



**CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION AGENDA
REGULAR CALLED MEETING
September 20, 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. PUBLIC HEARINGS

- A. "Public Hearing to consider discuss and act upon a request to consider an 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 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. The Farmersville City Council will also consider designating the properties and structures situated in the Central Area (CA) zoning district classification as being subject to the new Historic Preservation Overlay Zoning District."

- B. "Public Hearing to consider, discuss and act upon text amendments to Chapter 77, "Zoning," of the Farmersville Code, as previously amended, by amending Section 77-49, "Use Specific Regulations," to add a new Subparagraph (n) entitled "Food Trucks and Operation Sites," establishing regulations governing "food trucks," "operation sites" for food trucks, and the use of property or a tract of land for use as a "food truck court."

IV. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- A. Consider, discuss, and act upon P&Z minutes from the July 19, 2022, meeting.
- B. Consider, discuss and act upon a minor replat for Fowler Addition (316 S.Johnson).
- C. Consider, discuss and act upon a minor plat for Gaddy South Addition Lot 1 Block A.
- D. Consider, discuss, and act upon a recommendation to City Council regarding Ordinance #O-2022-0927-001, amendment of Chapter 77 "Zoning", by adopting a new article that will create a Historic Preservation Overlay Zoning District.
- E. Consider, discuss, and act upon a recommendation to City Council regarding Ordinance #O-2022-0927-002, amendment of Chapter 77 "Zoning", by adopting a new section entitled "Food Trucks and Operation sites." That establishes regulations governing "Food Trucks or Mobile Food Establishments."

ADJOURNMENT

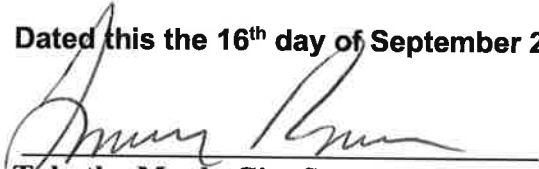
The Planning and Zoning Commission reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any Work Session, Special or Regular Session agenda items requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said

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.

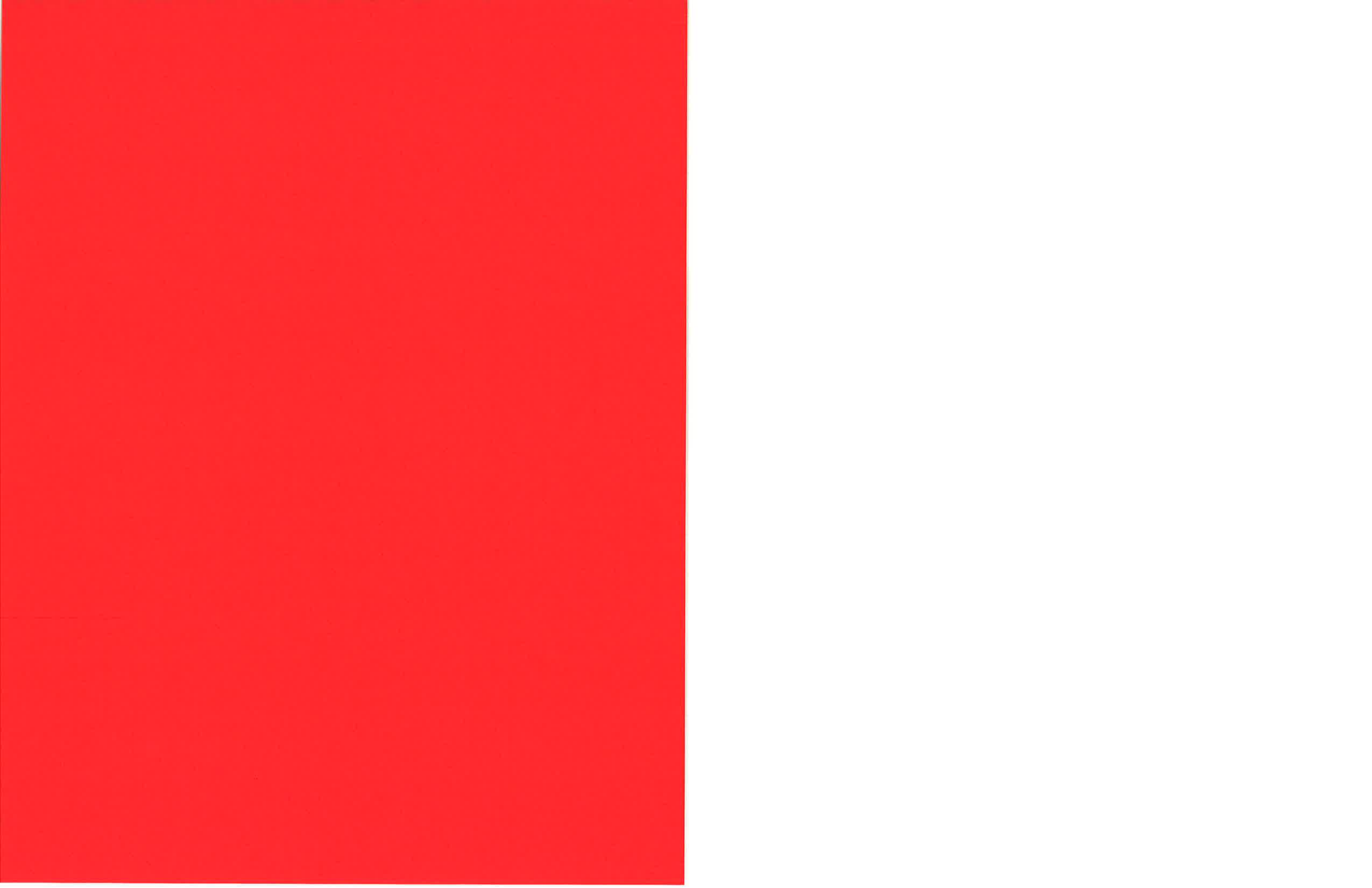
I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in the regular posting place of the City Hall building for Farmersville, Texas, in a place and manner convenient and readily accessible to the general public at all times, and said Notice was posted on September 16, 2022, by 11:00 A.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.

Dated this the 16th day of September 2022.


Tabatha Monk, City Secretary



I. Preliminary Matters



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



III. PUBLIC HEARING

- A. Public hearing to consider, discuss and act upon a request to consider an 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 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. The Farmersville City Council will also consider designating the properties and structures situated in the Central Area (CA) zoning district classification as being subject to the new Historic Preservation Overlay Zoning District."

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Farmersville Planning & Zoning Commission at 6:00 p.m. on Tuesday, September 20, 2022, in the City Hall Council Chambers at 205 S. Main St. to consider an 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 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.

The Farmersville Planning & Zoning Commission will also consider designating the properties and structures situated in the Central Area (CA) zoning district classification as being subject to the new Historic Preservation Overlay Zoning District.

All interested citizens are hereby notified of their right to appear and be heard on the matter. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Farmersville City Council at 6:00 p.m. on Tuesday, September 27, 2022 in the City Hall Council Chambers at 205 S. Main St. to consider an 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 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.

The Farmersville City Council will also consider designating the properties and structures situated in the Central Area (CA) zoning district classification as being subject to the new Historic Preservation Overlay Zoning District.

All interested citizens are hereby notified of their right to appear and be heard on the matter. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing.

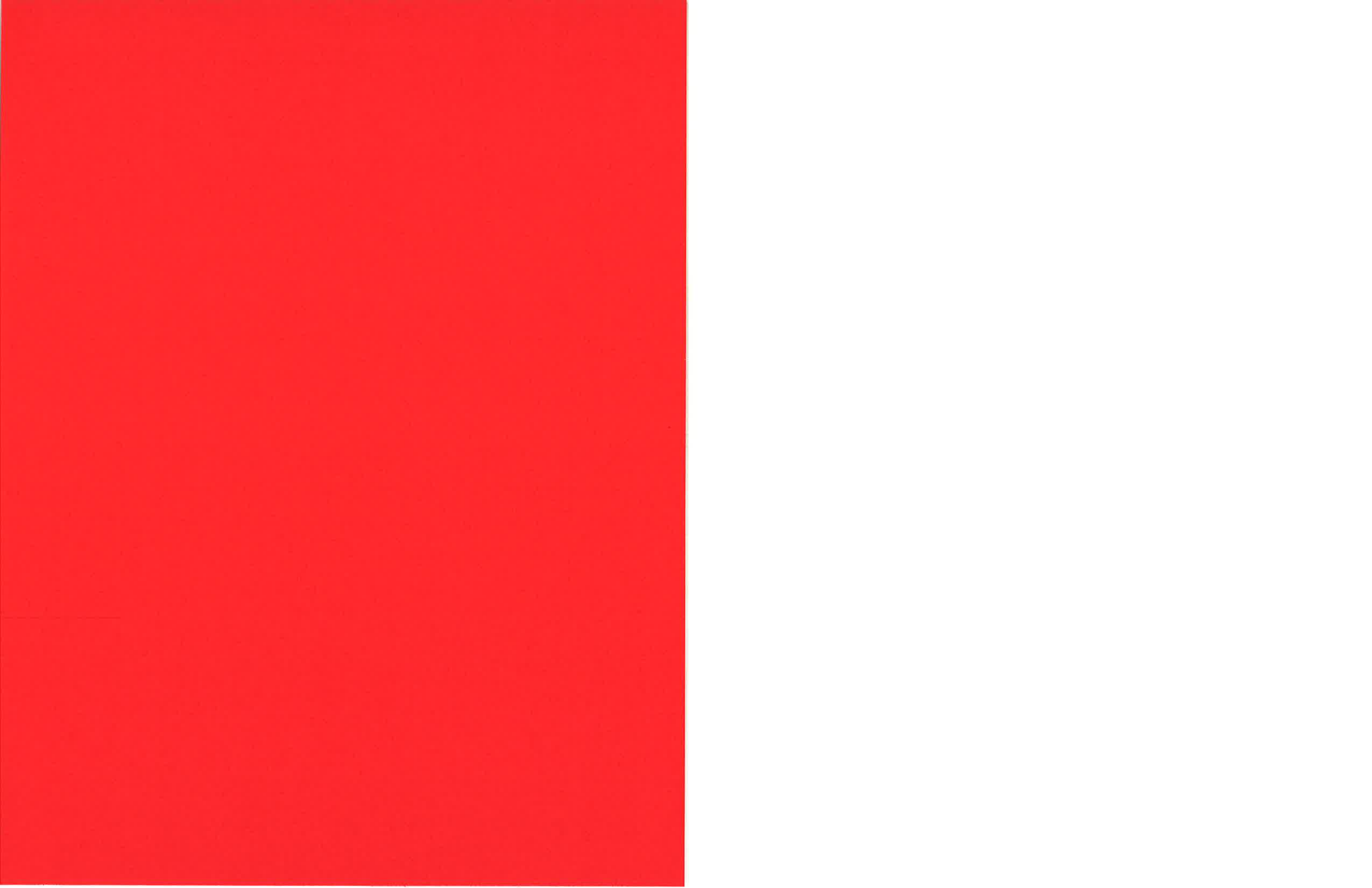
B. Public hearing to consider, discuss and act upon text amendments to Chapter 77, "Zoning," of the Farmersville Code, as previously amended, by amending Section 77-49, "Use Specific Regulations," to add a new Subparagraph (n) entitled "Food Trucks and Operation Sites," establishing regulations governing "food trucks," "operation sites" for food trucks, and the use of property or a tract of land for use as a "food truck court."

