAKEHAVEN ETJ of Farmersville, Texas

## **Development Standards**

### **LAKE HAVEN DEVELOPMENT STANDARDS**

These Development Standards shall apply to all development within the Property. Property being as defined in Exhibit "C" – Concept Plan.

#### **DEFINITIONS**

**Accessory Building or Use:** In a Residential District, a subordinate building attached or detached and used for a purpose customarily incidental to the main structure, located on the same lot, such as a private garage for automobile storage, tool house, bath, or green house as a hobby (no business), home workshop, children's playhouse, storage house, garden shelter, but not involving the conduct of a business.

**Block:** An area enclosed by streets and occupied by or intended for buildings; or if said is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on the said side.

**Building:** Any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

**Building Line:** A line parallel or approximately parallel to the Street line (Right of Way) at a specific distance there from making the minimum distance from the Street line (Right of Way) that a building may be erected.

**Court:** An open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, hard or other permanent space.

**District:** The LAKE HAVEN Municipal Utility District of Collin County.

**Dwelling Unit:** A building or portion of a building which is arranged, occupied or intended to be occupied as living quarters and includes facilities for food preparation and sleeping.

**Lot:** Land occupied or to be occupied by a building and its accessory building and including such open space or HOA common areas having its principal frontage upon a public street or public access easement.

**Lot, Corner:** A Lot abutting on two intercepting or intersection Streets where the interior angle of Intersection or Interception does not exceed 135 degrees.

**Lot Coverage:** The percentage of the total area of a Lot occupied by the base (first Story or floor) of Buildings located on the Lot.

**Lot, Interior:** A Lot other than a Corner Lot.

**Lot, Lines:** The lines bounding a lot.

**Lot, Through:** A Lot having its front and rear on different Streets, or having its front or rear line on a Street and the other line on a river, lake, creek or other permanent body of water.

**Lot Depth:** The mean distance between the front and rear lot lines.

**Lot Width:** The width of a lot at the front building line.

**Main Building:** The building or buildings on a lot which are occupied by the primary use.



Multi-Family: Multi-Family units are attached units. Access shall be allowed from access drives or parking areas connecting to adjacent public or private streets.

Open Space: Open Space Lots provided with a specific tract will be maintained by a Home Owners Association. This will include all improvements within the floodway/floodplain area, i.e. ponds, walks, etc. not specifically conveyed to the City of Farmersville

Residential District: Any District that has residential uses as the primary use.

Single Family Dwelling Unit (Detached): A dwelling designed and constructed as a free standing structure for occupancy by one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract and occupied by one family.

Street: A public or private thoroughfare which affords the principal means of access to abutting property.

Thoroughfare: An officially designated federal or state numbered highway or county or other road or street designated as a primary thoroughfare on the official Thoroughfare Plan of the City of Farmersville.

Thoroughfare Plan: The official Thoroughfare Plan of the City of Farmersville adopted by the City Council establishing the location and official right-of-way width of principal highways and Streets in the City, together with all amendments thereto subsequently adopted.

Yard: An Open Space, other than a Court, on the same Lot with a Building.

Yard, Front: An open, unoccupied space on a lot facing a street extending across the front of the lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located.

Yard, Rear: An open, unoccupied space, except for accessory buildings as herein permitted, extending across the rear lot line or a lot from one side lot line to the other side lot line and having a depth between the building and the rear lot line as specified in the district in which the lot is situated.

Yard, Side: An open, unoccupied space or spaces on one or two side of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot line not the rear line or a front line shall be deemed a side line.

### **SINGLE FAMILY LOT TYPE REGULATIONS**

LAKE HAVEN shall include multiple single-family lot types in order to achieve the goals of the District. The single-family lot types and specific requirements shall be as follows:

**General Description:** The Residential tracts are intended to accommodate a variety of single-family residential uses. The residential units will be comprised of Single Family 4, Single Family 5 and Single Family 6 products. Development standards for each of the aforementioned housing types are outlined below. The provisions of this Section apply to all residential lots as shown on the Concept Plan.

**Permitted Uses:** Land uses permitted within the residential lots and further described on the Concept Plan shall be as follows:

- Residential units as described herein.

- Publicly owned or HOA owned recreation facilities.

- Churches/rectories.

- Schools – public.

- Parks, playgrounds and neighborhood recreation facilities including, but not limited to, swimming pools, clubhouse facilities and tennis courts.

- Fire stations and public safety facilities.

- Real estate sales offices during the development and marketing of the Planned Development.

- Public streets and private streets.

- Electronic security facilities including gatehouse and control counter.

- Accessory buildings and uses customarily incidental to the permitted uses.

- Temporary buildings and uses incidental to construction work on the premises, which shall be removed upon completion.

### **Sign Regulations:**

Any sign or signs within the Property shall comply with the requirements of the City of Farmersville Sign Ordinances.

### **Plan Requirements:**

Except as otherwise specifically authorized by the City of Farmersville Subdivision Regulations, no building permit shall be issued by the City of Farmersville for any parcel of land until a Final Plat, as applicable for the specific area of the land has been recorded in the Real Property Records of Collin County Clerk and all public improvements to serve the parcel of land have been fully constructed and accepted.

**Single-Family 4 (SF4):**

Single-family 4 lots are a form of single family, detached front entry garage housing. This residential type will consist of smaller lots, having access and frontage on a public or private street. Should private streets be allowed, the ownership and maintenance responsibility shall be the Homeowners Association. Building and area requirements are as follows:

**Lot Area:** The minimum area of any lot shall be four thousand eight hundred (4,000) square feet.

**Lot Coverage:** In no case shall more than seventy (70) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, deck, patios, driveways, walks, and other paved areas shall not be included in determining maximum lot coverage.

**Building Size:** The minimum square footage of a dwelling unit shall exceed one thousand three hundred (1,300) square feet of conditioned space.

**Lot Width:** The minimum width of any lot shall not be less than forty (40) feet at the building line, except that lots at a terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum width of thirty-five (35) feet at the building line; provided all other requirements of this section are fulfilled.

**Lot Depth:** The minimum depth of any lot shall be one hundred (100) feet, except that lots at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum lot depth, measured at mid-point on front and rear lot lines, of ninety (90) feet; provided all other requirements of this section are fulfilled.

**Front Yard:** The minimum depth of the front yard shall be twenty (20) feet to the main building structure. Unenclosed front porches, roof eaves, chimneys and other similar architectural elements may extend a maximum of four (4) feet into the front yard except that no portion of a structure including roof eaves may encroach into any utility easement. Variable width front building lines are encouraged and shall range from twenty (20) to twenty-five (25) feet in depth.

**Side Yard:** The minimum side yard on each side of a lot shall be five (5) feet. No portion of a structure including roof eaves may encroach into any utility easement. A side yard adjacent to a side street shall not be less than ten (10) feet.

**Rear Yard:** The minimum depth of the rear yard shall be ten (10) feet. No portion of a structure including roof eaves may encroach into any utility easement.

**Building Height:** Buildings shall be a maximum of two and one-half (2 ½) stories and a maximum height of thirty-five (35) feet.

**Parking:** Parking and driveways shall be permitted within all required yard areas and must be paved with concrete and provide direct access to a garage.

**Signage:** Any sign or signs for a Single Family 4 lot shall comply with the requirements of the City of Farmersville Sign Ordinances.

**Single-Family 5 (SF5):**

Single-family 5 lots are a form of single family, detached front entry garage housing. This residential type will consist of smaller lots, having access and frontage on a public or private street. Should private streets be allowed, the ownership and maintenance responsibility shall be the Homeowners Association. Building and area requirements are as follows:

**Lot Area:** The minimum area of any lot shall be six thousand (5,000) square feet.

**Lot Coverage:** In no case shall more than seventy (70) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, deck, patios, driveways, walks, and other paved areas shall not be included in determining maximum lot coverage.

**Building Size:** The minimum square footage of a dwelling unit shall exceed one thousand four hundred (1,400) square feet of conditioned space.

**Lot Width:** The minimum width of any lot shall not be less than fifty (50) feet at the building line, except that lots at a terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum width of forty-five (45) feet at the building line; provided all other requirements of this section are fulfilled.

**Lot Depth:** The minimum depth of any lot shall be one hundred (100) feet, except that lots at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum lot depth, measured at mid-point on front and rear lot lines, of ninety (90) feet; provided all other requirements of this section are fulfilled.

**Front Yard:** The minimum depth of the front yard shall be twenty (20) feet to the main building structure. Unenclosed front porches, roof eaves, chimneys and other similar architectural elements may extend a maximum of four (4) feet into the front yard except that no portion of a structure including roof eaves may encroach into any utility easement. Variable width front building lines are encouraged and shall range from twenty (20) to twenty-five (25) feet in depth.

**Side Yard:** The minimum side yard on each side of a lot shall be five (5) feet. No portion of a structure including roof eaves may encroach into any utility easement. A side yard adjacent to a side street shall not be less than ten (10) feet.

**Rear Yard:** The minimum depth of the rear yard shall be ten (10) feet. No portion of a structure including roof eaves may encroach into any utility easement.

**Building Height:** Buildings shall be a maximum of two and one-half (2 ½) stories and a maximum of thirty-five (35) feet.

**Parking:** Parking and driveways shall be permitted within all required yard areas and must be paved with concrete and provide direct access to a garage.

**Signage:** Any sign or signs for a Single Family 5 lot shall comply with the requirements of the City of Farmersville Sign Ordinances.

**Single-Family 6 (SF6):**

Single-family 6 lots are a form of single family, detached front entry garage housing. This residential type will consist of smaller lots, having access and frontage on a public or private street. Should private streets be allowed, the ownership and maintenance responsibility shall be the Homeowners Association. Building and area requirements are as follows:

**Lot Area:** The minimum area of any lot shall be seven thousand two hundred (6,000) square feet.

**Lot Coverage:** In no case shall more than sixty-five (65) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, deck, patios, driveways, walks, and other paved areas shall not be included in determining maximum lot coverage.

**Building Size:** The minimum square footage of a dwelling unit shall exceed one thousand five hundred (1,500) square feet of conditioned space.

**Lot Width:** The minimum width of any lot shall not be less than sixty (60) feet at the building line, except that lots at a terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum width of fifty-five (55) feet at the building line; provided all other requirements of this section are fulfilled.

**Lot Depth:** The minimum depth of any lot shall be one hundred (100) feet, except that lots at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum lot depth, measured at mid-point on front and rear lot lines, of ninety (90) feet; provided all other requirements of this section are fulfilled.

**Front Yard:** The minimum depth of the front yard shall be twenty (20) feet to the main building structure. Unenclosed front porches, roof eaves, chimneys and other similar architectural elements may extend a maximum of four (4) feet into the front yard except that no portion of a structure including roof eaves may encroach into any utility easement. Variable width front building lines are encouraged and shall range from twenty (20) to twenty-five (25) feet in depth.

**Side Yard:** The minimum side yard on each side of a lot shall be five (5) feet. No portion of a structure including roof eaves may encroach into any utility easement. A side yard adjacent to a side street shall not be less than ten (10) feet.

**Rear Yard:** The minimum depth of the rear yard shall be ten (10) feet. No portion of a structure including roof eaves may encroach into any utility easement.

**Building Height:** Buildings shall be a maximum of two and one-half (2 ½) stories and a maximum height of thirty-five (35) feet.

**Parking:** Parking and driveways shall be permitted within all required yard areas and must be paved with concrete and provide direct access to a garage.

**Signage:** Any sign or signs a Single Family 6 lot shall comply with the requirements of the City of Farmersville Sign Ordinances.

## **LOW DENSITY MULTI-FAMILY RESIDENTIAL REGULATIONS**

**General Description:** Multi-family units are attached units. Access shall be allowed from access drives or parking areas connecting to adjacent public or private streets. Requirements for multi-family development shall be governed by standards as described below. The provisions of this Section apply to "Low Density Multi Family" as designated on the Concept Plan in Exhibit C.

**Permitted Uses:** Permitted uses shall be as follows:

- College or university
- Community center: PUBLIC OR PRIVATE
- Convent or monastery
- Electrical substation
- Electrical transmission lines
- Fire or police station
- Home for aged, residence
- Hospital, acute care
- Local franchise utility
- Multiple – family
- Municipal building and uses
- Natural Gas regulating station
- Park or public playground
- Railroad track or right-of-way
- Religious institution
- School, primary and secondary
- Sewage pumping station
- Single Family Detached
- Telephone exchange, switching, or relay or transmission station
- Water pumping station

### **Lot Development Regulations:**

All Multi-Family uses shall require approval of a site plan prior to construction.

**Density** - Allowed densities for each of the multi-family tracts shall be twenty (20) dwelling units per net acre. The maximum number of units permitted with three or more bedrooms shall be thirty (30) percent.

**Lot Area:** The minimum area of any lot shall be ten thousand (10,000) square feet.

**Lot Coverage:** In no case shall more than sixty (60) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings.

**Minimum Dwelling Size** - Dwelling unit minimums shall be as follows:

Efficiency unit,	400 square feet
One bedroom unit,	500 square feet
Two bedroom unit,	650 square feet
Three bedroom unit,	750 square feet

**Front Yard:** The minimum depth of the front yard shall be twenty-five (20) feet.

**Side Yard:** The minimum side yard on each side of the lot shall be fifteen (15) feet. A side yard adjacent to a street shall be a minimum of twenty-five (10) feet. A building separation of fifteen (15) feet shall be provided between multi-family structures. A

minimum side yard of sixty (60) feet shall be required where units abut a tract designed for single family uses on the Concept Plan Exhibit C except for:

When the buildings housing the multi-family units are single-story structures. In this event, the minimum side yard setback shall be fifteen (15) feet; and/or

When the buildings housing the multi-family units are abutting a City Park. In this event, the minimum side yard setback shall be thirty five (35) feet.

Nothing in this Section is intended to or shall eliminate or supersede any requirements of the Farmersville building or fire codes that establish regulations dealing with building separations or fire resistive construction.

**Rear Yard:** The minimum depth of the rear yard shall be fifteen (15) feet. A minimum rear yard of sixty (60) feet shall be required where units abut a tract designated for single family uses on the Concept Plan except for:

When the buildings housing the multi-family units are single-story structures. In this event, the minimum rear yard setback shall be fifteen (15) feet; and/or

When the buildings housing the multi-family units are abutting a City Park. In this event, the minimum rear yard setback shall be thirty five (35) feet.

Nothing in this Section is intended to or shall eliminate or supersede any requirements of the Farmersville building or fire codes that establish regulations dealing with building separations or fire resistive construction.

**Lot Width:** The width of any lot shall not be less than eighty (80) feet.

**Lot Depth:** The minimum depth of any lot shall not be less than one hundred twenty (120) feet.

**Building Height:** The permitted height of all multi-family structures shall not exceed three (3) stories; provided, however, no multi-family structure shall exceed two (2) stories when located one hundred fifty (150) feet or less from an abutting property line designated for single family uses on the Concept Plan In Exhibit C, unless otherwise approved by the City Council at the time of Concept Plan update and site plan approvals.

#### **Parking Requirements – Low Density Multi-Family**

Additional parking requirements for multi-family tracts developed for multi-family use shall be as follows:

- a. Two (2) off-street parking spaces shall be provided for each one (1), or two (2) bedroom multi-family dwelling unit.
- b. Three (3) off-street parking spaces shall be provided for each multi-family unit with three (3) or more bedrooms.
- c. Parking shall be permitted within all required side and rear yard areas. No parking shall be permitted within the required front yard area.

#### **Architectural Design Standards:**

Apartment complexes shall observe all the design standards set for office, retail and commercial development and shall comply with all City of Farmersville multi-family design and development standards.

All Multi-Family, Institutional and Commercial/Retail/Office uses shall require approval of a site plan prior to development.

Landscaping: Landscaping will be provided in accordance to the City of Farmersville Landscape Ordinances.

**Land Use Summary:**

<u>Use</u>	<u># of Lots/Units</u>	<u>Acres</u>	<u>Density</u>
Total Acreage		503.42	
SF 4 Lots	575		
SF 5 Lots	1074		
SF 6 Lots	345		
Total Residential Lots	1994		
Multi-family	200	17.0	
Amenity Center	1	4.62	
Open Space		45.0	

**Development and Design Standards:**

- A) In addition to the permitted uses stated for each use, the following temporary or permanent uses are permitted within the District:
- Temporary construction yard and field office associated with the construction of the development and houses within the development.
  - Temporary concrete batch plant associated with the construction of the development.
  - Temporary sales center for sale of new on-site homes by builders.
  - Sewage pumping station or package plant.
  - Private Utility.
  - Utility distribution/transmission lines.
  - Water reservoir or water pumping station.
  - Water wells (irrigation and pond filling).
  - Existing oil and gas operations as permitted by the City of Farmersville or the TCEQ.



