

*Design Guidelines  
for the  
Heritage District  
of the  
City of Royse City*

Royse City



*A Friendly Touch of Texas*

# *Design Guidelines for the Heritage Overlay District*

*Royse City, Texas*

*Amended August 12, 2014*

*Ordinance No. 14-08-1051*

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*Matt Wheatley*

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*Assisted by: Municipal Planning Resources Group, Inc.*

## *Table of Contents*

<i>Introduction</i>	<i>1</i>
<i>Royse City Heritage District</i>	<i>2</i>
<i>Approach</i>	<i>2</i>
<i>Review Process</i>	<i>3</i>
<i>Color</i>	<i>6</i>
<i>Roof Styles</i>	<i>8</i>
<i>Architectural Detail</i>	<i>9</i>
<i>Porches</i>	<i>11</i>
<i>Windows</i>	<i>12</i>
<i>Exterior Materials</i>	<i>14</i>
<i>Fences</i>	<i>15</i>
<i>New Construction</i>	<i>16</i>
<i>Appendix A – Application for Certificate of Appropriateness</i>	<i>17</i>
<i>Appendix B – Heritage Preservation Regulations</i>	<i>19</i>
<i>Zoning Ordinance – Heritage Preservation District</i>	<i>29</i>

## *Introduction*

Royse City had its beginning shortly after the Civil War. Settlers began to congregate in the area as early as 1885. In 1886, G.B. Royse platted the City site and began to sell lots. There were other communities in the area, including neighboring Fate. However, with the advent of the M.K. & T. Railroad the City of Royse City was a favored location in the area, especially since the railroad bypassed Fate to run through neighboring Royse City.

The economic base of the community was primarily agriculture. Cotton trading, cottonseed oil manufacturing, and cotton ginning was established in the early 1900's. Evidence of that influence is still apparent today along the railroad in downtown Royse City. The City also contains two structures that are listed at Historic Texas Places, the Methodist Church, which was built in 1904 and the Masonic Lodge which was built in 1925. The Masonic Lodge is also listed on the National Register of Historical Places.

The rapid urban growth of the Dallas/Fort Worth metroplex and the increased opportunities for employment within this area has encouraged more people to locate on the peripheries of these metropolitan areas. Royse City has maintained the charm and character of a small City and is currently providing opportunities for people to commute to the larger urban areas. This influx of population has brought secondary impacts on the commercial and services establishments. Royse City's future appears bright as it faces the challenges of new growth and new opportunities as it proceeds into the twenty-first century.

Royse City has a rich heritage that is present in much of its existing structures. Both residential and non-residential structures are the focus of the heritage preservation effort in Royse City. The intent of this heritage focus is not so much to restore and reconstruct structures in compliance with strict limits of the historic restorations as it is to maintain the feel and aesthetics of the heritage of Royse City. That being the case, certain liberties to the strict reconstructionist standards will be permitted, for it is the look and character of the area rather than precise restoration that is desired.

That being the case, the City of Royse City incorporated this goal in the Strategic Land Use Plan prepared for future development of the City. In addition, the City has authorized a Heritage Commission and established policies and procedures for that Commission for oversight of development located in the designated Heritage Overlay District. These policies contained herein represent the guidelines to be applied for construction and development within the Heritage Overlay District.

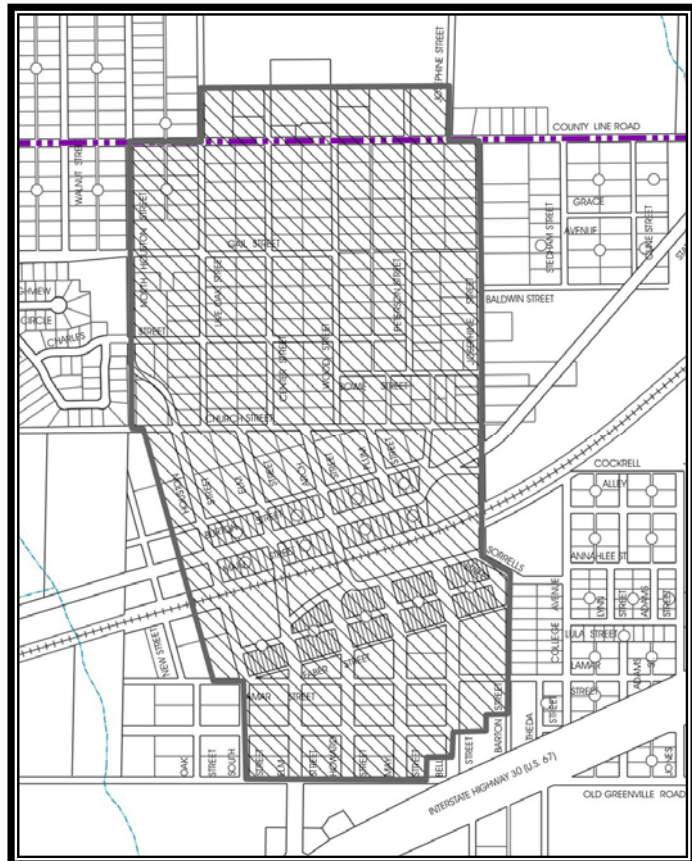
## Royse City Heritage District

Royse City's Heritage Overlay District consists of both residential and non-residential neighborhoods. The Royse City Heritage Overlay District is defined generally by those areas which were included in the original surveys. Generally the District is located south of County Line Road, north of Old Greenville Road, west of Josephine Street, and east of Houston Street. The exact limits may meander in and around those streets. The District is defined on the Royse City Zoning Map and may change from time to time with requests from property owners. However, the district boundaries are generally located as shown in the accompanying figure.