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Farmersville Planning & Zoning Commission will hold a public hearing at 6:00 p.m. on Tuesday, September 20, 2022 in the City Hall Council Chambers at 205 S. Main Street, Farmersville, Texas 75442 to consider, discuss and act upon text amendments to Chapter 77, "Zoning," of the Farmersville Code, as previously amended, by amending Section 77-49, "Use Specific Regulations," to add a new Subparagraph (n) entitled "Food Trucks and Operation Sites," establishing regulations governing "food trucks," "operation sites" for food trucks, and the use of property or a tract of land for use as a "food truck court."

Notice is hereby given that the Farmersville City Council will hold a public hearing at 6:00 p.m. on Tuesday, September 29, 2022 in the City Hall Council Chambers at 205 S. Main Street, Farmersville, Texas 75442 to consider, discuss and act upon text amendments to Chapter 77, "Zoning," of the Farmersville Code, as previously amended, by amending Section 77-49, "Use Specific Regulations," to add a new Subparagraph (n) entitled "Food Trucks and Operation Sites," establishing regulations governing "food trucks," "operation sites" for food trucks, and the use of property or a tract of land for use as a "food truck court."

All interested citizens are hereby notified of their right to appear and be heard on the matter. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing.



IV. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

A. Consider, discuss and act upon minutes from July 19, 2022.



**CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION MINUTES
REGULAR SESSION MEETING
July 19, 2022, 6:00 P.M.**

I. PRELIMINARY MATTERS

- Commissioner John Klosterman presided over the meeting which was called to order at 6:01 p.m. Commissioners Adam White, Michael Hesse and Sue Williams were present. Chairman Joe Helmberger and Commissioner James Riley were absent and there is one vacant seat on the Commission. Also in attendance were Councilmember Lance Hudson, City Manager Ben White, City Secretary, Tabatha Monk, Warrant Officer, Rick Ranspot and City Attorney Alan Lathrom.
- Councilmember Lance Hudson led the prayer and Commissioner Klosterman 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. PUBLIC HEARING

- A.** Public Hearing to consider discuss and act upon a request to. consider an 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 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. The Farmersville City Council will also consider designating the properties and structures situated in the Central Area (CA) zoning district classification as being subject to the new Historic Preservation Overlay Zoning District."

Commissioner Klosterman opened the public hearing at 6:04 p.m.

- No one came forward to speak for or against this item.

Commissioner Klosterman closed the public hearing at 6:04 p.m.

IV. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- A. "Consider, discuss and act upon the P&Z minutes from the June 21, 2022, meeting."

Commissioner White made a motion to approve.

Commissioner Hesse seconded the motion to approve.

The motion carried unanimously (4-0).

- B. "Consider, discuss and act upon a recommendation to City Council regarding Ordinance #O-2022-0726-001, amendment of Chapter 77 "Zoning" by adopting a new article that will create a Historic Preservation Overlay Zoning District."

- Discussion between Mr. Latham, Mr. White and the board took place.

Commissioner Hesse made a motion to table this item until the next meeting.

Commissioner White seconded the motion to table.

The motion carried unanimously (4-0).

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

- Mr. White updated the board and answered their questions.

Commissioner Hesse made a motion to approve the Concept Plan for Farmersville Biz Park.

Commissioner White seconded the motion to approve.

The motion carried unanimously (4-0).

Commissioner White made a motion to approve the Preliminary Plat for Farmersville Biz Park.

Commissioner Hesse seconded the motion to approve.

The motion carried unanimously (4-0).

ADJOURNMENT

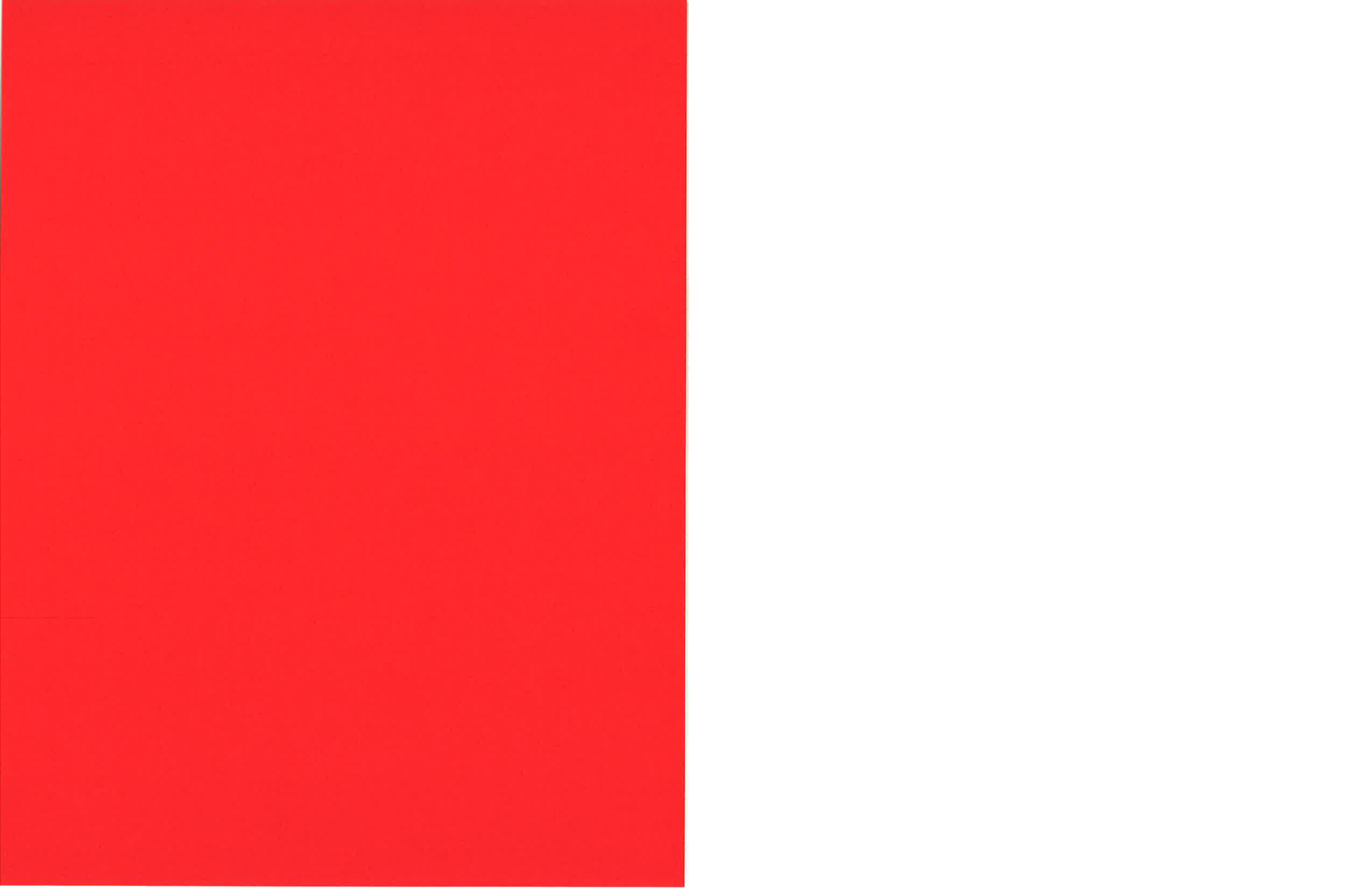
Commissioner John Klosterman adjourned the meeting at 6:47 p.m.

ATTEST:

APPROVE:

Tabatha Monk, City Secretary

Joe Helmberger, Chairman



B. Consider, discuss and act upon a minor replat for Fowler Addition (316 S.Johnson).



September 15, 2022

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

RE: Fowler Addition Replat
Dated August 2022

Mr. White:

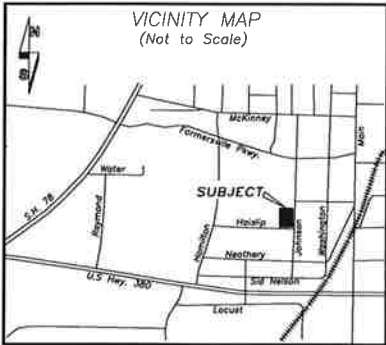
The above referenced project has been reviewed according to the ordinances of the City of Farmersville and been found to be compliant.