- B) All residential structures shall include at least four (4) of the following design features on the façade or visible from the front or side street:**
- a. Carriage style garage door with hardware
  - b. Architectural pillars or posts
  - c. Brick Chimney on exterior wall
  - d. Cast stone accents
  - e. Covered front porches (minimum 60 square feet covered by main roof or an architectural extension)
  - f. Dormers or Gables
  - g. Garage door NOT facing the street
  - h. Roof accent upgrades (i.e., metal, tile, slate)
  - i. Greater than 8:12 primary roof pitch, or variable roof pitch
  - j. Separate transom windows
  - k. Variable roof pitch
  - l. Shutters
  - m. Masonry arches
  - n. Mixed masonry material
  - o. Coach lights
  - p. Decorative attic or gable feature, minimum 2 square feet in size, i.e. vent, window, or brick detail
  - q. Decorative driveway, i.e. salt finish, exposed aggregate, or other treatments approved by the City's Building Official
- C) Design Elevations:** No elevation may be repeated for a distance of four (4) lots, either on the same side or opposite side of the street.
- D) Exterior Materials:** All residential structures shall be constructed with a minimum of two (2) exterior materials along the front façade facing the street. At a minimum, these materials must include brick, stone, cast stone or stucco and shall be provided in proportions that create a perceptible variation in materials. Soldier brick and other similar variations in material are highly encouraged. Overall 70% masonry is required, except for windows, doors, roof dormers, and walls over roofing. Other materials of equal or similar characteristics may be allowed upon the approval of the City's Building Official. Masonry as defined by the International Building Codes.
- E) All Residential Structures:** Shall have, at a minimum, two (2) different height plate limits and two (2) offsets in the front elevation.
- F) Roofs:** Residential structures shall have a minimum 7/12 roof pitch on the main body of the structure. A porch or accent roof may have a minimum 4/12 roof pitch, but this may not exceed fifteen (15) percent of the entire roof.
- G) Out-Buildings:** All Out-Buildings, i.e., buildings not attached to the main residential structure. All Out-Buildings will be approved by the H.O.A. and the

Architectural Review Committee prior to construction and permitted through the City of Farmersville.

- H) Livestock:** Livestock, other than allowed by City of Farmersville Ordinances are not allowed.
- I) Fencing:** Fencing on all residential lot types will be a stained 6' wood fence with steel posts and a wood cap, except that any lot siding or backing onto an Open Space lot or street side yard will be required to have wrought iron fencing. Pool fencing for all lot types will comply with City of Farmersville Ordinances.
- J) Garages and Driveways:** A private garage for not more than three (3) automobiles but at least two (2) full sized automobiles must be constructed and maintained as a garage for each residential housing type. Each driveway must accommodate two vehicles in front of the garage for off-street parking requirements. The garage door will face either the front of the lot, be a side or rear entry garage. Garages shall have upgraded garage doors including but not limited to decorative hinges, handles, etc.
- K) Driveways on each residential lot and all sidewalks visible from a street may be constructed of broom finish concrete, aggregate concrete, stamped concrete or brick pavers. At the time of construction of a dwelling, the home builder shall also construct a five (5) foot sidewalk which shall be placed and constructed within the street right of way in accordance with City of Farmersville specifications and ordinances, behind the curb. The driveway turnout shall be constructed in such manner as to provide an attractive transitional radius from the curb and gutter into the driveway entrance and shall prevent escape of drainage water from the street onto any lots. Asphalt and gravel driveways and sidewalks are specifically prohibited.**
- L) Every part of a required Side Yard (including Side Yards adjacent to a street) shall be open and free of structures except fences, accessory buildings not on a structural concrete foundation, landscaping and air conditioning units. Ordinary projections of window sills, belt courses, cornices and other architectural features may project not more than 12" (twelve inches) into the required Side Yard, and roof eaves may project no more than 30" (thirty inches) into the required Side Yard.**
- M) Fences and gates located in the Side Yard facing the street or any designated Open Space Lot shall be wrought iron or material of similar appearance.**
- N) HVAC units (excepting vents and stacks) shall be screened from view of a street.**
- O) Lift Stations shall be screened with a minimum 8' masonry wall to include brick, stone, rock, concrete block or precast masonry and landscaped with one (1) tree or four (4) shrubs every 25 linear feet around the perimeter wall, except at access gates. Design shall include venting for appropriate air circulation.**

- P)** All yards shall be irrigated with an automatic sprinkler system that includes a rain sensor.
- Q)** Landscape buffers adjacent to a collector or arterial public right-of-way shall contain at least one large canopy tree, minimum 3" caliper at 36" high, every 50 linear feet or fraction thereof of street frontage, inclusive of driveways. Trees may be grouped or clustered to facilitate site design but shall not exceed 250 linear feet between trees. For every five large canopy trees or fraction thereof required along the street frontage, two small ornamental trees, minimum 2" caliper at 24" high, shall also be provided. For every five large canopy trees or fraction thereof required along the street frontage, 1,200 square feet of ornamental plantings shall be planted along the sidewalk/trails. Ornamental plantings may be grouped or clustered to facilitate design but shall not exceed 2,500 linear feet between groupings and/or clusters. Sidewalks and trails shall have a meandering alignment and may encroach into the landscape buffer. Landscape planting areas shall be included intermittently along either side of the sidewalk and trail within the landscape buffer. No trees or plantings exceeding 24" tall and no landscape berms will be allowed at any street intersection within a Visibility Triangle as defined by the City of Farmersville. Landscaping, sidewalk, trail and buffer requirements are only required as each Phase of lots are platted.
- R)** The single-family uses shall generally develop in accordance to the Concept Plan, including the street layout and lots, unless superseded by a Preliminary Plat approved by the City of Farmersville.
- S)** The owner/applicant shall submit a Preliminary Plat for review and approval by the City of Farmersville prior to submitting a final plat and construction plans for Phase development.
- T)** A Homeowners Association (HOA) shall be established and will maintain all Common Area/Open Space Lots.
- U)** At least one (1) common area space shall be greater than 1.5 acres and include a swimming pool, playground, restroom facilities and a splash pad. The area shall be improved prior to the acceptance of the 350<sup>th</sup> final platted lot.
- V)** Mailboxes shall be decorative metal and clustered in areas designated by the USPS.
- W)** A Trail Use Agreement or a trail easement shall be allowed within the existing pipeline easements, subject to permission being granted, and also subject to the terms and conditions of the easement and the easement holders.
- X)** Institutional uses such as public schools or churches, located in the residential districts, shall provide a minimum side yard of 50 feet on either side of the main building.
- Y)** Accessory buildings within LAKE HAVEN shall comply with City of Farmersville Zoning Ordinance.

- Z)** Nothing in these Development Standards shall be construed as preventing any Architectural Control Committee with jurisdiction over any neighborhood from further restricting permission, location and type of accessory structure.
- A)** Interior Lots: At least two (2) canopy trees per lot shall be planted in the front yard prior to the issuance of a CO permit for the dwelling. Trees shall be a minimum of three (3) inch caliper.
- B)** Corner Lots: In addition to the front yard trees, at least one (1) canopy tree per lot shall be planted in the side yard of lots adjacent to a street prior to the issuance of a CO permit for the dwelling. Trees shall be a minimum of three (3) inch caliper.
- C)** To prevent soil erosion, control run-off and effectively manage the storm water drainage patterns in the City, developed lots with buildings requiring a Certificate of Occupancy, dedicated open spaces, easements, etc. that have areas that are not covered by impervious materials shall be covered by one or more of grasses, vegetative groundcover or non-vegetative groundcover at the time of construction completion.
- D)** All non-residential development within LAKE HAVEN shall comply with Landscaping Standards of the City of Farmersville Zoning Ordinance in effect at the time of City Council approval of this Ordinance.
- E) STREETS:** Streets will be in compliance to the City of Farmersville standards and specifications.

There will be three (3) street types within LAKE HAVEN 1) local street; 2) collector street; 3) regional 2-lane divided street

**Local Street**

Street Type: Two-Lane Undivided

Right-Of-Way Width: 50 feet

Pavement: 27 feet Back to Back

**Collector Street**

Street Type: Two-Lane Undivided

Right-Of-Way Width: 65 feet

Pavement: 37 feet Back to Back

**Major Arterial**

Street Type: 4-Lane Undivided

Right-Of-Way Width: 70 feet

Pavement: 45' feet Back to Back

**SIDEWALKS:** Sidewalks shall be installed per City of Farmersville's standard construction detail per each rights-of-way designation. The placing of sidewalks will be required on both sides of publicly maintained streets within the Property.

### **ARTICULATION OF FENCES AND SCREEN WALLS:**

- A) Applicability: This section applies to screen walls located along the perimeter of a tract or parcel subject to an application for subdivision approval and abutting a collector or arterial street.
  - B) Screen Walls will be located within a Screen Wall Maintenance Easement. Screen walls will be maintained by the HOA.
  - C) Screen walls will be required along right-of-ways in excess of ninety (90) feet in width. Masonry screen walls will be required along right-of-ways where lots abut said right-of-way. Wrought iron fencing will be allowed, with or without a combination of masonry elements, along right-of-ways that abut open spaces and along the 90 ft rights-of-way and in excess of twenty-five (25) feet in depth. Depth is measured as perpendicular to the right-of-way line.
  - D) Masonry screen walls be required to provide a separation of uses. Walls will be required between Commercial/Office/Retail to any Single-Family or Multi-Family use, where those uses abut.
  - E) Standards: Materials. A fence may be constructed of permanent material, such as stone, rock, concrete, brick, decorative wrought iron or other materials that are similar in durability.
1. The following materials shall not be used for screen walls subject to this section:
    - a. Cast-off, secondhand, or other items not originally intended to be used for constructing or maintaining a fence;
    - b. Plywood;
    - c. Barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury.

### **EASEMENT STANDARDS:**

- A) Utility easements shall be provided within the proposed subdivision as may be necessary to assure the proper design, installation and maintenance of either underground or aerial utilities. Easement widths shall be determined by the type of utility; however, an easement shall not normally be required adjacent to a dedicated right-of-way.
- B) The minimum width for easements shall be:
  1. Utility easements (along property lines, if required) shall be five feet (5') on each side of the property line.

2. Utility Easements along right-of-ways shall be 10' in width for franchise utilities and 15' exclusive easements on main side and 5' on meter side, as per city requirements.
  3. Drainage easements shall be the width of the drainage structure plus five feet on each side, rounding the total distance down to the nearest foot, or the width of the 100-year floodplain, whichever is greater.
  4. Fire lane access easement shall be 24 feet.
- C) When easements in areas adjoining proposed subdivisions are necessary to provide adequate passage of stormwater or to serve such subdivisions with utilities, the subdivider shall have the primary responsibility for obtaining such easements.
- D) When a proposed subdivision is traversed by a watercourse, drainageway, channel or stream or a proposed stormwater easement, the developer shall make the required improvements, if any, and dedicate the required right-of-way or easements.
- E) Wherever land which is covered by a floodway designation, a stormwater easement shall be placed on the plat covering the floodway area and such easement shall allow for access, maintenance or alteration of the floodway area. A statement shall be placed on the plat as follows: "Structures, including fences and fill material are prohibited in the floodway."

#### **DEVELOPMENT IN FLOODPLAIN:**

- A) A floodplain development permit will be required for any structures developed in the floodplain.
- B) All structures shall be a minimum of three (3) feet above the base flood elevation.

**ENTRY FEATURES:** Entry features will be required on all streets where they intersect with a ninety (90) foot right-of-way or larger. Detailed entry feature plans will be required with the construction plans for each phase. At a minimum each side of the entry feature will require: a) two (2) 3" caliper trees; b) thirty (30) 3-gallon, or larger shrubs and c) a minimum of 200 square feet of landscaped beds with flowers and ornamentals.

Each entry feature will be composed of material similar to and complementary to the materials used for screen walls within the subdivision. The entry walls will be a minimum of six (6) feet tall and a minimum of thirty (30) linear feet in length – excluding any screen walls and have at least one (1) angle point in the wall.

## **FIRE CODES:**

All structures within the development must meet all Fire Department development standards and the International Fire Code development standards as adopted by the City at the time of construction.

## **INGRESS/EGRESS:**

Phased development shall maintain a minimum of two (2) points of ingress.

**LIGHTING:** The standards established within this section are intended to provide requirements in addition to the lighting standards established within City of Farmersville Subdivision Regulations.

- a. The developer has the option to provide decorative exterior lighting along all sidewalks, trails and exterior pedestrian corridors. The following pictures of decorative street lights taken from Oncor Electric Delivery's *Decorative Street Lighting* Brochure are illustrative of the nature of decorative lighting sought by this provision. The phrases "decorative exterior lighting," "decorative lighting," and "decorative street lights" refer to the shape and design of the light fixture, light pole and/or mounting bracket rather than the illumination cast by the fixture. The developer also has the option to provide more modern styles of interior lighting, including LED lighting. Examples of this option are provided below.





- b.** All parking for the amenity center shall be illuminated.
- c.** All lighting on parcels or tracts within the Property shall be shielded or directed to avoid light pollution on adjacent properties and parcels outside the Property. Lighting levels at the property line of any tract or parcel within the Property that is adjacent to property contiguous to the Property shall not exceed 0.1 foot candles measured at the property line.



## **Exhibit A**

### **PROPERTY DESCRIPTION 503.418 Acres**

#### **PROPERTY DESCRIPTION**

BEING ALL THAT CERTAIN TRACT OF LAND SITUATED IN THE ELIJAH B. REED SURVEY, ABSTRACT NO. 739, COLLIN COUNTY, TEXAS AND BEING THAT CERTAIN TRACT OF LAND CONVEYED TO SARAH WELLS MACIAS, NANCY WELLS WARDER, KATHERINE WELLS POWER, AND MARIANNE WELLS SAMS, ACCORDING TO THE DEED FILED OF RECORD IN THE COLLIN COUNTY CLERK'S FILE NUMBERS 97-0008089, 97-0008088, 97-0008087, AND 97-0008086, OF THE DEED RECORDS, COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS :

BEGINNING AT A 3/8" IRON ROD FOUND FOR THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO SARAH WELLS MACIAS, NANCY WELLS WARDER, KATHERINE WELLS POWER, AND MARIANNE WELLS SAMS, ACCORDING TO THE DEED FILED OF RECORD IN COLLIN COUNTY CLERK FILE NUMBERS 97-0008089, 97-0008088, 97-0008087, AND 97-0008086 OF THE DEED RECORDS OF COLLIN COUNTY TEXAS (D.R.C.C.T.), ALSO BEING THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO THE PAOLO AND FRANCES A. SICILIANO REVOCABLE LIVING TRUST, VOLUME 4581, PAGE 1741 D.R.C.C.T. ALSO BEING THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO JAMES F. HOLLIMAN AND LELLANI HOLLIMAN VOLUME 4623, PAGE 0694 D.R.C.C.T. AND ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO TERRY BRURING VOLUME 4406, PAGE 0459 D.R.C.C.T.;

THENCE ALONG THE SOUTH LINE OF SAID BRURING TRACT AND THE SOUTH LINE OF A TRACT OF LAND CONVEYED TO DENNIS P. SCHWARTZ ACCORDING TO THE DEED FILED OF RECORD IN COLLIN COUNTY CLERK FILE NUMBER 95-0044460 D.R.C.C.T., N 89°48'12" E, A DISTANCE OF 3436.86 FEET TO A 5/8" IRON ROD SET WITH A YELLOW PLASTIC CAP STAMPED "COTTON SURVEYING" (HEREINAFTER REFERRED TO AS CAPPED IRON ROD SET) FOR THE NORTHEAST CORNER OF SAID WELLS TRACT ALSO BEING IN THE APPROXIMATE CENTERLINE OF COUNTY ROAD 551;

THENCE WITH SAID APPROXIMATE CENTERLINE S 00°09'36" W, A DISTANCE OF 1937.82 FEET TO A CAPPED IRON ROD SET SAID POINT BEING THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO JACK HENDRICKS AND RECORDED IN VOL. 2832, PG. 917, D.R.C.C.T. ;

THENCE ALONG SOUTH PROPERTY LINE OF SAID JACK HENDRICKS TRACT S 89°59'50", E A DISTANCE OF 2677.07 FEET TO A CAPPED IRON ROD SET SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF STATE HWY. 78;

THENCE ALONG WESTERLY RIGHT-OF-LINE OF SAID STATE HWY. 78, S 00°01'01" E, A DISTANCE OF 527.18 FEET TO A CAPPED IRON ROD SET, SAID POINT ALSO BEING, THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO BRAHM OMAR ALKAM AND RECORDED IN CCCF #92-0046471, D.R.C.C.T.;

THENCE DEPARTING THE WESTERLY RIGHT-OF-WAY LINE OF SAID STATE HWY. 78 AND ALSO CONTINUING ALONG THE NORTH LINE OF SAID BRAHM OMAR ALKAM TRACT, S 89°59'50" W, A DISTANCE OF 2677.64 FEET TO A CAPPED IRON SET;

THENCE CONTINUING ALONG SAID NORTH PROPERTY LINE AND SAID BRAHM OMAR KALAM APPROXIMATE CENTERLINE S 89°48'46" W, A DISTANCE OF 222.48 FEET TO A CAPPED IRON ROD SET FOR THE NORTHWEST CORNER OF SAID ALKAM TRACT:

THENCE ALONG THE WEST LINE OF SAID ALKAM TRACT AND THE WEST LINE OF A TRACT OF LAND CONVEYED TO FRANK H. MOORE, JR. ACCORDING TO THE DEED FILED OF RECORD IN VOLUME 05518, PAGE 03839, D.R.C.C.T., S 00°04'27" W, A DISTANCE OF 2193.22 FEET TO A 3/8" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID MOORE TRACT;

THENCE ALONG THE SOUTH LINE OF SAID MOORE TRACT N 87° 59'17" W, A DISTANCE OF 1897.29 FEET TO A 10" FENCE CORNER POST FOUND FOR THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO FRANK H. MOORE, JR., DDS ACCORDING TO THE DEED FILED OF RECORD IN VOLUME 03925, PAGE 01678, D.R.C.C.T.;