### Approach

#### General Areas of Guideline

**Focus:** There are a multitude of elements and details on which we may devote our attention regarding design guidelines. It is likely we will expand on the basic guideline developed initially. However, the Heritage Preservation Commission has focused on the following areas and elements:



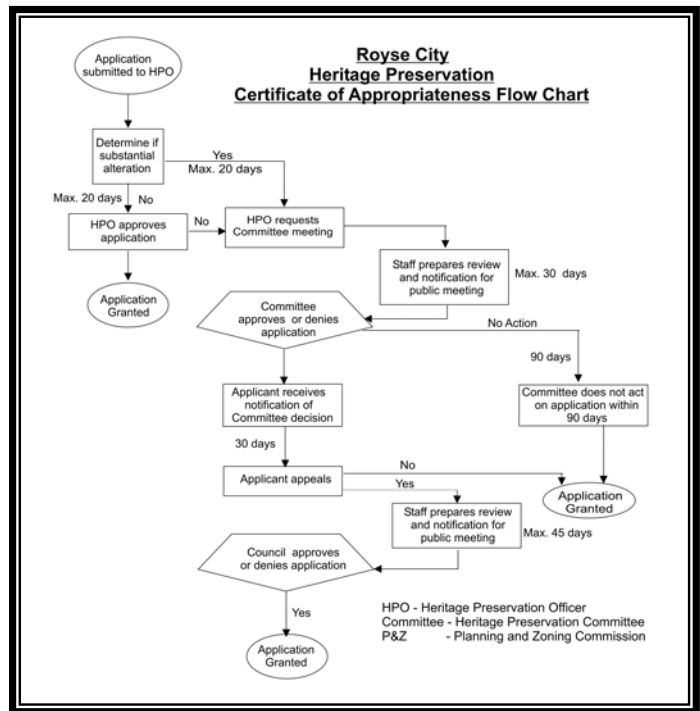
1. *Color:* The intent is to maintain the character of the area by maintaining earth-tone colors that complement and promote the heritage of both residential and non-residential construction.
2. *Roof styles:* An important element of the visual presentation of the structures is the style and construction of the roof. Residential structures will be required to provide a pitched roof and non-residential structures will be provided with more flexible options. However, the character of the roof must be compatible with the general period of construction.

3. *Ornamental Features:* Architectural details help establish the character of historic structures. These details are unique to the period of which the Heritage Commission is encouraging.
4. *Porches:* This feature will obviously be more applicable to residential structures. Non-residential structures also demonstrate specific treatment to the front of the structure that will also be addressed similar to porches on residential structures.
5. *Windows:* The style and type of window also helps to establish the historical character of residential and non-residential structures. The primary emphasis will be to address those windows that are viewed from public spaces.
6. *Walls:* Exterior treatment of the walls is critical in both residential and non-residential structures.
7. *Fences:* This element is applicable primarily to residential structures. Material used for enclosures of residential property often reflects the character of the neighborhood. Although, the City has fence regulations that are applicable to the total City area, specific issues apply to the Heritage District.

### Review Process

To initiate construction or reconstruction to property located within the Heritage Overlay District or within a designated Heritage Landmark, applicants must be granted a Certificate of Appropriateness. This requires that they follow a process that receives review and input from the Heritage Commission and Planning and Zoning Commission and final approval of the City Council. Recommendation and the subsequent action by the City Council will be based largely on the findings of the Heritage Commission.

The approval process for a Certificate of Appropriateness has been outlined in detail in the City's Heritage Preservation Ordinance. However a flow chart of the



process is provided herein. Applicants seeking approval of projects within the Heritage Overlay District or a designated Heritage Landmark should provide as complete a submittal as possible to facilitate the process.

When reviewing submitted applications, the Commission will apply the following design principles:

- The historic character of a property should be retained and preserved when at all possible. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property should be avoided.
- Each property 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 features or elements assumed to exist at other historic properties, should be avoided.
- Changes to a property that have acquired significance regarding the heritage of Royse City, in their own right, should be retained and preserved.
- New additions, exterior alterations or related new construction that destroy historic materials, features and spatial relationships that characterize the property should be avoided. New construction should be compatible with the historic materials, features, size, scale, and massing to protect the integrity of the property and its environment.
- New additions and adjacent or related new construction, which if removed in the future would impair the essential form and integrity of the historic property and its environment, should be avoided.

***What changes are reviewed by the Heritage Commission for approval?***

All changes to the exterior of a building that are visible from a public way or park must be reviewed and forwarded by the Heritage Commission. Such changes include, but are not limited to, repairs, replacements and alterations to windows, doors, roofs, building materials, new construction, additions, fences, walls and changes in grade.

