



**CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION AGENDA
REGULAR CALLED MEETING
March 15, 2022, 6:00 P.M.
205 S. Main St.**

WATCH THE LIVE BROADCAST

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

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

I. PRELIMINARY MATTERS

- Call to Order, Roll Call, Prayer and Pledge of Allegiance

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

Pursuant to Section 551.007 of the Texas Government Code, any person wishing to address the Planning & Zoning Commission for items listed as public hearings will be recognized when the public hearing is opened. Speakers wishing to address the Planning & Zoning Commission regarding any non-public hearing item on this agenda shall have a time limit of three (3) minutes per speaker, per agenda item. The Chairman may reduce the speaker time limit uniformly to accommodate the number of speakers or improve meeting efficiency.

III. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- A. Consider, discuss and act upon P&Z minutes from the February 15, 2022 meeting.

- B. Consider, discuss and act upon a replat of Mosley 2194 Addition (Lot 1A & 1B, Block 1).

IV. WORKSESSION

Consider, discuss and act upon recommendations from the Planning and Zoning Commission regarding the proposed Historic Overlay District Ordinance.

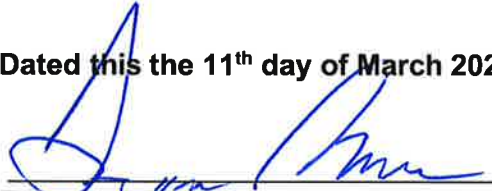
V. ADJOURNMENT

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

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

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in the regular posting place of the City Hall building for Farmersville, Texas, in a place and manner convenient and readily accessible to the general public at all times, and said Notice was posted on March 11, by 6:00 P.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.

Dated this the 11th day of March 2022.


Tabatha Monk, City Secretary





**CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION MINUTES
REGULAR SESSION MEETING
February 15, 2022, 6:00 P.M.**

I. PRELIMINARY MATTERS

- Chairman Joe Helmberger presided over the meeting which was called to order at 6:00 p.m. Commissioners Leaca Caspari, Adam White (In attendance at 6:03 pm), James Riley II, John Klostermann and Michael Hesse were present and there is one vacant seat on the Commission. Also in attendance were City Manager, Ben White and City Secretary Tabatha Monk.
- Commissioner Hesse led the prayer and Chairman Helmberger led the pledges to the United States and Texas flags.

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

- No one came forward to speak.

III. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- A. Consider, discuss and act upon the minutes from January 18, 2022.

Commissioner Leaca Caspari made a motion to approve.

Commissioner Michael Hesse seconded the motion to approve.

The motion carried unanimously (5-0; Commissioner White did not vote on this item as he was not in attendance for this item).

- B. Consider, discuss, and act upon a minor plat for Rike Addition, lot's 3A & 3B Block 5.

- Chairman Helmberger recused himself from this item for a conflict of interest, as the engineer on this project is the same engineering firm he works for.
- Commissioner Klostermann presided over this item of the meeting.
- There is a letter from the City engineer recommending this item not be approved until they have received approval on variances for this project. The Commissioners were briefed that the Board of Adjustments did approve the variances, (4 for 0;1 abstained), at the February 8, 2022 meeting.
- A representative from the engineering firm that helped with the plat came forward but did not have any information regarding the owners plans for this plat.
- Discussion was made between the P&Z Commission members.

Commissioner Michael Hesse made a motion to approve the request for the minor plat.

Commissioner Adam White seconded the motion.

The motion carried unanimously (4-0; Joe Helmberger abstaining).

IV. ADJOURNMENT

Chairman Joe Helmberger adjourned the meeting at 6:16 p.m.

ATTEST:

APPROVE:

Tabatha Monk, City Secretary

Joe Helmberger, Chairman



February 28, 2022

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

RE: Mosley 2194 Addition Replat
Dated February 2022

Dear Mr. White:

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

It is recommended that the Mosley 2194 Addition Replat be approved. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Jacob Dupuis". The signature is written in a cursive, flowing style.