THENCE ALONG THE EAST LINE OF SAID MOORE TRACT S 01°41'55" W, A DISTANCE OF 733.82 FEET TO A CAPPED IRON ROD SET FOR THE SOUTHWEST CORNER OF SAID MOORE TRACT AND THE NORTHERN MOST CORNER OF A TRACT OF LAND CONVEYED TO THE UNITED STATES OF AMERICA ACCORDING TO THE DEED FILED OF RECORD IN VOLUME 769, PG. 393 D.R.C.C.T. AND BEING IN THE NORTH LINE OF COUNTY ROAD 550;

THENCE ALONG SAID NORTH LINE S 56°44'32" W, A DISTANCE OF 469.39 FEET TO A 1/2" IRON ROD FOUND FOR THE WESTERN MOST CORNER OF SAID UNITED STATES OF AMERICA TRACT;

THENCE CONTINUING ALONG SAID NORTH LINE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 377.39 FEET, WITH A RADIUS OF 613.00 FEET, WITH A CHORD BEARING OF S 36°41'01" W, AND WITH A CHORD LENGTH OF 371.46 FEET TO A BROKEN CONCRETE MONUMENT FOUND;

THENCE CONTINUING ALONG SAID NORTH LINES 18°48'04" W, A DISTANCE OF 409.01 FEET TO A CAPPED IRON ROD SET IN THE NORTH LINE OF A TRACT OF LAND CONVEYED TO UNITED STATES OF AMERICA ACCORDING TO THE DEED FILED OF RECORD IN VOLUME 755, PAGE.382 D.R.C.C.T.;

THENCE DEPARTING THE NORTH LINE OF COUNTY ROAD 550 AND ALONG THE NORTH LINE OF SAID UNITED STATES OF AMERICA TRACT S 89°37'50" W, A DISTANCE OF 999.94 FEET TO A CAPPED IRON ROD SET;

THENCE CONTINUING ALONG SAID NORTH LINE N 21°35'06" W, A DISTANCE OF 400.00 FEET TO A CAPPED IRON ROD SET;

THENCE ALONG THE EAST LINE OF THE SAME TRACT S 01°12'29" W, A DISTANCE OF 500.15 FEET TO A CAPPED IRON ROD SET;

THENCE ALONG THE SOUTH LINE OF THE SAME TRACTS S 50°45'23" E, A DISTANCE OF 1121.34 FEET TO A CAPPED IRON ROD SET;

THENCE ALONG SAID SOUTH LINE S 70°30'06" E, A DISTANCE OF 10.00 FEET TO A CAPPED IRON ROD SET IN THE NORTH LINE OF COUNTY ROAD 550;

THENCE ALONG SAID NORTH LINE S 18°45'29" W, A DISTANCE OF 259.13 FEET TO A CAPPED IRON ROD SET;

THENCE CONTINUING ALONG SAID NORTH LINE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 248.30 FEET, WITH A RADIUS OF 199.17 FEET, WITH A CHORD BEARING OF S 54°35'12" W, WITH A CHORD LENGTH OF 232.53 FEET TO A CAPPED IRON ROD SET;

THENCE CONTINUING ALONG SAID NORTH LINE S 88°36'50" W, A DISTANCE OF 99.99 FEET TO A CAPPED IRON ROD SET;

THENCE CONTINUING ALONG SAID NORTH LINE S 84°27'49" W, A DISTANCE OF 50.24 FEET TO A CAPPED IRON ROD SET;

THENCE DEPARTING SAID NORTH LINE S 00°13'50" W, A DISTANCE OF 25.00 FEET TO A CAPPED IRON ROD SET IN THE APPROXIMATE CENTERLINE OF COUNTY ROAD 550;

THENCE ALONG SAID APPROXIMATE CENTERLINE N 89°31'10" W, A DISTANCE OF 865.15 FEET TO A CAPPED IRON ROD SET FOR THE SOUTHWEST CORNER OF THIS TRACT AND THE SOUTHEAST CORNER OF ELM CREEK ESTATES ACCORDING TO THE PLAT FILED OF RECORD IN CABINET F, PAGE 580 OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS;

THENCE ALONG THE EAST LINE OF ELM CREEK ESTATES N 01°15'09" W, A DISTANCE OF 1958.43 FEET TO A 1/2' IRON ROD FOUND;

THENCE CONTINUING ALONG SAID EAST LINE N 02°42'48" W, A DISTANCE OF 70.06 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF ELM CREEK ESTATES;

THENCE ALONG THE NORTH LINE OF ELM CREEK ESTATES N 88°49'13" W, A DISTANCE OF 1067.24 FEET TO A 1" IRON PIPE FOUND FOR THE NORTHWEST CORNER OF ELM CREEK ESTATES AND THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO THELMA MONTGOMERY ACCORDING TO THE DEED FILED OF RECORD IN VOLUME 259, PAGE 136, D.R.C.C.T.;

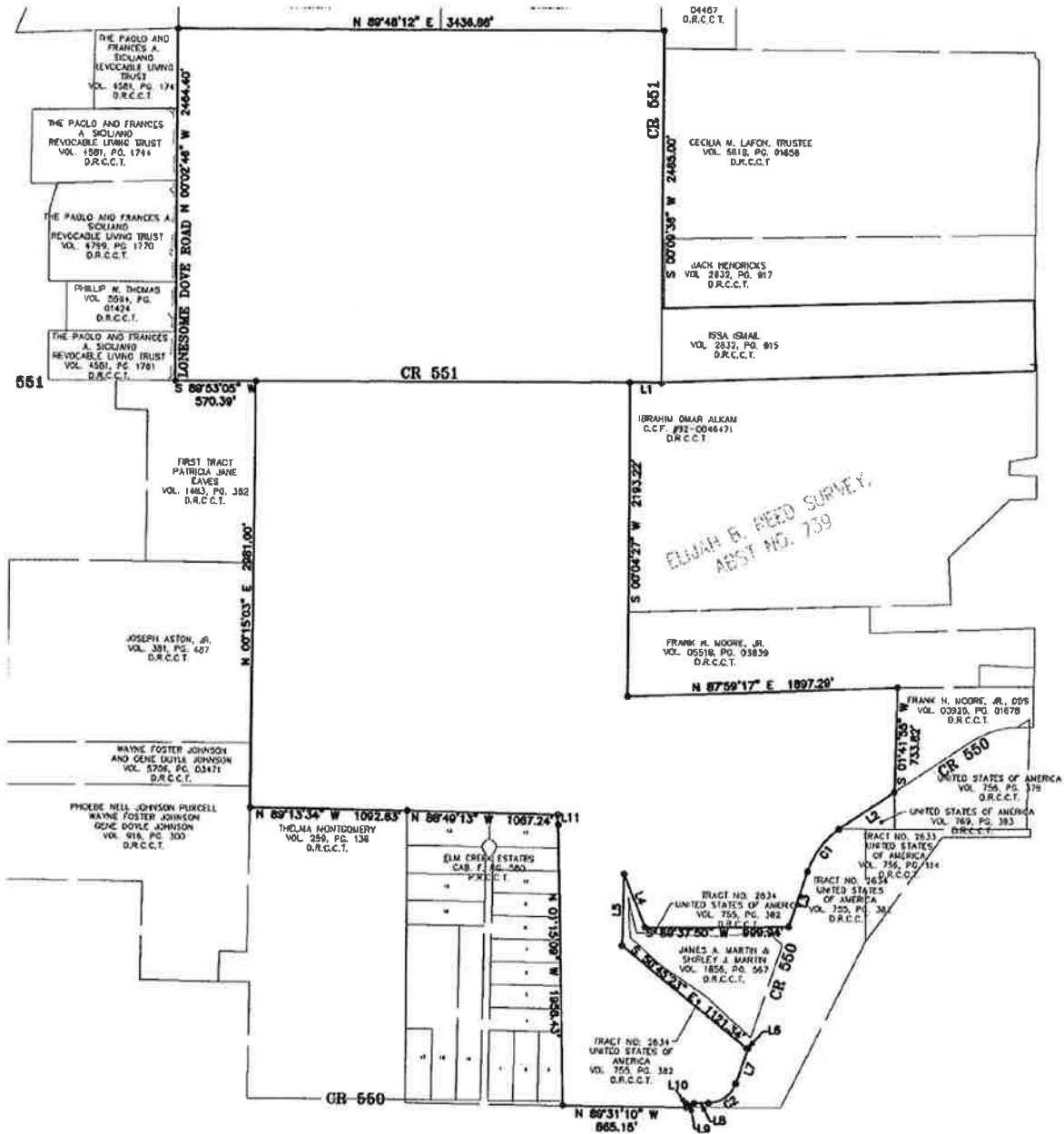
THENCE ALONG THE NORT LINE OF SAID MONTGOMERY TRACT N 89°13'34" W, A DISTANCE OF 1092.63 FEET TO A CAPPED IRON ROD SET FOR THE NORTHWEST CORNER OF SAID MONTGOMERY TRACT LYING IN THE EAST LINE OF A TRACT OF LAND CONVEYED TO PHOEBE NELL COLLIN PURCELL, WAYNE FOSTER COLLIN, AND GENE DOYLE COLLIN, ACCORDING TO THE DEED FILED OF RECORD IN VOLUME 916, PAGE 300 D.R.C.C.T. AND BEING THE WESTERN MOST SOUTHWEST CORNER OF THIS TRACT;

THENCE ALONG THE EAST LINE OF SAID COLLIN TRACT AND THE EAST LINE OF A TRACT OF LAND CONVEYED TO WAYNE FOSTER COLLIN AND GENE DOYLE COLLIN ACCORDING TO THE DEED FILED OF RECORD IN VOLUME 5706, PAGE 03471, D.R.C.C.T., AND ALONG THE EAST LINE OF A TRACT OF LAND CONVEYED TO JOSEPH ASTON, JR. ACCORDING TO THE DEED FILED OF RECORD IN VOLUME 381, PAGE 487, D.R.C.C.T., AND ALONG THE EAST LINE OF A TRACT OF LAND CONVEYED TO PATRICIA JANE EAVES ACCORDING TO THE DEED FILED OF RECORD IN VOLUME 1483, PAGE 382, D.R.C.C.T., N 00°15'03" E, PASSING AT A DISTANCE OF 150.08 A 1/2" IRON ROD FOUND WITH AN ORANGE PLASTIC CAP, IN ALL A DISTANCE OF 2981.00 FEET TO A 3/8" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID EAVES TRACT AND BEING IN THE APPROXIMATE CENTERLINE OF COUNTY ROAD 551;

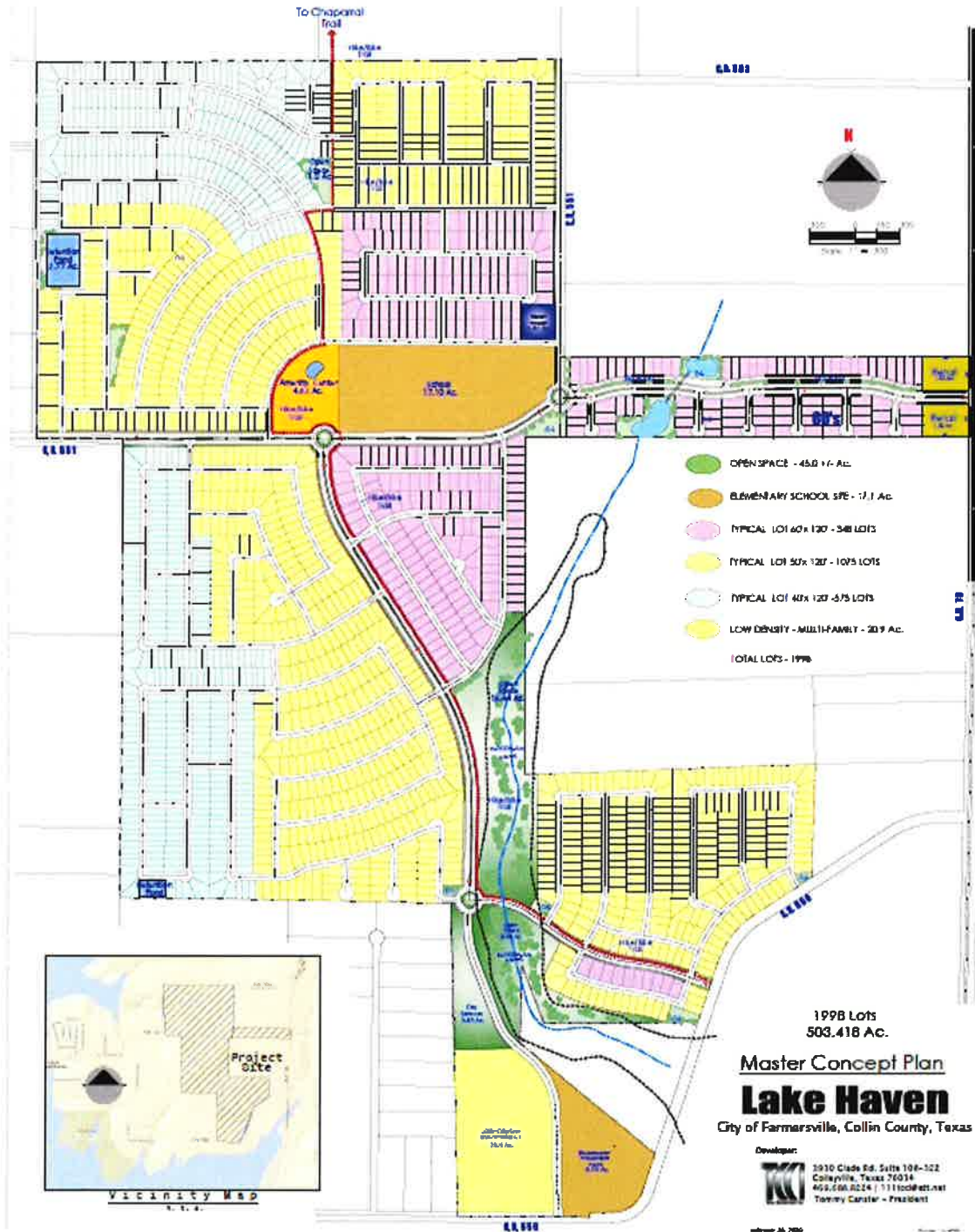
THENCE ALONG THE NORTH LINE OF SAID EAVES TRACT AND SAID APPROXIMATE CENTERLINE S 89°53'05" W, A DISTANCE OF 570.39 FEET TO A CAPPED IRON ROD SET FOR THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO THE PAOLO AND FRANCES A. SICILIANO REVOCABLE LIVING TRUST ACCORDING TO THE DEED FILED OF RECORD IN VOLUME 4581, PAGE 1761, D.R.C.C.T.;

THENCE ALONG THE WEST LINE OF A ROAD CALLED LONESOME DOVE AND ALONG THE WEST LINE OF A TRACT OF LAND CONVEYED TO THE PAOLO AND FRANCES A. SICILIANO REVOCABLE LIVING TRUST ACCORDING TO THE DEED FILED OF RECORD IN VOLUME 4581, PAGE 1741, D.R.C.C.T., N 00°02'46" W, A DISTANCE OF 2464.40 FEET TO THE POINT OF BEGINNING AND HAVING AN AREA OF 20,658,623 SQUARE FEET OR 503.418 ACRES OF LAND, MORE OR LESS.

# **Exhibit B** **Location of Property** **503.418 Acres**



## Exhibit C Concept Plan







September 17, 2020

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

RE: Lake Haven MUD  
Dated September 17, 2020

The above referenced project has been reviewed according to the ordinances of the City of Farmersville. The following comments have been provided to the developer but not resolved. The developer responses are shown below.

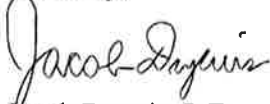
- Concept Plan
  - Traffic Impact Analysis required for development of this size.
    - We are addressing the TIA requirement via a separate formal letter pertaining to the delivery of such report within the timeframe of 60 days.
- Preliminary Engineering
  - Storm sewer and sewer force main utilities running across lots should be rerouted to streets or across frontage of lots.
    - Storm sewer will be looked at in more detail during construction document phase and possibly re-routed as well.

All other comments and issues have been fixed by the developer. The Concept Plan and Preliminary Plat for Lake Haven MUD are both recommended for approval pending:

- Obtaining the TIA and implementing any requirements necessary
- Re-routing of force main utilities out of lot backyards

I am available for any questions you may have.

Sincerely,

  
Jacob Dupuis, P.E.



## **RED** CAPROCK ENGINEERING

214.682.5206  
andrew@tcci.tx.com

3930 Glade Rd., S. 108-322  
Colleyville, Texas 76034

September 17, 2020

**DANIEL & BROWN, INC.**

Attn: Jacob Dupuis, P.E.  
118 McKinney St.  
Farmersville, Tx. 75442

Re: Lake Haven Preliminary Plat & Concept Plan Review Letter (dated Sept. 16, 2020)

Mr. Dupuis,

Below you will find our responses to your review letter for the above-mentioned project.

**Concept Plan: (DBI review comments in Blue)**

**Screening is not shown or included:**

We have added a note and a detail to both the Concept Plan and Preliminary Plat concerning screening along the major blvds (Lakehaven Blvd., Texoma Blvd and Caddo Dr.) We have also added a note and detail for the perimeter fencing along the collectors.