*Note: Initial submittal of the application will be reviewed for determination if the action represents a substantial modification. If it is determined to not represent a substantial modification it may be approved by the City's staff Heritage Preservation Officer. At such time the application will be approved and no further action by other recommending and approving bodies will be required.*

The approval process may possibly require one or a combination of certificates to be issued by the City's Heritage Preservation Officer. The following certificates are provided for these purposes:

***Certificate of Non-Applicability.*** This certificate will be issued if, upon submittal of an application, the Historic Preservation Officer determines that the work is not of a substantive nature to require a Certificate of Appropriateness. Upon being issued a Certificate of Non-Applicability the applicant may apply for a building permit.

**Certificate of Appropriateness.** Upon submittal of an application, if the Heritage Preservation Officer determines that the work is substantive and the application is necessary, the applicant will be required to obtain a Certificate of Appropriateness from the City. If the work is not significantly changing the character of the structure and is determined to be in compliance with these design guidelines, the Heritage Preservation Officer may issue a Certificate of Appropriateness administratively. The Heritage Preservation Officer may issue a Certificate of Appropriateness administratively if the work is in substantial compliance with a rendering done by an architect with the Texas Main Street Program of the Texas Historical Commission. However, the Historic Preservation Officer retains the right to submit any and all applications to the full attention of the Heritage Preservation Commission and other recommending and approving bodies.

**Certificate of Hardship.** It is recognized that failure to grant a Certificate of Appropriateness would result in severe and substantial hardship, financial or otherwise, to the applicant. However, it must be determined that failure to do the work will not result in a significant detriment to the local Heritage Overlay District. The process required to obtain a Certificate of Hardship is provided in the Heritage Preservation Ordinance as adopted by the City of Royse City.

***What changes do not require an application for a Certificate of Appropriateness?***

Actions not requiring review of a Certificate of Appropriateness, by the Heritage Commission and action by other bodies, include ordinary repairs and maintenance that do not constitute a change to the appearance of the structure, including:

- Repair of existing windows and doors, using the same or comparable material, including the installation of storm windows that will not alter the exterior appearance of the structure.
- Maintenance and repair of existing roof material involving no change in the design, scale, materials or appearance of the structure.
- Repair of existing roof structures, such as cupolas, dormers and chimneys, using the same material that will not alter the exterior appearance of the structure.
- Replacement of existing shingles, clapboard or other siding, using the same or comparable materials that are being repaired or maintained.
- Repairs to existing shutters, fences, or retaining walls, using the same or comparable materials for those items being repaired.
- Painting with the same paint scheme that is existing on the structure.



## Color

Color of the exterior surfaces of structures has perhaps the greatest visual impact on the neighborhood. Unlike some communities, having numerous older two-story Victorian homes, Royse City is comprised primarily of simple single-story craftsman and prairie style homes. As a result the vibrant and sometimes shocking colors portrayed by what is known as “painted ladies” are not a reasonable option for colors within the Heritage Overlay District. The colors for trim and primary structure should be earth and natural tones.



These colors are readily available by major paint suppliers and usually are categorized into a selection grouping for this purpose. Sherwin Williams provides a palette called Arts & Crafts that contain appropriate colors for both trim and principal structure. This design guideline does not endorse or encourage any paint supplier over the other but uses these colors as reference only.

These earth tone colors may be used in combination with each other to provide contrasting trim colors. Painting of structures totally in one paint color scheme is strongly discouraged and will be addressed at the time of consideration of any application. An example of possible combinations of primary color and trim are as follows (source: The Sherwin-Williams Co.)



## Roof Styles

**Residential Roof Styles:** Flat roofs within the residential areas of the Heritage Overlay District will not be permitted. The roof and pitch of the roof shall be in keeping with traditional types and styles in use within the Heritage Overlay District. These roof types include:

- Gable, including such variations as the “clipped gable” and “saltbox.”
- Hip, including variations of hip roofs such as “gable on hip”

Any of these traditional roof types is acceptable without the need to duplicate the predominant roof type of a specific area, since part of the charm of the Royse City streetscape is the variety of roof styles and pitches.



Hip Roof



Gable Roof



Clipped Gable Roof

with pitched roofs Acceptable materials include slate, asphalt shingle, and simulated shingles. Wood shingles must be approved by the fire marshal. Original roof materials and color should be retained for replacement of roof when at all possible. The color and texture of shingles should be appropriate to the architectural style and period of the structure.

**Non-residential Roof Styles:** Non-residential structures located in the downtown area should be flat

roof with parapet walls along the front and sides. Pitch roof for non-residential structures are permitted in areas where transitions to residential structures is imminent. Church Structures are preferred but not required.





Metal roofs located in transition areas may be of metal construction only if said construction is standing seam of green, bronze, or dark color. No bare metal roofs will be permitted.

Changes to the roof type or material in any area, residential or non-residential, of the Heritage Overlay District requires review, recommendation, and approval of the Heritage Commission and other associated bodies.