Jacob Dupuis, PE
Discipline Lead



2022 2164

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 REPLAT MOSLEY 2194 ADDITION
2. Total Acreage 25.562 ACRES
3. Current Zoning Classification(s) ETJ
4. Proposed Zoning Classification(s) ETJ
5. Total Number of Lots, by Type 2
6. Proposed Use of Property RESIDENTIAL
7. Location of Property 970 F.M. 2194
8. Geographic (Tax) ID Number R- 12312-001-0010-1R-

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

- | | |
|----------------------------------|--|
| 1. Owner <u>SEAN ERIC MOSLEY</u> | 2. Applicant/Representative <u>MATTHEW BUSBY</u> |
| Address _____ | Address _____ |
| City _____ | City, State _____ |
| Phone _____ | Phone _____ |
| Email _____ | Email _____ |

C. Variation

Describe: _____

"I hereby
application _____

ed agent
nation su _____

Applicant/Owner: _____

Date: 1/25/22

BOUNDARY SOLUTIONS
Professional Land Surveyors

January 21, 2022

**RE: Letter of Intent
Replat Mosley 2194 Addition
City of Farmersville E.T.J.
Collin County, Texas**

The intent of this letter is to submit the attached replat for review and approval to create 2 Lots.

Sincerely,

Matthew Busby, R.P.L.S.



COLLIN COUNTY

Development Services
4690 Community Avenue
Suite 200
McKinney, Texas 75071
972-548-5585
www.collincountytx.gov

January 6, 2022

Sean Eric Mosley
7718 Spinnaker
Rockwall, TX 75089

EMAILED ONLY: Rebecca sugarhilladventures@gmail.com

RE: **Mosely 2194 Addition Replat OSSF Review (2 lots – see below) – Approval**

The On-Site Sewage Facility (OSSF) review of the **Mosely 2194 Addition Replat OSSF Review (2 lots – see below)** Final Plat has been completed and approved. Please make note, on the plat, of the following (**bolded items only**):

- (Due to the site evaluator's determination that all lots are predominately class IV soils) **All lots must utilize alternative type On-Site Sewage Facilities.**
- **Must maintain state-mandated setback of all On-Site Sewage Facility components from any/all easements and drainage areas, water distribution lines, sharp breaks and/or creeks/rivers/ponds, etc. (Per State regulations). No variances will be granted for setbacks or for OSSF reduction.**
 - There is a 15' utility easement along the FM 2194 northern property line of lots 1A and 1B to which OSSF setbacks apply.
 - There is a channel easement on lot 1A and a 50'x100' mutual access easement on lot 1B to which OSSF setbacks apply.
 - There is a 50' gas line easement along the western property line of 1B to which OSSF setbacks apply. This same 50' gas line easement bisects lot 1A into two portions. This easement cannot be crossed with OSSF components so all structures and attached OSSF components must stay on either side of the easement.
 - There are 2 existing ponds on lot 1A to which OSSF setbacks apply.
- **There are no easements other than those noted above.**
- **There were no permitted/approved existing structures with associated OSSF(s) on lot 1A or 1B at the time of approval. Any existing structures or OSSFs on either lot must be reviewed and permitted by Collin County Development Services prior to any use.**
- **Tree removal and/or grading for OSSF may be required on individual lots.**
- **There are no water wells noted in this subdivision and no water wells are allowed without prior approval from Collin County Development Services.**
- **Each lot is limited to a maximum of 5,000 gallons of treated/disposed sewage each day.**
- **Individual site evaluations and OSSF design plans (meeting all State and County requirements) must be submitted to and approved by Collin County for each lot prior to construction of any OSSF system.**

NOTE: This OSSF Review shall remain valid for twelve (12) months from the date of approval, after which it will be automatically void if plat not recorded within that time.

Please return the completed plat, with above inclusions, to my office for signature prior to recording. Please include the following signature block **(NOTE: THIS SIGNATURE BLOCK HAS BEEN RECENTLY UPDATED – UPDATED FORMAT MUST BE USED ON THE PLAT):**

Health Department Certification:

I, as a representative of Collin County Development Services, do hereby certify that the on-site sewage facilities described on this plat conform to the applicable OSSF laws of the State of Texas, that site evaluations have been submitted representing the site conditions in the area in which on-site sewage facilities are planned to be used.