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

Sincerely,

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

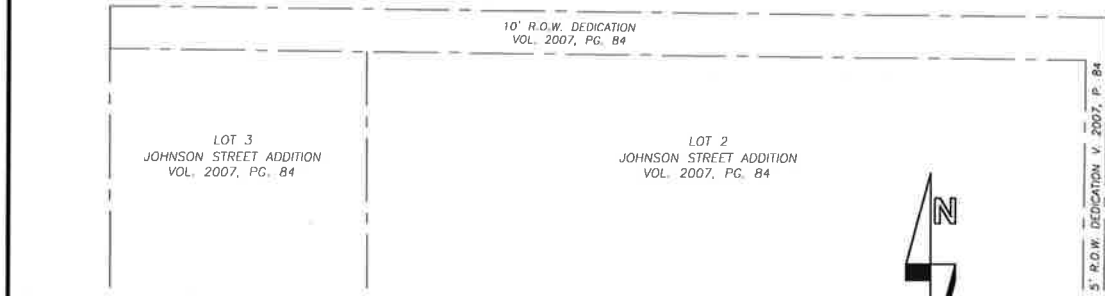
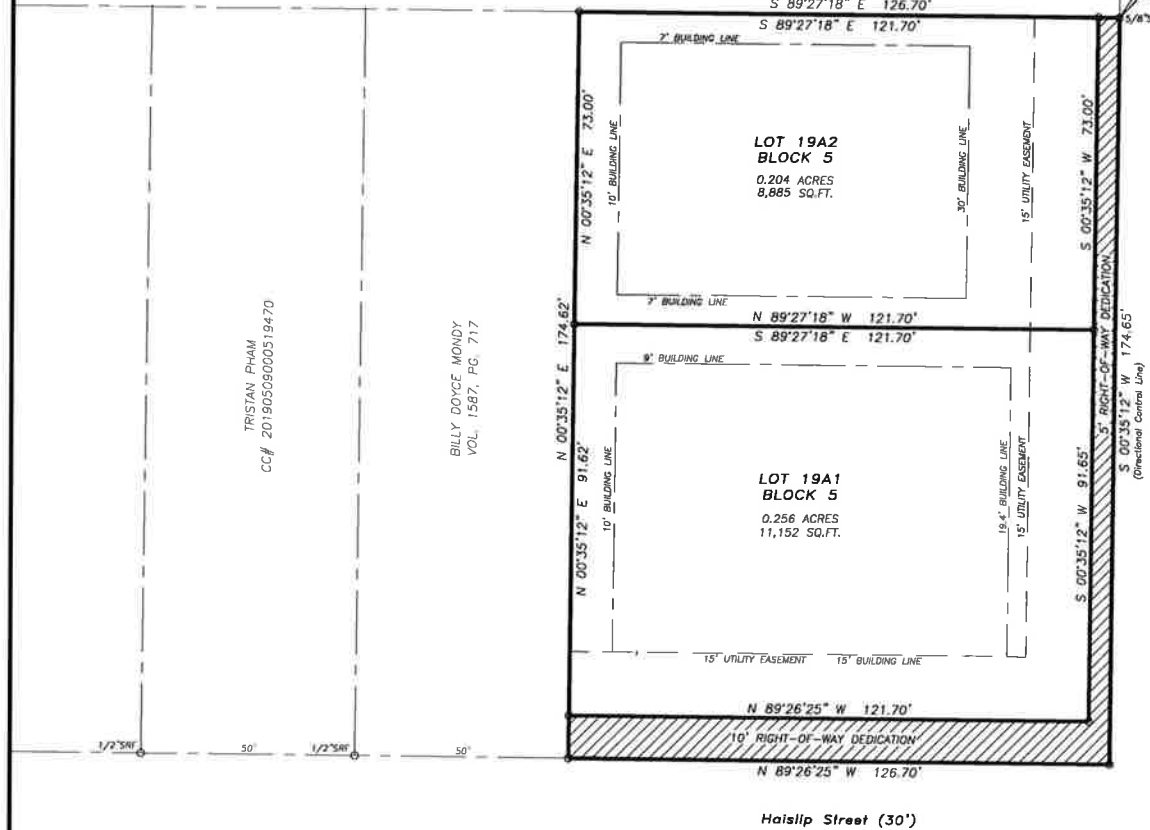
Jacob Dupuis, PE
Discipline Lead



Subject tract is located within the Farmersville Independent School District (F.I.S.D.).

W.B. WILLIAMS SURVEY
A-952

CALLED 2 ACRES
CITY OF FARMERSVILLE
VOL. 850, PG. 324



UTILITIES TO BE PROVIDED BY:
WATER: City of Farmersville, CCN# 13009
ELECTRIC: City of Farmersville
SEWER: City of Farmersville

SRS = STEEL ROD SET
SRF = STEEL ROD FOUND
O DENOTES A 5/8\"/>

- Notes:
- 1) Purpose of this Replat is to create 2 platted Lots.
 - 2) Subdivision is located in Farmersville ISD.
 - 3) Verify exact location of underground utilities prior to construction.
 - 4) Bearings based on Texas Plane Coordinate System, Texas North Central Zone 4202, NAD83.
 - 5) Subject property located in SF-2 - Single Family Dwelling District.

NOTICE: Selling a portion of this addition by mates and bounds is a violation of City ordinance and State law, and is subject to fines and withholding of utilities and building permits.

FLOOD NOTE:
Subject tract located in Zone 'X' as scaled from F.I.R.M. Panel 48085C0340J, dated June 2, 2009.

Zone 'X' - "areas determined to be outside the 0.2% annual chance floodplain."

PROPERTY OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS, Ricardo Martinez Sandoval, is the owner of a tract of land situated in the W.B. Williams Survey, A-952, City of Farmersville, Collin County, Texas, being part of Lot 19, Block 5 of the Fowler Addition (unrecorded) to the City of Farmersville, some being that tract of land described in deed to Ricardo Martinez Sandoval as recorded under CC# 20210805001579760 of the Official Public Records of Collin County, Texas, and being further described as follows:

BEGINNING at a 5/8 inch steel rod found on the West line of S. Johnson Street, at the Northeast corner of said Sandoval tract, and at the Southeast corner of that called 2 acres of land described in deed to the City of Farmersville as recorded in Volume 850, Page 324 of the Deed Records of Collin County, Texas;

THENCE South 00 degrees 35 minutes 12 seconds West (Directional Control Line), 174.65 feet along the West line of said S. Johnson Street to a 5/8 inch steel rod set at the intersection of the West line of said S. Johnson Street with the North line of Haislip Street;

THENCE North 89 degrees 26 minutes 25 seconds West, 126.70 feet along the North line of said Haislip Street to a 5/8 inch steel rod set at the Southeast corner of that tract of land described in deed to Billy Doyce Mandy as recorded in Volume 1587, Page 717 of the Deed Records of Collin County, Texas;

THENCE North 00 degrees 35 minutes 12 seconds East, 174.62 feet to a 5/8 inch steel rod set on the South line of said 2 acres, and at the Northeast corner of said Mandy tract;

THENCE South 89 degrees 27 minutes 18 seconds East, 126.70 feet along the South line of said 2 acres to the POINT OF BEGINNING, containing 0.508 acres of land.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That, Ricardo Martinez Sandoval, does hereby adopt this plat designating the herein above described property as Final Plat of the Fowler Addition, Lot 19A1 & 19A2, Block 5, an addition to the City of Farmersville, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, rights-of-way, and other public improvements-shown thereon. The streets and alleys, if any, are dedicated for street purposes and any and all related necessary appurtenances. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements and right-of-ways as shown, except that landscape improvements may be placed in landscape easements, if approved by the City Council of the City of Farmersville. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Farmersville's use thereon.

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

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

WITNESS, my hand this the _____ day of _____, 20____.

BY:

MELISSA NOEMI

Ricardo Martinez Sandoval
Owner

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Ricardo Martinez Sandoval, Owner, 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 purpose and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

Notary Public in and for the State of Texas

My Commission Expires On:

HERBERT CASTILLEJA
GUADALUPE CASTILLEJA
VOL. 3095, PG. 970

FRANCISCO SANDOVAL

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, Matthew Busby, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Farmersville.

_____, 20____.

PRELIMINARY & FOR REVIEW ONLY.
THIS DOCUMENT SHALL NOT BE
RECORDED FOR ANY PURPOSE.

Matthew Busby
R.P.L.S. No. 5751

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Matthew Busby, Land Surveyor, 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 purpose and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

Notary Public in and for the State of Texas

My Commission Expires On:

FINAL PLAT OF THE FOWLER ADDITION LOTS 19A1 & 19A2, BLOCK 5

Being a Replat of Lot 19A, Block 5 of the Fowler Addition (unrecorded), an addition to City of Farmersville, Collin County, Texas.

TOTAL ACRES = 0.508 ACRES
CITY OF FARMERSVILLE
COLLIN COUNTY, TEXAS
W.B.WILLIAMSSURVEY, A-952

OWNER:
Ricardo Martinez Sandoval
316 S. Johnson Street
Farmersville, TX 75442

SURVEYOR:
Boundary Solutions
P.O. Box 250
Caddo Mills, TX 75135
972-782-8082

B.S.I.Job# 2110-019



20222165

DEVELOPMENT APPLICATION

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

Fees:

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

The application fee of \$ _____, to be paid to the City of Farmersville, is enclosed with this application.

A. Description of Property

1. Addition Name FOWLER ADDITION
2. Total Acreage 0.508 ACRES
3. Current Zoning Classification(s) SF2
4. Proposed Zoning Classification(s) SF2
5. Total Number of Lots, by Type 2
6. Proposed Use of Property RESIDENTIAL
7. Location of Property 316 S. JOHNSON
8. Geographic (Tax) ID Number R- 1053-005-019A-1R-

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

- | | |
|--------------------------------------|--|
| 1. Owner <u>RICARDO SANDOVAL</u> | 2. Applicant/Representative <u>MATTHEW BUSBY</u> |
| Address <u>316 S. JOHNSON</u> | Address <u>116 MCKINNEY ST.</u> |
| City, State, Zip <u>FARMERSVILLE</u> | City, State, Zip <u>FARMERSVILLE</u> |
| Phone <u>469 712 0456</u> | Phone <u>214 499 8472</u> |
| Email _____ | Email <u>mbusby-bsie@yahoo.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: _____

Date: _____

1-27-22

BOUNDARY SOLUTIONS
Professional Land Surveyors

January 21, 2022

**RE: Letter of Intent
Replat Fowler Addition, Lot 19A1 & 19A2, Block 5
City of Farmersville
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.



08/05/2021 12:20:19 PM D1 1/3

CONSTABLE'S DEED

The State of Texas

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COLLIN

THAT WHEREAS, by virtue of a certain ORDER OF SALE issued out of the 471st Judicial District Court of Collin County, in favor of Ovation Services LLC, and Intervenor Collin County, et al, and against Azel Edmond Griffin and Donna Mathews on a certain judgment rendered on the 17th day of May, 2021, and directed and delivered to me, as Constable Precinct 2 of Collin County, Texas, commanding me, of the goods and chattels, land and tenements of said Azel Edmond Griffin and Donna Mathews to make certain moneys in said writ mentioned, I, Gary Edwards, Constable as aforesaid, did levy on and seize all the estate, right, title and interest which the said Defendant had on the 18th day of June, 2021, so had, of, in and to, the premises hereinafter described, and on the first Tuesday in August, 2021 within the hours prescribed by law, sold said premises at public auction in the County of Collin at the door of the courthouse thereof, having first given public notice of the time and place of sale, by causing an advertisement thereof to be published in the English language once a week for three consecutive weeks, immediately preceding said sale in the Collin County Commercial Record, a newspaper published in said Collin County. The first of said publications being twenty days prior to said sale, said notice being published in said newspaper on the following dates, to-wit: July 13th, 2021; July 20th, 2021; July 27th, 2021; said notice containing a statement of the authority by virtue of which said sale was made, the time of the levy, and time and place of sale, and stating the locality of said property and giving a brief description of thereof, sufficient to enable it to be reasonably known and identified, as required by law.