### *Architectural Detail*

**Generally:** Architectural details are those items that add to the basic features of the construction to give the structure its own unique character and signature. These features may be items such as window and door trim styles, corner pilasters, gable peak ornamentation, lattice work, balustrades, porch pillars, corner pilasters, traditional paneled and louvered wooden shutters and similar details. The applicant is encouraged to extend the design style of the existing structure to any addition, and, in the case of alteration of an existing structure, the architectural details on the exterior shall be preserved. Changes that have taken place in the course of time which are evidence of the history and development of the building and the environment may have acquired significance in their own right; their significant should be recognized and respected. Architectural details of any period or style not original to the building shall not be introduced.

Commercial structures shall demonstrate detail on parapet walls, windows, doors, trim and brick work.



(Left) Queen Anne Style: Note the spindlework, unique dormers, and detailed porch columns.

Source: A Field Guide to American Houses, Virginia & Lee McAlister



(Right) Much simpler example. Corner bracket detailing is missing Spindles and and porch column details are still present.

Source: A Field Guide to American Houses, Virginia & Lee McAlister



(Left) Variety in parapet detail adds character. Mansard roof should be returned to original construction

(Right) Detail of exposed rafters and brick columns were added later and accent the structure although they are not consistent with the style.



## Porches

**Generally:** Porches in residential areas are encouraged and shall be retained. Porches are an integral part of the original design of a historic house. They are often the most important design element on the front of a residence. It is important to preserve the historic integrity of a house by retaining original elements such as posts, balustrades and steps. New construction should incorporate these elements into the design of the new structure.

Do not add details to a porch that never existed before, such as gingerbread detailing on a bungalow. In addition, do not use decorative posts and railings on porches, as they are inappropriate material to retain the historical character. Original porch materials and architectural details should be maintained. If different materials are substituted, they should be a close visual approximation of the original. Porches shall be a minimum of one third (1/3) the width of the front elevation of the structure and a minimum of six (6) feet in depth.

A porch should not be converted into a spare room or store front. It is recommended that new rooms be constructed to the rear of the house, where they are not visible from the street. If it is unavoidable to enclose a porch, retain all supporting posts, railing, and other decorative features. Consider a design that is easily reversible. Enclosing porches with glass or walls will seriously compromise the integrity of a historic structure.



(Left) Neoclassical residence with full-height entry porch with lower full-width porch



(Right) Front porch has been converted into sun room. Construction has been consistent with architectural features but has diminished the historical character of the structure.



(Left) Prairie style residence would be seriously compromised if the porch were to be enclosed.



(Right) Metal decorate post detracts from the historic character of this simple Queen Anne style residence. Wooden posts with decorative corner detail would be appropriate.

## Windows

**Residential:** Windows are a defining character of the heritage of the structure. New structures or alterations to existing structures in the Heritage Overlay District and Landmark designated structures shall have windows that are compatible with the existing and surrounding structures. Most of the original structures within the overlay district feature double-hung wood windows and an assortment of casement windows on the newer structures.



(Left) Wood windows should be retained if at all possible. This Queen Anne has retained the wood windows but has replaced the panes with a single pane instead of a multiple pane.



(Right) This historic structure has retained the wood windows and has also retained the pane configuration of the original construction.

As a general policy the following shall be observed:

- The original shape of the window shall be maintained.
- The original number and arrangement of panes should be maintained.
- The characteristic window shape in the area is vertically rectangular (higher than it is wide). Horizontal windows and picture windows are generally not appropriate.
- Aluminum storm windows and screens are appropriate. Blind stop storm windows painted to match sash color are preferred.
- Shutters, unless appropriate to the style of the building, should not be introduced. Shutters should fill an opening in height and width so that if they were closed, the opening would be covered.
- New window openings shall not be introduced unless they match the existing window configuration and their placement harmonizes with the existing rhythm of the openings.
- Original windows shall not be filled in.

**Commercial:** Similar to residential structures, windows on historic buildings are an integral part of the character of that structure. The window types must be consistent with the style. The predominant commercial style in Royse City is the One Part Commercial Block. The one part commercial block is a simple box with a decorative façade and thoroughly urban in its overtones. The windows and the entrance are a principle feature for this style.



(Left) Original one part commercial block structure with enframed window wall.

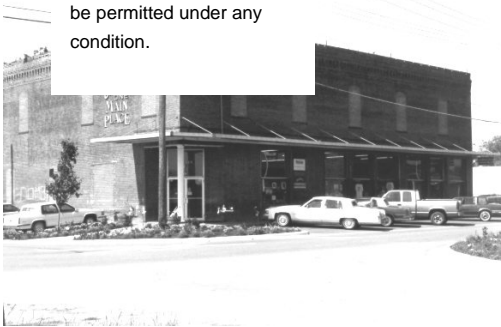


(Right) Although aesthetically pleasing, the multi-frame window in the one part commercial block structure is historically inconsistent and should be avoided.