Designated Representative for Collin County Development Services

Thank you,

Mrs. L. Brown

Misty Brown

Development Services Division Manager

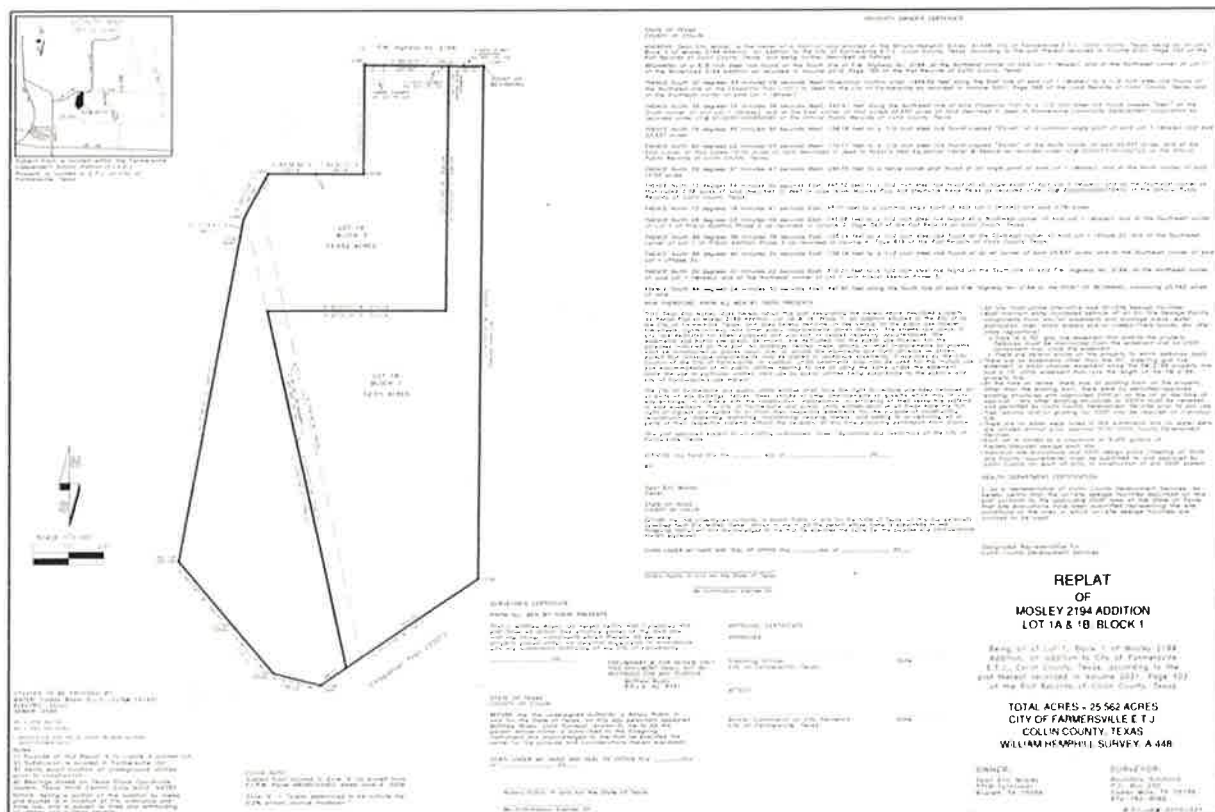


EXHIBIT "A"

All that certain lot, tract or parcel of land situated in the William Hemphill Survey, Abstract No. 448, Collin County, Texas, and being part of that tract of land described as FOURTH TRACT in a Deed to Rudolph Prikryl, Trustee, as recorded in Volume 2418, Page 640 of the Deed Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for corner in the South line of F.M. Highway No. 2194 at the Northeast corner of PRIKRYL ADDITION, PHASE 3, an addition to Collin County, Texas, as recorded in Vol. K, Pg. 619 of the M.R.C.C.T.;