**Traffic Impact Analysis required:**

We are addressing the TIA requirement via a separate formal letter pertaining to the delivery of such report within the timeframe of 60 days.

**Preliminary Plat:**

**Proposed layout does not follow City thoroughfare plan:**

City thoroughfare plan states Lonesome Dove to be a Major Arterial-4 Lane (70' ROW); we now have dedicated 35' of ROW to accommodate. CR 551 and CR 553 are Collector 2-3 Lane (65' ROW). We have 32.5' of ROW dedicated for north/south CR 553 and 90' of ROW dedication for east/west CR 551. The CR 550 portion along the most southern part of project is a Principal Arterial 4-6 Lane (120' ROW). We have dedicated 60' of ROW for that portion of CR 550.

**Lake Dr. appears to be a dead-end street, not allowed:**

Lake Dr. has been removed and is now Open Space.

**Preliminary Engineering:**

**Utilities running meandering thru proposed lots should be re-routed:**

All utilities that were previously being routed between lots have now been re-routed into the ROW, except for a short length of storm sewer in the back of a few lots. This portion of storm sewer will need to be reviewed in more detail with final design of construction documents with hopes of being re-routed into street ROW.



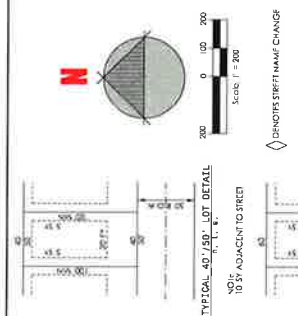
**Developers Agreement:**

Development Standards do not follow recent Thoroughfare Design Manual:

We have addressed parts of the standards that were incorrect and or omitted. We will include revised standards in our next submittal.

Respectfully,

Andrew Cansler, P.E.  
RED Caprock Engineering



## Concept Plan LAKE HAVEN

1994 Total Lots  
(40's - 57's, 50's - 1074, 60's - 345)  
2 - Comm./Retail Tracts  
1 - Multi-Family Tract (17.0 Ac.)  
    1 - School Site (14.5 Ac.)  
    1 - Amenity Area (4.62 Ac.)  
1 - Water Tower Site (1.61 Ac.)  
1 - Wastewater Treat. Plant (8.38 Ac.)  
18-X Lots, Landscape Buffer (45.0 Ac.)  
Open Space

Being a 503.42 acre tract of land situated in the Elijah B. Reed Survey, Abst. No. 739 in the ETJ of the City of Farmersville, Collin County, Texas

FOR REVIEW PURPOSES ONLY  
NOT FOR CONSTRUCTION OR  
RECORDING

**Owner:** LAKE JOHN FARMERSVILLE, LLC  
3930 Glade Rd. suite 108-322  
Colleyville, Texas 76034  
(817) 367-1200

**Engineer:** HED CARPICK ENGINEERING  
3930 Glade Rd. suite 108-322  
Colleyville, Texas 76034  
(817) 367-1200

Sept. 14, 1929.  $\text{Haber } 17^{\circ} = 250$ .  $\text{SO}_2 = 16.2$ .





1994 Total Lots  
(40's - 57's, 1074, 60's - 34's)  
2 - Comm/Retail Tracts  
1 - Multi-Family Tract (17.0 Ac.)  
    1 - School Site (14.5 Ac.)  
    1 - Amenity Area (4.62 Ac.)  
1 - Water Tower Site (1.61 Ac.)  
1 - Wastewater Treat. Plant (8.38 Ac.)  
18-X Lots, Landscape Buffer (5.0 Ac.)  
Open Space

Being a 503.42 acre tract of land situated in the Elijah B. Reed Survey, Abst. No. 739 in the ETJ of the City of Farmersville, Collin County, Texas

**Owner:**  
LAKE HAVEN FARMERSVILLE, LLC  
3930 Claude Rd suite 108-322  
Colleyville, Texas 76034  
Attn Tommy Camder

**Inspector:**  
RED CARPICK ENGINEERING  
3930 Claude Rd suite 108-322  
Colleyville, Texas 76034  
214 852 5200

Scale 1° = 200'

Sep 16 2020

45

DOI: 10.1002/for

© 2002 by The American Psychological Association  
0893-3200/02/\$12.00 DOI: 10.1037/0893-3200.16.4.432

July 14, 1965  
(Covelo, Calif.)

G. Consider, discuss and act upon a preliminary plat for Lakehaven MUD.



## DEVELOPMENT APPLICATION

- ☒ Preliminary Plat  
☐ Amended Plat  
☐ Concept Plan  
☐ Annexation

- ☐ 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 \$ 1000.00 , to be paid to the City of Farmersville, is enclosed with this application.

### A. Description of Property

1. Addition Name Lake Haven
2. Total Acreage 503.42 Acres
3. Current Zoning Classification(s) ETJ Agricultural
4. Proposed Zoning Classification(s) PD Single Family Master Plan
5. Total Number of Lots, by Type 1-40x120 - 575 lots, 2-50x120 -1075 lots, 3-60x120-348 lots,4- MF 21 Acres 360 units
6. Proposed Use of Property P.D. Single Family Master Plan
7. Location of Property West of S.H. 78, East of Lake Lavon, CR-550/551/553
8. Geographic (Tax) ID Number R- \_\_\_\_\_ R- \_\_\_\_\_

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

#### **PLEASE PRINT**

- |   |  |
|---|--|
| 1. Owner <u>TCCI Land Development</u>         | 2. Applicant/Representative <u>Same as owner</u> |
| <u>Tommy Cansler-President</u>                |  |
| Address <u>3930 Glade Rd</u>                  | Address _____                                    |
| City, State, Zip <u>Colleyville, TX 76034</u> | City, State, Zip _____                           |
| Phone <u>469-688-8224</u>                     | Phone _____                                      |
| Email <u>111tcci@att.net</u>                  | Email _____                                      |

C Variance Request: ☐ Yes ☒ No If yes, describe: NA

"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: \_\_\_\_\_

Tommy N. Cansler

Date: 06/08/2020





## **RED** CAPROCK ENGINEERING

214.682.5206  
andrew@fcci.tx.com

3930 Glade Rd., S. 108-322  
Colleyville, Texas 76034

September 15, 2020

**DANIEL & BROWN, INC.**

Attn: Jacob Dupuis, P.E.  
118 McKinney St.  
Farmersville, Tx. 75442

Re: Lake Haven Preliminary Plat & Concept Plan Review Letter (dated August 5, 2020)

Mr. Dupuis,

Below you will find our responses to your review letter for the above-mentioned project. Also, we understand that you have had further conversations with the owner, Tommy Cansler, on some of the items in your review in hopes of obtaining preliminary plat approval with conditions that will be completed prior to approval of final platting.

**Concept Plan: (DBI review comments in Blue)**

**Metes & Bounds Review comment:**

Metes and bounds have been corrected.

**Utility easements not shown:**

Utility easements are now shown on the Concept Plan/Preliminary Plat and Preliminary Utility Plans.

**Screening not shown:**

Screening has been noted and will be addressed at final platting.

**Traffic Impact Analysis required:**

We are currently trying to resolve this request with city.

**Need "Will Serve Letters":**

"Will Serve Letters" have been collected and have been sent to Sandra with the City of Farmersville.

**Need coordination letter from TXDOT:**

We have received "Conceptual Connection Approval" from TxDOT.

**Need park dedication free of flood plain:**

Park dedication will be further addressed at final platting.

**No proposed emergency services in development:**

A future Fire Station has been added to the development and located near the proposed school /amenity area.

**Preliminary Plat:**

Proposed layout does not follow City thoroughfare plan:

City thoroughfare – Lonesome Dove, CR 551 and CR 553 to have additional right-of-way dedicated working with the county and will resolve at time of final platting.

Lake Dr. appears to be a dead-end street, not allowed:

Lake Dr. is a dead-end street and is needed for the purpose of potential future extension of this development.

Block "B" lots "39-41" front onto Lakehaven Blvd:

We have removed these 3 lots and are now included as Open Space.

**Preliminary Engineering:**

Utilities running across lots should be re-routed:

We have re-routed SS alignment thru lots and the storm sewer will be looked at in more detail during construction document phase and possibly re-routed as well.

Additional manhole needed at Erie Ct. and Lakehaven Blvd:

Added additional manhole at intersection of Erie Ct. and Lakehaven Blvd.

Proposed lift stations should be relocated:

Proposed lift station(s) to be relocated outside of any detention pond areas at the time of final completion of the construction documents.

6" FM appears to run through neighboring tract:

6" force main has been re-aligned to avoid encroachment to adjacent property owner.

**Developers Agreement:**

Lakehaven Developers agreement references Copeville Special Utility District:

Copeville Special Utility District participation for wastewater servicing has been changed to the City of Farmersville.

Development Standards do not follow recent Thoroughfare Manual:

Development standards will be revised to follow the most recent Thoroughfare Design Manual at the time of final platting.

Respectfully,

Andrew Cansler, P.E.  
RED Caprock Engineering



September 17, 2020

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

RE: Lake Haven MUD  
Dated September 17, 2020

The above referenced project has been reviewed according to the ordinances of the City of Farmersville. The following comments have been provided to the developer but not resolved. The developer responses are shown below.


- Concept Plan
  - Traffic Impact Analysis required for development of this size.
    - We are addressing the TIA requirement via a separate formal letter pertaining to the delivery of such report within the timeframe of 60 days.
- Preliminary Engineering
  - Storm sewer and sewer force main utilities running across lots should be rerouted to streets or across frontage of lots.
    - Storm sewer will be looked at in more detail during construction document phase and possibly re-routed as well.

All other comments and issues have been fixed by the developer. The Concept Plan and Preliminary Plat for Lake Haven MUD are both recommended for approval pending:

- Obtaining the TIA and implementing any requirements necessary
- Re-routing of force main utilities out of lot backyards

I am available for any questions you may have.

Sincerely,

  
Jacob Dupuis, P.E.





## **RED** CAPROCK ENGINEERING

214.682.5206  
andrew@tcci.tx.com

3930 Glade Rd., S. 108-322  
Colleyville, Texas 76034

September 17, 2020

**DANIEL & BROWN, INC.**

Attn: Jacob Dupuis, P.E.  
118 McKinney St.  
Farmersville, Tx. 75442

Re: Lake Haven Preliminary Plat & Concept Plan Review Letter (dated Sept. 16, 2020)

Mr. Dupuis,

Below you will find our responses to your review letter for the above-mentioned project.

**Concept Plan: (DBI review comments in Blue)**

**Screening is not shown or included:**

We have added a note and a detail to both the Concept Plan and Preliminary Plat concerning screening along the major blvds (Lakehaven Blvd., Texoma Blvd and Caddo Dr.) We have also added a note and detail for the perimeter fencing along the collectors.

**Traffic Impact Analysis required:**

We are addressing the TIA requirement via a separate formal letter pertaining to the delivery of such report within the timeframe of 60 days.

**Preliminary Plat:**

**Proposed layout does not follow City thoroughfare plan:**

City thoroughfare plan states Lonesome Dove to be a Major Arterial-4 Lane (70' ROW); we now have dedicated 35' of ROW to accommodate. CR 551 and CR 553 are Collector 2-3 Lane (65' ROW). We have 32.5' of ROW dedicated for north/south CR 553 and 90' of ROW dedication for east/west CR 551. The CR 550 portion along the most southern part of project is a Principal Arterial 4-6 Lane (120' ROW). We have dedicated 60' of ROW for that portion of CR 550.

**Lake Dr. appears to be a dead-end street, not allowed:**

Lake Dr. has been removed and is now Open Space.

**Preliminary Engineering:**

**Utilities running meandering thru proposed lots should be re-routed:**

All utilities that were previously being routed between lots have now been re-routed into the ROW, except for a short length of storm sewer in the back of a few lots. This portion of storm sewer will need to be reviewed in more detail with final design of construction documents with hopes of being re-routed into street ROW.

**Developers Agreement:**

Development Standards do not follow recent Thoroughfare Design Manual:

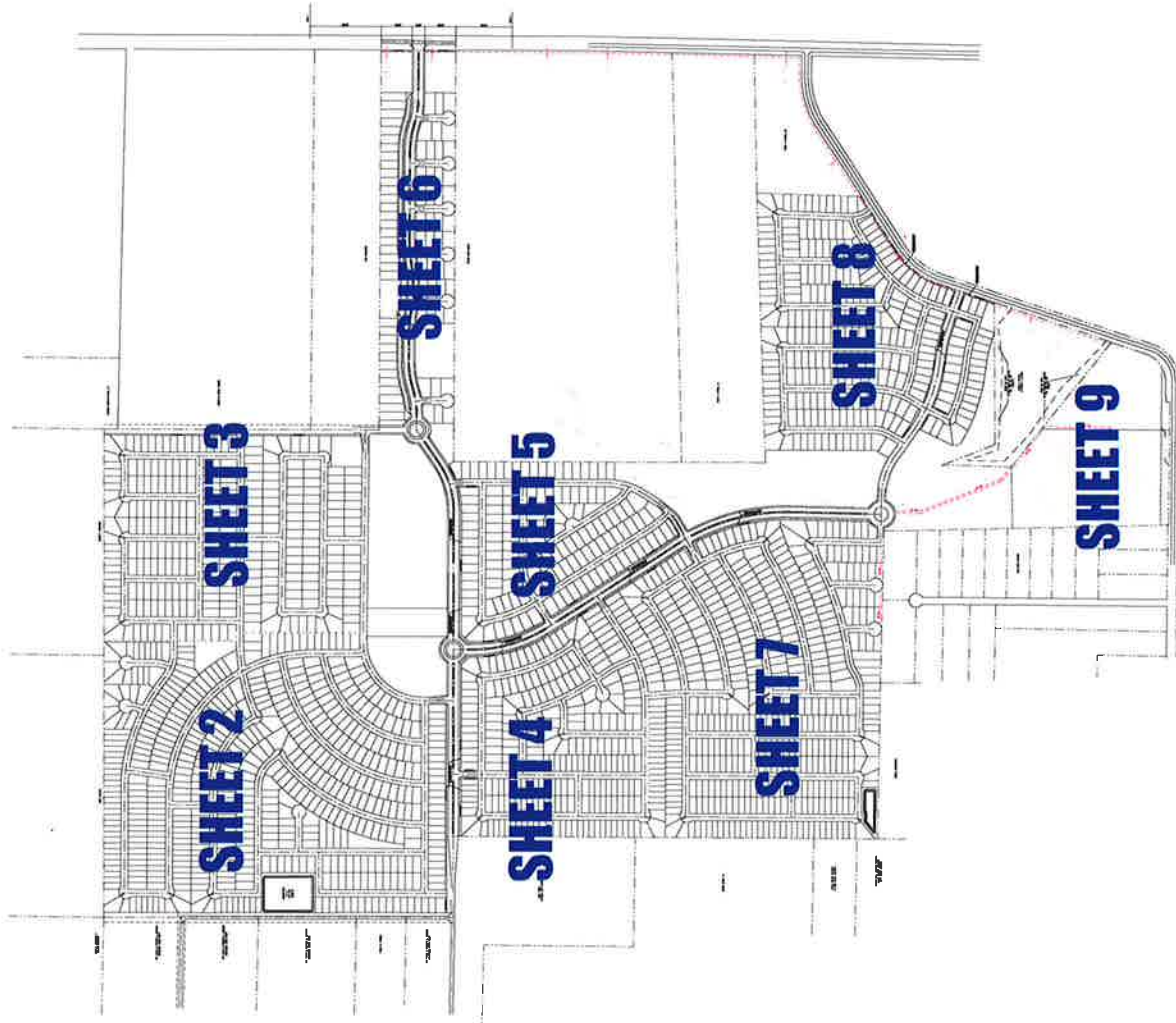
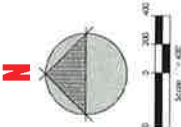
We have addressed parts of the standards that were incorrect and or omitted. We will include revised standards in our next submittal.

Respectfully,

Andrew Cansler, P.E.  
RED Caprock Engineering



Vicinity Map



SHEET MAP  
Preliminary Plat  
LAKE HAVEN

- 1994 Total Lots  
[40's - 57's, 50's - 107's, 60's - 34's]  
2 - Comm./Retail Tracts  
1 - Multi-Family Tract (17.0 Ac.)  
1 - School Site (14.5 Ac.)  
1 - Amenity Area (4.62 Ac.)  
1 - Water Tower Site (1.61 Ac.)  
1 - Wastewater Treat. Plant (8.38 Ac.)  
Open Space / 8-X Lois, Landscape Buffer (45.0 Ac.)

Being a 503.42 acre tract of land situated  
in the Elijah B. Reed Survey, Abst. No. 739  
in the ETJ of the City of Farmersville, Collin County, Texas

Drawn by:  
LAKE HAVEN FARMERSVILLE, LLC  
1800 North Loop West, Suite 100  
Collegeville, Texas 78023  
Act. 1: Torrey Carlin  
September 16, 2016  
Scale: 1" = 400'  
Sheet 1 of 10





**VEGETATION**

THE SUBJECT PROPERTY'S VEGETATION IS AS SHOWN ON THE AERIAL PHOTOGRAPH. IT IS TO BE MAINTAINED TO THE MAXIMUM EXTENT POSSIBLE. ANY REMOVAL OF VEGETATION SHALL BE REPLANTED WITH THE SAME OR BETTER SPECIES AT THE SAME DENSITY AND SPACING. A VEGETATION MANAGEMENT PLAN SHALL BE SUBMITTED WITH THE FINAL DEVELOPMENT PLAN.

