



**CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION AGENDA
REGULAR CALLED MEETING
August 16, 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)

- A.** 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."

III. 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 Preliminary Replat and Final Replat for Woodard Addition.

- C. Consider, discuss, and act upon a recommendation to City Council regarding Ordinance #O-2022-0823-001, amendment of Chapter 77 "Zoning", by adopting a new article that will create a Historic Preservation Overlay Zoning District.

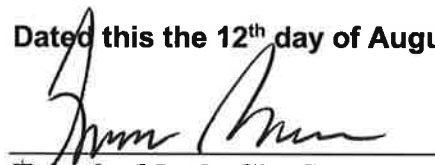
ADJOURNMENT

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 August 12, 2022, by 5:00 P.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.

Dated this the 12th day of August 2022.



Tabatha Monk, City Secretary



II. PUBLIC COMMENT

III. ITEMS FOR DISCUSSION

A. Consider, discuss, and act upon
P&Z minutes from the July 19, 2022,
meeting.



**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

John Klosterman, Commissioner

B. Consider, discuss and act upon a Preliminary Replat and Final Replat for Woodard Addition.

**DECISION OF THE
FARMERSVILLE ZONING BOARD OF ADJUSTMENT**

Date of Hearing: July 12, 2022

Case Type: Variance Request

Applicant: Joseph E. & Debra S. Helmberger

Zoning District: "SF-2 –Single Family Dwelling -2" zoning district

Premises: 315 Houston Street, Farmersville, Texas 75442 more formally referred to as Woodard Addition, Lots 3 & 4, Block 2, proposed to be replatted as Woodard Addition, Lots 4R, 5-8, Block 2 with future Lot 4R (currently designated as a part of Lot 4) being the subject hereof and being located at the northwest corner of Houston Street and Woodard Street which Lot 4R when replatted will contain approximately 24,951 square feet or 0.573 acres of land, more or less, and located in the W.B. Williams Survey, Abstract No. 952, Farmersville, Collin County, Texas (the "Property").

Subject: Request for one variance from the Zoning Ordinance that will allow the existing house and associated structures located on future Lot 4R to remain in their existing configuration and allow the Property to be replatted from two lots to five lots, as follows:

Variance No. 1 Requested

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

WHEREAS, the Farmersville Zoning Board of Adjustment ("Board") conducted a public hearing on the 12th day of July 2022, regarding the Variance Request outlined above for the Property; and

WHEREAS, the Applicant, or a duly authorized representative of the Applicant, and all interested persons were provided an opportunity to appear at the said public hearing to provide information regarding the Variance Request outlined above on the Property; and

WHEREAS, the Board received and gave due consideration to all evidence, both oral and written, and other evidentiary information from City staff regarding the Variance Request outlined above on the Property.

IT IS HEREBY DECIDED BY THE FARMERSVILLE ZONING BOARD OF ADJUSTMENT THAT:

- A. The above-referenced Variance Request was approved in its entirety. In reaching its decision announced hereinbelow the Board made the following determinations:
1. There are one or more special or unique conditions of the Property that are different from other properties in the same area or zoning district.
 2. Granting the variance will be in harmony with the general purpose and intent of the Zoning Ordinance and will not be injurious to adjoining properties or the neighborhood or otherwise contrary to the public interest.
 3. Literal interpretation of the requirements of the Zoning Ordinance as it applies to the Property would deprive the Applicant of rights commonly enjoyed by the owners of other properties in the same zoning district under the terms of the Zoning Ordinance.
 4. Granting the variance will not confer on the Applicant any special privilege that is denied by the Zoning Ordinance to other land, buildings or structures in the same zoning district.
 5. Granting the variance will allow the spirit of the Zoning Ordinance to be observed and substantial justice to be done.
 6. The special conditions with respect to which the variance granted is sought does not result from the action of the Applicant.
 7. Granting the variance will not merely serve as a convenience to the Applicant but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant such variance.
 8. Notwithstanding the foregoing, the Board finds that the Zoning Ordinance when applied to the existing structure that is the subject of the appeal would result in the following financial hardship:
 - a. The financial cost of compliance with the Zoning Ordinance is greater than fifty percent (50%) of the appraised value of the existing structure as shown on the most recent tax roll certified by the City.