THENCE N. 89 deg. 29 min. 20 sec. E. with the South line of said highway, a distance of 341.22 feet to a 1/2" iron rod found for corner at the intersection of the South line of said highway with the East line of said FOURTH TRACT;

THENCE S. 00 deg. 18 min. 38 sec. E., passing a 1/2" iron rod found at a distance of 1.57 feet and continuing with the East line of said FOURTH TRACT, for a total distance of 1466.60 feet to a 1/2" iron rod found for corner at the Southeast corner of said FOURTH TRACT and being in the Northwest line of Chaparrel Trail, an abandoned rail road right-of-way now owned by the City of Farmersville;

THENCE S. 55 deg. 10 min. 49 sec. W. with the North line of said trail, a distance of 542.77 feet to a 1/2" iron rod found for corner at the Southwest corner of said FOURTH TRACT, said point being Northeast for a fence corner post approximately 40 feet;

THENCE N. 76 deg. 35 min. 40 sec. W. with a West line of said FOURTH TRACT, a distance of 138.21 feet to a 1/2" iron rod found for corner at a turn in the West line of said FOURTH TRACT;

THENCE N. 40 deg. 55 min. 08 sec. W. with a West line of said FOURTH TRACT, a distance of 170.30 feet to a 1/2" iron rod found for corner;

THENCE N. 40 deg. 54 min. 17 sec. W. with a West line of said FOURTH TRACT, a distance of 246.44 feet to a 4" pipe fence corner post found for corner at a turn in the West line of said FOURTH TRACT;

THENCE N. 09 deg. 40 min. 17 sec. E. with a West line of said FOURTH TRACT, a distance of 944.01 feet to a 1/2" iron rod found for corner at the most Southerly Southeast corner of a 0.78 acre tract of land described in a Deed recorded in Vol. 5804, Pg. 3419 of the O.P.R.C.C.T.

THENCE N. 09 deg. 27 min. 01 sec. E. with the Southeast line of said 0.78 acre tract, a distance of 48.71 feet to a 1/2" iron rod found at a turn in the Southeast line of said 0.78 acre tract;

THENCE N. 27 deg. 09 min. 09 sec. E. with the Southeast line of said 0.78 acre tract, a distance of 146.68 feet to a 5/8" iron rod found for corner at the Southwest corner of PRIKRYL ADDITION, PHASE 2, an addition to Collin County, Texas, as recorded in Vol. G, Pg. 567 of the M.R.C.C.T.;

THENCE N. 89 deg. 29 min. 02 sec. E. with the South line of said PRIKRYL ADDITION, PHASE 2, a distance of 135.07 feet to a 5/8" iron rod found for corner at the Southwest corner of said PRIKRYL ADDITION, PHASE 3;

THENCE N. 89 deg. 29 min. 26 sec. E. with the South line of said PRIKRYL ADDITION, PHASE 3, a distance of 138.25 feet to a 5/8" iron rod found for corner at the Southeast corner of said PRIKRYL ADDITION, PHASE 3;

THENCE N. 00 deg. 33 min. 14 sec. W. with the East line of said PRIKRYL ADDITION, PHASE 3, a distance of 314.88 feet to the POINT OF BEGINNING and containing 25.637 acres of land more or less.



Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
08/04/2020 10:56:35 AM
\$38.00 TBARNETT
20200804001245280

Stacey Kemp

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 stimulating the economic benefits of local commerce and tourism.
- d. Insure the harmonious, orderly, and efficient growth and development of the city that is sensitive to its historic resources.
- e. Promote economic prosperity and welfare of the community by encouraging the most appropriate use of historic properties within the City.
- f. Encourage stabilization, restoration, and improvements of such properties and their values by offering incentives.

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 Commission.

Appurtenant features means the features that define the design of 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 is physical evidence of past human activity that is either prehistoric or historic in age.

Building shall refer to a dwelling, such as store, retail, office, 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 functional 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 A permit obtained from the Historic Preservation Officer (HPO) for the City of Farmersville certifying the proposed improvements meet the city code requirements and have been approved by the Historic Preservation Commission of the City of Farmersville.