**UTILITIES**

ALL UTILITIES SHOWN ON THIS PLAN ARE BASED ON THE CITY OF FARMERSVILLE UTILITY MAP. ANY CHANGES TO THE UTILITIES SHALL BE THE RESPONSIBILITY OF THE DEVELOPER. A UTILITY LOCATIONS MAP SHALL BE SUBMITTED WITH THE FINAL DEVELOPMENT PLAN.

**SOILS**

THE SOILS SHOWN ON THIS PLAN ARE BASED ON THE CITY OF FARMERSVILLE SOILS MAP. ANY CHANGES TO THE SOILS SHALL BE THE RESPONSIBILITY OF THE DEVELOPER. A SOILS REPORT SHALL BE SUBMITTED WITH THE FINAL DEVELOPMENT PLAN.

**WATER REQUIREMENTS**

Water: 1.0 MGPD  
 Sewer: 1.0 MGPD  
 Sanitary Sewer: 1.0 MGPD  
 Stormwater: 1.0 MGPD

**NOTES**

1. Right of Way to be dedicated at time of platting.
2. All lots to be dedicated to the City of Farmersville.
3. All lots to be dedicated to the City of Farmersville.
4. Subject property is located within the City of Farmersville.
5. Subject property is located within the City of Farmersville.
6. Subject property is located within the City of Farmersville.
7. Developer will comply with the City's best source protection.
8. Two dedicated ponds are located on the property to be used to store and treat stormwater runoff.

**APPROVALS**

CHAIRMAN OF THE PLANNING & ZONING COMMITTEE \_\_\_\_\_ DATE \_\_\_\_\_

CITY MANAGER \_\_\_\_\_ DATE \_\_\_\_\_

CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

SAVOR \_\_\_\_\_ DATE \_\_\_\_\_

CITY SECRETARY \_\_\_\_\_ DATE \_\_\_\_\_

**PRELIMINARY PLAT**

**LAKE HAVEN**

1994 total lots  
 (40's - 57's, 50's - 107's, 60's - 34's)  
 2 - Comm/Retail Tracts  
 1 - Multi-Family Tract (17.0 Ac.)  
 1 - School Site (14.5 Ac.)  
 1 - Amenity Area (4.62 Ac.)  
 1 - Water Tower Site (1.61 Ac.)  
 1 - Wastewater Treat. Plant (8.38 Ac.)  
 Open Space 18-x-Lots, Landscape Buffer (45.0 Ac.)

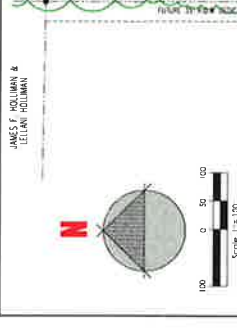
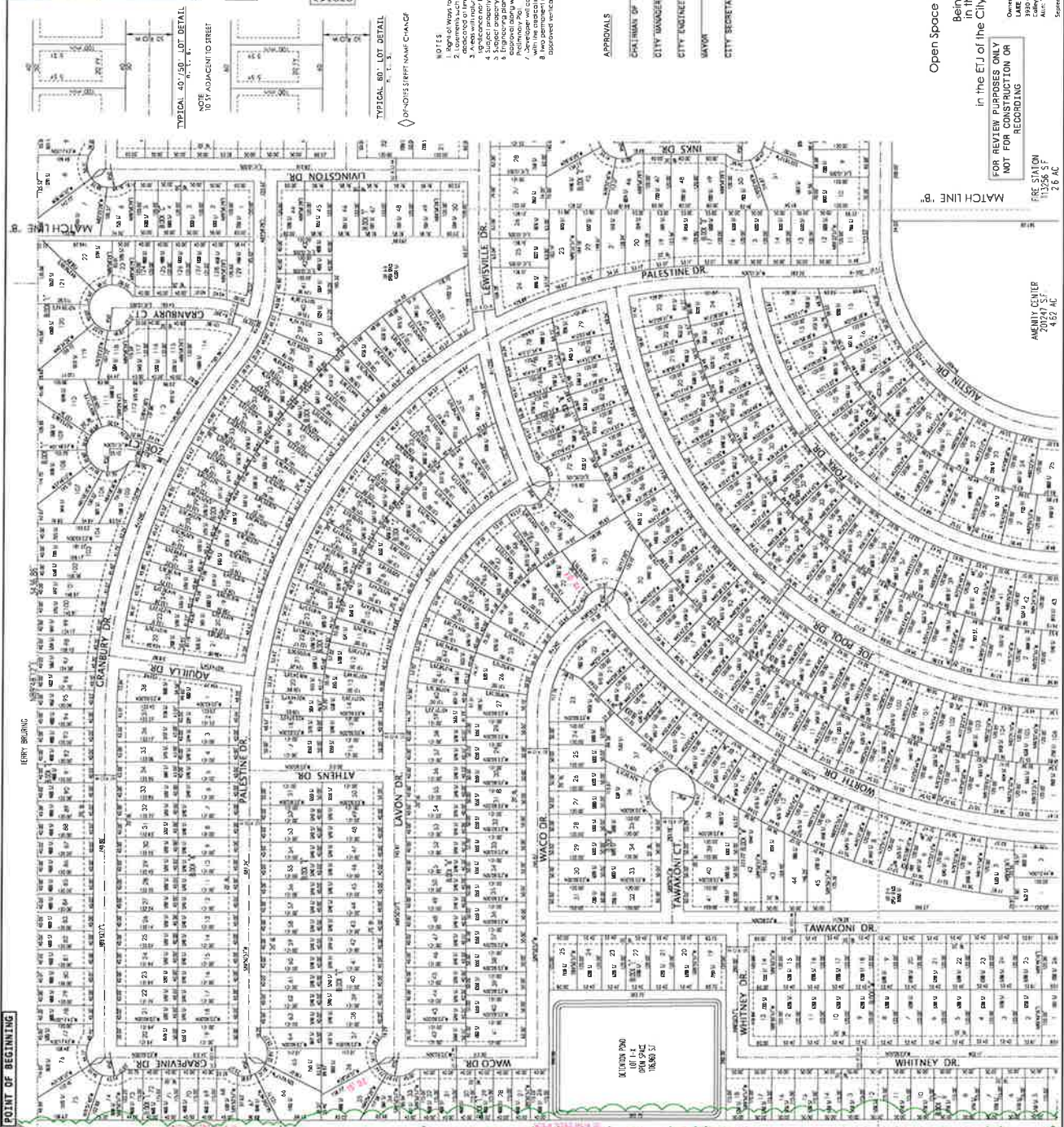
Being a 503.42 acre tract of land situated in the Eliah B. Reed Survey, Abst. No. 739 in the ETJ of the City of Farmersville, Collin County, Texas

FOR REVIEW PURPOSES ONLY  
 NOT FOR CONSTRUCTION OR RECORDING

OWNER:  
 LAKE HAVEN FARMERSVILLE, LLC  
 2000 W. 10th Street  
 Farmersville, Texas 75745  
 Attn: Tommy Carter

ENGINEER:  
 RED GAPRICE ENGINEERING  
 2000 W. 10th Street  
 Farmersville, Texas 75745  
 Attn: Tommy Carter

DATE: September 16, 2009  
 SCALE: 1" = 100'  
 SHEET 1 OF 10



THE PAOLO & FRANCES A. SCIANO  
 RECORDABLE LIVING TRUST

THE PAOLO & FRANCES A. SCIANO  
 RECORDABLE LIVING TRUST

THE PAOLO & FRANCES A. SCIANO  
 RECORDABLE LIVING TRUST

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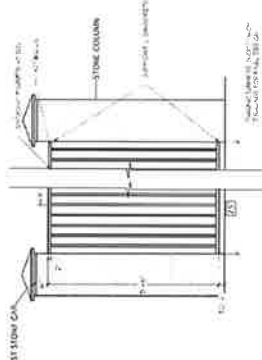
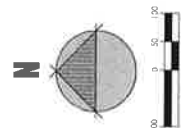
THE PAOLO & FRANCES A. SCIANO  
 RECORDABLE LIVING TRUST

THE PAOLO & FRANCES A. SCIANO  
 RECORDABLE LIVING TRUST

THE PAOLO & FRANCES A. SCIANO  
 RECORDABLE LIVING TRUST







6 WROUGHT IRON FENCING WITH MASONRY COLUMNS

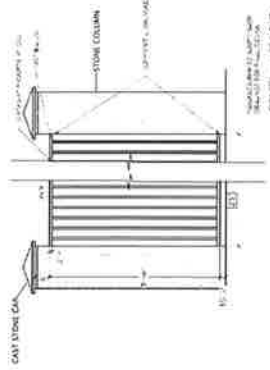
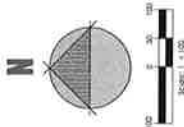
# Preliminary Plat LAKE HAVEN

Being a 503.42 acre tract of land situated in the Elish B. Reed Survey, Abst. No. 739 in the ETU of the City of Farmersville, Collin County, Texas

Owner: LAKE HAVEN FARMERSVILLE, LLC  
 3900 Dallas Rd. Suite 100-222  
 Farmersville, Texas 75424  
 Agent: Torrey Carls  
 Survey No. 18, 2008  
 Scale: 1" = 100'

FOR REVIEW PURPOSES ONLY  
 NOT FOR CONSTRUCTION OR  
 RECORDING

Engineer: RED CARPARK ENGINEERING  
 1940 Dallas Rd. Suite 100-222  
 Farmersville, Texas 75424  
 Survey No. 18, 2008  
 Scale: 1" = 100'



5. WROUGHT IRON FENCING WITH MASONRY COLUMNS

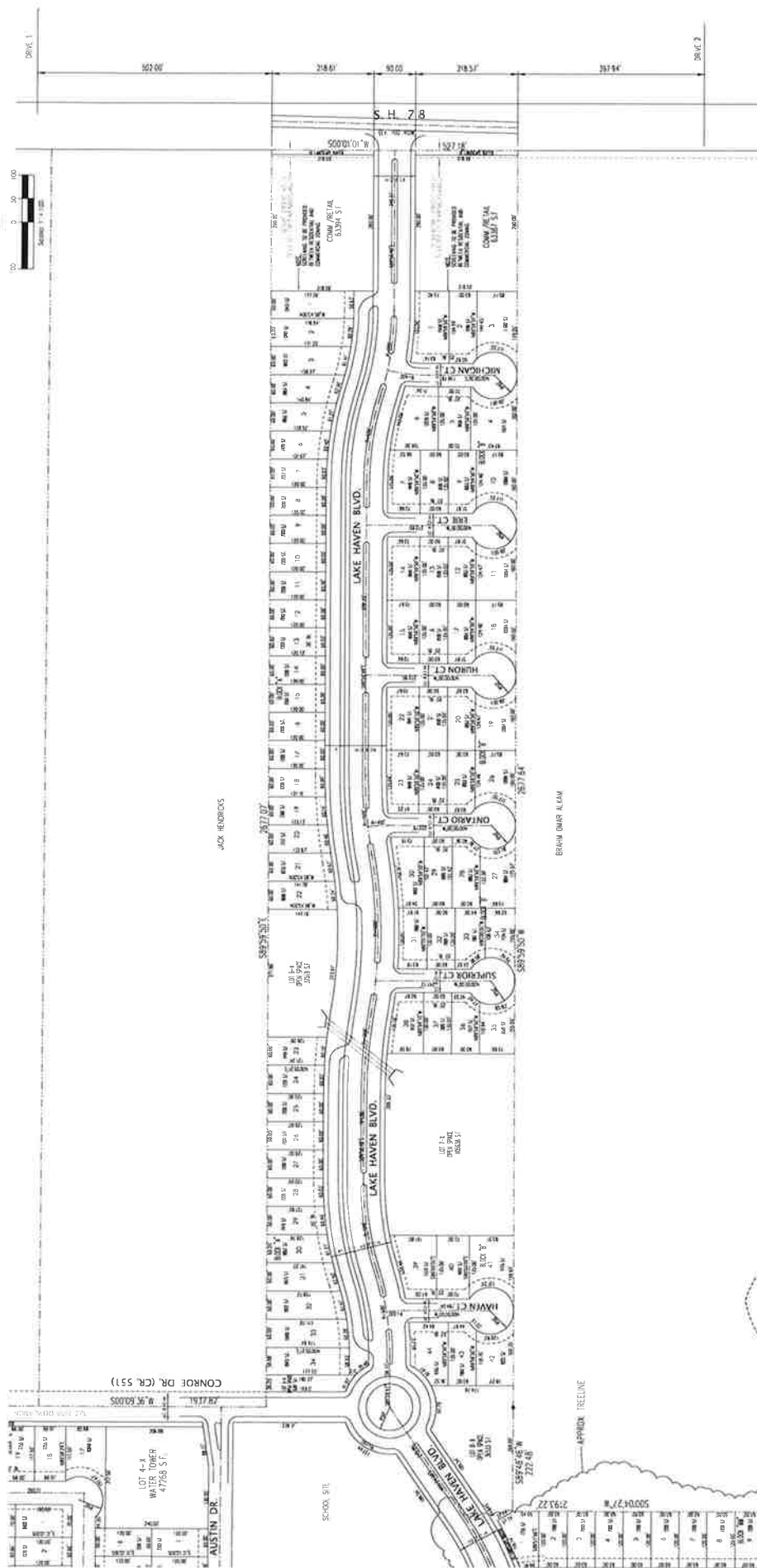
# Preliminary Plat LAKE HAVEN

Being a 503.42 acre tract of land situated in the County of Red, State of Texas, in the E1/4 of the City of Formersville, Collin County, Texas

Prepared by:  
LAKE HAVEN FARMERSVILLE, LLC  
RED CANYON ENGINEERING  
930 Cedar Rd, Suite 100-222  
Cedar Rapids, Iowa 52405  
City of Formersville, Texas  
September 16, 2016

FOR REVIEW PURPOSES ONLY  
NOT FOR CONSTRUCTION OR  
RECORDING

Scale: 1" = 100'



Being a 503.42 acre tract of land situated in the Elijah B. Reed Survey, Abst. No. 739 in the ETJ of the City of Farmersville, Collin County, Texas

**Owner:** LAKE HAVEN FARMERSVILLE, LLC  
3910 Glade Rd. suite 108-322  
Colleyville, Texas 76034  
Attn: Tommy Camler

**Engineer:** RED CARPICK ENGINEERING  
3910 Glade Rd. suite 108-322  
Colleyville, Texas 76034  
214 892 3206

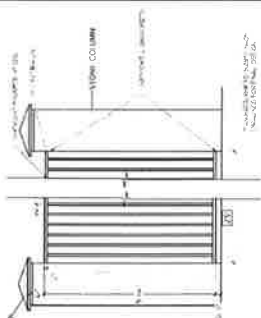
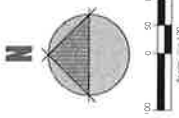
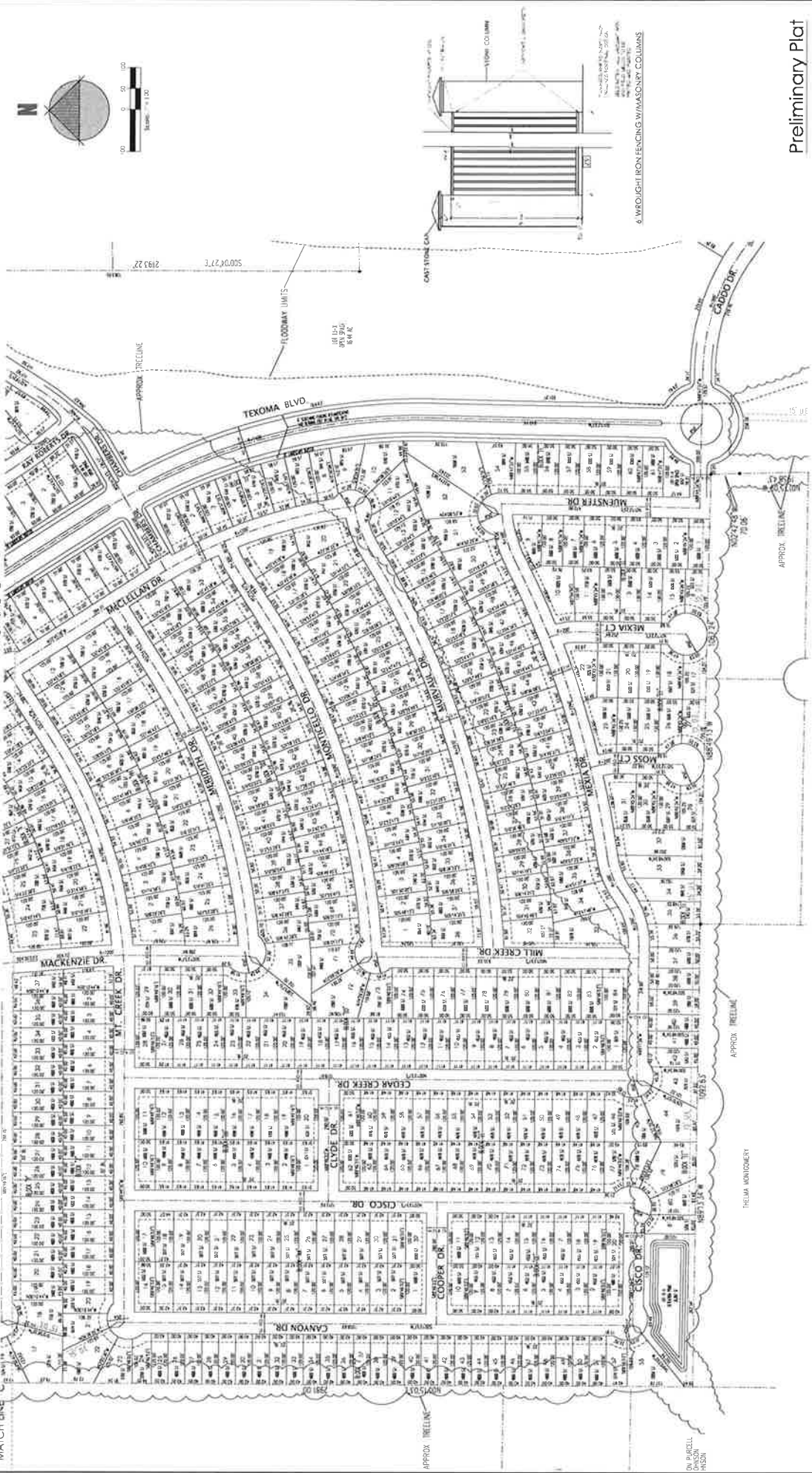
September 16, 2020      Scale: 1" = 100'      5th of 10