- b. Compliance with the Zoning Ordinance would result in the existing structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- c. Compliance with the Zoning Ordinance would result in the existing structure unreasonably encroaching on an adjacent property or easement.
- d. The City considers the existing structure to be a nonconforming structure.

9. Granting the variance requested is the minimum variance that will make possible the reasonable use of the Property in the spirit of the Zoning Ordinance and so that substantial justice may be done.

B. The Board hereby decides that the following Variances Requested above, identified by Variance No., should be granted:

Variance No. 1.

C. The Board hereby determines that the following additional conditions and obligations are required to observe the spirit of the Zoning Ordinance and see that substantial justice is done and shall apply to the variance(s) designated below as a condition precedent to the Applicant's right to exercise any rights afforded by said variance:

Not Applicable.

D. Because the Board is comprised of five members and the City Council is composed of five (5) voting members plus the Mayor, and the Mayor only votes in the event of a tie in City Council deliberations, the Mayor is not counted toward the determination of a quorum for the Board to hear a matter and does not cast a vote regarding a requested variance in the event of a tie or otherwise.

E. The result of the vote regarding the Variance Requested above was as follows:

Variance No. 1., with a vote of 5 in favor and 0 against and 0 abstaining.

- F. Any interested person wishing to appeal this decision is required to file a petition for Writ of Certiorari in a district court, county court or county court at law within ten (10) days of the date this decision is filed in the Board's office in accordance with section 211.011 of the Texas Local Government Code.
- G. This Decision of July 12, 2022, was reduced to writing and filed in the Board's office on the 5th day of August 2022.

APPROVED THIS 5 DAY OF August 2022.

APPROVED:

BY: Bryon Wiebold
Bryon Wiebold, Mayor

ATTEST:

Tabatha Monk
TABATHA MONK
City Secretary





August 9, 2022

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

RE: Woodard Addition Replat - Preliminary
Dated August 9, 2022

Mr. White:

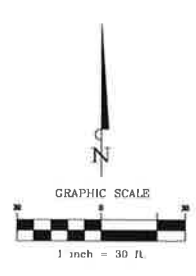
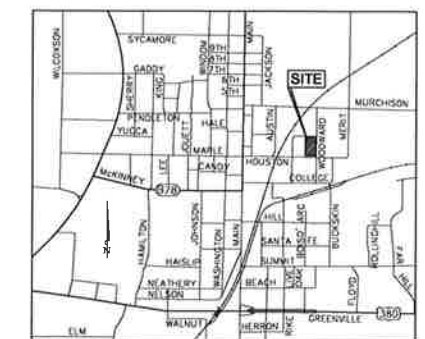
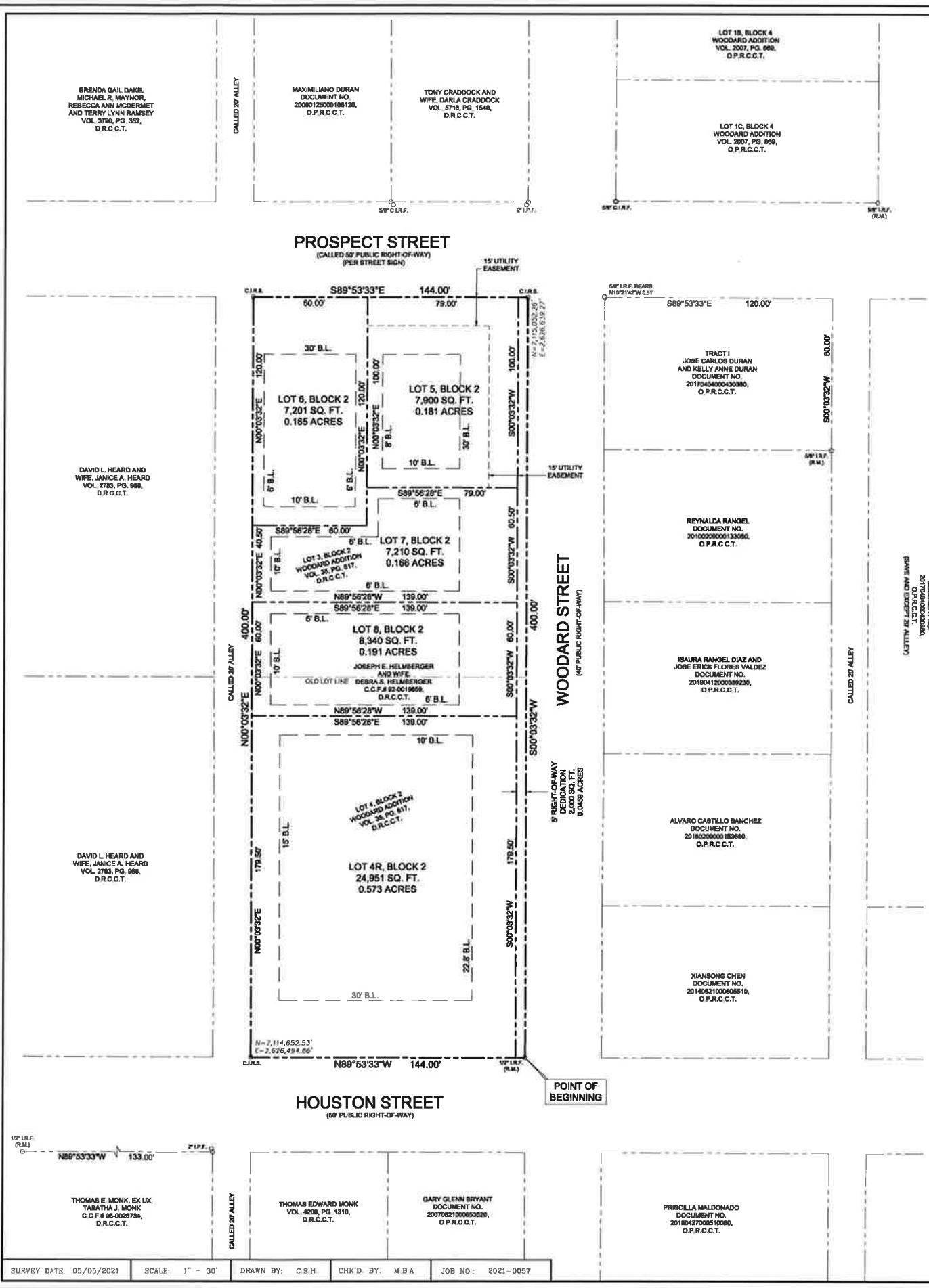
The above referenced project has been reviewed according to the ordinances of the City of Farmersville and been found to be compliant.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Jacob Dupuis'.

