

ORDINANCE No. 1030-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINNSBORO, TEXAS;
ESTABLISHING HISTORIC DOWNTOWN PRESERVATION REQUIREMENTS;
AMENDING ARTICLES AND SECTIONS IN THE CODE OF ORDINANCE, RESCINDING
CONFLICTING PROVISIONS, PROVIDING A PENALTY CLAUSE, PROVIDING A
SEVERABILITY CLAUSE; REPEALING 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 3.14 Historic Downtown Preservation
SECTION 3.14.001: PURPOSE

WHEREAS, Chapter 211 of the Texas Local Government Code provides that cities may adopt regulations for designated places and areas of historical, cultural, or architectural importance and significance;

The City Council of Winnsboro hereby declares as a matter of public policy, that the protection, enhancement, and perpetuation of landmarks or districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational and general welfare of the public. This act strives to do the following:

- a. Promote and enhance the historic resources of Winnsboro by maintaining landmarks and districts which represent distinctive elements of Winnsboro's historic, architectural and cultural heritage.
- b. Promote economic prosperity and welfare of the community by encouraging the rehabilitation, maintenance and use of historic properties.
- c. Foster civic pride in our shared heritage as one of Texas' oldest cities, which benefits from a wealth of historic architectural and cultural resources.
- d. Enhance Winnsboro's attractiveness to residents and visitors, thereby supporting and stimulating the economic benefits of local commerce and tourism.

SECTION 3.14.002: DEFINITIONS (For the purpose of regulating structures within the historic district)

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:

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 Historical/Heritage Commission.

Appurtenant Features:

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:

Any locale where there is physical evidence of past human activity that is either prehistoric or historic in age.

Building:

Refers 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.

Downtown Historic District (DHD):

The downtown area bordered on the north by Pine, south by Carnegie (north side); east by Chestnut, west by Mill, and all property contained therein shall be considered for landmark status.

Rehabilitation/Alteration:

Any physical change to the exterior appearance of a building or structure as seen from the public right-of-way, including but not limited to certain miscellaneous modifications not requiring a permit from the City of Winnsboro.

Certificate of Appropriateness (COA):

A permit obtained from the Historic Preservation Officer (HPO) for the City of Winnsboro certifying that the proposed improvements meet City code requirements and have been approved by the Historic Preservation Commission of the City of Winnsboro.

Certified Local Government

A local government 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 50 years old or older that retains a significant amount of its physical integrity and character defining features including location, setting, design, construction, workmanship, and/or

association with historical persons or events.

Design Guidelines:

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't's" for the property owner. The Historic Preservation Commission has authority to draft and administer design guidelines after approval of the guidelines by the City Council.

Design Review:

The decision making process conducted by the heritage preservation board or an appointed heritage preservation officer that is guided by established terms.

Demolition by Neglect:

Allowing a building to fall into such a state of disrepair that it becomes necessary or desirable to demolish it.

Downtown Historic District (DHD):

The downtown area bordered on the north by Pine, south by Carnegie (north side); east by Chestnut, west by Mill, and all property contained therein shall be considered for landmark status.

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:

The entire building front including the parapet.

Historic Preservation Commission (HPC):

The seven member Board established under this ordinance and appointed by City Council.

Historic Designations:

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

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

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

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

Historic Districts:

Any neighborhood or region designated by City Council as a historic district.

Historic Landmarks:

A building, structure object or site designated by City Council as a historic landmark.

Historic Preservation:

The protection, reconstruction, rehabilitation, repair and restoration of places and structures of historic, architectural, or archeological Significance.

Historic Rehabilitation:

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:

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:

A systematic, detailed examination of an area designed to gather information about histone properties sufficient to evaluate them against predetermined criteria of significance.

Integrity:

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:

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

Local Historic District:

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:

Any site, building, structure, or landscape of historic significance that receives designation by the City pursuant to this Chapter.

Minor Alterations:

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:

The nation's official list of buildings, districts, and sites (including structures and objects) significant in American history and culture, architecture, archeology, and engineering maintained by the National Park Service and administered on a state-wide basis by the Texas Historical Commission. Restrictions on these properties exist only when there is an undertaking that uses federal funds or that requires a federal permit or license.

Object:

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:

An order issued by the Heritage Preservation Board indicating approval of plans for demolition of a designated landmark or property within a designated district.

Ordinary Maintenance:

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:

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

Owner:

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:

The stabilization of an historic building, its materials and features in their present condition to prevent future

deterioration. Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time. (Protection and Stabilization have now been consolidated under this treatment.)

Preservationist:

Someone with experience, education or training in the field of preservation.

Reconstruction:

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:

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:

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:

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:

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:

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.

