

# ORDINANCE No. 1029-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINNSBORO, TEXAS;  
ESTABLISHING A HISTORIC OVERLAY DISTRICT; AMENDING ARTICLES AND  
SECTIONS IN THE CODE OF ORDINANCE, RESCINDING CONFLICTING PROVISIONS,  
PROVIDING A PENALTY CLAUSE, PROVIDING A SEVERABILITY CLAUSE AND  
PROVIDING AN EFFECTIVE DATE

**WHEREAS**, The City Council of the City of Winnsboro, Texas has determined that it is in the best interest of the City of Winnsboro for the protection, enhancement and perpetuation of landmarks; that the following articles and sections be added to the Code of Ordinances, as follows.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINNSBORO, TEXAS, AS FOLLOWS:**

**SECTION 1. THAT THE CODE OF ORDINANCES FOR THE CITY OF WINNSBORO, TEXAS BE AMENDED TO THE FOLLOWING:**

## **ARTICLE 14.05 HISTORIC DISTRICTS**

### **14.05.001 Historic Overlay Districts Purpose**

The City of Winnsboro recognizes as a matter of public policy; the protection, enhancement and perpetuation of landmarks, districts of historical and cultural importance or significance is necessary to promote the economic, cultural, educational and general welfare of the public. Historic overlay districts are created to:

- (1) Protect and enhance the landmarks and districts which represent distinctive elements of Winnsboro's historic, architectural and cultural heritage;
- (2) Foster civic pride in the accomplishments of the past;
- (3) Protect and enhance Winnsboro's attractiveness to visitors, thereby supporting and stimulating the economy;
- (4) Insure the harmonious, orderly and efficient growth and development of the city that is sensitive to its historic resources;
- (5) Promote economic prosperity and welfare of the community by encouraging the most appropriate use of historic properties within the city; and
- (6) Encourage stabilization, restoration and improvements of such properties and their values by offering incentives for rehabilitation and preservation.

### **14.05.002 – Purposes/Intent/Definitions**

#### **Contributing Building**

**A historic building, other than a private residence, that is at least 50 years old or older that retains a significant amount of its physical integrity and character defining features including location, setting, design, construction, workmanship, and/or association with historical persons or events.**

#### **Downtown Overlay District (DOD)**

Establishment of the Downtown Overlay District is intended to protect the aesthetic and visual character of downtown Winnsboro through the establishment of the Downtown Overlay District.

**Residential Overlay District (ROD)**

The Residential Overlay District is intended to preserve and protect historic residential structures throughout historic sections of the city.

**Designated Historic District (DHD)**

The Designated Historic District is intended to preserve areas, structures and landmarks of historical or cultural significance. Each designated district may have specific standards unique to the district. These may include Downtown and Residential Overlay Districts as well as existing historic structures or landmarks.

**Historic Landmark Designation (HL)**

The purpose of the Historic Landmark designation is to protect, preserve and enhance buildings or structures of historical, architectural or cultural importance or value to the City of Winnsboro.

**Gateway Overlay District (G).**

The Gateway Overlay District is intended to enhance the entry corridors to Winnsboro. Various corridors into the city are designated for the purpose of applying additional landscaping and design standards.

**14.05.003 Designation of a Historic Overlay District**

- (1) A Historic Overlay District may be established over any base zoning district within the city limits and may be established over more than one base zoning district.
- (2) Creation or expansion of a Historic Overlay District requires approval by the City Council, following the procedures for changes and amendments to all zoning ordinances and districts and administrative procedures in Section 34.
- (3) Consideration of Standards for a Designated Historic District.

The following shall be considered when developing standards for a Designated Historic District.