Jacob Dupuis, PE
Discipline Lead



ABBREVIATIONS	
B.L.	Building Line
I.R.F.	Iron Rod Found
CMP	Corrugated Metal Pipe
CPP	Corrugated Plastic Pipe
(C.M.)	Controlling Monument
C.I.R.F.	Capped Iron Rod Found
C.I.R.S.	1/2" Iron Rod with yellow plastic cap stamped "RPLS 5686"
M.R.C.C.T.	Map Records, Collin County, Texas
D.R.C.C.T.	Deed Records, Collin County, Texas
O.P.R.C.C.T.	Official Public Records, Collin County, Texas

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT, I, Michael B. Arthur, do hereby certify that I have prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the subdivision regulations of the City of Farmersville, Texas.

Michael B. Arthur
Registered Professional Land Surveyor
Texas Registration No. 5686

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 Michael B. Arthur, 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 consideration therein expressed and under oath stated that the statements in the foregoing certificate are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 2022.

Notary Public for the State of Texas

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

- GENERAL NOTES:**
- According to the Flood Insurance Rate Map of Collin County, Texas, Map No. 48085C0340J, Map Revised June 02, 2009, the herein described property is located in Zone "X", described by said map to be, "areas determined to be outside the 0.2% annual chance floodplain". This flood statement does not imply that the property and/or the structure thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor in any way.
 - Bearings and coordinates (surface) shown, are based on the Texas State Plane Coordinate system, North Central Zone (4202), NAD 83. The surface to grid conversion factor is 0.999843106, at base point 0,0.
 - All corners are marked with a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686", unless otherwise noted.
 - The surveyor has relied on the subject plat shown hereon, with regard to any easements, restrictions, or rights-of-way affecting the above described property. No additional research regarding said easements, restrictions or rights-of-way has been performed by the surveyor.
 - Selling off a portion of this addition by metes and bounds is a violation of City Ordinance and State Law and is subject to fines and withholding of utilities and building permits.
 - The herein described property is currently zoned SF-2.
 - Water and Sewer provided by the City of Farmersville.