Similar to residential policies for windows, the following shall be observed:

- The original shape of the window shall be maintained.
- The original number and arrangement of panes should be maintained.
- The usual characteristic window shape for commercial structures is horizontally rectangular (wider than it is high).
- New window openings shall not be introduced unless they match the existing window configuration and their placement harmonizes with the existing rhythm of the openings.
- Original windows shall not be filled in.

seriously compromises the heritage of the commercial structure and should not be permitted under any condition.





## *Exterior Materials*

The Heritage Overlay District and the identified Landmarks are the only structures that are exempt from the City's masonry zoning requirements. Many of the structures in the overlay district were originally constructed with wood exteriors. To support the character of the Heritage Overlay District, wood exterior is preferred for repairs, additions, and new construction, when it is consistent with the existing exterior surface. Nevertheless, the historic exterior material should be maintained in all cases. As a general policy, the following should be observed:

- Trim and detailing should not be removed.
- Replacement wood siding should replicate the materials, dimensions, lap dimensions, detailing and patterns of the original.
- Artificial siding, including, but not limited to, vinyl, aluminum, and artificial brick and stone may be used only when it is deemed absolutely necessary and in such cases the visual historic character of the structure must be maintained.
- Painting of original brick is inappropriate unless it is mismatched or so deteriorated that it cannot withstand weather. If painting is necessary, original natural colors should be used.
- Decorative shingles on the entire exterior of a structure may not be used, unless historic documentation exists that indicates usage.
- Covering original brick of non-residential structures with aluminum or false fronts, including mansard-type awnings shall not be permitted. Any remodeling or reconstruction of structures with this treatment should include removal of aluminum siding and false fronts.

DON'T – Aluminum siding/false front



DON'T – Painted brick



## *Fences*

Fences in the front yard are a decorative element. As a rule the fence regulations adopted by the City shall govern fences unless otherwise provided herein. As a general policy the following shall be observed.

- Metal fences located in the front yard shall be decorative iron material, no chain link fences are permitted in the front yard.
- Wood-picket fences are appropriate in front and rear yards of houses when they are consistent with the architectural style of the main structure. Board fences, with the boards spaced closely together, are appropriate only around rear yards.
- New front yard fences should be open in character so as to not create a visual barrier of the main structure from the public street.
- Decorative fences located in the front yard should not exceed a height of forty-two inches.
- Fences located in the front yard should have appropriate transition to fences located in the rear and side yards. Transitions may be accomplished by gradually increasing the height to the height of the rear yard fence, incorporating landscaping to aid in the transition, or extending the character of the decorative fence into the rear of side yard.



## *New Construction*

Since construction in the Heritage District has continued continually through the years, a variety of building types and styles have been placed randomly throughout the area. This demonstrates the changes in building tastes and technology through the years. New construction shall continue this tradition while complimenting and being compatible with the older structures. Therefore the following general policies shall be observed:

- These guidelines apply only to the exterior of buildings and to areas of lots visible from the public rights-of-way.
- The public facades (front and street related elevations) of proposed new construction shall be more carefully reviewed than other facades.
- New structures shall be constructed to the same scale and style such that it is compatible with other structures in the Heritage District.
- Regarding outbuildings, garages and storage buildings should reflect the character of the existing house and surrounding structures and should be compatible in terms of height, scale, roof shape, materials, texture, and details. The location and design of outbuildings should not be visually disruptive to the character of the surrounding buildings.
- Appurtenances related to new construction, including driveways, sidewalks, lighting, fences, and walls, shall be visually compatible with the environment of the existing structures and sites to which they relate.

*Appendix A – Application for Certificate of Appropriateness*

100 West Main St  
Royse City Texas, 75189  
972-636-2250 ext 238



**HERITAGE  
BOARD**  
Certificate  
Of  
Appropriateness

Name: \_\_\_\_\_ Phone No. \_\_\_\_\_

Address: \_\_\_\_\_

Location/Address of property: \_\_\_\_\_

Detailed description of proposed work: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- Photographs of property and surrounding area.  (Attach to Form)
- Historic Photographs (If available)  (Attach to Form)
- Elevation Drawings (If Required)  (Attach to Form)
- Material Samples (If Required)  (Attach to Form)

Any additional information requested by the Heritage Board or the Heritage Board Officer:

\_\_\_\_\_

- \$150.00 Fee recieved
- Approval of Heritage Board Officer (If Applicable)
- Approval required by Heritage Board

Date of next hearing: \_\_\_\_\_

- Approved by Heritage Board
- Denied by Heritage Board

\_\_\_\_\_ (date)

\_\_\_\_\_ Heritage Board Officer

*Appendix B – Heritage Preservation Regulations*

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## HERITAGE PRESERVATION REGULATIONS

### 100 Purpose

The purpose of this Ordinance is to preserve the rich character and heritage of Royse City that is present in many residential and commercial structures. Although the purpose is to preserve all structures that are important to the heritage of the City, emphasis is placed on the downtown commercial center, because the historical value of the area is significant

### 110 Definitions

The following words, when used in this Ordinance, shall take precedence and shall have the meaning respectively ascribed to them in this section, unless the context of this Ordinance clearly indicates otherwise. Words that are not defined in this Ordinance shall have the meaning as defined by the City.