State Archeological Landmark:

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):

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

Site:

The location of a significant event a prehistoric or historic occupation or activity or a building or structure whether standing ruined or vanished where the location itself possesses historical cultural or archeological value regardless of the value of any existing structure

Structure:

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

Zoning:

A legal 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.

Rehabilitation/Alteration:

Any physical change to the exterior appearance of a building or structure as seen from the public right-of-way, including but not limited to certain miscellaneous modifications not requiring a permit from the City of Winnsboro.

Historic Landmark (HL):

A structure which meets specified criteria which constitute significance as designated by the Historic Preservation Commission, the Planning & Zoning Commission & the Winnsboro City Council.

Historic District:

An area designated by the Historic Preservation Commission & the Winnsboro City Council which contains multiple properties, that together constitute a distinct section of the city, which is united historically or aesthetically by plan or physical development.

Historic Overlay District (HOD):

A zoning classification created to address specific issues related to properties located in the city's historic districts.

SECTION 3.14.003: HISTORIC PRESERVATION OFFICER

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

SECTION 3.14.004: HISTORIC PRESERVATION COMMISSION

There is hereby created a commission to be known as the Historic Preservation Commission of Winnsboro

- (A) Commission Members. The Commission shall consist of ~~sevensine (9)~~ members appointed by the City Council. To the extent available among the residents of the community, the commission should consist of the following:
 - ~~1.~~ A majority (minimum of ~~fourfive~~) shall own ~~contributing buildings property~~ in the downtown district
 - ~~1-2.~~ At least one member shall be the on the Winnsboro Center for the Arts Board of Directors
 - ~~2-3.~~ At least one member should be a business owner operating in a contributing building in the downtown district
 - ~~3-4.~~ At least one shall be an architect, planner or representative of a design profession
 - ~~5.~~ One member shall ~~also~~ be a member of the City of Winnsboro Planning and Zoning Commission
 - ~~4-6.~~ One member shall be a member of the Winnsboro Economic Development Corporation Board
 - ~~5-7.~~ Regardless of background, shall have a known and demonstrated interest, competence or knowledge in historic preservation within the city of Winnsboro
- (B) Duties of the Commission.
 - 1. Prepare rules and procedures as necessary to carry out the business of the Commission, which shall be ratified by the City Council
 - 2. Maintain written minutes that record all action taken by the Commission and the reasons for taking such actions
 - 3. Adopt criteria for the designation of historic, architectural and cultural landmarks and the delineation of historic districts, which shall be ratified by the City Council
 - 4. Approve or deny applications for Certificates of Appropriateness pursuant to this act
 - 5. Conduct historic property surveys and maintain an inventory of significant historic, architectural and cultural landmarks and all properties located in historic district within the city
 - 6. Recommend the designation of resources as landmarks and historic districts.
 - 7. Recommend conferral of recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers
 - 8. Increase public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs

9. Make recommendations to the city government concerning utilization of state, federal or private funds to promote the preservation of landmarks and historic districts within the city
10. Prepare specific design guidelines for the review of landmarks and districts
11. Notify property owners of conditions which may place a landmark at risk or jeopardize the historic integrity of the district or landmark.

(C) Commission Terms & Appointments. Commission members shall serve no more than two terms consisting of three years each term; with the exception that the initial term of two members shall be 1 year, two members shall be 2 years, and three members shall be 3 years. The Chairman and Vice Chairman of the Commission shall be elected by and from the members of the Commission. In the event there are no qualifying persons available to fill the positions that would be vacated due to the aforementioned term limits; at the recommendation of the remaining commissioners, the City Council should extend the expiring terms in one year intervals.

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

(E) Authority: the HPC shall be empower to:

- (a) Make recommendations to the city for the employment of staff and professional consultants as necessary to carry out the duties of the HPC.
- (b) Adopt parliamentary rules and procedures necessary to carry out the business of the HPC, which shall be ratified by the City Council.
- (c) Review and take action on the designation of Landmarks and the delineation of Districts, which shall be ratified by the City Council.
- (d) Recommend and confer recognition upon the owners of Landmarks or properties within Districts by means of certificates, plaques, or markers.
- (e) Review and recommend to City Council and other applicable city boards and commissions all proposed changes to the zoning ordinance, building code, general plan or other adopted policies of the city than may affect the purpose of the Article.
- (f) Conduct public hearings and provide comment on buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places to the Texas Historic Commission. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.
- (g) Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and all properties located within designated Districts located in the city. Such information shall be maintained securely, made accessible to the public and should be updated at least every ten (10) years.