And, whereas, at said sale the said premises were struck off to Ricardo Martinez Sandoval for the sum of One Hundred Ten Thousand Dollars and Zero Cents, that being the highest secure bid for the same, unless otherwise exempted.

NOW, THEREFORE, in consideration of the premises aforesaid, and of the payment of the said sum of One Hundred Ten Thousand Dollars and Zero Cents, the receipt of which is hereby acknowledged, I, Gary Edwards, Constable as aforesaid, have sold, and by these presents do grant and convey all the estate, right, title and interest which the said Azel Edmond Griffin and Donna Mathews had on 3rd day of August, 2021, or at any time afterwards, in and to the following described premises, TO-WIT:

PROPERTY DESCRIPTION: ACCOUNT 1. R-1053-005-019A-1

BEING ALL OF THE LOT 19A, IN BLOCK 5, OF THE FOWLER ADDITION, TO THE CITY OF FARMERSVILLE, COLLIN COUNTY, TEXAS, AND BEING A PART OF LOT 19 IN SAID BLOCK NO. 5, OF THE FOWLER ADDITION TO THE SAID CITY OF FARMERSVILLE, COLLIN COUNTY, TEXAS, AND BEING ALL THREE TRACTS MORE PARTICULARLY DESCRIBED BY METES & BOUNDS IN SWD RECORDED AS DOCUMENT NO. 2015-016001313680 IN THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS.

Commonly known as: 316 S. JOHNSON ST, FARMERSVILLE, TX 75442

TO HAVE AND TO HOLD, the above described premises unto the said Ricardo Martinez Sandoval, 818 County Road 698 Farmersville, TX 75442, heirs and assigns forever, as fully and as absolute as I, as Constable as aforesaid, can convey by virtue of said writ.

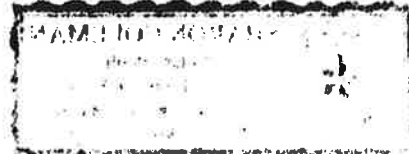
BE IT KNOWN THAT, Ricardo Martinez Sandoval, WAS THE SUCCESSFUL BIDDER IN THE ENCLOSED SALE AND HAS PRESENTED TO THIS OFFICER AN UNEXPIRED WRITTEN STATEMENT ISSUED TO SAID BIDDER IN THE MANNER PRESCRIBED BY SECTION 1 SUBCHAPTER C CHAPTER 34 CIVIL PRACTICE AND REMEDIES, CODE, SHOWING THAT THE COLLIN COUNTY TAX ASSESSOR-COLLECTOR DETERMINED THAT:

- (1) THERE ARE NO DELINQUENT AD VALOREM TAXES OWED BY SAID PERSON TO COLLIN COUNTY;
- AND
- (2) FOR EACH SCHOOL DISTRICT OR MUNICIPALITY HAVING TERRITORY IN THE COUNTY THERE ARE NOT KNOWN OR REPORTED DELINQUENT AD VALOREM TAXES OWED BY SAID PERSON TO THAT SCHOOL DISTRICT OR MUNICIPALITY.

IN TESTIMONY OF, I have hereunto set my hand, this 3th day of August, 2021.

Gary Edwards
Constable, Pct. 2
Collin County, Texas

By: 
Deputy C. Praslicka



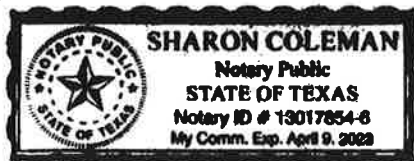
The State of Texas

COUNTY OF COLLIN

BEFORE ME, the undersigned authority, this day personally appeared, C. Praslicka, Deputy Constable of Collin County, Texas, to me well known to be the person whose name is signed to be foregoing instrument, and acknowledged that he executed the said instrument for the purposes, considerations, and in the capacity therein set forth and expressed.

WITNESS MY HAND and seal of office at Farmersville, Texas on this the 3rd day of

August, 2021.



Sharon Coleman
Notary Public, Collin County, Texas

UNOFFICIAL

Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
08/05/2021 12:20:19 PM
\$34.00 TBARNETT
20210805001579760



Stacey Kemp

Kenneth L. Maun
Tax Assessor\Collector
Collin County



P.O. Box 8046
McKinney, TX 75070
Ph: 972-547-5020
Metro: 972-424-1460 ext. 5020

TAX CERTIFICATE FOR ACCOUNT : R1053005019A1
AD NUMBER: 1232703
GF NUMBER:
CERTIFICATE NO : 44946855
COLLECTING AGENCY
Collin County
P.O. Box 8046
McKinney TX 75070

DATE : 12/15/2021
FEE : \$10.00
PROPERTY DESCRIPTION
FOWLER ADDITION (CFC)|BLK 5|LOT 19A

PAGE 1 OF 1

REQUESTED BY
BOUNDARY SOLUTIONS INC

116 MCKINNEY ST
FARMERSVILLE TX 75442

0000316 S JOHNSON ST
0 ACRES

PROPERTY OWNER
SANDOVAL RICARDO MARTINEZ

818 COUNTY ROAD 698
FARMERSVILLE TX 754428426

THIS IS TO CERTIFY THAT AFTER A CAREFUL CHECK OF THE TAX RECORDS, ALL TAXES DUE THE TAX ASSESSOR COLLECTOR OF COLLIN COUNTY ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN PAID UP TO AND INCLUDING THE CURRENT YEAR TAXES WITH ANY ABOVE LISTED EXCEPTIONS.

THE ABOVE DESCRIBED PROPERTY TAX HAS/IS RECEIVING SPECIAL VALUATION BASED ON ITS USE, AND ADDITIONAL ROLLBACK TAXES MAY BECOME DUE BASED ON THE PROVISIONS OF THE SPECIAL VALUATION. SPTB RULE 155.40 (B) PARAGRAPH 6.

CURRENT VALUES								
LAND MKT VALUE:		\$46,875.00			IMPROVEMENT :		\$109,989.00	
AG LAND VALUE:		\$0.00			DEF HOMESTEAD:		\$0.00	
APPRAISED VALUE:		\$156,864.00			LIMITED VALUE:		\$0.00	
EXEMPTIONS:								
LAWSUITS: 471-03574-2020								

YEAR	TAX UNIT	LEVY	PEN	INT	DEF INT	ATTY	AMOUNT DUE
2021	COLLIN COLLEGE	\$127.41	\$0.00	\$0.00	\$0.00	\$0.00	\$127.41
2021	Collin County	\$263.67	\$0.00	\$0.00	\$0.00	\$0.00	\$263.67
2021	FARMERSVILLE CITY	\$1,116.94	\$0.00	\$0.00	\$0.00	\$0.00	\$1,116.94
2021	FARMERSVILLE ISD	\$2,122.84	\$0.00	\$0.00	\$0.00	\$0.00	\$2,122.84
2021 SUB TOTAL							\$3,630.86

TOTAL CERTIFIED TAX DUE 12/2021 : \$ 3,630.86
ISSUED TO : BOUNDARY SOLUTIONS INC
ACCOUNT NUMBER: R1053005019A1

CERTIFIED BY : Collin County Property Tax Off



C Consider, discuss and act upon a minor plat for Gaddy South Addition Lot 1 Block A.



DEVELOPMENT APPLICATION

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

Fees:

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

The application fee of \$ _____, to be paid to the City of Farmersville, is enclosed with this application.

A. Description of Property

- Addition Name GADDY SOUTH ADDITION
- Total Acreage 0.207 ACRES
- Current Zoning Classification(s) SF1
- Proposed Zoning Classification(s) SF1
- Total Number of Lots, by Type 1
- Proposed Use of Property RESIDENTIAL
- Location of Property PENDLETON ST.
- Geographic (Tax) ID Number R- 6952-004-1370-R

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

- | | |
|--|--|
| 1. Owner <u>FID LAND + DEV.</u> | 2. Applicant/Representative <u>MATTHEW BUSBY</u> |
| Address <u>PO BOX 592</u> | Address <u>116 MCKENNEY ST.</u> |
| City, State, Zip <u>PRINCETON, TX</u> | City, State, Zip <u>FARMERSVILLE, TX</u> |
| Phone <u>469-952-0980</u> | Phone <u>214-499-0472</u> |
| Email <u>octaviotomas@tomasgroup.net</u> | Email <u>mbusby_bsi@yahoo.com</u> |
| | <u>dfwframing@gmail.com</u> |

- C. Variance Request: ☒ Yes ☐ No If yes, describe: WIDTH & DEPTH OF LOT FOR SF1

"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:

FID Land & Development - Octavio Tomas

dotloop verified
07/22/2022 11:08 AM
COT
BHV-SSEE-TACHC7X

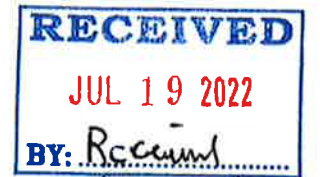
Date:

07/22/2022

BOUNDARY SOLUTIONS
Professional Land Surveyors

July 14, 2022

RE: Letter of Intent
Minor Plat of Gaddy South Addition, Lot 1, Block A
City of Farmersville
Collin County, Texas



The intent of this letter is to submit the attached plat for review and approval to create 1 Lot.

Sincerely,

Matthew Busby, R.P.L.S.