FOR REVIEW PURPOSES ONLY  
NOT FOR CONSTRUCTION OR  
RECORDING



MATCH LINE "C"

MATCH LINE "C"



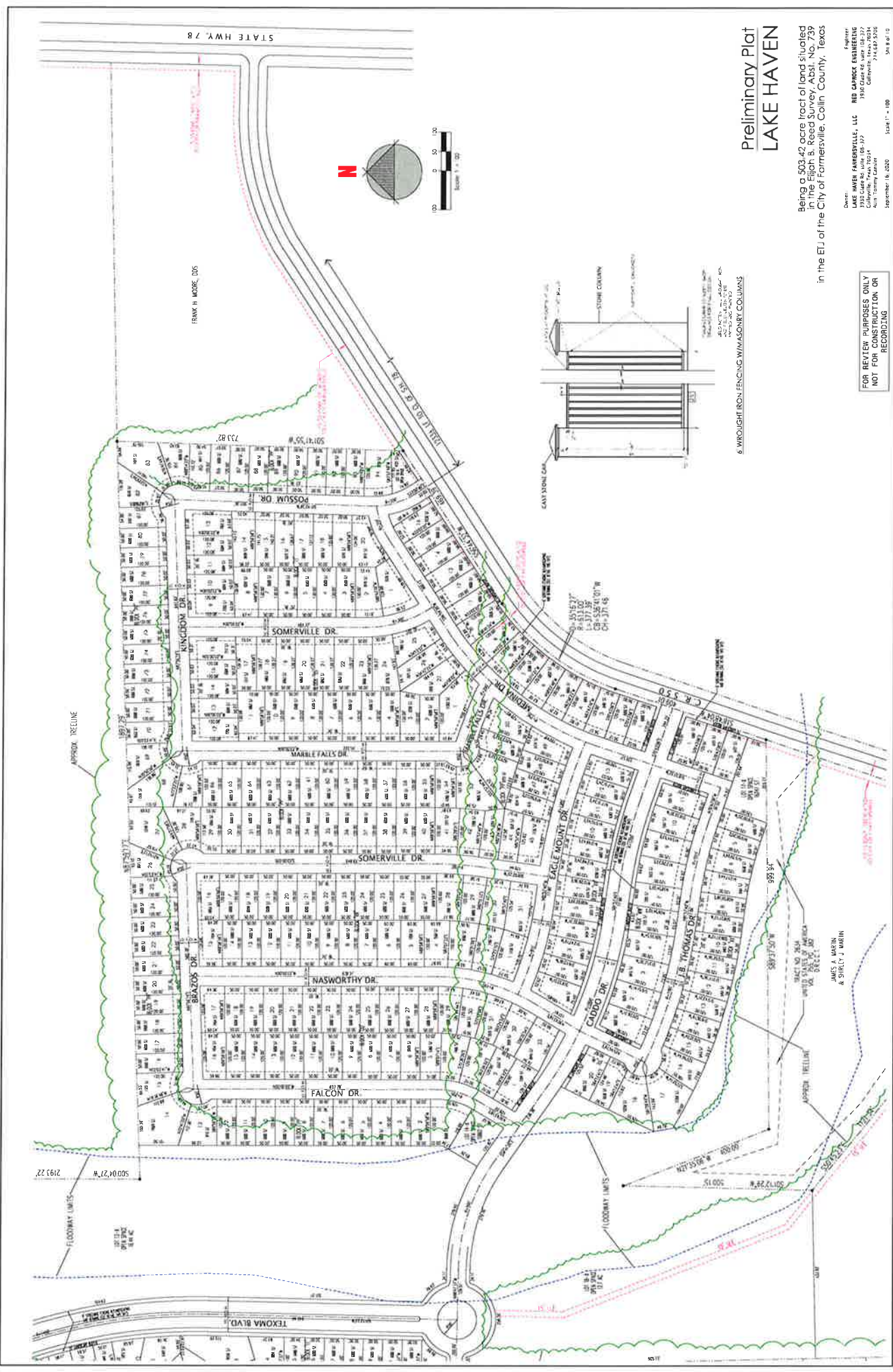
6' WIDE IRON FENCING WITH MASONRY COLUMNS

# Preliminary Plat LAKE HAVEN

Being a 503.42 acre tract of land situated  
in the E1/4 Sec. 8, T24N, R10E, S12E  
in the ETJ of the City of Farmersville, Collin County, Texas

Survey:  
LAKE HAVEN FARMERSVILLE, LLC  
1930 Cedar Rd. Suite 100-100  
Farmersville, Texas 75448  
Atty: Tommy Cramer  
Engineer:  
RED GAPCOCK ENGINEERING  
1930 Cedar Rd. Suite 100-100  
Farmersville, Texas 75448  
Atty: Tommy Cramer  
Surveyor: L. J. JENSEN  
Scale: 1" = 100'

FOR REVIEW PURPOSES ONLY  
NOT FOR CONSTRUCTION OR  
RECORDING

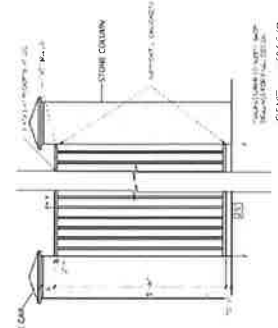


# Preliminary Plat LAKE HAVEN

Being a 503.42 acre tract of land situated  
in the Elijah B. Reed Survey, Abst. No. 739  
in the ETJ of the City of Farmersville, Collin County, Texas

Dwnt:  
LAKE HAVEN FARMERSVILLE, LLC  
3550 S. DALLAS ST.  
COLLEENVILLE, TEXAS 75234  
ALIN TONY GALT  
September 16, 2020 Scale 1" = 100' SHEET 1 OF 10

FOR REVIEW PURPOSES ONLY  
NOT FOR CONSTRUCTION OR  
RECORDING



6 WROUGHT IRON FENCING W/MASONRY COLUMNS



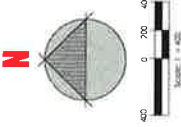
Being a 503.42 acre tract of land situated in the Elijah B. Reed Survey, Abst. No. 739 in the E.T. of the City of Farmersville, Callin County, Texas.

FOR REVIEW PURPOSES ONLY  
NOT FOR CONSTRUCTION OR  
RECORDING





Vicinity Map  
N, S, E, W



PHASING PLAN IS PRELIMINARY  
AND ORDER OF PHASING MAY  
CHANGE AT FINAL PLATING

# PHASING PLAN Preliminary Plat LAKE HAVEN

Being a 503.42 acre tract of land situated  
in the Elijah B. Reed Survey, Abst. No. 739  
in the E1J of the City of Farmersville, Collin County, Texas

Owner: LAKE HAVEN FARMERSVILLE, LLC  
Engineer: RED CAPRICE ENGINEERING  
1911 South Main Street, Suite 100  
Farmersville, Texas 75645  
Phone: 281.468.1234  
Fax: 281.468.1235  
Map 17 - 4/20/18  
Date: 12/18/18



## **RED** CAPROCK ENGINEERING

214.682.5206  
andrew@tcci.tx.com

3930 Glade Rd., S. 108-322  
Colleyville, Texas 76034

September 17, 2020

**DANIEL & BROWN, INC.**

Attn: Jacob Dupuis, P.E.  
118 McKinney St.  
Farmersville, Tx. 75442

Re: Lakehaven Preliminary Plat - TIA Report Requirement

Mr. Dupuis,

The City of Farmersville requires a Traffic Impact Analysis (TIA) at the time of preliminary plat submission. The intent of this study is to forecast the future traffic impacts to adjoining and neighboring roadways to the development. We have corresponded with Clarence Daugherty, P.E. at the Collin County Engineering department and Mohammad Khoshkar with TXDOT regarding traffic requirements and conceptual approval. A Lakehaven traffic impact study is underway for this development and will be completed within approximately 60 days. At this time, the proposed development will introduce 1994 homes over approximately 8-10 years of development. An order of magnitude can be anticipated at this time based upon peak and average daily trip generation for this type of development.

Ultimately, our team understands proposed roadway improvements may be required based upon the results of the traffic impact analysis. If necessary, roadway improvement design will be reflected in the final engineering design as well as the final plat. We request the conditional approval of the Concept Plan and Preliminary Plat without a TIA with an understanding that anticipated impacts and improvements of this development will comply with the future TIA as well as local and state codes and regulations.

Respectfully,

Andrew Cansler, P.E.  
RED Caprock Engineering

#### **IV. PUBLIC HEARING**

- A. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a requested change in zoning on approximately 5.050 acres of land, more or less, from A – Agricultural District Uses to HII – High Impact Industrial District Uses. The property is generally situated at 91 County Road 699, and located in the W.B. Williams Survey, Abstract A-954, of Farmersville, Collin County, Texas.

20201541



**Farmersville**  
DISCOVER A TEXAN TREASURE.

### DEVELOPMENT APPLICATION



- ☐ Preliminary Plat  
☐ Amended Plat  
☐ Concept Plan  
☐ Annexation

- ☐ 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 Patriot Concrete Addition
2. Total Acreage 5.050
3. Current Zoning Classification(s) Agriculture
4. Proposed Zoning Classification(s) High Impact (Industrial)
5. Total Number of Lots, by Type 1
6. Proposed Use of Property Concrete Plant
7. Location of Property 91 CR 699 Farmersville, TX
8. Geographic (Tax) ID Number R- 84-498-4189 R- \_\_\_\_\_

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

- |   |  |
|---|--|
| 1. Owner <u>Walter Huersta</u>                  | 2. Applicant/Representative <u>Travis Barrington</u> |
| Address <u>3327 Topeka Ave.</u>                 | Address <u>5931 Ivy Glen Dr</u>                      |
| City, State, Zip <u>Dallas, TX 75212</u>        | City, State, Zip <u>Grand Prairie, TX 75052</u>      |
| Phone <u>214-869-0504</u>                       | Phone <u>972-655-8789</u>                            |
| Email <u>reliable.concrete.dallas@gmail.com</u> | Email <u>travis@concretepatriot.com</u>              |

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: [Signature]

Date: 8/19/2020





0120-7120 / April 1998

[illegible][illegible]

493544, 1 p. Microfilm. French. 24 cm. 1974. 1000 copies.

- B. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a requested change in zoning on approximately 26.60 acres of land, more or less, from A – Agricultural District Uses to HII – High Impact Industrial District Uses. The property is generally situated at 123 County Road 699, and located in the W.B. Williams Survey, Abstract A-954, of Farmersville, Collin County, Texas.

20201544



**Farmersville**  
DISCOVER A TEXAS TREASURE

### DEVELOPMENT APPLICATION



- ☐ Preliminary Plat  
☐ Amended Plat  
☐ Concept Plan  
☐ Annexation

- ☐ 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 \$ 1000.00, to be paid to the City of Farmersville, is enclosed with this application.

#### A. Description of Property

1. Addition Name FARMERSVILLE PLANT LLC
2. Total Acreage 26.60
3. Current Zoning Classification(s) AGRICULTURE
4. Proposed Zoning Classification(s) High Impact
5. Total Number of Lots, by Type ONE
6. Proposed Use of Property INDUSTRIAL
7. Location of Property  Hwy 380 @ Collin County Road 699
8. Geographic (Tax) ID Number R-6954-000-0090-1 R-

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

- |  |  |
|--|--|
| 1. Owner <u>FARMERSVILLE PLANT LLC</u>       | 2. Applicant/Representative <u>Tony Strickland</u> |
| Address <u>PO BOX 338</u>                    | Address <u>PO BOX 338</u>                          |
| City, State, Zip <u>LEWISVILLE, TX 75067</u> | City, State, Zip <u>LEWISVILLE, TX 75067</u>       |
| Phone <u>972-971-4341</u>                    | Phone <u>972-971-4341</u>                          |
| Email <u>tstrickland@nbreadymix.com</u>      | Email <u>tstrickland@nbreadymix.com</u>            |

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: Tony Strickland

Date: 8-14-2020



- C. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a proposed textual amendment to the Code of Ordinances, City of Farmersville, Texas, as heretofore amended, through the amendment of Chapter 77, "Zoning," by adopting a new article that will create a Historic Preservation Overlay Zoning District to provide 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 by and through the adoption of ordinances containing 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.

**CITY OF FARMERSVILLE**  
**ORDINANCE # O-2020-\_\_\_\_\_ - \_\_\_\_\_**

**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 ADOPTING A NEW CHAPTER TO BE PLACED IN ARTICLE VII OF CHAPTER 77, "ZONING," THAT WILL CREATE A HISTORIC PRESERVATION OVERLAY ZONING DISTRICT WITHIN THE CITY'S ZONING ORDINANCE 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 BY AND THROUGH THE ADOPTION OF ORDINANCES CONTAINING 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; AND BY DESIGNATING AND REZONING THE PROPERTIES AND STRUCTURES SITUATED WITHIN THE CENTRAL AREA (CA) DISTRICT WITH THE NEW HISTORIC PRESERVATION OVERLAY ZONING DISTRICT DESIGNATION OF HISTORIC DISTRICT ("HD"); 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 Type A General – Law Municipality located in Collin County having a population of less than 5,000 persons as determined by the most recent federal census, created in accordance with the provisions of Chapter 6 of the Local Government Code, and operating pursuant to the enabling legislation of the State of Texas; 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 as well as a change in zoning classification of the property described herein and has recommended amending the official zoning map of the City of Farmersville, Texas, regarding the rezoning of the property hereinafter described with the Historic Preservation Overlay Zoning District designation; 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 that the zoning of the property described herein shall be changed and that the official zoning map of the City of Farmersville, Texas, should be amended to reflect the rezoning of the property herein described as being identified with the Historic Preservation Overlay Zoning District designation; 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. ADOPTING A NEW CHAPTER TO BE PLACED IN ARTICLE VII OF CHAPTER 77, "ZONING," THAT WILL CREATE A "HISTORIC PRESERVATION OVERLAY ZONING DISTRICT" WITHIN THE CITY'S ZONING ORDINANCE 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 BY AND THROUGH THE ADOPTION OF ORDINANCES CONTAINING 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 NEGLIGENCE 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 VI entitled "Historic Preservation Overlay Zoning District" to read as follows:

**"ARTICLE VII. - HISTORIC PRESERVATION OVERLAY ZONING DISTRICT**

**Sec. 77.501. – Purpose.**

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. This act 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 and the support and stimulus to the economy thereby provided;
- (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;
- (f) encourage stabilization, restoration, and improvements of such properties and their values by offering incentives for rehabilitation.

**Sec. 77.502. – 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 Commission.

*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 an order issued by the Historic Preservation Commission indicating approval of plans for alteration, construction, or removal affecting a designated landmark or property within a designated district.

*Contributing building* shall mean a historic building that is at least 50 years old or older that retains a significant amount of its physical integrity and character defining features including 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 the 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 appointed historic preservation officer that is guided by weighing design guidelines against building owners 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.

*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 the entire building front including the parapet.

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

*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

**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 City Council as a historic 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 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.

*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. Restrictions on these properties exist only when there is an undertaking that uses federal funds or that requires a federal permit or license.

*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 Heritage Preservation Board 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 district 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.)

*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.

*Site* is 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.

*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. 77.503. – Historic Preservation Commission.**

There is hereby created a commission to be known as the Historic Preservation Commission, hereafter referred to as the "HPC."