APPROVED

Presiding Officer
City of Farmersville, Texas

Date

ATTEST

Board, Commissioner or City Secretary
City of Farmersville, Texas

Date

OWNER'S CERTIFICATION

**STATE OF TEXAS
COUNTY OF COLLIN**

Being a tract of land, situated in the W. B. Williams Survey, Abstract No. 952, in the City of Farmersville, Collin County, Texas, and being all of that called 7.867 acre tract of land, described by deed to Joseph E. Heimberger and Debra S. Heimberger, as recorded under County Clerk's File No. 92-0019859, of the Deed Records, Collin County, Texas (D.R.C.C.T.), some being all of Lots 3 and 4, Block 2, of WOODARD ADDITION, an addition to the City of Farmersville, as reported in Volume 35, Page 617, of the Deed Records, Collin County, Texas (D.R.C.C.T.), said tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for the southeasterly corner of said Lot 4, some being at the northwesterly intersection of the westerly monumented line of Woodard Street and the northerly monumented line of Houston Street;

THENCE North 89°33'33" West, along the northerly monumented line of Houston Street, same being the southerly line of said Lot 4, a distance of 144.00' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" set (herein after referred to as a capped iron rod set) for the southwesterly corner of said Lot 4, same being at the intersection of the northerly monumented line of Houston Street and the easterly monumented line of a 20' Alley;

THENCE North 00°03'32" East, along the easterly monumented line of said 20' Alley, same being the westerly line of said Lots 3 and 4, a distance of 400.00' to a capped iron rod set for the northwesterly corner of said Lot 3, same being at the intersection of said 20' Alley and the southerly monumented line of Prospect Street;

THENCE South 89°33'33" East, along the southerly monumented line of said Prospect Street, same being the northerly line of said Lot 3, a distance of 144.00' to a capped iron rod set for the northeasterly corner of said Lot 3, same being at the intersection of the southerly monumented line of Davis Street and the aforementioned westerly monumented line of Woodard Street;

THENCE South 00°03'32" West, along the westerly monumented line of Woodard Street, some being the easterly line of said Lots 3 and 4, a distance of 100.00' to the POINT OF BEGINNING and containing 57,600 square feet or 1.322 acres of land, more or less.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, Joseph E. Heimberger and Debra S. Heimberger, do hereby adopt this plat designating the herein above described property as **WOODARD ADDITION LOTS 4R, 5R, 6R, 7R, 8R, BLOCK 2**, an addition to the City of Farmersville, Texas, and do hereby dedicate, in fee simple, to the public use forever, the streets, rights-of-way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes and any and all related necessary appurtenances. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except 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 thereof.

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, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity of any time procuring permission from anyone.

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

Witness, my hand, this ____ day of _____, 2022.

By: _____
Joseph E. Heimberger

**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 Joseph E. Heimberger, 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 consideration therein expressed.

Given under my hand and seal of office, this, the ____ day of _____, 2022.

NOTARY PUBLIC in and for the State of Texas

My Commission expires on: _____

By: _____
Debra S. Heimberger

**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 Debra S. Heimberger, 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 consideration therein expressed.

Given under my hand and seal of office, this, the ____ day of _____, 2022.

NOTARY PUBLIC in and for the State of Texas

My Commission expires on: _____

**PRELIMINARY PLAT
WOODARD ADDITION
BLOCK 2, LOTS 4R, 5R**

Being a Replat of
Block 2, Lots 3 and 4 of the
WOODARD ADDITION
Volume 35, Page 617, D.R.C.C.T.
57,600 SQ. FT. / 1.322 ACRES
in the W. B. Williams Survey
Abstract No. 952
City of Farmersville,
Collin County, Texas

Prepared: January, 2022 Scale: 1" = 30'

Owner:
Joseph E. Heimberger and
Debra S. Heimberger
315 Houston Street
Farmersville, Texas 75442

Surveyor:
North Texas Surveying, L.L.C.
Registered Professional Land Surveyors
1010 West University
McAllen, TX 78506
Ph. (409) 454-2074 Fax (409) 484-1887
www.northtexasurveying.com
Texas Registration No. 10074209

Owner:
JOSE CARLOS DURAN
AND KELLY ANNE DURAN
DOCUMENT NO.
2010040000030300,
O.P.R.C.C.T.

Owner:
REYNALDA RANGEL
DOCUMENT NO.
2010020000133060,
O.P.R.C.C.T.