- (h) Monitor and report to the Texas Historical Commission all actions affecting any Recorded Texas Historic Landmark, State Archaeological Landmark, National Register property and any locally designated Landmark, as deemed necessary.
- (i) Create sub-committees from among its membership and delegate to these committees' responsibilities to carry out the purposes of this Article.
- (j) Maintain written meeting minutes which are recorded by staff and demonstrate all actions taken by the HPC and the reasons for taking such actions.
- (k) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.
- (l) Review and take action on all Certificates of Appropriateness applications for compliance with adopted Design Guidelines pursuant to this Article.
- (m) Review and take action on all appeals on action taken by the HPO regarding the administrative review of Certificates of Appropriateness applications for compliance with adopted Design Guidelines pursuant to this Article.
- (n) Develop, prepare and adopt specific Design Guidelines which shall be ratified by the City Council, for use in the review of all Certificates of Appropriateness applications.
- (o) Prepare and submit annually to the City Council a report summarizing budget costs, goals and objectives and work completed during the previous year, as well as anticipated budgetary requests.
- (p) Make recommendations to the city concerning the utilization of state, federal, or private funds to promote the preservation of Landmarks and Districts within the city.
- (q) Recommend to City Council the acquisition of endangered Landmarks by demolition where its preservation is essential to the purpose of this Article and where private preservation is not feasible.
- (r) Propose incentive program(s) to City Council for local property owners of historic Landmarks or within local Districts.
- (s) Review and take action on all city preservation-related incentive program applications involving work on Landmarks and Districts for compliance with adopted Design Guidelines pursuant to this Article.
- (t) Accept on behalf of the city government donations of preservation easements and

development rights as well as any other gift of value for the purpose of historic preservation, subject to the approval of City Council

(u) Provide comment to the Texas Historical Commission on any federal undertakings (projects utilizing federal funds or requiring a federal permit) pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended

(D)12.

SECTION 3.14.005: USE REGULATIONS

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

(a) **Permitted Uses:** Establishments which fall within the following general categories shall be permitted in accordance with the city's zoning ordinance.

1. Uses in B -1 and B -2 Zoning except for provision for Loft residences located on the second or higher floor.

(b) **Prohibited Uses:** The following uses are specifically prohibited in the Historic Downtown District, and shall not be allowed, unless such business is already in existence, in which case, said business would be considered "grandfathered in":

1. The storage or sale of hazardous chemicals
2. Auto repair stores, tire stores, automobile or vehicle sales establishments
3. Sexually oriented businesses or adult entertainment facility
4. Day care facility for any age group
5. Manufacturing facilities of any type, whether the manufacturing process consists of the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials
6. Storage facilities, including storage warehouses or indoor storage facilities, for the storage of personal, household or business items, except storage facilities accessory and incidental to a use permitted by paragraph (a) of this Section
7. Funeral homes and mortuaries
8. Laundry facilities
9. Outdoor commercial swimming pool
10. Veterinarian offices, including kennels, boarding facilities, animal hospitals, shelters, or pet day care facilities.
11. Portable Buildings (unless temporary permit has been issued for construction purposes)

SECTION 3.14.006: CERTIFICATES OF APPROPRIATENESS FOR ALTERATION AND/OR NEW CONSTRUCTION

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

1. Contributing Buildings
2. Alterations to contributing buildings
3. New construction within the HOD

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

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

~~(B)~~(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.

~~(C)~~(D) _____ Certification of Appropriateness Application Procedure

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

5. An applicant for a Certificate of Appropriateness (COA) dissatisfied with the action of the Commission regarding issuance or denial of a (COA) shall have the right to appeal to the City Council within thirty (30) days after receipt of notification of such action. The City Council shall give notice, follow publication procedure, hold hearings, and make its decision.

(D) Certificate of Appropriateness Required for Demolition

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

(E) Economic Hardship Application Procedure

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

- (F) Enforcement. All work performed pursuant to a Certificate of Appropriateness issued under this ordinance shall conform to any requirements included therein. It shall be the duty of the building official to periodically inspect any such work to assure compliance. In the event work is not being performed in accordance with the Certificate of Appropriateness, or upon notification of such fact by the Commission and verification by the building official, the building official shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. Once compliance is confirmed by the building official, the stop work order may be lifted by the receipt of a written notice of compliance by the official to both

the Planning & Zoning Commission and the Inspections and Permits Department.

- (G) Ordinary Maintenance. Nothing in this ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district that does not involve a change in design, material, or outward appearance. In-kind replacement or repair is included in this definition of ordinary maintenance.
- (H) Demolition by Neglect. No owner or person with an interest in real property designated as a landmark or included within a historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself. Examples of such deterioration shall include:
 - 1. Deterioration of exterior walls or other vertical supports
 - 2. Deterioration of roofs or other horizontal members
 - 3. Deterioration of exterior chimneys
 - 4. Deterioration or crumbling stucco or mortar
 - 5. Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors
 - 6. Deterioration of any feature so as to create a hazardous condition, which could lead to the claim that demolition is necessary for public safety.