Kenneth L. Maun
Tax Assessor\Collector
Collin County



P.O. Box 8046
McKinney, TX 75070
Ph: 972-547-5020
Metro: 972-424-1460 ext. 5020

TAX CERTIFICATE FOR ACCOUNT : R695200415701
AD NUMBER: 1222073
GF NUMBER:
CERTIFICATE NO : 45478769
COLLECTING AGENCY
Collin County
P.O. Box 8046
McKinney TX 75070

DATE : 7/14/2022
FEE : \$10.00
PROPERTY DESCRIPTION
ABS A0952 W B WILLIAMS SURVEY|
SHEET 4|TRACT 157|.209 ACRES

PAGE 1 OF 1

PENDLETON ST
0.209 ACRES

REQUESTED BY
BOUNDARY SOLUTIONS INC

116 MCKINNEY ST
FARMERSVILLE TX 75442

PROPERTY OWNER
CREWS JENNIFER

997 CEDAR RIDGE CT
FARMERSVILLE TX 754426148

THIS IS TO CERTIFY THAT AFTER A CAREFUL CHECK OF THE TAX RECORDS, ALL TAXES DUE THE TAX ASSESSOR COLLECTOR OF COLLIN COUNTY ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN PAID UP TO AND INLCUDING THE CURRENT YEAR TAXES WITH ANY ABOVE LISTED EXCEPTIONS.

THE ABOVE DESCRIBED PROPERTY TAX HAS/IS RECEIVING SPECIAL VALUATION BASED ON ITS USE, AND ADDITIONAL ROLLBACK TAXES MAY BECOME DUE BASED ON THE PROVISIONS OF THE SPECIAL VALUATION. SPTB RULE 155.40 (B) PARAGRAPH 6.

CURRENT VALUES							
LAND MKT VALUE:		\$33,750.00		IMPROVEMENT :		\$0.00	
AG LAND VALUE:		\$0.00		DEF HOMESTEAD:		\$0.00	
APPRAISED VALUE:		\$33,750.00		LIMITED VALUE:		\$0.00	
EXEMPTIONS:							
LAWSUITS:							

YEAR	TAX UNIT	LEVY	PEN	INT	DEF INT	ATTY	AMOUNT DUE
2021	COLLIN COLLEGE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2021	Collin County	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2021	FARMERSVILLE CITY	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2021	FARMERSVILLE ISD	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2021 SUB TOTAL							\$0.00

TOTAL CERTIFIED TAX DUE 7/2022 : \$ 0.00

ISSUED TO : BOUNDARY SOLUTIONS INC
ACCOUNT NUMBER: R695200415701

CERTIFIED BY : Elinor Bautista

Collin County Property Tax Off

G.P. No. 22-683793-MM

ADDRESS OF AND RETURN TO:

FID Land & Development, LLC

P.O. Box 592

Princeton, TX 75407

SPECIAL WARRANTY DEED

"NOTICE OF CONFIDENTIALITY RIGHTS: 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."

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COLLIN

That **JENNIFER CREWS**, a married person, not joined hereby by my spouse as the herein described property forms no part of our homestead, either business or personal, hereinafter referred to as Grantor, whether one or more, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), cash in hand to Grantor paid by **FID LAND & DEVELOPMENT, LLC**, a Texas limited liability company, whose mailing address is P.O. Box 592, Princeton, TX 75407, hereinafter referred to as Grantee, the receipt of which is hereby acknowledged, and other good and valuable consideration, the receipt and sufficiency of which is hereby also acknowledged, HAVE GRANTED, SOLD AND CONVEYED and do by these presents GRANT, SELL AND CONVEY unto the said Grantee all the following described real property ("Property"); to-wit: **SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES.**

This conveyance is made and accepted subject to validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, Grantee's heirs, successors and assigns forever.

And Grantor does hereby bind Grantor, Grantor's heirs, successors and assigns, to warrant and forever defend all and singular the said premises unto the said Grantee, Grantee's heirs, 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.

Current ad valorem taxes on said Property have been prorated and the payment thereof is assumed by the Grantee.

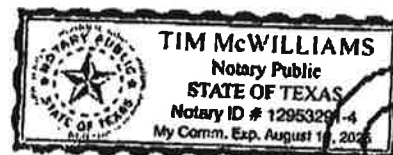
EXECUTED on the dates of the acknowledgments set out below, to be effective, however, on the 29th day of June 2022.


JENNIFER CREWS

STATE OF TEXAS

COUNTY OF COLLIN

This instrument was acknowledged before me on the 29th day of June 2022 by
JENNIFER CREWS.



Notary Public, State of Texas

PREPARED IN THE LAW OFFICES OF
McWILLIAMS & McWILLIAMS
2713 Virginia Pkwy, Ste. 100
McKinney, Texas 75071
I:\Rachael\Files\22-MW379-Crews-FID3793-Special.cash.doc

Escrow File No.: 22-683793-MM

EXHIBIT "A"

All that certain lot, tract or parcel of land situated in the W.B. Williams Survey, Abstract No. 952, in the City of Farmersville, Collin County, Texas, and being known as that tract of land described as Lot 2 in a Deed to Robert Burch, et al, as recorded in Doc. No. 20180807000988800 of the Official Public Records of Collin County, Texas and being recorded in an Affidavit of Correction recorded in Doc. No. 20180906001125120 of the Official Public Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a point for corner on a sidewalk at the Southwest corner of said Lot 2 and being in the North line of Pendleton Street;

THENCE N. 00 deg. 18 min. 33 sec. W. with the West line of said Lot 2, passing a Mag Nail set in the seam of a concrete sidewalk at a distance of 120.00 feet to a 3/8" iron rod set for corner at the Northwest corner of said Lot 2 and being in the South line of Lot 1, Block C of Gaddy West Addition, No. 1, an addition to said city as recorded in Vol. 3, Pg. 116 of the M.R.C.C.T.;

THENCE N. 89 deg. 30 min. 18 sec. E. with the North line of Lot 2 and with the South line of said addition, passing a 1/2" iron rod found at the Southeast corner of said Lot 1, Block C of said addition, and being the Southwest corner of Lot 2, Block C of said addition, at a distance of 5.50 feet and continuing with the South line of said addition, for a total distance of 75.00 feet to a 1/2" iron rod with red cap found for corner at the Southeast corner of said Lot 2, Block C of said addition and also being the Southwest corner of a Lot 3, Block C of said addition and being the Northeast corner of said Burch's Lot 2;

THENCE S. 00 deg. 18 min. 33 sec. W. with the East line of said Lot 2, a distance of 120.00 feet to a cut "X" for corner at the Southeast corner of said Lot 2 and being in the North line of Pendleton Street and being on a sidewalk;

THENCE S. 89. deg. 30 min. 18 sec. W. with the North line of said street, a distance of 75.00 feet to the POINT OF BEGINNING and containing 0.207 acres of land more or less.

Collin County
Honorable Stacey Kemp
Collin County Clerk

Instrument Number: 2022000101758

eRecording - Real Property

DEED

Recorded On: June 29, 2022 11:31 AM

Number of Pages: 4

" Examined and Charged as Follows: "

Total Recording: \$34.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2022000101758

Receipt Number: 20220629000302

Recorded Date/Time: June 29, 2022 11:31 AM

User: Christina G

Station: Station 9

Record and Return To:

Simplifile

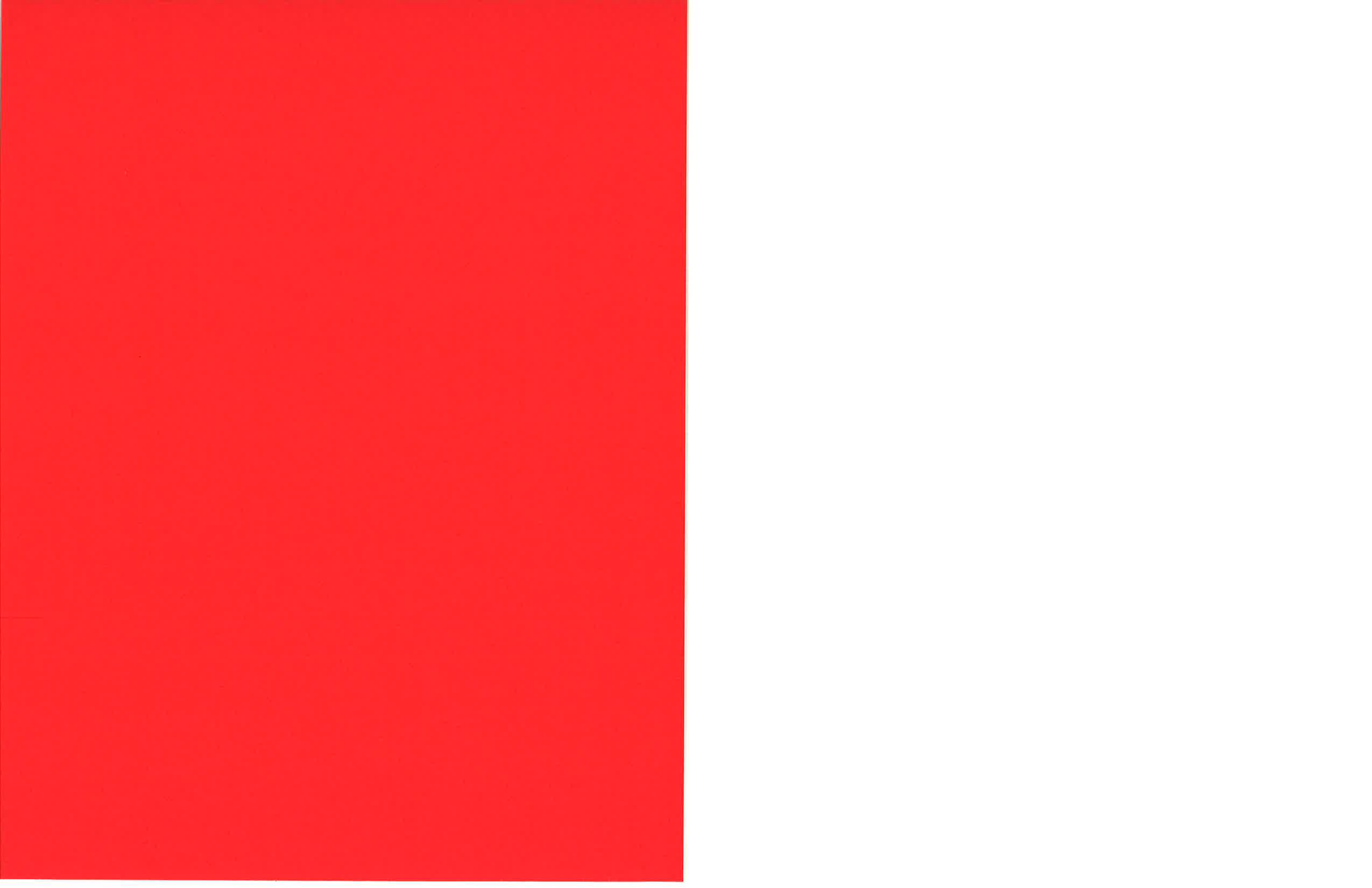


STATE OF TEXAS
COUNTY OF COLLIN

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Public Records of Collin County, Texas.