Owner:
ISABEL RANGEL DIAZ AND
JOSE ERICK FLORES VALDEZ
DOCUMENT NO.
201004120000089230,
O.P.R.C.C.T.

Owner:
ALVARO CABILLO BANCHEZ
DOCUMENT NO.
2010020000183660,
O.P.R.C.C.T.

Owner:
XUANSONG CHEN
DOCUMENT NO.
201406210000050510,
O.P.R.C.C.T.

Owner:
THOMAS E. MONK, EX LIX,
TABATHA J. MONK
C.C.F.# 08-0028734,
D.R.C.C.T.

Owner:
THOMAS EDWARD MONK
VOL. 4209, PG. 1310,
D.R.C.C.T.

Owner:
GARY GLENN BRYANT
DOCUMENT NO.
200708210000053520,
O.P.R.C.C.T.

Owner:
PRISCILLA MALDONADO
DOCUMENT NO.
20100402000010080,
O.P.R.C.C.T.

Owner:
LOT 1B, BLOCK 4
WOODARD ADDITION
VOL. 2007, PG. 688,
O.P.R.C.C.T.

Owner:
LOT 1C, BLOCK 4
WOODARD ADDITION
VOL. 2007, PG. 689,
O.P.R.C.C.T.

Owner:
LOT 6, BLOCK 2
7,201 SQ. FT.
0.185 ACRES

Owner:
LOT 5, BLOCK 2
7,900 SQ. FT.
0.181 ACRES

Owner:
LOT 7, BLOCK 2
7,210 SQ. FT.
0.166 ACRES

Owner:
LOT 8, BLOCK 2
8,340 SQ. FT.
0.191 ACRES

Owner:
JOSEPH E. HEIMBERGER
AND WIFE,
DEBRA S. HEIMBERGER
C.C.F.# 02-0019859,
D.R.C.C.T.

Owner:
LOT 4, BLOCK 2
WOODARD ADDITION
VOL. 35, PG. 617,
D.R.C.C.T.

Owner:
LOT 4R, BLOCK 2
24,951 SQ. FT.
0.573 ACRES

Owner:
THOMAS E. MONK, EX LIX,
TABATHA J. MONK
C.C.F.# 08-0028734,
D.R.C.C.T.

Owner:
THOMAS EDWARD MONK
VOL. 4209, PG. 1310,
D.R.C.C.T.

Owner:
GARY GLENN BRYANT
DOCUMENT NO.
200708210000053520,
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Owner:
PRISCILLA MALDONADO
DOCUMENT NO.
20100402000010080,
O.P.R.C.C.T.

Owner:
LOT 1B, BLOCK 4
WOODARD ADDITION
VOL. 2007, PG. 688,
O.P.R.C.C.T.

Owner:
LOT 1C, BLOCK 4
WOODARD ADDITION
VOL. 2007, PG. 689,
O.P.R.C.C.T.

Owner:
LOT 6, BLOCK 2
7,201 SQ. FT.
0.185 ACRES

Owner:
LOT 5, BLOCK 2
7,900 SQ. FT.
0.181 ACRES

Owner:
LOT 7, BLOCK 2
7,210 SQ. FT.
0.166 ACRES

Owner:
LOT 8, BLOCK 2
8,340 SQ. FT.
0.191 ACRES

Owner:
JOSEPH E. HEIMBERGER
AND WIFE,
DEBRA S. HEIMBERGER
C.C.F.# 02-0019859,
D.R.C.C.T.

Owner:
LOT 4, BLOCK 2
WOODARD ADDITION
VOL. 35, PG. 617,
D.R.C.C.T.

Owner:
LOT 4R, BLOCK 2
24,951 SQ. FT.
0.573 ACRES

Owner:
THOMAS E. MONK, EX LIX,
TABATHA J. MONK
C.C.F.# 08-0028734,
D.R.C.C.T.

Owner:
THOMAS EDWARD MONK
VOL. 4209, PG. 1310,
D.R.C.C.T.

Owner:
GARY GLENN BRYANT
DOCUMENT NO.
200708210000053520,
O.P.R.C.C.T.

Owner:
PRISCILLA MALDONADO
DOCUMENT NO.
20100402000010080,
O.P.R.C.C.T.