**Alteration-** means any change to the exterior of a building, structure, object, site, or area. Alteration shall include, but is not limited to, changing to a different kind, type or size of roofing or siding materials; changing, elimination, or adding exterior doors, door frames, windows, window' frames, shutters, fences, railings, columns, beams, walls, porches, steps, porte-cocheres, balconies, or ornamentation, or the dismantling, moving or removing any exterior feature. Alteration does not include ordinary maintenance or repair.

**Architectural Control-** Regulations governing the appearance or architectural style of buildings or structures. Architectural control is a form of aesthetic zoning.

**Certificate of Appropriateness-** means a current and valid permit issued by the Planning and Zoning Commission authorizing the issuance of a building permit for construction, alteration, rehabilitation, restoration relocation or demolition required by this Ordinance.

**Designated-** means the formal recognition by the City Council of a building, structure, object, site or district as historically, architecturally, culturally or archaeologically significant to the City, state, nation or region.

**Exterior Feature-** means an element of the architectural character and general arrangement of the external portion of a building, structure or object, including, without limitation, building material that is visible from a public right-of-way.

**Heritage Preservation Districts-** A Heritage Preservation Overlay district is an area of the City designated by Ordinance of the City Council which possesses within definable geographic boundaries, a significant concentration, linkage or continuity of sites, buildings or structures united historically or aesthetically by plan or physical development.

**Heritage Landmark-** Any site, individual building, structure, or object designated by Ordinance of the City Council that is worthy of rehabilitation, restoration and/or preservation for its heritage, cultural and/or architectural significance to the City.

**Ordinary Maintenance-** This generally refers to activities relating to a property that would be considered ordinary or common for maintaining the property, such as, among other things, replacement of a porch floor with identical or in-kind materials. It also may include other activities such as, among other things, painting.

**Preservation**-The act or process of applying measures to sustain the existing form, integrity, and material of a building or structure, and the existing form and vegetative cover of a site. It may include, among other things, initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

## 120 Heritage Preservation Committee

### A. Created:

There is hereby created the Royse City Heritage Preservation Committee, herein after referred to as the "Committee".

### B. Membership:

1. The Committee shall consist of seven (7) members to be recommended by the Planning and Zoning Commission and appointed by the City Council. The members shall be appointed under the Place System, with there being Places 1, 2, 3, 4, 5, 6 and 7.
2. Members in Places 2 and 3 shall be owners or employees of a business located within the Heritage Preservation Overlay District.
3. Members in Places 4 and 5 shall be owners of a designated Heritage Landmark or of property located within the Heritage Preservation Overlay District.
4. Members in Places 6 and 7 shall have expertise in at least one of the following fields: architect, planner, or representative of a design profession; historian; licensed real estate agent or broker.
5. All Committee members, regardless of background, shall have a demonstrated interest in Heritage preservation within the City of Royse City.
6. All members of the Committee shall serve at the pleasure of the City Council and may be removed at any time and for any reason or no reason at all. The Planning and Zoning Commission may recommend removal of any member of the Committee after a hearing, and the City Council shall approve or reject any such recommendation.

### C. Terms of Office:

Committee members shall serve for staggered three (3) year terms, with the exception that the initial term of members one and two shall be one (1) year, and the initial terms of members three, four, and five shall be two (2) years.

### D. Officers:

Following the appointment of new Committee members, members of the Committee shall elect a Chairperson and Vice-Chairperson.

### E. Meetings:

The Committee shall meet at least monthly, if business is at hand. Special meetings may be called any time by the Chairman (or City Manager) or on the written request of any two (2) Committee members. All meetings shall be held in conformance with the Texas Open Meetings Act, Texas Government Code, Chapter 551, as it exists or may be amended.

### F. Quorum:

A quorum for the transaction of business shall consist of not less than a majority of the full authorized membership of the Committee.

### G. Attendance:



Any Committee member with three (3) unexcused absences, as determined by the City Council, will be discharged from the Committee. The City Council shall appoint an interim member to serve the remainder of the vacant term.

H. Heritage Preservation Committee Powers and Duties:

1. Prepare rules and procedures, as necessary, to carry out the business of the Committee, to be approved by the Planning and Zoning Commission.
2. Recommend to the Planning and Zoning Commission criteria for the designation of historic, architectural and cultural landmarks and the delineation of the Heritage Preservation District. Criteria shall be submitted to the City Council for action after recommendation from the Planning and Zoning Commission.
3. Conduct surveys and maintain with the City, an inventory of significant historic, architectural and cultural landmarks and all properties within the City of Royse City and particularly located in the Heritage Preservation Overlay District.
4. Recommend to the Planning and Zoning Commission conferral of recognition to the owners of designated historic landmarks or properties within the Heritage Preservation Overlay District by means of certificates, plaques or markers.
5. Upon direction of the City, the Committee shall develop or have developed design guidelines and/or policies that guide the physical development and redevelopment of structures, buildings objects, sites or areas located within the Heritage Preservation Overlay District, or structures, buildings, objects, sites or areas that have been designated as landmarks.
6. Increase public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs.
7. Recommend to the Planning and Zoning Commission the designation of sites, buildings, structures, objects or areas as landmarks to be included in the Heritage Preservation Overlay District. Such Committee recommendations shall be submitted to the City Council for final action after designation from the Planning and Zoning Commission.
8. Recommend to the Planning and Zoning Commission the utilization of state, federal, or private funds to promote the preservation of landmarks and the Heritage Preservation Overlay District within the City. Such Committee recommendations shall be submitted to the City Council for action after recommendation from the Planning and Zoning Commission.
9. Create committees from among its membership and delegate to these committees, the responsibility of carrying out the purposes of this Ordinance.
10. Maintain written minutes of each meeting to be filed in the office of the Heritage Preservation Officer.
11. Prepare, for submission to the Planning and Zoning Commission and the City Council, an annual report summarizing the previous year's work and accomplishments.
12. The Heritage Commission shall have the right to select two persons to serve as "technical advisors". Said persons should provided expertise specific to the needs of historic preservation of the City of Royse City and shall serve at the pleasure of the Commission. Said persons shall not be financially compensated for such services, unless specifically directed and approved by the City Council.