Certified Local Government means a local government that has been certified to carry out the purposes of national Historic Preservation Act of 1966, as amended.

Contributing building shall mean a historic building that is at least 70 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 “dos and don’ts” for a property owner. The Historic Preservation Commission has authority to administer design guidelines.

Design review shall refer to the decision-making process conducted by the Historic Preservation Commission appointed historic preservation officer that is guided by weighing design guidelines against building owner’s application for a certificate of appropriateness.

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

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

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

Façade shall mean the entire building that is visible including the parapet.

Historic Preservation Commission (HPC) shall mean the five board members 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 4 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.

Local – Designed under a municipal historic ordinance either individually as a landmark or as a locally designated district.

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

Historic Districts, designated by suffix “HD” shall mean any neighborhood or region designated by City Council as a historic district.

Historic Landmarks, designated by 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 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 totally 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 district 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 the Chapter.

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

National Register of Historic Places shall mean the nation's official list of building, 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 statewide basis by the Texas Historical Commission. Restrictions on these properties exist on when 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 Historic 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. 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 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 a structure, whether standing, ruined, or vanished, where the location itself possessed 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 1966 as amended and subsequent legislation. The Executive Director of the Texas Historical Commission serves as SHPO for the State of Texas.

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

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

Section 77.503 Historic Preservation Commission

There is hereby created a commission to be known as the Historic Preservation Commission of the City Farmersville.

(A) **Commission Members.** The Commission shall consist of no less than 5 members appointed by the City Council. To the extent available among the residents of the community, the commissionshould consist of the following:

1. A majority (3) shall own contributing buildings in the downtown district
2. At least one member should be a business owner operating in a contributing building in the downtown district
3. At least one shall be an architect, planner, or representative of a design profession
4. One member shall be a member of the City of Farmersville Historic Society.
5. Regardless of background, shall have a known and demonstrated interest, competence, or knowledge in historic preservation within the City of Farmersville.

(B) **Duties of the Commission.**

1. Prepare rules and procedures as necessary to carry out the business of the Commission, which shall be ratified by the City Council
2. Maintain written minutes that record all action taken by the Commission and the reasons for taking such actions
3. Adopt criteria for the designation of historic, architectural, and cultural landmarks and the delineation of historic districts, which shall be ratified by the City Council
4. Approve or deny applications for Certificates of Appropriateness pursuant to this act
5. Conduct historic property surveys and maintain an inventory of significant historic, architectural, and cultural landmarks and all properties located in historic district within the city
6. Recommend the designation of resources as landmarks and historic districts.
7. Recommend conferral of recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers
8. Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs
9. Make recommendations to the city government concerning utilization of state, federal or private funds to promote the preservation of landmarks and historic districts within the city
10. Prepare specific design guidelines for the review of landmarks and districts
11. Notify property owners of conditions which may place a landmark at risk or jeopardize the historic integrity of the district or landmark.

(C) Commission Terms & Appointments.

Commission members shall serve no more than two terms consisting of three years each term; with the exception that the initial term of three members shall be three years, two members shall be two years. The Chairman and Vice Chairman of the Commission shall be elected by and from the members of the Commission. In the event there are no qualifying persons available to fill the positions that would be vacated due to the term limits; at the recommendation of the remaining commissioners, the City Council should extend the expiring terms in one-year intervals.

(D) Commission Meetings. The Commission shall meet at least monthly if business is at hand. Special meetings may be called at any time by the Chairman or on the written request of any two Commission members. All meetings shall be held in conformance with the Texas Open meetings Act, Texas Civil Statutes, Article 6252-17. A quorum for the transaction of business shall consist of not less than most of the full-authorized membership.

(E) Authority. the HPC shall be empowered to:

- (a) Make recommendations to the city for the employment of staff and professional consultants as necessary to carry

out the duties of the HPC.