Owner:
LOT 1B, BLOCK 4
WOODARD ADDITION
VOL. 2007, PG. 688,
O.P.R.C.C.T.

Owner:
LOT 1C, BLOCK 4
WOODARD ADDITION
VOL. 2007, PG. 689,
O.P.R.C.C.T.

Owner:
LOT 6, BLOCK 2
7,201 SQ. FT.
0.185 ACRES

Owner:
LOT 5, BLOCK 2
7,900 SQ. FT.
0.181 ACRES

Owner:
LOT 7, BLOCK 2
7,210 SQ. FT.
0.166 ACRES

Owner:
LOT 8, BLOCK 2
8,340 SQ. FT.
0.191 ACRES

Owner:
JOSEPH E. HEIMBERGER
AND WIFE,
DEBRA S. HEIMBERGER
C.C.F.# 02-0019859,
D.R.C.C.T.

Owner:
LOT 4, BLOCK 2
WOODARD ADDITION
VOL. 35, PG. 617,
D.R.C.C.T.

Owner:
LOT 4R, BLOCK 2
24,951 SQ. FT.
0.573 ACRES

Owner:
THOMAS E. MONK, EX LIX,
TABATHA J. MONK
C.C.F.# 08-0028734,
D.R.C.C.T.

Owner:
THOMAS EDWARD MONK
VOL. 4209, PG. 1310,
D.R.C.C.T.

Owner:
GARY GLENN BRYANT
DOCUMENT NO.
200708210000053520,
O.P.R.C.C.T.

Owner:
PRISCILLA MALDONADO
DOCUMENT NO.
20100402000010080,
O.P.R.C.C.T.

Owner:
LOT 1B, BLOCK 4
WOODARD ADDITION
VOL. 2007, PG. 688,
O.P.R.C.C.T.

Owner:
LOT 1C, BLOCK 4
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VOL. 2007, PG. 689,
O.P.R.C.C.T.

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7,900 SQ. FT.
0.181 ACRES

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LOT 7, BLOCK 2
7,210 SQ. FT.
0.166 ACRES

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LOT 8, BLOCK 2
8,340 SQ. FT.
0.191 ACRES

Owner:
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AND WIFE,
DEBRA S. HEIMBERGER
C.C.F.# 02-0019859,
D.R.C.C.T.

Owner:
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WOODARD ADDITION
VOL. 35, PG. 617,
D.R.C.C.T.

Owner:
LOT 4R, BLOCK 2
24,951 SQ. FT.
0.573 ACRES

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TABATHA J. MONK
C.C.F.# 08-0028734,
D.R.C.C.T.

Owner:
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D.R.C.C.T.

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DOCUMENT NO.
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O.P.R.C.C.T.

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DOCUMENT NO.
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August 9, 2022

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

RE: Woodard Addition Replat - Final
Dated August 9, 2022

Mr. White:

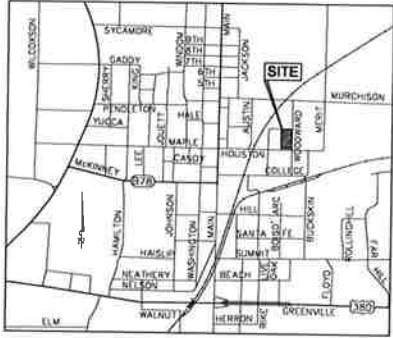
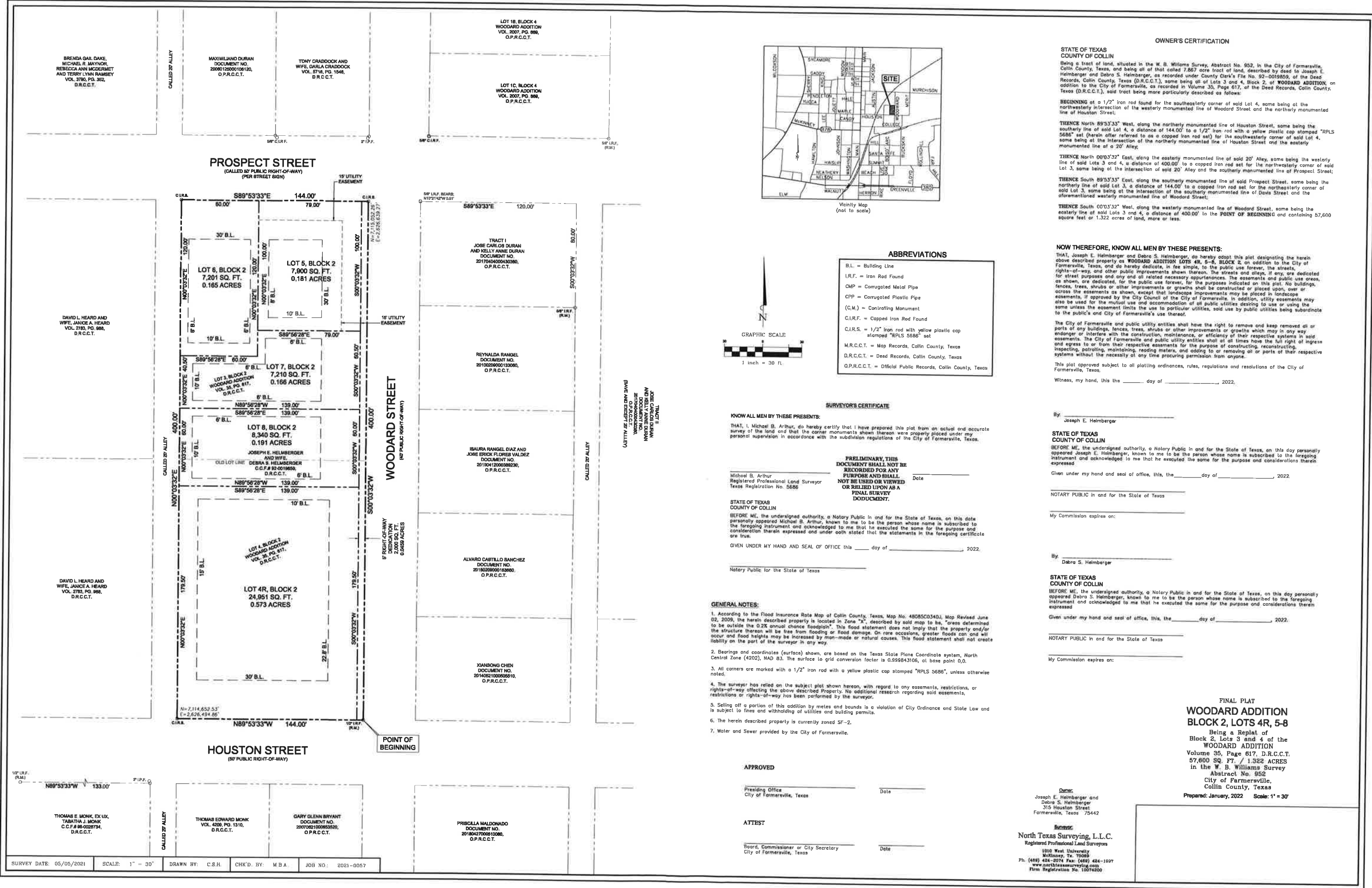
The above referenced project has been reviewed according to the ordinances of the City of Farmersville and been found to be compliant.

It is recommended that Woodard Addition Final 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



OWNER'S CERTIFICATION

STATE OF TEXAS
COUNTY OF COLLIN

Being a tract of land, situated in the W. B. Williams Survey, Abstract No. 952, in the City of Farmersville, Collin County, Texas, and being all of that called 7.867 acre tract of land, described by deed to Joseph E. Heimberger and Debra S. Heimberger, as recorded under County Clerk's File No. 92-0019559, of the Deed Records, Collin County, Texas (D.R.C.C.T.), some being all of Lots 3 and 4, Block 2, of WOODARD ADDITION, in addition to the City of Farmersville, as recorded in Volume 35, Page 617, of the Deed Records, Collin County, Texas (D.R.C.C.T.), said tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for the southeasterly corner of said Lot 4, some being at the northwesterly intersection of the westerly monumented line of Woodard Street and the northerly monumented line of Houston Street;

THENCE North 89°53'33" West, along the northerly monumented line of Houston Street, some being the southerly line of said Lot 4, a distance of 144.00' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" set (herein after referred to as a capped iron rod set) for the southwesterly corner of said Lot 4, some being at the intersection of the northerly monumented line of Houston Street and the easterly monumented line of a 20' Alley;