**130 Heritage Preservation Officer**

The City Manager shall designate a staff member or an appropriate resident of the City as the Heritage Preservation Officer. The Heritage Preservation Officer shall administer this Ordinance and advise the Committee on related matters.

**140 Designation of Heritage Landmarks**

A Heritage Landmark shall be designated as follows:

A. Nomination of a building, structure, object, site, or area as a Heritage Landmark:

An application to nominate a building, structure, object, site or area as a Heritage Landmark shall be made to the Committee on forms provided by the Committee. The nomination may be submitted to the Heritage Preservation Officer by the owner of record of the nominated property, the Committee, a member of the Committee, the City Council, the Planning and Zoning Commission, or other recognized historic preservation organizations.

B. Criteria:

The following criteria shall be considered when determining whether a nominated property is eligible for consideration:

1. Significance in history, architecture, archeology and/or culture;
2. Association with events that have made a significant contribution to the patterns of local, regional, state or national history;
3. Association with the lives of persons significant in our past;
4. Embodiment of the distinctive characteristics of a type, period or method of construction;
5. Representative work of a master designer, builder or craftsman; and
6. An established and familiar visual feature of the City.

C. Committee Consideration:

1. Within forty-five (45) days from receipt of an application, the Committee shall forward a recommendation to the Planning and Zoning Commission stating that the nomination does or does not meet the criteria for designation.
2. Property owners of a proposed Heritage Landmark shall be notified prior to the Committee hearing on the recommended designation.
3. The recommendation to the Planning and Zoning Commission shall be accompanied by a report prepared by the Committee stating the significance or lack of significance of the nominated property and its relationship to the criteria as set forth in Section 140, B.
4. At the Committee's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed Heritage Landmark. Testimony and documentary evidence received by the Committee will become part of the report to the Planning and Zoning Commission regarding the designation as a landmark.

D. Planning and Zoning Commission Public Hearing:

1. The Planning and Zoning Commission shall give notice and conduct its hearing on the proposed designation within forty-five (45) days of such recommendation from the Committee. Such hearing shall be in the same manner and according

to the same procedures as specifically provided in the general zoning Ordinance of the City of Royse City.

2. The Planning and Zoning Commission shall consider removing individual properties if requested by the owner.

E. City Council Public Hearing:

1. The City Council shall schedule a hearing on the Planning and Zoning Commission's recommendation to be held within forty-five (45) days of the recommendation of the Planning and Zoning Commission. The City Council shall give notice, follow the publication procedure, hold hearings, and make its determination in the same manner as provided in the general zoning ordinance of the City of Royse City.
2. The City Council shall designate the landmark by ordinance or reject the nomination of the Heritage Landmark.

F. Automatic Eligibility:

Designated Recorded Texas Historic Landmarks and/or properties listed in the National Register of Historic Places shall be automatically eligible for designation as a Heritage Landmark upon processing of a nomination application.

**150 Certificate of Appropriateness for Alterations, Restoration, Reconstruction, Preservation, New Construction or Moving of a Heritage Landmark**

- A. Prior to effecting any alteration, restoration, reconstruction, preservation, new construction or moving of a Heritage Landmark or a structure, building, object, site, or area in the Heritage Preservation Overlay District that alters the physical or visual appearance, or alters any portion of the exterior of a Heritage Landmark, or a structure, building, object, site, or area that is located in any designated Heritage Preservation Overlay District, the applicant shall obtain a Certificate of Appropriateness.
- B. No building permit shall be issued for proposed work until a Certificate of Appropriateness has first been issued by the Planning and Zoning Commission. The Certificate of Appropriateness 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 Royse City, whether now existing or in the future existing.
- C. In considering an application for a Certificate of Appropriateness, the Committee shall be guided by any adopted design guidelines, and, where applicable, shall follow the "Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings". Any adopted design guidelines and the "Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings" shall be made available to the property owners of Heritage Landmarks or located within the Heritage Preservation Overlay District.
- D. Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure, object, site, or area and its environment.
- E. The distinguishing original qualities or character of a building, structure, object, site, or area and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- F. All building, structures, objects, sites, and areas shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