Honorable Stacey Kemp
Collin County Clerk
Collin County, TX

A handwritten signature in cursive script that reads "Stacey Kemp".



D. Consider, discuss, and act upon a recommendation to City Council regarding Ordinance #O-2022-0927-001, amendment of Chapter 77 "Zoning", by adopting a new article that will create a Historic Preservation Overlay Zoning District.

**CITY OF FARMERSVILLE
ORDINANCE # O-2022-0927-001**

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 1. INCORPORATION OF FINDINGS

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

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

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

"Sec. 77-54. – Special District Regulations.

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

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

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

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

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

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

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

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

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

Sec. 77.110. – Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (d) Certification of Appropriateness Application Procedure

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

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

Appropriateness: approve, deny, or approve with modifications.

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

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

(e) Certificate of Appropriateness Required for Demolition

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

(f) Economic Hardship Application Procedure

(1) For Deviations.

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

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

reasonable opportunity to recover the cost of the work;

(3) Whether granting the deviation will harm an existing or proposed Historic Landmark, Historic District or Historic Property designated with a high priority rating; and/or

(4) Whether the proposed work is in harmony with the spirit and purposes of this Article.

(2) For Demolition.

(a) After receiving written notification from the Historic Preservation Commission of the denial of a Certificate of Appropriateness under Subsection (e), above, for a proposed demolition has been denied, the applicant shall have the right to seek relief based on economic hardship. In the alternative, the applicant may raise the existence of economic hardship simultaneously with the original Certificate of Appropriateness for demolition. The Commission must confirm that a hardship exists before a Certificate of Appropriateness for demolition shall be issued.

(b) When a claim of economic hardship is made, due to the effect of this ordinance, the applicant must prove that:

(1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;

(2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return;

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

(3) The Process.

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

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

as the City Council believes to be correct.

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

Sec.77-117. -- ORDINARY MAINTENANCE.

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

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

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

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

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

Section 77.119. -- ARCHITECTURAL ELEMENTS

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

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

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

Sec. 77.120. -- DESIGNATION OF HISTORIC LANDMARKS

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

Council following applicable notice and a public hearing.

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

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

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

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

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

Sec. 77.122. – ENFORCEMENT

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

Sec. 77.123. – PENALTIES

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

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

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

SECTION 4. SEVERABILITY

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

SECTION 5. REPEALER

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

SECTION 6. PENALTY

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

SECTION 7. PUBLICATION

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

SECTION 8. ENGROSSMENT AND ENROLLMENT

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

SECTION 9. SAVINGS

All rights and remedies of the City of Farmersville are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 10. EFFECTIVE DATE

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

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

APPROVED THIS ____ DAY OF _____, 2022.

APPROVED:

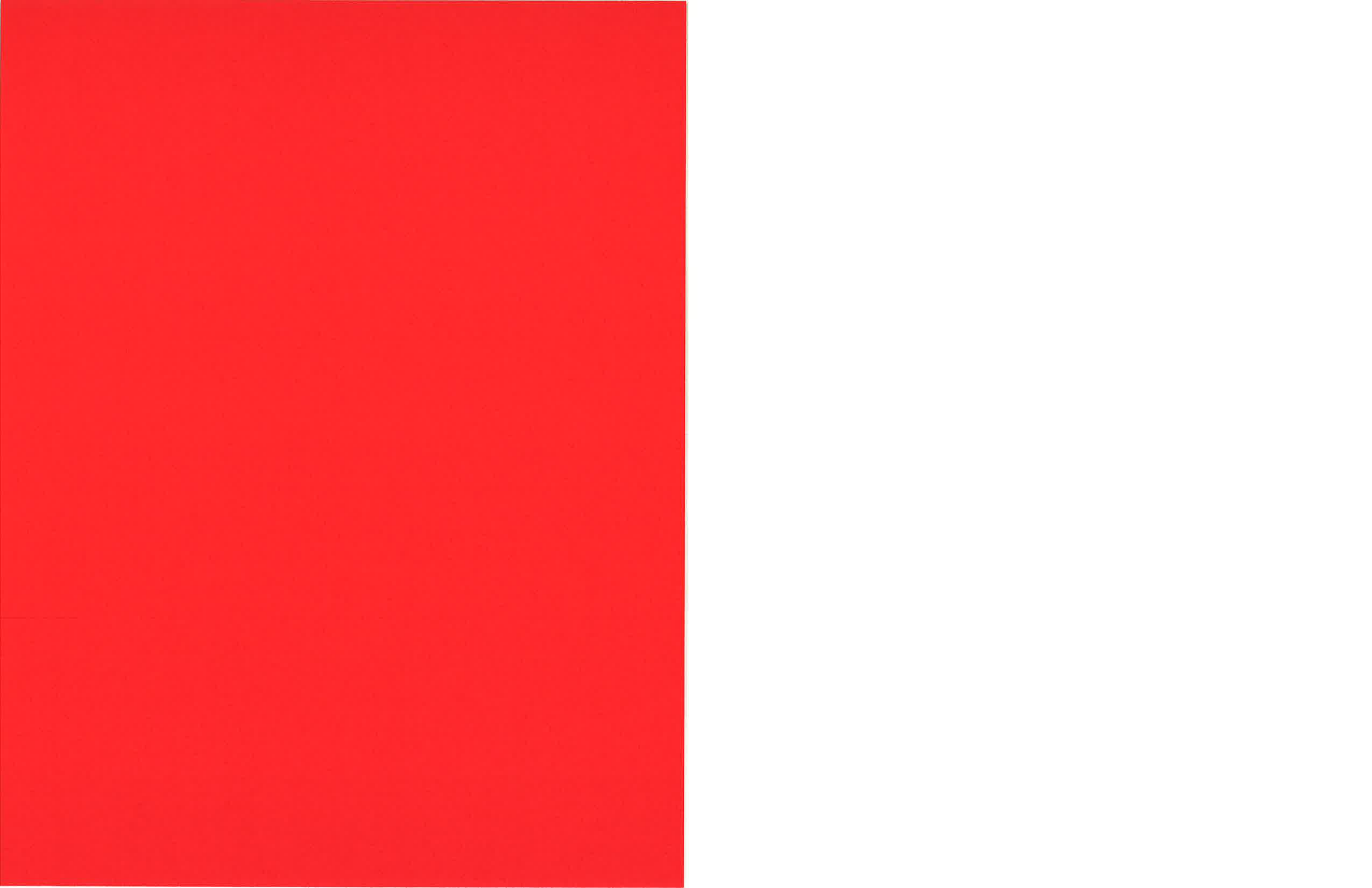
BY: _____
BRYON WIEBOLD
Mayor

ATTEST:

TABATHA MONK
City Secretary

APPROVED AS TO FORM AND LEGALITY:

ALAN D. LATHROM
City Attorney



E. Consider, discuss, and act upon a recommendation to City Council regarding Ordinance #O-2022-0927-002, amendment of Chapter 77 "Zoning", by adopting a new section entitled "Food Trucks and Operation sites." That establishes regulations governing "Food Trucks or Mobile Food Establishments."

**CITY OF FARMERSVILLE
ORDINANCE # O-2022-0927-002**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF FARMERSVILLE, TEXAS, AS HERETOFORE AMENDED, BY AMENDING CHAPTER 77, "ZONING," THROUGH THE AMENDMENT OF SECTION 77-49, "USE SPECIFIC REGULATIONS," BY ADOPTING A NEW SUBSECTION (N) ENTITLED "FOOD TRUCKS AND OPERATION SITES" THAT ESTABLISHES REGULATIONS GOVERNING "FOOD TRUCKS" OR "MOBILE FOOD ESTABLISHMENTS," THE "OPERATION SITES" FOR FOOD TRUCKS, AND THE USE OF PROPERTY OR A TRACT OF LAND FOR A "FOOD TRUCK COURT"; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; PROVIDING ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, Chapter 211 of the Texas Local Government Code, as amended, authorizes a municipality to adopt and update zoning ordinances for the purpose of promoting the public health, safety, morals, or general welfare and the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; and

WHEREAS, the City Council of the City of Farmersville ("City Council") 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, 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 regulations regarding Food Trucks or Mobile Food Establishments; 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, that regulations regarding Food Trucks or Mobile Food Establishments should be adopted as provided herein; and

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

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

SECTION 1. INCORPORATION OF FINDINGS

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

SECTION 2. AMENDING CHAPTER 77, “ZONING,” THROUGH THE AMENDMENT OF THROUGH THE AMENDMENT OF SECTION 77-49, “USE SPECIFIC REGULATIONS,” BY ADOPTING A NEW SUBSECTION (N) ENTITLED “FOOD TRUCKS AND OPERATION SITES” THAT ESTABLISHES REGULATIONS GOVERNING “FOOD TRUCKS” OR “MOBILE FOOD ESTABLISHMENTS,” THE “OPERATION SITES” FOR FOOD TRUCKS, AND THE USE OF PROPERTY OR A TRACT OF LAND FOR A “FOOD TRUCK COURT”

From and after the effective date of this Ordinance Chapter 77, “Zoning Ordinance,” of the Farmersville Code is amended through the amendment of Section 77-49, “Use Specific Regulations,” by adopting a new Subsection (n) entitled “Food Trucks and Operation Sites” to read as follows:

“77-49 – USE SPECIFIC REGULATIONS

[Subparagraphs (a) through (m) remain unchanged.]

(n) *Food Trucks and Operation Sites.*

(1) *Purpose.*

The purpose of this section is to establish regulations governing mobile food establishments that are commonly referred to as “food trucks,” the parameters for operation sites for food trucks, and the land use classifications within which a food truck court might be established. These regulations are intended to promote the health, safety, and welfare of the public, and to protect the property rights of the owners of land located adjacent to and within the vicinity of properties containing a food truck, an operation site for a food truck or a food truck court.