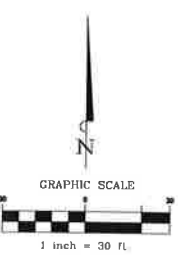
THENCE North 00°03'32" East, along the easterly monumented line of said 20' Alley, some being the westerly line of said Lots 3 and 4, a distance of 400.00' to a capped iron rod set for the northwesterly corner of said Lot 3, some being at the intersection of said 20' Alley and the southerly monumented line of Prospect Street;

THENCE South 89°53'33" East, along the southerly monumented line of said Prospect Street, some being the northerly line of said Lot 3, a distance of 144.00' to a capped iron rod set for the northwesterly corner of said Lot 3, some being at the intersection of the southerly monumented line of Davis Street and the aforementioned westerly monumented line of Woodard Street;

THENCE South 00°03'32" West, along the westerly monumented line of Woodard Street, some being the easterly line of said Lots 3 and 4, a distance of 400.00' to the **POINT OF BEGINNING** and containing 57,600 square feet or 1.322 acres of land, more or less.

ABBREVIATIONS

B.L.	= Building Line
I.R.F.	= Iron Rod Found
CMP	= Corrugated Metal Pipe
CPP	= Corrugated Plastic Pipe
(C.M.)	= Contrasting Monument
C.I.R.F.	= Capped Iron Rod Found
C.I.R.S.	= 1/2" iron rod with yellow plastic cap stamped "RPLS 5686" set
M.R.C.C.T.	= Map Records, Collin County, Texas
D.R.C.C.T.	= Deed Records, Collin County, Texas
O.P.R.C.C.T.	= Official Public Records, Collin County, Texas



SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT, I, Michael B. Arthur, do hereby certify that I have prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the subdivision regulations of the City of Farmersville, Texas.

Michael B. Arthur
Registered Professional Land Surveyor
Texas Registration No. 5686

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this date personally appeared Michael B. Arthur, 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 consideration therein expressed and under oath stated that the statements in the foregoing certificate are true.

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

Notary Public for the State of Texas

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

GENERAL NOTES:

- According to the Flood Insurance Rate Map of Collin County, Texas, Map No. 48085C03403, Map Revised June 02, 2009, the herein described property is located in Zone "X", described by said map to be, "area determined to be outside the 0.2% annual chance floodplain". This flood statement does not imply that the property and/or the structure thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor in any way.
- Bearings and coordinates (surface) shown, are based on the Texas State Plane Coordinate system, North Central Zone (4202), NAD 83. The surface to grid conversion factor is 0.999843106, at base point 0,0.
- All corners are marked with a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686", unless otherwise noted.
- The surveyor has relied on the subject plat shown hereon, with regard to any easements, restrictions, or rights-of-way affecting the above described property. No additional research regarding said easements, restrictions or rights-of-way has been performed by the surveyor.
- Selling off a portion of this addition by metes and bounds is a violation of City Ordinance and State Law and is subject to fines and withholding of utilities and building permits.
- The herein described property is currently zoned SF-2.
- Water and Sewer provided by the City of Farmersville.

APPROVED

Presiding Officer
City of Farmersville, Texas

Date

ATTEST

Board, Commissioner or City Secretary
City of Farmersville, Texas

Date

Owner:
Joseph E. Heimberger and
Debra S. Heimberger
315 Houston Street
Farmersville, Texas 75442

Surveyor:
North Texas Surveying, L.L.C.
Registered Professional Land Surveyors
1010 West University
McKinney, TX 75069
Ph. (469) 424-2074 Fax: (469) 424-1897
www.northtexasurveying.com
Firm Registration No. 12074200

FINAL PLAT
WOODARD ADDITION
BLOCK 2, LOTS 4R, 5-B

Being a Replat of
Block 2, Lots 3 and 4 of the
WOODARD ADDITION
Volume 35, Page 617, D.R.C.C.T.
57,600 SQ. FT. / 1.322 ACRES
in the W. B. Williams Survey
Abstract No. 952
City of Farmersville,
Collin County, Texas

Prepared: January, 2022 Scale: 1" = 30'

C. Consider, discuss, and act upon a recommendation to City Council regarding Ordinance #O-2022-0823-001, amendment of Chapter 77 “Zoning”, by adopting a new article that will create a Historic Preservation Overlay Zoning District.

**CITY OF FARMERSVILLE
ORDINANCE # O-2022-0823-001**

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 NEGLIGENCE.

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

ADJOURNMENT