- (b) Adopt parliamentary rules and procedures necessary to carry out the business of the HPC, which shall be ratified by the City Council.
- (c) Review and act on the designation of Landmarks and the delineation of Districts, which shall be ratified by the City Council.
- (d) Recommend and confer recognition upon the owners of Landmarks or properties within Districts by means of certificates, plaques, or markers.
- (e) 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 that may affect the purpose of the Article.
- (f) 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.
- (g) 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.
- (h) Monitor and report to the Texas Historical Commission all actions affecting any Recorded Texas Historic Landmark, State Archaeological Landmark, National Register property and any locally designated Landmark, as deemed necessary.
- (i) Create sub-committees from among its membership and delegate to these committees' responsibilities to carry out the purposes of this Article.
- (j) Maintain written meeting minutes which are recorded by staff and demonstrate all actions taken by the HPC and the reasons for taking such actions.
- (k) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.

- (l) Review and act on all Certificates of Appropriateness applications for compliance with adopted Design Guidelines pursuant to this Article.
- (m) Review and act 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.
- (n) Develop, prepare, and adopt specific Design Guidelines 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 act 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

Section 77.504. HISTORIC PRESERVATION OFFICER

- (A) The City Council shall appoint a qualified city official, staff person, or appropriate resident of the municipal entity to serve as Historic Preservation Officer (HPO). This officer shall be a non-voting member of the commission tasked with administering this ordinance and advise the Commission on matters submitted to it.
- (B) In addition to serving as representative of the Commission, the officer is responsible for coordinating the city's preservation activities with those of state and federal agencies and with local, state, and national nonprofit preservation organizations.
- (C) The HPO shall be aware of the condition of all structures within the historic district or any designated landmark. The HPO will notify property owners of conditions which may put the structure at risk or jeopardize the historic integrity of the district or landmark.

Section 77.505 3.14.005: USE REGULATIONS

The purpose of the Historic Downtown District is to allow a mix of land uses that are compatible and complementary with one another, and which are conducive to the revitalization of the area. Certain uses have been determined to be wholly incompatible with the goals of the district and are therefore specifically prohibited. All uses are regulated by the City of Farmersville Zoning Ordinances.

- (a) **Permitted Uses:** Establishments which fall within the following general categories shall be permitted in accordance with the city's zoning ordinance.
- (b) **Prohibited Uses:** The following uses are specifically prohibited in the Historic Downtown District, and shall not be allowed, unless such business is already in existence, in which case, said business would be considered "grandfathered in":
 - 1. The storage or sale of hazardous chemicals
 - 2. Auto repair stores, tire stores, automobile, or vehicle sales establishments
 - 3. Sexually oriented businesses or adult entertainment facility
 - 4. Day care facility for any age group
 - 5. Storage facilities, including storage warehouses or indoor storage facilities, for the storage of personal, household or business items, except storage facilities accessory and incidental to a use permitted by paragraph (a) of this Section

6. Funeral homes and mortuaries
7. Laundry facilities
8. Outdoor commercial swimming pool
10. Veterinarian offices, including kennels, boarding facilities, animal hospitals, shelters, or pet day care facilities.
11. Portable Buildings (unless temporary permit has been issued for construction purposes)

Section 77.506. CERTIFICATES OF APPROPRIATENESS FOR ALTERATION AND/OR NEW CONSTRUCTION

(A) The requirements for a Certificate of Appropriateness impact the following:

1. All Buildings Contributing and Non Contributing
2. New construction within the HOD

(B) Certificate of Appropriateness (COA) for Alteration or New Construction Affecting Landmarks or Historic Districts:

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

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

(D) Certification of Appropriateness Application Procedure

1. Prior to the commencement of any work requiring a Certificate of Appropriateness, the owner shall file an application for such a certificate with the Commission. The application shall contain:
 - a. Physical address of property to be modified
 - b. Name, address, telephone number of applicants
 - c. Detailed description of proposed work.