- a. The findings adopted by the City Council for a specific Designated Historic District shall define the scope of the City's interest in protecting the historic resource and shall provide the guidelines to be used, along with the applicable regulations, in considering whether to grant or deny a Certificate of Appropriateness.
- b. The Historic Preservation Commission may develop, and the City Council may approve, supplemental guidelines as it may deem necessary to implement the regulations of a particular designated historic district or the findings applicable to the designation of a particular designated historic district. Such guidelines may include, but are not limited to, the following:

- i. Charts or samples of acceptable materials for siding, foundations, roofs or other parts of buildings;
- ii. Illustrations of appropriate architectural details;
- iii. Numerical specifications of appropriate rhythms or proportions;
- iv. Specifications of appropriate relationships to streets, sidewalks, other structures and buildings;
- v. Illustrations of appropriate porch treatments or entrances; or
- vi. Illustrations of appropriate signage or street furniture.

**14.05.004 Historic Overlay District Established**

Historic Overlay Districts are established as follows:

Each Historic Overlay District includes all the land within the boundary of the district shown on the Official Zoning Map.

**(1) Downtown Overlay District (DOD)**

The Downtown Overlay District is established by the City Council to include boundaries previously established for the Winnsboro Downtown District, Ordinance 879-2010 and Ordinance 986-2018; Winnsboro Downtown Reinvestment Zone, Ordinance 757-2002 and Resolution 2001 -31; Winnsboro Main Street District, and Winnsboro Cultural Arts District Resolution 2008 -22. The Downtown Overlay District is generally bounded by Pine Street to the north, North Chestnut Street to the east, Carnegie Street to the south and North Mill Street to the West. The boundaries are depicted on the map incorporated below, and the affected (contributing buildings) are highlighted.

**(2) Residential Overlay District (ROD)**

A Residential Historic District was created by the City Council on both sides of West Myrtle Street from South Mill Street to South Post Oak Street. Ordinance 698-1995.

**14.05.005 Certificate of Appropriateness Required**

All new buildings and changes to existing contributing buildings located in a Historic Overlay District, designated as a Historic Landmark, or located in a National Register of Historic Places of the US National Park Service are subject to the Certificate of Appropriateness provisions of Section 3.14.007 of this Code. Any activity requiring review of a Certificate of Appropriateness per Section 3.14.007 of this Code will be subject to the Design Guidelines adopted by the City of Winnsboro.

**14.05.006 Applicability of Historic Overlay District Standards**

- (1) Each designated Historic Overlay District may have unique standards that are described in the adopting ordinance for that district.
- (2) The development and design standards contained within this Section are intended to supplement any development and design standards of an underlying base zoning district. The standards of the underlying base zoning district, as well as those of any other applicable overlay district, shall remain in effect unless superseded by specific standards of the applicable historic overlay district.
- (3) In the event of a conflict between the development regulations of the underlying zoning district and the provisions of this Section, the provisions of this Section shall apply.
- (4) Any regulations for a specific Historic Overlay District shall apply to all contributing buildings properties or structures wholly contained within that district and to those portions of any property or district located within the district.
- (5) All uses permitted or conditionally permitted in the underlying zoning districts shall continue to be permitted or conditionally permitted, respectively, unless otherwise specified in the specific standard for the overlay district. The Planning and Zoning Commission shall not have the authority to approve the specific use of a site.

**14.05.007 General Guidelines Applicable to All Historic Overlay Districts**

- (1) The historic character of a contributing building or structure should be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a building or structure should be avoided.
- (2) Each contributing building or structure should be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other structures, should not be undertaken.
- (3) Most buildings or structures change over time; those changes that have acquired historic significance in their own right should be retained and preserved.
- (4) Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a building or structure should be preserved.
- (5) Deteriorated historic features should be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
- (6) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials should not be used. The surface cleaning of structures, if appropriate, should be undertaken using the gentlest means possible.
- (7) Significant archeological resources affected by a project should be protected and preserved. If such resources must be disturbed, mitigation measures should be undertaken.
- (8) New additions, exterior alterations or related new construction should not destroy historic materials that characterize the building or structure. The new work should be differentiated from the old and shall be

compatible with the massing, size, scale and architectural features to protect the historic integrity of the building or structure and its environment.