- 1) The HPC shall consist of five (5) members to be appointed, upon application and demonstration of their qualifications to the extent available among the residents of the community, by the City Council with primary consideration given to professional members from the disciplines of architecture, history, urban planning, real estate, legal, archeology, or other disciplines related to historic preservation. When a professional in the fields of history, architecture, architectural history, planning, or archaeology is not represented in the membership of the HPC, then the city shall seek and provide outside expertise in the appropriate discipline when considering National Register nominations and all federal undertakings that will affect historic properties which are normally evaluated by a professional in such disciplines.
  - (a) Members of the HPC shall be nominated using City of Farmersville board policy and will approved by majority vote of the city council and shall serve for a term not to exceed three years, or until their successors are appointed and qualified. Members of the HPC, regardless of professional background, should be residents of the city. At least three (3) members shall reside or own property within the city limits; other members can reside or own property in the Farmersville Independent School District.
  - (b) All HPC members should have a known and demonstrated interest, competence, or knowledge in historic preservation within the city and/or the county.
  - (c) The HPC as a whole should represent the ethnic makeup of the city.
  - (d) HPC members shall be identified by place numbers 1 through 5 and the terms of office shall be staggered. The initial term for even-numbered Places shall serve for two years and odd-numbered Places shall serve for three years. The City Council may re-appoint HPC members as their terms expire not to exceed three consecutive terms. The City Council shall fill any vacancies that may occur before a term has expired, only for the remainder of the term.

- (e) Any member may resign by submitting a letter of resignation to the City Council. HPC members serve at the will and pleasure of the city council. Any member may be removed before their terms of office expire.
  - (f) The Chairperson and Vice Chairperson of the HPC shall be elected by and from its membership.
  - (g) A quorum for the transaction of business shall consist of not less than three (3) members of the HPC.
  - (h) The HPC shall meet monthly, only if business is at hand. Special meetings may be called at any time by the HPC Chairperson, HPO or City Manager. All meetings shall be held in conformance with the Texas Open Meetings Act, Chapter 552 of the Texas Government Code, as amended.
- 2) The HPC shall be empowered to:
- (a) Review and take action on all Certificates of Appropriateness applications for compliance with adopted Design Guidelines pursuant to this Article.
  - (b) Review and take action on all appeals on action taken by the HPO regarding the administrative review of Certificates of Appropriateness applications for compliance with adopted Design Guidelines pursuant to this Article
  - (c) Make recommendations to the city for the employment of staff and professional consultants as necessary to carry out the duties of the HPC.
  - (d) Adopt parliamentary rules and procedures necessary to carry out the business of the HPC, which shall be ratified by the City Council.
  - (e) Review and take action on the designation of Landmarks and the delineation of Districts, which shall be ratified by the City Council.
  - (f) Recommend and confer recognition upon the owners of Landmarks or properties within Districts by means of certificates, plaques, or markers.
  - (g) Review and recommend to City Council and other applicable city boards and commissions all proposed changes to the zoning ordinance, building code, general plan or other adopted policies of the city than may affect the purpose of this Article.

- (h) Conduct public hearings and provide comment on 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.
- (i) Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and all properties located within designated Districts located in the city. Such information shall be maintained securely, made accessible to the public and should be updated at least every ten (10) years.
- (j) 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.
- (k) Create sub-committees from among its membership and delegate to these committees' responsibilities to carry out the purposes of this Article.
- (l) Maintain written meeting minutes which are recorded by staff and demonstrate all actions taken by the HPC and the reasons for taking such actions.
- (m) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.
- (n) Adjust specific Design Guidelines outlined in section 77.507 or any further Design Guidelines created by this commission which shall be ratified by the City Council, for use in the review of all Certificates of Appropriateness applications.
- (o) Prepare and submit annually to the City Council a report summarizing budget costs, goals and objectives and work completed during the previous year, as well as anticipated budgetary requests.
- (p) Make recommendations to the city concerning the utilization of state, federal, or private funds to promote the preservation of Landmarks and Districts within the city.

- (q) Recommend to City Council the acquisition of endangered Landmarks by demolition where its preservation is essential to the purpose of this Article and where private preservation is not feasible.
- (r) Propose incentive program(s) to City Council for local property owners of historic Landmarks or within local Districts.
- (s) Review and take action on all city preservation-related incentive program applications involving work on Landmarks and Districts for compliance with adopted Design Guidelines pursuant to this Article.
- (t) Accept on behalf of the city government donations of preservation easements and development rights as well as any other gift of value for the purpose of historic preservation, subject to the approval of City Council
- (u) 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. 77.504. – Appointment of Historic Preservation Officer.**

- 1) The City Manager shall appoint a qualified city official, or staff person to serve as Historic Preservation Officer (HPO). 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. The HPO shall be empowered to:
  - (a) Administer this ordinance and advise the HPC on matters submitted to it.
  - (b) To maintain and hold open for public inspection all documents and records pertaining to the provisions of this Article.
  - (c) Receive and review all applications pursuant to this Article to ensure their completeness.

- (d) Review and take action on all Certificates of Appropriateness applications subject to administrative review pursuant to this Article.
  - (e) Review and forward with any recommendations all applications for Certificates of Appropriateness subject to review by the HPC pursuant to this Article.
  - (f) Ensure proper posting and noticing of all HPC meetings, schedule applications for HPC review, provide packets to its members prior to the meetings, record meeting minutes and facilitate all HPC meetings.
  - (g) Review and help coordinate the city's preservation and urban design activities with those of local, state and federal agencies and with local, state, and national preservation organizations in the private sector.
- 2) The HPO shall have administrative review and approval of the following changes to buildings without approval from the HPC.
- (a) The Certificate of Appropriateness proposes the repair of a deteriorated architectural element with similar materials in order to exactly replicate the element or other similar "in-kind" repairs.
  - (b) Improvements to the rear façade of the building.
  - (c) The removal of an unhistorical element of the building as deemed by the HPO.
- 3) The HPO shall reserve the right to forward any COA's that fall under their purview to the HPC for review if he or she so chooses.

**Sec. 77.505. – CRITERIA FOR DESIGNATION OF LOCAL HISTORIC LANDMARKS AND DISTRICTS.**

Properties that are listed as a Recorded Texas Historic Landmark (RTHL), State Archeological Landmark (SAL) or individually listed on the National Register of Historic Places or contributing to a National Register District (NR) shall be considered recognized as local Landmarks and shall fall under the guidelines of this ordinance upon its adoption.

The designation of landmarks not currently adopted shall be carried out as follows:



- 1) An individual Landmark may be designated if it is at least fifty (50) years old and it substantially complies with two or more of the following:
  - (a) Possesses significance in history, architecture, archeology, and culture.
  - (b) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.
  - (c) Is associated with events that have made a significant impact in our past.
  - (d) Represents the work of a master designer, builder, or craftsman.
  - (e) Embodies the distinctive characteristics of a type, period, or method of construction.
  - (f) Represents an established and familiar visual feature of the city.
- 2) A District may be designated if it substantially complies with both of the following:
  - (a) Contains properties and an environmental setting which meet two or more of the criteria for designation of a landmark, and;
  - (b) Constitutes a distinct section of the city.

**Sec. 77.506. – DESIGNATION OF LOCAL HISTORIC LANDMARKS AND DISTRICTS.**

- 1) These provisions pertaining to the designation of historic landmarks constitutes a part of the Comprehensive Zoning Plan of the City of Farmersville.
- 2) The procedure for designating a local historic Landmark or to establish or amend a Local Historic District may be initiated by the City Council, HPC, by the individual property owner(s), or by at least 20% of the residents of the potential District. An application for Determination of Significance shall be made on forms as prescribed by the city and shall be filed with the HPO along with fees in accordance with the master fee schedule. Buildings, structures, sites or areas located within the city which substantially complies with the criteria found in Section 77.505

may be recommended to the City Council as Landmarks or Districts by the HPC. The application shall contain:

- (a) Name, address, telephone number of applicant, and physical address of the individual property, or
  - (b) Name, address, telephone number of applicant, and signed petition of at least 20% of the proposed area.
  - (c) Site plan of the individual property or map indicating the geographic boundaries of the proposed area showing all affected buildings and/or structures.
  - (d) Detailed historic description and background on the property or area.
  - (e) Current photographs of the overall property or area along with any historical photographs, if available.
  - (f) Any other information which the HPO or HPC may deem necessary.
- 3) Upon receipt of a completed Determination of Significance application, the HPO shall schedule a hearing at the next available regularly scheduled HPC meeting. Notice of the application shall be mailed to the property owner(s) and posted on the property by the city for a minimum period of fourteen (14) days prior to the scheduled hearing. A published notice of the scheduled hearing shall also be made in accordance with the Texas Open Meeting Act. Notice of applications for proposed Districts shall be mailed to each affected property owner and posted at least four (4) separate locations that are visible from the public right-of-way at its external boundaries for a minimum period of fourteen 14 days prior to the scheduled hearing. A published notice of the scheduled hearing shall also be made in accordance with the Texas Open Meeting Act.
- 4) An individual property or area that is under review by the city for a formal Determination of Significance shall be protected by and subject to all of the provisions of this Article governing demolition, minimum maintenance standards and penalties until a final decision by the City Council becomes effective.
- 5) At the hearing, the applicant shall have an opportunity to present testimony and evidence to demonstrate the historical significance, or insignificance of the subject property or area. Other interested parties and technical experts may also present

testimony or documentary evidence which will become part of a record. The burden of proof shall be upon the applicant.

- 6) The HPC may take action to approve, postpone requesting additional information or deny the application. The HPO shall forward any final recommendation to the Planning and Zoning Commission within thirty (30) days of the hearing. Denials may be appealed directly to City Council.
- 7) The Planning and Zoning Commission shall give notice and conduct its hearing upon receipt of the recommendation from the HPC. Notice for such hearing shall be in the same manner and the hearing held according to the same procedures as specifically provided in the general zoning ordinance of the City of Farmersville. The Planning and Zoning Commission shall review the application to ensure that the recommended designation will not pose a conflict with the underlying land use zoning and shall forward its recommendation to the City Council within thirty (30) days after taking action on the application.
- 8) Upon receipt of the joint recommendation on the application from the HPC and the Planning and Zoning Commission, the City Council shall schedule a hearing on the application within thirty (30) days. Notice for such hearing shall be in the same manner and the hearing held according to the same procedures as specifically provided in the general zoning ordinance of the City of Farmersville. Significance shall be considered only on the record made before the HPC and the Planning and Zoning Commission.
- 9) Upon designation of a Landmark or District by the city council, the designation shall be recorded by legal description on the city's official zoning maps, in the records of real property of Collin County, and with the tax appraisal office.
- 10) The applicant, or any persons adversely affected by any determination of the HPC, may appeal the decision to city council. Appeal requests shall be on forms as prescribed by the city and shall be filed with the HPO within seven (7) days of the HPC's decision and scheduled for the next available regularly scheduled city council meeting. Notice for such hearing shall be in the same manner and the hearing held according to the same procedures as specifically provided in the general zoning ordinance of the City of Farmersville. Appeals to city council shall be considered only on the record made before the HPC, and may only allege that the HPC's decision was arbitrary, capricious, or illegal.

**Sec. 77.507. – DESIGN AND REVIEW CRITERIA FOR  
CERTIFICATES OF APPROPRIATENESS FOR  
ALTERATIONS OR NEW CONSTRUCTION  
AFFECTING LANDMARKS OR HISTORIC  
DISTRICTS**

No building permit shall be issued by the City of Farmersville to any external work of a landmark prior to HPC review and approval of a Certificate of Appropriateness (COA). All buildings in an historic district will fall under these guidelines.

In considering an application for a Certificate of Appropriateness, the HPO and the HPC shall review it for compliance with *The Secretary of the Interior's Standards for Rehabilitation* and adopted Design Guidelines in this section and any past or future guidelines created by the HPC and ratified by the City Council. The Standards and any applicable adopted Design Guidelines shall apply in all zones within the city bearing the suffix "HD" or individual properties bearing the suffix "HL."

The Secretary of the Interior's Ten Standards for Rehabilitation are as follows:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site environment;
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided or at least minimized;
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken;
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved;
5. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity;
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall, as

closely as possible, match the old in design, color, texture, materials and other visual qualities. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence whenever it is available;

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of the structures, if appropriate, shall be undertaken using the gentlest means possible;
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken;
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment;
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

In making the final determination whether to approve or deny an application for the COA, the HPO and HPC shall be guided by the following broad design guidelines:

1. The height and scale of any proposed alteration or new construction should be compatible with the style and character of the landmark and with surrounding structures;
2. The proportions and relationships between doors and windows should be compatible with the architectural style of the landmark;
3. The design of the roof, parapet, and cornice should be compatible with the architectural style and of correct materials;
4. Facades should be of the correct texture and materials appropriate for the building's vintage;
5. Anything affixed to the building in a permanent manner, such as signs, canopies, or awnings, shall be historically accurate. Canopies should not use posts as support unless historically accurate for that building;

6. Colors applied to the building should be of a historically appropriate palette;
7. Any alterations or construction should use period materials when possible. If period materials are not available, the most similar materials should be used;
8. New buildings in the district should resemble the immediately surrounding historic structures in all of the above categories.

All review criteria shall be made available to the applicant, property owners of Landmarks and properties located within Districts. The HPC shall promulgate and make recommendations to update the adopted Design Guidelines as necessary, provided that the changes do not pose a conflict with underlying land-use zoning and the changes do not take effect until ratified by the City Council.

**Sec. 77.508. – PROCEDURE FOR CERTIFICATES OF APPROPRIATENESS FOR ALTERATIONS OR NEW CONSTRUCTION AFFECTING LANDMARKS OR HISTORIC DISTRICTS**

The procedure for obtaining a Certificate of Appropriateness may be initiated by the city for all city-owned Landmarks or proposed work within a District, or by the individual property owner(s) of the subject Landmark or for a property located within a District. The application must be submitted for, reviewed and approved by the HPO and the HPC prior to the commencement of any work. An application for Certificate of Appropriateness shall be made on forms as prescribed by the city and shall be filed with the HPO along with fees in accordance with the municipal fee schedule.

- 1) An application for a COA shall contain:
  - (a) The applicants name, mailing address, subject property address, and telephone number;
  - (b) A description of work to be done to the structure;
  - (c) Photographs of the property and historical imagery if possible;
  - (d) Elevation drawings of the proposed changes or new construction, if applicable;
  - (e) Samples of colors to be used, if applicable;
  - (f) If a sign is to be applied to the building, a scale drawing, font types, and materials to be used should be described.



- 2) HPC design review affecting Landmarks and properties located in Districts.
- (a) Upon receipt of a completed Certificate of Appropriateness application as determined by the HPO, the HPO shall review the application for a preliminary determination of compliance with the Secretary of the Interior's Standards for Rehabilitation and any applicable adopted Design Guidelines. The applicant is encouraged to schedule a meeting with the HPO prior to the submittal of an application to discuss the proposed work and receive initial design direction.
  - (b) Within five (5) days of receipt of a completed Certificate of Appropriateness that meets the administrative approval of the HPO pursuant to section 77.504 of this ordinance, the HPO shall sign off of the COA and no public hearing or posting is needed.
  - (c) Within five (5) days of receipt of a completed Certificate of Appropriateness that contains changes that do not fall under the HPO's administrative approval, the HPO shall schedule a public hearing at the next available regularly scheduled HPC meeting. Notice of the pending HPC hearing for compliance with the Secretary of the Interior's Standards for Rehabilitation and any adopted Design Guidelines shall be mailed to the property owner(s), to all immediate adjacent property owner(s), and posted on the property by the city establishing a fourteen (14) day period in which written comments may be submitted to the HPO. A published notice of the scheduled hearing shall also be made in accordance with the Texas Open Meeting Act. All review criteria and the formal written report to the HPO shall be made available to the applicant prior to the hearing.
  - (d) The HPC shall review the application at a regularly scheduled meeting. At that time, the applicant shall have an opportunity to be heard, present testimony and evidence to demonstrate that the proposed work is in compliance with the Secretary of the Interior's Standards for Rehabilitation and any adopted Design Guidelines. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of a record. The burden of proof shall be upon the applicant.
  - (e) The HPC may take action to approve, postpone requesting additional information or deny the application.

- (f) If approved, the HPO shall issue a Certificate of Appropriateness to the applicant and any specific conditions of approval, if any, supporting the decision. The HPO shall also provide anyone who submitted written comments with a copy and forward the HPC's decision to the Development Services Department. Any specific conditions of approval made by the HPC shall be attached to the construction documents prior to the issuance of any building permits. No subsequent changes shall be made to the approved design without the prior review and approval of the HPO or HPC. An applicant shall have one (1) year from the date of issuance of a Certificate of Appropriateness to secure a building permit for the specified improvements or it shall become null and void.
- (g) If the HPC finds the proposed work of the COA will have an Adverse Effect on the Landmark, or property located within a District, or if the proposed work is inconsistent with the Secretary of the Interior's Standards for Rehabilitation or any applicable adopted Design Guidelines, the HPC shall advise the applicant at the hearing of the disapproval of the application and of any changes to the application which are necessary to approval of the same. Within five (5) days following the meeting, the HPO shall provide the applicant and any written commenter noticing in writing of the disapproval of the application and of any changes to the application which are necessary for approval of the same. A Certificate of Appropriateness application that has been denied may not be resubmitted without incorporating changes to the application which are necessary for approval of the same.
- (h) The applicant or any persons adversely affected by the action of the HPC may appeal the decision to the City Council. Appeal requests shall be filed in writing to the HPO within ten (10) days of the HPC's decision. The HPO must schedule the appeal for a public hearing at the next available regularly scheduled HPC meeting. Notice of the appeal shall be posted on the property for a period of fourteen (14) days upon receipt of a formal appeal request. A written notice of the public hearing for the appeal request shall also be provided to all parties who received mailed notice for the HPC hearing.
- (i) The City Council shall give notice, follow publication procedure, hold hearings, and make its decision in the same manner as provided in the general zoning ordinance of the city. Appeals to the City Council shall be considered only on

the record made before the HPC, and may only allege that the HPC's decision was arbitrary, capricious, or illegal.