- b. Elevation drawings of the proposed changes, if available.
 - c. Samples or description of materials to be used.
 - d. If the proposal includes signs or lettering, a scale drawing/example showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination (if any), and a plan showing the sign's location on the property.
 - e. Any other information that the Commission may deem necessary to visualize the proposed work.
 - f. Current photographs of the property and adjacent properties as well as historical photographs, if available, shall be provided to Commission staff
2. The Commission shall issue a Certificate of Appropriateness prior to the issuing of a building permit. The (COA) required by this section shall be in addition to and not in lieu of, any building permit that may be required by any other ordinance of the City of Farmersville.
 3. The Commission shall review the application at a regularly scheduled meeting within forty-five (45) days from the date the application is received at which time an opportunity will be provided for the applicant to be heard. The Commission shall take one of the following actions on the building permit: approve, deny, or approve with modifications. In the event the Commission does not act within ninety (90) days of the receipt of the application, the Certificate of Appropriateness shall be deemed to have been approved.
 4. All decisions of the Commission shall be in writing. The Commission's decision shall state its findings pertaining to approval, denial, or modification of the application. A copy shall be sent to the applicant. Additional copies shall be filed as part of the public record on that property and dispersed to the Planning & Zoning Commission and the Inspections & Permits Department.
 5. An applicant for a Certificate of Appropriateness (COA) dissatisfied with the action of the Commission regarding issuance or denial of a (COA) shall have the right to appeal to the City Council within thirty (30) days after receipt of notification of such action. The City Council shall give notice, follow publication procedure, hold hearings, and make its decision.

(E) Certificate of Appropriateness Required for Demolition

The review of a completed application for a Certificate of Appropriateness by the Commission is required prior to issuing a demolition permit of an historic landmark or property within an historic district including secondary buildings and landscape features, as provided for in subsections (F), (G) AND (H) of this section.

(F) Economic Hardship Application Procedure

1. After receiving written notification from the Commission of the denial of a Certificate of Appropriateness, an applicant may commence the hardship process; or this process may be simultaneous with the original Certificate of Appropriateness application procedure. The Commission must confirm that a hardship exists before a building permit or demolition permit shall be issued.
2. When a claim of economic hardship is made, due to the effect of this ordinance, the owner must prove that:
 - a. The property is incapable of earning a reasonable return, 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; and
 - c. Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
3. The applicant shall consult in good faith with the Commission, 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 shown to the Commission.
4. The Commission shall hold a public hearing on the application within sixty (60) days from the date the application is received by the (HPO) preservation officer. Following the hearing, the Commission has thirty (30) days to prepare a written recommendation to the building official. In the event that the Commission does not act within ninety (90) days of the receipt of the application, a permit may be granted.
5. All decisions of the Commission shall be in writing. A copy shall be sent to the applicant by mail, and a copy filed with each the Planning & Zoning Commission and the Inspections and Permits Department. The Commission's decision shall state the reasons for granting or denying the hardship application. (Per Section 3.14.007 C:4)
6. An applicant for a Certificate of Appropriateness (COA) dissatisfied with the action of the Commission regarding issuance or denial of a Certificate of Appropriateness shall have the right to appeal to the City Council within thirty (30) days after receipt of notification of action. The City Council shall give notice, follow publication procedure, hold hearings, and make its decision.

- (G) **Enforcement.** All work performed pursuant to a Certificate of Appropriateness issued under this ordinance shall conform to any requirements included therein. It shall be the duty of the building official to periodically inspect any such work to assure compliance. In the event work is not being performed in accordance with the Certificate of Appropriateness, or upon notification of such fact by the Commission and verification by the building official, the building official shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. Once compliance is confirmed by the building official, the stop work order may be lifted by the receipt of a written notice of compliance by the official to both the Planning & Zoning Commission and the Inspections and Permits Department.
- (H) **Ordinary Maintenance.** Nothing in this ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district that does not involve a change in design, material, or outward appearance. In-kind replacement or repair is included in this definition of ordinary maintenance.
- (I) **Demolition by Neglect.** No owner or person with an interest in real property designated as a landmark or included within a historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself. Examples of such deterioration shall include:
1. Deterioration of exterior walls or other vertical supports
 2. Deterioration of roofs or other horizontal members
 3. Deterioration of exterior chimneys
 4. Deterioration or crumbling stucco or mortar
 5. Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors
 6. Deterioration of any feature so as to create a hazardous condition, which could lead to the claim that demolition is necessary for public safety.