SECTION 3.14.007: ARCHITECTURAL ELEMENTS

- (a) New development or construction within the Historic Downtown District must have front and side facades constructed of wood, brick, masonry, stone, stucco or glass. Architectural metal accents, such as copper or bronze may be used to accent structural elements. No metal buildings shall be permitted, unless such structures are faced with wood, brick, masonry or stucco.
- (b) Existing structures. Every reasonable effort shall be made to adapt a property in a manner that requires minimal alteration of any distinctive architectural features or characteristics of a structure.
- (c) The design of walls and other structures located on the same site, including those used for screening, as set forth in paragraph 1 hereof, shall be constructed of the same or similar materials as the main building on the lot.
- (d) Paint colors must be taken from an appropriate historical palette.
- (e) Provided, however, with regard to subparagraphs 2 and 3 (b) and (c) above, an applicant may present to the Planning and Zoning Commission and Council, on a site plan, specifications that include elevation drawings and proposed alternative materials, which meet or exceed the appearance and durability requirements above.

SECTION 3.14.008: DESIGNATION OF HISTORIC LANDMARKS & DISTRICTS

- 1. Designation of Historic Landmarks is accomplished by amendment to the official zoning map for the City of Winnsboro. Such an amendment must be approved by ordinance of City Council, following a public hearing and recommendation by both the Historic Preservation Commission and the City Planning and Zoning Commission, in that order.
- 2. Property owners of proposed historic landmarks shall be notified prior to the hearing of the Preservation Commission, on the recommended designation. At the Commission's public hearing, owners, interested parties, and technical experts may present testimony or document evidence that will become part of a

record regarding the historic, architectural or cultural importance of the proposed historic landmark.

3. Upon recommendation of the Commission, the proposed historic landmark shall be submitted to the City Secretary for the City Planning & Zoning Commission within forty-five (45) days from the date of submission of designation request. The City Planning & Zoning Commission shall give notice and conduct its hearing on the proposed designation within forty-five (45) days of receipt of such recommendation from the Commission.
4. Upon designation of a building, object, site, or structure as a historic landmark or district, the City Council shall cause the designation to be recorded in the official zoning maps of the City of Winnsboro. The official zoning map should indicate the designated landmarks with an appropriate mark.
5. Criteria for the Designation of Historic Landmarks. A historic landmark or district may be designated if it:
 - a. possesses significance in history, architecture, archaeology, or culture;
 - b. is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history;
 - c. is associated with the lives of persons significant in our past; embodies the distinctive characteristics of a type, period, or method of construction;
 - d. represents the work of a master designer, builder, or craftsman;
 - e. represents an established and familiar visual feature of the city;
 - f. Possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
 - g. Has yielded, or may be likely to yield, information important in prehistory or history.

Designation of Other Historic Districts

1. Designation of Historic Districts is accomplished by amendment to the official zoning map for the City of Winnsboro. Such an amendment must be approved by ordinance of City Council, allowing a public hearing and recommendation by the City Planning & Zoning Commission.
 2. Owners of property within a proposed historic district shall be notified prior to the hearing of the Historic Preservation Commission, on the recommended designation. At the Commission's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence which will become part of the record regarding the historic, architectural, or cultural importance of the proposed historic district.
 3. Upon recommendation of the Commission, the proposed historic district shall be submitted to the Secretary of the City Planning & Zoning Commission within forty-five (45) days from the date of submission of designation request. The City Planning & Zoning Commission shall give notice and conduct its hearing on the proposed designation within forty-five (45) days of receipt of such recommendation from the Commission.
 4. Upon designation of a historic district, the City Council shall cause the designated boundaries to be recorded on the official zoning map of the City of Winnsboro.
- 6-8. Criteria for the Designation of Historic Districts
- a. Contains properties and an environmental setting which meet one or more of the criteria for designation of a landmark; and
 - b. Constitutes a distinct section of the city.

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. REPEALING CLAUSE:

Any provision of any prior ordinance of the City whether codified or uncoded, 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 uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

SECTION 4. 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 \$2,000.

SECTION 5. EFFECTIVE DATE:

This Ordinance shall become effective immediately upon its passage.

PASSED AND APPROVED this the ~~11th~~ day of August, 2020.

Approved:

Attest:

Brenda Shirley, Mayor Pro-Tem

Angie Pike, City Secretary