(2) *Operation of a Food Truck or Mobile Food Establishment*

- a. It shall be unlawful for any person to operate a food truck or mobile food establishment as defined in this Code of Ordinances upon any street, public street, street right-of-way, sidewalk, parking lot, or city-owned, leased or controlled property unless such person has first obtained all of the permits required by this Chapter and Chapters 32 and 53 of the Farmersville Code.
- b. No person shall engage in or attempt to engage in the operation of a food truck or mobile food establishment unless such person has in their immediate possession a valid solicitor's permit and health permit issued to them by the city.
- c. No person shall engage in or attempt to engage in the operation of a food truck or mobile food establishment unless the vehicle is constructed and operated in accordance with the Texas Food Establishment Rules.
- d. No person shall engage in or attempt to engage in the operation of a food truck or mobile food establishment unless proof of access to a commissary or central preparation facility is provided on demand.
- e. Any person engaged in or attempting to engage in the operation of a food truck or mobile food establishment shall comply with the City's Fire Code.
- f. Any person engaged in or attempting to engage in the operation of a food truck or mobile food establishment shall ensure that all food preparation, cooking, service, or other food service-related activities take place within the confines of the vehicle.
- g. No person shall engage in or attempt to engage in the operation of a food truck or mobile food establishment on any public street which includes four or more marked traffic lanes unless specifically designated for such purpose by the City.
- h. Any person engaged in or who attempts to engage in the operation of a food truck or mobile food establishment on any public street shall stop his motor

vehicle only in immediate response to a direct request from a potential customer and for a period not to exceed 15 minutes.

- i. Any person engaged in or attempting to engage in the operation of a food truck or mobile food establishment on private property, exclusive of those operating in conjunction with duly permitted temporary or special events, open air markets, or food truck courts, shall:
 1. Only engage in food truck or mobile food establishment operations in areas which are non-residential in nature, and shall include, but is not limited to, areas used for non-residential purposes and any areas with any one or more of the following zoning district classifications: NS — Neighborhood Service District, GR — General Retail District, C — Commercial District, LI — Light Industrial District, HI-1 — Heavy Industrial District-1, and HI-2 — Heavy Industrial District-2.
 2. Only do so as an accessory use to the primary uses located on the same property, and as such, shall, to the extent practicable, locate and orient the food truck or mobile food establishment and appurtenances on-site in a manner that clearly serves employees and patrons of the primary use of the property and not to attract or solicit business from neighboring streets or the public in general.
 3. Do so only from a motorized vehicle.
 4. Be allowed to utilize temporary tables and chairs placed on the non-residential property in close proximity to the motor vehicle for a period of time not to exceed eleven (11) consecutive hours.
 5. Demonstrate that the motorized vehicle is moveable and operable upon demand by the city.
 6. Not alter or modify the motorized vehicle or the premises adjacent to the motorized vehicle that would prevent the operation or mobility of the

motorized vehicle from which the mobile food establishment operation is conducted.

7. Have access to restrooms within 1,000 feet of the vending location to be utilized for both the vendor and patrons.
 8. Obtain and maintain written consent from the property owner or property manager and provide written proof thereof upon demand of the city.
 9. Not be permitted to have more than two food trucks or mobile food establishments conducting operations at any one time on private property that is non-residential in nature.
- j. Notwithstanding the provisions of this section, a person may operate a food truck or mobile food establishment within the limits of any city park if such person has a written agreement or a permit issued by the City Manager or their designee.
- k. Any property owner wishing to host food truck or mobile food establishment on their property and allow them to operate outside the parameters set forth herein shall only do so on properties where the City Council has approved a special permit for that express purpose.
- l. Any person or firm that operates a food truck or mobile food establishment as defined in this Code of Ordinances shall not operate such establishment within:
1. Any area zoned for residential land uses;
 2. The City's designated Main Street area;
 3. The City's Central Area zoning district and particularly the Downtown Square; and
 4. One block of any block containing an elementary school, junior high school, or middle school.

- m. No food truck or mobile food establishment may enter any City park containing a concession stand for the purpose of vending without first receiving written permission from the City Manager or their designee.
- n. A mobile food establishment shall not stop to sell or serve food for a period of time exceeding thirty (30) minutes.
- o. A food truck or mobile food establishment may only operate in excess of thirty (30) minutes when it is operating:
 - 1. in conjunction with a City-sponsored event or a permitted event authorized by the Farmersville Code, as amended, and only for the duration of that event; or
 - 2. as an accessory use to an existing business with a valid mobile food establishment certificate of occupancy, as authorized by the Farmersville Code, as amended.
- p. Food for public consumption must be prepared and stored at the central preparation facility or on the food truck or mobile food establishment. Food for public consumption may not be prepared or stored at any other location, including but not limited to an unpermitted or residential kitchen, pursuant to Title 25, Texas Administrative Code Section 228.62(a), as amended.
- q. Only food items previously approved by the City Manager, or their designee may be sold on a food truck or mobile food establishment. Non-food items such as toys, fireworks, or any hazardous substances such as stink bombs are prohibited.

(3) *Definitions.*

- a. *Food Truck*, which is also known as a *Mobile Food Establishment*, means an operational vehicle mounted, self-propelled, self-contained food establishment designed to be readily moveable and used to store, prepare, display, serve or sell food and associated non-alcoholic beverages, which food and beverages

are not typically tied to a single season of the year. Food trucks must completely maintain their mobility at all times. This definition shall also apply to any seating, garbage and/or recycling containers, gear or equipment that is associated with the food truck's operation and/or use. All references to a food truck in this Code of Ordinances shall mean and include a mobile food establishment. Unless otherwise provided, a food truck does not mean a stand, booth, pushcart, or a trailer (that is not capable of immediate mobility by use of a licensed motor vehicle to which the trailer is currently connected).

- b. *Food Truck Court* means a property that is properly zoned for and used or developed to accommodate one or more food trucks as the primary use of the property while possibly accommodating areas on the property for entertainment or recreational opportunities. Food truck courts must have a valid certificate of occupancy in addition to all other applicable permits and inspections.
- c. *Mobile Food Establishment*, commonly referred to as a "food truck," is a vehicle mounted food service operation designed to be readily movable. A mobile food establishment shall be capable of immediate mobility by use of a licensed motor vehicle. This definition shall include the term "mobile food unit" under state law, including the Texas Food Establishment Rules, or its successor statute.
- d. *Operation Site* means the geographic area, not located within a food truck court, within which area the food truck will park and prepare and sell food and/or associated non-alcoholic beverages. This term also includes areas where the food truck's customers go to consume food and/or non-alcoholic beverages sold from the food truck. The sale of merchandise other than food and non-alcoholic beverages shall be prohibited. Operation sites must have a valid food truck temporary site permit in addition to all other applicable permits and inspections.

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

a. *Certificate of occupancy (food truck courts only).*

1. Each food truck court shall be required to receive a certificate of occupancy from the chief building official or their designee subsequent to the approval of a specific use permit and corresponding site plan. As part of the request for a certificate of occupancy, the following information, at a minimum, shall be provided:
 - i. The name and address of the owner and/or operator;
 - ii. A description of the owner and/or operator;
 - iii. If the applicant represents a corporation, association, partnership or any other business entity, the names and addresses of the officers, partners or principals;
 - iv. The address and name under which the mobile food court will be operated; and
 - v. Any other information reasonably required by the chief building official to document the use and operation of the food truck court.

b. *Food truck temporary site permit (for an operation site).*

1. The owner or the owner's authorized representative of a property containing an operation site where a food truck may be located from time to time must apply for a food truck temporary site permit from the Building Inspections Department prior to allowing a food truck to operate on their property.
2. The permit application, which shall be verified in the same manner as required for a deed, shall include information that details where the food truck will be located on the property along with

the location of any refuse receptacle(s), restroom(s), vehicle parking, dining area(s), and any other pertinent information regarding the operation of the food truck on and about the operation site. As part of the permit application, any necessary authorization letters from adjacent property owners and businesses shall be provided. Authorization letters that limit the allowance of food trucks to a specific type or style of food will not be accepted. Any additional information as may be deemed necessary by the Chief Building Official to thoroughly review the request shall also be submitted as part of the permit application.

3. A food truck temporary site permit for an operation site issued by the Building Inspections Department shall only remain valid for a maximum of six (6) months **and regardless of the date of issuance shall expire on June 30 or December 31 of such calendar year**, whichever date occurs first following the issuance of the initial permit and then every six months thereafter. There shall be no pro-ration of fees assessed after the first month of each period.
4. A food truck temporary site permit may accommodate any licensed food truck vendor that the property owner/temporary site permit holder deems acceptable for an operation site.
5. The Chief Building Official, in approving or denying such application shall consider the nature of the use; existing uses in surrounding areas; noise, dust, light, and traffic generated; health and sanitary conditions; and compliance with other regulations of this chapter.
6. The chief building official shall have the right, upon finding that a hazard or nuisance shall exist by continuing such use, to revoke any temporary use at any time or to deny any extension. After which revocation, such temporary use shall immediately cease, and all

temporary structures shall be removed within ten days of notification of such finding.

- c. *Food truck log.* Each food truck and mobile food establishment operator shall maintain a log that contains each date of servicing and the signature of the commissary operator certifying that servicing occurred at the commissary. In lieu of a log, receipts showing the type of purchases, date and time of purchases, and the location of the commissary where purchases were made may be accepted in lieu of a food truck log. The food truck log or receipts shall be made available to city personnel for inspection upon request.
- d. *Food truck vendor permit.* All food trucks shall be required to register and obtain all applicable permits from the City in accordance with Chapters 32 and 53 of the Farmersville Code prior to operation.
- e. *Health permit.* All food trucks must obtain a permit from the City for the operation of a mobile food unit in accordance with Chapter 32 of the Farmersville Code prior to operating a food truck or a food truck court. All such health permits must be prominently displayed in accordance with all applicable rules, regulations, ordinances and statutes.
- f. *Inspections.* Food trucks and operation sites may be inspected from time to time by appropriate City or County personnel. Food truck courts, operation sites and food trucks shall immediately be made available for inspection upon request of such City or County personnel.
- g. *Other permits required.* Food trucks shall be responsible for identifying and obtaining all applicable permits and shall be responsible for conforming to all applicable city, county, state and federal regulations. Property owners shall be responsible for ensuring that any food truck which operates as part of a food truck court or a temporary site permit for any operation site obtains all necessary permits prior to operation and conforms to all applicable city, county, state and federal regulations.