Section 77.507. ARCHITECTURAL ELEMENTS

- (a) New development or construction within the Historic Downtown District must have front and side facades constructed of wood, brick, masonry, stone, stucco, or glass. Architectural metal accents, such as copper or bronze may be used to accent structural elements. No metal buildings shall be permitted, unless such structures are faced with wood, brick, masonry, or stucco.
- (b) Existing structures. Every reasonable effort shall be made to adapt a property

in a manner that requires minimal alteration of any distinctive architectural features or characteristics of a structure.

- (c) The design of walls and other structures located on the same site, including those used for screening, as set forth in paragraph 1 hereof, shall be constructed of the same or similar materials as the main building on the lot.
- (d) Paint colors must be taken from an appropriate historical palette.
- (e) Provided, however, with regard to subparagraphs 2 and 3 (b) and (c) above, an applicant may present to the Planning and Zoning Commission and Council, on a site plan, specifications that include elevation drawings and proposed alternative materials, which meet or exceed the appearance and durability requirements above.

Section 77.508. DESIGNATION OF HISTORIC LANDMARKS & DISTRICTS

1. The procedures for designating a local landmark shall be by the original property owner.
2. Designation of Historic Landmarks is accomplished by amendment to the official zoning map for the City of Farmersville. Such an amendment must be approved by ordinance of City Council, following a public hearing and recommendation by both the Historic Preservation Commission and the City Planning and Zoning Commission, in that order.
3. Property owners of proposed historic landmarks shall be notified prior to the hearing of the Preservation Commission, on the recommended designation. At the Commission's public hearing, owners, interested parties, and technical experts may present testimony or document evidence that will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic landmark.
4. Upon recommendation of the Commission, the proposed historic landmark shall be submitted to the City Secretary for the City Planning & Zoning Commission within forty-five (45) days from the date of submission of designation request. The City Planning & Zoning Commission shall give notice and conduct its hearing on the proposed designation within forty-five (45) days of receipt of such recommendation from the Commission.
5. Upon designation of a building, object, site, or structure as a historic landmark or district, the City Council shall cause the designation to be recorded in the official zoning maps of the City of Farmersville. The official zoning map should indicate the designated landmarks with an appropriate mark.
6. Criteria for the Designation of Historic Landmarks. A historic landmark or district may be designated if it:
 - a. possesses significance in history, architecture, archaeology, or 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 the lives of persons significant in our past; embodies the distinctive characteristics of a type, period, or method of construction.
- d. represents the work of a master designer, builder, or craftsman.
- e. represents an established and familiar visual feature of the city.
- f. Possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- g. Has yielded, or may be likely to yield, information important in prehistory or history.

Designation of Other Historic Districts

- 1. Designation of Historic Districts is accomplished by amendment to the official zoning map for the City of Farmersville. Such an amendment must be approved by ordinance of City Council, allowing a public hearing and recommendation by the City Planning & Zoning Commission.
- 2. Owners of property within a proposed historic district shall be notified prior to the hearing of the Historic Preservation Commission, on the recommended designation. At the Commission's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence which will become part of the record regarding the historic, architectural, or cultural importance of the proposed historic district.
- 3. Upon recommendation of the Commission, the proposed historic district shall be submitted to the Secretary of the City Planning & Zoning Commission within forty-five (45) days from the date of submission of designation request. The City Planning & Zoning Commission shall give notice and conduct its hearing on the proposed designation within forty-five (45) days of receipt of such recommendation from the Commission.
- 4. Upon designation of a historic district, the City Council shall cause the designated boundaries to be recorded on the official zoning map of the City of Farmersville.
- 8. Criteria for the Designation of Historic Districts
 - a. Contains properties and an environmental setting which meet one or more of the criteria for designation of a landmark; and
 - b. Constitutes a distinct section of the city.