#### **Sec. 77.509. – MINIMUM MAINTENANCE STANDARDS**

No owner or person with an interest in real property designated as a Landmark or any property located within an Historic District shall permit the property to fall into a serious state of disrepair so as to result in the significant deterioration of any exterior architectural feature which would, in the judgment of the HPC, create a detrimental effect upon the historic character of the Landmark or District, or endanger other properties in the District.

- 1) Examples of serious disrepair or significant deterioration include:
  - (a) Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.
  - (b) Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.
  - (c) Deterioration or crumbling of exterior finishes, surfaces or mortars.
  - (d) Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.
  - (e) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
  - (f) Rotting, holes, and other forms of material decay.
  - (g) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.
  - (h) Deterioration that has a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the contributing structure.
  - (i) Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

**Sec. 77.510. – PROCEDURE TO MITIGATE DEMOLITION BY  
NEGLECT**

Demolition by Neglect refers to the gradual deterioration of a property when routine or minimum maintenance is not performed. The HPO and the Development Services Department staff shall work together in an effort to reduce Demolition by Neglect involving Landmarks or properties located within Districts within the city. A Demolition by Neglect citation as determined by the HPC may be issued against the owner of the property for failure to comply with the minimum maintenance standards by permitting the subject property to exhibit serious disrepair or significant deterioration as outlined in Section 77.509 herein.

- 1) Due to the time-consuming nature of pursuing enforcement under this section, no more than one property will be under consideration during each of the following quarters (January-March, April-June, July-September, and October- December).
- 2) While the HPO will act as the point of contact, the Development Services Department staff shall, when needed, assist with inspections. If there is a dispute between the HPO and Development Services Department staff, the City Manager may be consulted as a mitigating party.
- 3) The procedure for citing a property for Demolition by Neglect shall be as follows:
  - (a) Initial identification is made by visual inspection of the area by the HPO or an HPC member or by referral from someone in the area. All referrals shall be made in writing and shall be submitted to the HPO.
  - (b) Once the initial identification is made, followed by a preliminary determination by the HPO, the property owner shall be notified by US mail of the defects of the building and informed of various incentive programs that may be available for repair. The owner is given thirty (30) days to acknowledge receipt and an additional thirty days to submit a stabilization proposal to the HPO. Upon receipt, the stabilization proposal will be presented to the HPC at the next available meeting. If the HPC approves the proposal, a Certificate of Appropriateness may be administered if needed. The approval will detail the specific work which is necessary to correct the Demolition by Neglect conditions, as well as a time period to begin and complete the work. The HPO shall update the HPC on the status of the property at every consecutive HPC meeting until work is complete.

- (c) If the property owner receives the letter regarding the preliminary determination but fails to respond in the allotted thirty (30) days, a second notice shall be sent in the same manner as described above.
- (d) If the property owner fails to receive and/or respond to the letter regarding the preliminary determination after two (2) attempts, the matter returns to the HPC for a citation hearing. The HPO shall send a third notice via certified mail informing the owner of the hearing, the property is posted with a notice of the violation in accordance with the provisions of this Article, and a public hearing on the citation is scheduled.
- (e) At the public hearing the owner is invited to address the HPC's concerns and to show cause why a citation should not be issued. The HPC may take action to approve any proposed work, defer the matter to give the owner more time either to correct the deficiencies or make a proposal for stabilization, or issue a citation to the owner of the property for failure to correct the Demolition by Neglect conditions.
- (f) If the owner is cited for the condition of Demolition by Neglect of the property, the owner is given thirty (30) days to submit a stabilization proposal to the HPO, and at the discretion of the HPC, up to one (1) year to correct the defects. The HPO shall update the HPC on the status of the property at HPC meetings once work begins on the property.
- (g) If the owner does respond with a stabilization proposal, the matter is turned over to the City Attorney's office for action in Municipal Court.

#### **Sec. 77.511. – DEMOLITION OF LANDMARKS**

It is the intent of this and succeeding sections to preserve the historic and architectural resources of the city through limitations on demolition and removal of Landmarks to the extent it is economically feasible practical and necessary. The demolition or removal of historic buildings structures and sites in the city diminishes the character of the city's historic Districts and it is strongly discouraged. Instead the city recommends and supports preservation rehabilitation and relocation within the historic district. It is recognized however that structural deterioration, economic hardship and other factors not entirely within the control of the property owner may result in the necessary demolition or removal of a historic building structure or site.

- 1) Removal or repair of hazardous or dangerous Landmarks.
  - (a) If the building official determines a Landmark to be structurally unsound and a hazardous or dangerous building pursuant to the provisions found in the city's adopted building code, the building official shall be required to provide written notice to the HPC of the ordered removal or repair of the Landmark prior to taking such action.
  - (b) The provisions contained in Section 214.00111 of the Texas Local Government Code provides additional authority to the city to preserve substandard historic buildings and are effective immediately upon designation as a Certified Local Government by the US Department of the Interior, National Park Service and Texas State Historic Preservation Officer as provided by 16 U.S.C., Section 470 et seq.; and
  - (c) The property owner(s) of the demolished Landmark removed under this procedure is subject to the penalties found in Section 77-517 herein.

**Sec. 77.512. – STAY OF DEMOLITION AFFECTING  
LANDMARKS OR HISTORIC DISTRICTS**

No person shall carry out the demolition of a Landmark or property within a District, including secondary buildings and landscape features that are not previously deemed a hazardous or dangerous building by the building official, or without the review and approval of a Certificate of Appropriateness for Demolition application by the HPC. The application shall be required in addition to, and not in lieu of, any required building permit. All demolition permits require a sixty (60) day stay of demolition to allow for exploration of options to preserve the structure.

- 1) In the absence of a determination by the building official of the subject property as a hazardous or dangerous building, the HPC may consider an application for a Certificate of Appropriateness for Demolition of a Landmark or property located within a District, only if it meets compliance with one of the following:
  - (a) The subject property of the application is not a recognized Landmark.
  - (b) The subject building, structure or object is not an accessory building and/or landscape features that is integral to the historic interpretation or integrity of the Landmark.



- (c) The applicant is requesting a Certificate of Appropriateness for Demolition of a Landmark on the basis of Economic Hardship pursuant to Section 77.515.
- (d) The subject building, structure or object has lost its architectural significance and integrity over time for reasons not entirely within the control of the current or previous property owner(s).

**Sec. 77.513. – PROCEDURE FOR CERTIFICATES OF APPROPRIATENESS FOR DEMOLITION AFFECTING LANDMARKS OR HISTORIC DISTRICTS**

The procedure for obtaining a Certificate of Appropriateness for Demolition may be initiated by the city for all city-owned Landmarks or proposed work within a District, or by the individual property owner(s) of the subject Landmark or property within a District. The application must be submitted to the HPO for review and approval by the HPC prior to the commencement of any work. An application for Certificate of Appropriateness for Demolition shall be made on forms as prescribed by the city and shall be filed with the HPO along with fees in accordance with the municipal fee schedule.

- 1) The application shall contain:
  - (a) Name, address, telephone number of applicant, and physical address of the individual property.
  - (b) Site plan of the individual property or map indicating the area of the proposed demolition showing all affected buildings and/or structures on the site.
  - (c) Photographs of existing conditions as well as any historical photographs, if available.
  - (d) All future development plans for the property, if available.
- 2) An individual property that is under review by the city for a Certificate of Appropriateness for Demolition shall be protected by and subject to all of the provisions of this Article governing demolition, minimum maintenance standards and penalties until a final decision by the HPC becomes effective.
- 3) The procedure for a Certificate of Appropriateness for Demolition shall be the same as provided for in Section 10 herein.

- 4) The procedure for a Certificate of Appropriateness for Demolition application involving a claim of Economic Hardship shall be as follows:
- (a) Upon receipt of a completed Certificate of Appropriateness for Demolition application, the HPO shall review the application for a preliminary determination of compliance with the standards for economic hardship and the criteria for review found in Section 77.514 herein. The applicant is encouraged to schedule a meeting with the HPO prior to the submittal of an application to discuss the application and receive initial direction.
  - (b) Within five (5) days of receipt of a completed Certificate of Appropriateness involving a claim of Economic Hardship and a preliminary determination of compliance, the HPO shall schedule a public hearing at the next available regularly scheduled HPC meeting. Notice of the pending HPC hearing for compliance with the standards for economic hardship and the criteria for review. Notice of the hearing shall be mailed to the property owner(s), to all immediate adjacent property owner(s), and posted on the property by the city. The owner shall be required to stabilize and secure the property subject to the penalties of this Article until a final decision by the HPC becomes effective. A published notice of the scheduled hearing shall also be made in accordance with the Texas Open Meeting Act. All review criteria and the formal written report to the HPO shall be made available to the applicant prior to the hearing.
  - (c) The HPC shall conduct its initial review of the application at a regularly scheduled meeting. At that time, the applicant shall have an opportunity to be heard, present testimony and evidence to demonstrate that standards for economic hardship and the criteria for review have been met. Other interested parties and technical experts may also present testimony or documentary evidence, which will become part of a record. The burden of proof shall be upon the applicant. In the event the HPC does not act within ninety (90) days of receipt of the application, a Certificate of Appropriateness for Demolition may be granted.
  - (d) In considering the application, the HPC shall take action to postpone the application in order to establish a Stay of Demolition period, during which time the owner shall allow the city to post a sign stating that the property is subject to demolition. Said sign shall be at least three feet by two feet 3 X 2 readable from a point of public access and state that more information may be obtained from the HPO for the

duration of the stay. The owner shall conduct in good faith with the city local preservation organizations and interested parties a diligent effort to seek an alternative that will result in the rehabilitation of the Landmark. Negotiations may include but is not limited to such actions to utilize various preservation incentive programs sell or lease the Landmark, or facilitate proceedings for the city to acquire the Landmark under its power of eminent domain, if appropriate, and financially possible. If negotiations are successful, the Certificate for Demolition application shall be considered withdrawn and all associated applications closed.

- (e) At the end of the one hundred and eighty (180) days, if prior negotiations are unsuccessful and the request for demolition stands, the HPO shall schedule a second public hearing on the application at the next available regularly scheduled HPC meeting pursuant to the same manner described above in Subsection (b).
- (f) At the end of the second hearing, the HPC may take action to approve, postpone requesting additional information or deny the application. If no hearing has been scheduled within sixty (60) days of the end of the stay period, a Certificate of Appropriateness shall be deemed issued and the HPO shall so advise the applicant in writing.
- (g) If approved, the HPO shall issue a Certificate of Appropriateness to the applicant with the written findings of fact, conclusions of law and any specific conditions of approval (if any) supporting the decision. The HPO shall also provide anyone who submitted written comments with a copy and forward the HPC's decision to the Development Services Department. The approval shall be valid for one (1) year from the hearing date of the HPC's final decision. The historic property shall immediately be removed from the city's inventory of historic properties the official public records of real property of Collin County and the official zoning maps of the city.
- (i) Prior to demolition, the city may, as a condition of approval, require the owner to provide documentation of the demolished historic property at the owner's expense in accordance with the standards of the Historic American Building Survey (HABS). Such documentation may include photographs, floor plans, measured drawings, an archeological survey, or other information as specified.

- (ii) Forward a recommendation to the Planning Commission to place limitations on future development on the subject property in regard to square footage, building footprint, scale mass, height, setbacks, etc. of the demolished Landmark to help ensure infill that is architecturally compatible.
  - (iii) Approval for the demolition of a structure may be conditioned upon the construction of an acceptable replacement structure, or landscape or park plan. A bond or other financial guaranty in the amount of the cost of the replacement structure may be required in order to assure the construction of the replacement structure, or park, or landscape plan.
- (h) Denial of a Certificate of Appropriateness application for Demolition involving Economic Hardship shall prevent the owner from demolishing the property or reapplying for another Certificate of Appropriateness application for Demolition for a period of three (3) years from the hearing date of the HPC's final decision, unless substantial changes in circumstances have occurred other than resale of the property or those caused by acts beyond the control of the owner. It shall be the responsibility of the owner to stabilize and maintain the minimum maintenance standards for the property so as not to create a hazardous or dangerous building as identified in Section 40-113(1) herein.
- (i) The city may continue to provide the owner with information regarding financial assistance for the necessary rehabilitation or repair work as it becomes available.
- (j) The owner may appeal the decision of the HPC to the City Council. Appeal requests shall be filed in writing to the HPO within ten (10) days of the HPC's decision. The City Council shall give notice, follow publication procedure, hold hearings, and make its decision in the same manner as provided in the general zoning ordinance of the city. Appeals to the City Council shall be considered only on the record made before the HPC, and may only allege that the HPC's decision was arbitrary, capricious, or illegal.

**Sec. 77.514. – ECONOMIC HARDSHIP INVOLVING  
CERTIFICATES OF  
APPROPRIATENESS FOR  
DEMOLITION AFFECTING  
LANDMARKS**

No Certificate of Appropriateness for Demolition involving a claim of economic hardship may be approved, nor shall a demolition permit be issued by the city unless the owner proves compliance with the following standards for economic hardship:

- (a) The property is incapable of earning a reasonable return in its current or rehabilitated state, regardless of whether that return represents the most profitable return possible.
  - (b) 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.
  - (c) Earnest and reasonable efforts to find a purchaser interested in acquiring the property and preserving it have failed.
  - (d) The property cannot be moved or relocated to another site similar site or within the District.
- 1) The city shall adopt by resolution separate criteria for review in considering claims of economic hardship for investment for income producing and non-income producing properties, as recommended by the HPC. Non-income properties shall consist of owner occupied single family dwellings and non-income producing institutional properties. All standards for review shall be made available to the owner prior to the hearing. The information to be considered by the city may include but not be limited to the following:
- (a) Purchase date price and financing arrangements
  - (b) Current market value
  - (c) Form of ownership
  - (d) Type of occupancy
  - (e) Cost estimates of demolition and post demolition plans for development
  - (f) Maintenance and operating costs

- (g) Inspection report by licensed architect or structural engineer having experience working with historic properties
  - (h) Costs and engineering feasibility for rehabilitation
  - (i) Property tax information
  - (j) Rental rates and gross income from the property
  - (k) Other additional information as deemed appropriate
- 2) Claims of economic hardship by the owner shall not be based on conditions resulting from:
- (a) Evidence of demolition by neglect or other willful and negligent acts by the owner
  - (b) Purchasing the property for substantially more than market value at the time of purchase
  - (c) Failure to perform normal maintenance and repairs
  - (d) Failure to diligently solicit and retain tenants
  - (e) Failure to provide normal tenant improvements
- 3) Throughout the process, the applicant shall consult in good faith with the HPO, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be demonstrated to the HPC at the hearing.

#### **Sec. 77.515. – 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. 77.516. – 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 ordinance 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 3. AND BY DESIGNATING AND REZONING THE PROPERTIES AND STRUCTURES SITUATED WITHIN THE CENTRAL AREA (CA) ZONING DISTRICT CLASSIFICATION WITH THE NEW HISTORIC PRESERVATION OVERLAY ZONING DISTRICT DESIGNATION**

From and after the effective date of this Ordinance, the property described herein shall be rezoned as set forth in this section, and the Official Zoning Map of the Comprehensive Zoning Ordinance, Ordinance No. 2004-01, as amended, of the City of Farmersville, Texas, is hereby amended and changed in the following particulars to reflect the action taken herein, and all other existing sections, subsections, paragraphs, sentences, definitions, phrases, and words of the City's Zoning Ordinance are not amended but shall remain intact and are hereby ratified, verified, and affirmed, in order to create a change in the zoning classification of the property described herein, as follows:

The area of the City that is currently zoned as Central Area (CA) District as more particularly depicted on Exhibit A attached hereto and incorporated herein by reference for all purposes allowed by law is hereby rezoned from Central Area (CA) District uses to Specific Use Permit to Central Area (CA) District uses with a Historic Preservation District (HD) Overlay designation in accordance with the specific requirements contained in the City's Master Plan and Zoning Ordinance, and as stated herein and in the exhibits attached hereto.

#### **SECTION 4: OFFICIAL ZONING MAP TO BE MODIFIED**

It is directed that the official zoning map of the City of Farmersville be changed to reflect a zoning classification of CA-HD as established by this Ordinance.

#### **SECTION 5. SEVERABILITY**

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Ordinance #O-2020-\_\_\_\_-\_\_\_\_



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 6. 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 7. PENALTY**

Any person, firm, partnership, corporation, or other entity violating any provision contained in this Ordinance shall, upon conviction, be fined an amount not more than \$500.00; and each day a violation exists shall be deemed a separate offense. A culpable mental state is not required.

#### **SECTION 8. 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 9. 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 10. 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 11. EFFECTIVE DATE**

This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by Texas law.

*[Remainder of page intentionally left blank.]*

**PASSED** on first reading on the \_\_\_\_ day of \_\_\_\_\_, 2020, and second reading on the \_\_\_\_ day of \_\_\_\_\_, 2020 at properly scheduled meetings 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 \_\_\_\_\_, 2020.**

**APPROVED:**

**BY:** \_\_\_\_\_

**Bryon Wiebold**

**Mayor**

**ATTEST:**

\_\_\_\_\_  
**Sandra Green**

**City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**Alan D. Lathrom**

**City Attorney**

Ordinance #O-2020-\_\_\_\_-\_\_\_\_