- h. *Safety.* The Chief Building Official, Fire Marshal, Health Inspector, and/or the City Manager shall have the authority to require that additional safety measures be provided at a food truck or operation site to ensure the health, safety, and welfare of the general public. These additional safety measures may include, but are not limited to, limitations governing the provision of utilities (water, wastewater, electricity, gas, etc.) to the food truck, providing fire extinguisher(s), and adding limitations to the use of deep fat fryers or flat top grills in specific instances.
- i. *Site plan required (food truck court only).* A site plan as specified in Sections 77-81 and/or 77-82 (site plan approval) of the Farmersville Code shall be required to be submitted and approved prior to the issuance of any permits for a food truck court.
- j. *Specific use permit required (food truck court only).* A specific use permit as specified in Section 77-44 (specific use permits) of the Farmersville Code shall be required to be submitted and approved by the city council prior to the issuance of any permits for a food truck court.

(5) *Acceptable locations.*

- a. *Food truck operation sites.*
 - 1. Subsequent to all permits being issued, operation sites for food trucks may be located within any non-residential zoning district assuming all applicable locational criteria and the following requirements are satisfied:
 - i. No food truck operation site including, but not limited to food preparation, sales, or consumption shall be permitted within 100 feet of any door, window or outdoor dining area of any existing restaurant(s) or food service establishment(s). Food trucks shall be exempted from this requirement with the express written permission of the owner or authorized representative all such restaurants or food service establishments.

- ii. Only one food truck shall be permitted on each permitted food truck operation site.
 - iii. Food truck courts may only have that number of food trucks within, on and about the food truck court as is specifically through a specific use permit therefore as approved by the City Council for the particular lot or property.
 - iv. Food trucks shall not be allowed to engage in sales operations within 100 feet of any property that is used or zoned for residential purposes. This distance may be eliminated if unanimous written consent from each property owner located within the 100-foot buffer is provided.
- 2. Food trucks and their customers shall be prohibited from utilizing the public rights-of-ways for food sales, preparation, and/or consumption save and except to the extent specifically authorized and permitted by and through the City Manager or their designee.
- 3. Food truck courts and operation sites shall only be permitted on private property.
- 4. All portions of a food truck and its associated operation site shall be located within 150 feet of a dedicated fire lane easement, or a public street as determined by the City Manager or Fire Marshal.
- 5. Food trucks must be parked, situated, and operated in a manner that does not restrict orderly and/or safe vehicular and/or pedestrian movements.
- 6. Food trucks and operation sites may not occupy required off-street parking spaces or loading spaces.

7. All food trucks participating in a food truck court shall remain fully mobile and operational unless a commissary is provided on site and said food truck is authorized to utilize the on-site commissary.
8. Food trucks shall report to their designated commissary at least once per day for food, supplies, cleaning, and servicing.

(6) *Hours of operation.*

a. *Food truck operation sites.*

1. Food trucks shall only be allowed to engage in sales operations between the hours of 6:00 am and 12:00 a.m.

(7) *Noise.*

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

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

a. *Food truck operation sites.*

1. Food trucks shall provide, on or within 20 feet of the food truck, containers of sufficient size and number for the disposal of refuse and recyclables resulting from the food truck's operation and sales. The containers shall be identified as being for the disposal of refuse and/or recyclables.
 - a. City-provided refuse and recycling containers shall not be used for the food truck's or operation site's refuse and/or recycling needs unless written authorization has first been obtained from the City for such use.

- b. Any refuse, recycling and/or litter on the ground at, around and about the food truck or operation site shall be immediately picked up and discarded appropriately by the food truck operator. Refuse and/or recycling must be removed from the operation site at least daily or more frequently as needed to remove litter, refuse and/or recycling from the property thereby avoiding the creation of an unsanitary or unhealthy condition or nuisance.
- c. Greases, oils, vapors and other similar food preparation byproducts shall be kept inside the food truck at all times. Dumping, or the improper disposal, of food preparation byproducts onto the ground, pavement or other surface or into a storm water collection system or other system not designed for that specific use is strictly prohibited and may result in the immediate revocation of all permits and licenses of the food truck and/or operation site in addition to the performance of any necessary remediation and the issuance of citations and fines.
- d. Sewage, liquid wastes and food preparation byproducts shall be removed from a food truck at an approved waste servicing area in such a way that a public health hazard or nuisance is not created.

(9) *Signage.*

All signage pertaining to or advertising a food truck and/or its menu shall be attached to the food truck. There shall be no limit to the amount of signage that is allowed on a food truck while the food truck is parked at a food truck court or operation site. A food truck shall not be outfitted with a "changeable electronic variable message sign" or any manner of "prohibited signage" as defined and/or set forth in Chapter 56 (Signs and Advertising) of the Farmersville Code. Signage for the food truck court shall be permitted as outlined in Chapter

56 (Signs and Advertising) of the Farmersville Code. Signage containing profanity or lewd or obscene images shall be prohibited.

(10) *Off-street vehicle parking.*

a. *Food Truck Operation Sites.*

1. One off-street vehicle parking space shall be required for each table that is provided for use by food truck customers. If no tables are provided, no off-street vehicle parking shall be required. Any customer parking that is provided must be finished with concrete or asphaltic surface materials.
2. Required off-street vehicle parking and maneuvering shall adhere to the requirements of Chapter 71 (Traffic and Vehicles) of the Farmersville Code, except as otherwise specified herein.
3. Food trucks and operation sites must feature an area of sufficient size that is finished with a compacted gravel base, concrete or asphaltic surface materials on which any food trucks may park and operate. Customer parking must be finished with concrete or asphaltic surface materials.

(11) *Restrooms required.*

a. *Food Truck Operation Sites.*

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

(12) *Exceptions.*

- a. These regulations shall not apply to food trucks that operate:
 - 1. At a special event that is properly licensed pursuant to a special event permit issued by the City, provided that the food truck is identified in the special event permit application as a participating concessionaire or caterer; or
 - 2. As a vendor at a properly permitted farmers' market for which the food truck has rented space from the farmers' market and/or its organizer(s); or
 - 3. On public property including, but not limited to a public park, public library, recreation or aquatics center, or performing art center at the request of and with the express written permission of the property owner.
- b. A food truck or mobile food establishment is not the equivalent of a "Restaurant (drive-in type)" or a "Restaurant or food shop, take-out and delivery" identified in the Zoning Use Charts.

SECTION 3. SEVERABILITY

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

SECTION 4. 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 5. PENALTY

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

SECTION 6. 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 7. 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 8. 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 9. EFFECTIVE DATE

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

[Signatures begin on following page.]

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

APPROVED THIS ____ DAY OF _____, 2022.

APPROVED:

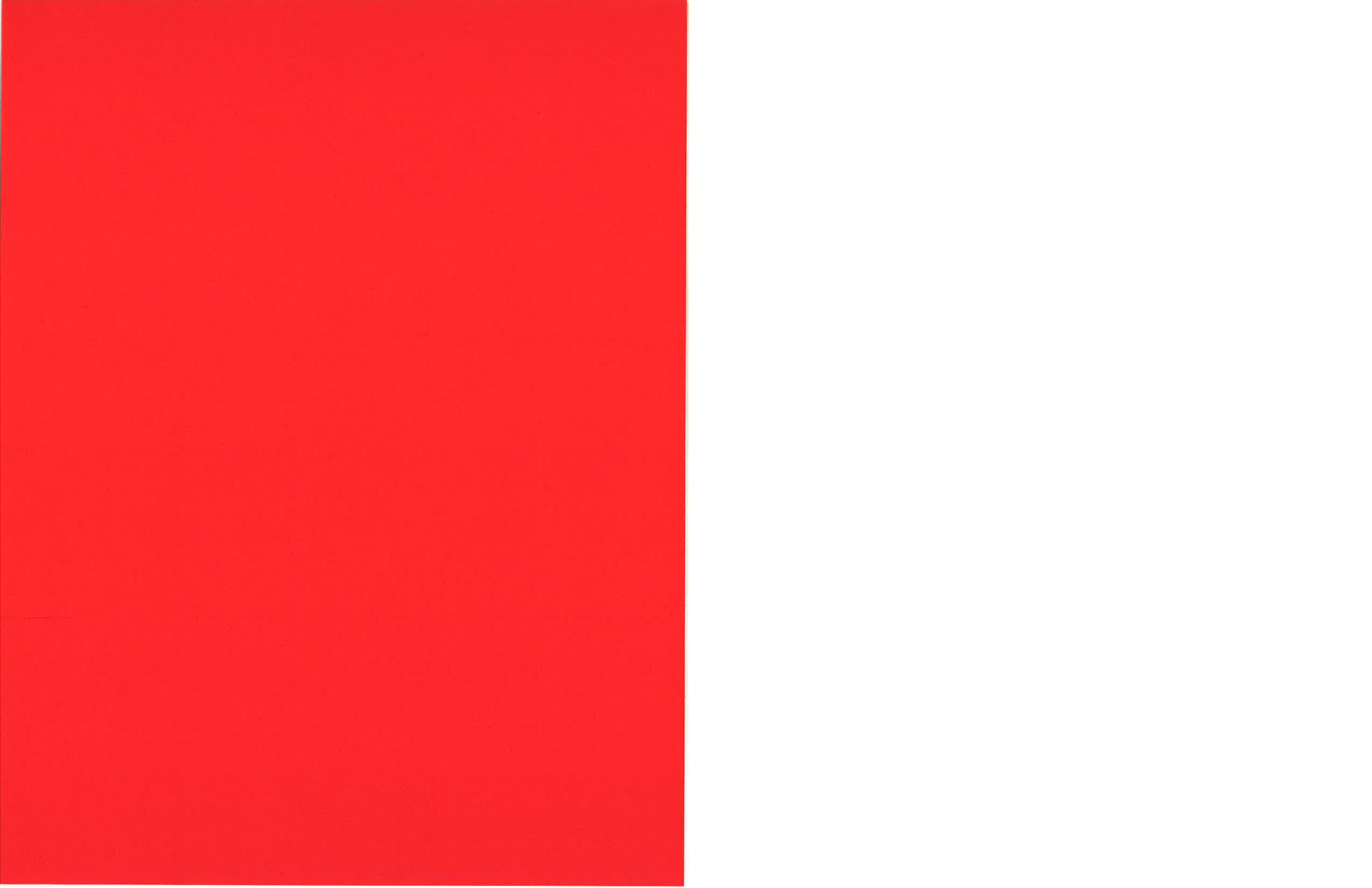
BY: _____
BRYON WIEBOLD
Mayor

ATTEST:

TABATHA MONK
City Secretary

APPROVED AS TO FORM AND LEGALITY:

ALAN D. LATHROM
City Attorney



V. Adjournment