- (9) New additions and adjacent or related new construction should be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- (10) Maintaining and repairing features is preferred over replacing features as to maintain the high-quality materials, character, and embodied energy of historic buildings and to reduce the amount of waste that goes to a landfill. However, if features are deteriorated beyond repair, in-kind replacement using new components that match the original in form, finish, and materials is favored. Substitute materials should be used only on a limited basis, and only when they will match the appearance and general properties of the historic material and will not damage the historic resource.

#### 14.05.008 Demolition by Neglect

- (1) An owner of a contributing -building or structure designated as a historic landmark or located in a historic overlay district, or person with interest in the real property, shall not allow such structure to fall into a serious state of disrepair so as to result in deterioration which would, in the judgment of the Historic Preservation Officer and the Building Official, produce a detrimental effect upon the life and character of the structure itself.
- (2) The Building Official and Historic Preservation Officer of the City of Winnsboro shall determine the "serious state of disrepair" in accordance with the most current form of the International Property Maintenance Code. Examples of such deterioration include, but are not limited to, the following:
  - i. Deterioration of walls or other vertical supports;
  - ii. Deterioration of roofs or other horizontal members;
  - iii. Deterioration of exterior chimneys;
  - iv. Deterioration or crumbling of exterior stucco or mortar;
  - v. Ineffective waterproofing of exterior walls, roof or foundations, including broken windows or doors; Deterioration of exterior walls, doors, windows or other means of interior access, creating danger of trespassing;
  - vi. Deterioration of plumbing and electrical systems affecting the exterior of the structure; or a hazardous condition resulting from the deterioration of any exterior feature, which might indicate that demolition is necessary for the public safety.
- (3) A property owner, or person with interest in the real property, who is in violation of this Section shall be subject to enforcement measures under Section 3.02-00509 of this Code.
- (4) Should compliance with this Section require more than ordinary maintenance and repair, the provisions of Section 3.13, Certificate of Appropriateness, shall be applicable.

#### 14.05.009 Standards Specific to the Downtown Overlay District

This Section contains specific development and design standards applicable to contributing buildings properties located in the Downtown Overlay District of the City of Winnsboro.

- (1) Design and Paint Colors  
See Section 3.14.008 ARCHITECTURAL ELEMENTS in this Code.
- (2) Building Height  
Building height in the Downtown Overlay District shall not exceed 40 feet, unless a Certificate of Appropriateness is approved by Planning and Zoning Commission in accordance with the procedures set forth in Section 3.14.008 of this Code.
- (3) Setbacks  
Building setbacks adjacent to public rights-of-way in the Downtown Overlay District shall generally be assumed to be zero feet or "built to" the right-of-way line. Such setbacks shall be reviewed on a case-by-case basis in accordance with the adopted Design Guidelines.
- (4) Signs  
The sign standards shall be those contained within the Section 3.11 of this code and apply to the Downtown Overlay District. In the event that no standards exist, the standards in this Code shall apply, and may be modified

in order to more accurately reflect the express language or the intent of the design guidelines in regard to signs.

**SECTION 2. SEVERABILITY CLAUSE:**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 3. PENALTY CLAUSE:**

(1) A person who violates a provision of this chapter, or who fails to perform an act required of the person by this chapter, commits an offense. A person commits a separate offense each day or portion of a day which a violation is committed, permitted or continued.

(2) Criminal penalties.

a. An offense under this chapter is punishable by a fine not to exceed \$500 for the first offense and up to \$2,000 for subsequent offenses.

**SECTION 4. REPEALING CLAUSE:**

Any provision of any prior ordinance of the City whether codified or uncodified, which are in conflict with any provisions of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**SECTION 5. EFFECTIVE DATE:**

This Ordinance shall become effective immediately upon its passage.

**PASSED AND APPROVED** this the 11<sup>th</sup> day of August, 2020

**Approved:**

**Attest:**

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~~Brenda Shirley~~ Camron Wilcox, Mayor ~~Pro Tem~~

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Angie Pike, City Secretary