- G. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, object, site, or area and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- H. Distinctive stylistic features or examples of skilled craftsman which characterize a building, structure, object, site, or area shall be kept where possible.
- I. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings, structures, objects, sites, or areas.
- J. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- K. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
- L. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment
- M. Wherever possible, new additions or alterations to buildings, structures, objects, sites, or areas shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, site, or area would be unimpaired.
- N. Administrative Approval:  
Within twenty (20) days of receipt of an application for a Certificate of Appropriateness, the Heritage Preservation Officer, or his/her authorized designee, may approve a Certificate of Appropriateness if:
1. No written objections have been submitted to the City regarding the application; and,
  2. The requested construction is not considered to be substantive and does not address the physical alterations or visual appearance of the Heritage Preservation Overlay District.
- O. If the requested construction is considered to be substantive, or if there are written objections to the application, within twenty (20) days of receipt of an application for a Certificate of Appropriateness the Heritage Preservation Officer, or his/her authorized designee, shall forward the request to the Planning and Zoning Commission for action.
- P. Within twenty (20) days of receipt of an application for a Certificate of Appropriateness, the Heritage Preservation Officer, or his/her authorized designee, may request that the Committee consider any request as deemed appropriate.

- Q. Administrative staff may not deny any Certificate of Appropriateness, but shall forward any such application to the Committee for consideration.
- R. Committee and Planning and Zoning Commission Approval:
1. Within thirty (30) days of receipt of any request for a Certificate of Appropriateness that has been forwarded by the Heritage Preservation Officer, the Committee shall review the application at a regularly scheduled meeting, at which time an opportunity will be provided for the applicant to be heard. The Committee shall approve the permit, deny the permit, or approve with modification, and shall notify the applicant of its decision. In the event the Committee does not act within ninety (90) days of receipt of the application, a permit may be granted by City staff.
  2. If an applicant for a Certificate of Appropriateness is dissatisfied with the action of the Committee relating to the issuance or denial of a Certificate of Appropriateness, he/she shall have the right to appeal, in writing, to the City Council within thirty (30) days after receipt of notification of such action.
  3. The City Council shall schedule a hearing to be held within forty-five (45) days of receipt of appeal. The City Council shall give notice, follow the publication procedure, hold hearings, and make its determination in the same manner as provided in the general zoning Ordinance of the City of Royse City.
  4. All decisions of the City Council shall be in writing. The City Council's decision shall state its findings pertaining to the 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 appropriate city departments, e.g. building inspection.
- S. Application:

The application for Certificate of Appropriateness shall contain:

1. Name, address, telephone number of applicant, detailed description of proposed work;
2. Location and photograph of the property and adjacent properties;
3. Historic photographs of the property, if available;
4. Elevation drawings of proposed changes, if available;
5. Samples of materials to be used;
6. If the proposal includes signs or lettering, a scaled drawing 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
7. Any other information which the City Administrative Staff or Planning and Zoning Commission may deem necessary to review the proposed work.

## **160 Certificate of Appropriateness Required for Demolition**

A permit for the demolition of a Heritage Landmark, or a structure, building, object, site, or area located within the Heritage Preservation Overlay District, including, without limitation, secondary buildings and landscape features, shall not be granted by the building inspector or other City official without the review of a completed

application for a Certificate of Appropriateness as provided for in Section 150 contained herein.

**170 Architectural Design Guidelines**

In considering an application for a Certificate of Appropriateness, the Committee shall be guided by any design guidelines and/or construction standards as approved by the City Council.

**180 Ordinary Maintenance**

No regulations provided herein shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a structure, building, object, site, or area within the Heritage Preservation Overlay District, which does not involve a change in design material or outward appearance, including but not limited to, change in exterior paint color. In-kind replacement or repair is included in this definition of ordinary maintenance.

**190 Demolition by Neglect**

No owner or person with an interest in real property designated as a landmark or included in the Heritage Preservation Overlay District shall permit the property to fall into a serious state of disrepair, such that the result of such deterioration of any exterior architectural feature would, in the judgment of the Heritage Preservation Officer, produce a detrimental effect upon the character of the Heritage Preservation Overlay District as a whole, or the life and character of the property itself. Such deteriorated condition shall include, but not be limited to:

- 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 crumbing of exterior stucco or mortar;
- E. Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors; and/or
- F. Deterioration of any feature so as to create a hazardous condition, which, in the judgment of the Heritage Preservation Officer, could lead to the claim that demolition is necessary for the public safety.

**200 Economic Hardship Application Procedure**

- A. After receiving a written notification from the Committee of the denial of a Certificate of Appropriateness, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the Committee makes a finding that a hardship exists.
- B. When a claim of economic hardship is made due to the applicability of this Ordinance, the owner must prove that:
  - 1. the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible; and
  - 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; and
  - 3. efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- C. The applicant shall consult in good faith with the Committee, 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 Committee.

- D. The Committee shall hold a public hearing on the application within sixty (60) days from the date the application is received by the Heritage Preservation Officer. Following the hearing, the Committee has thirty (30) days in which to prepare a written recommendation to the Heritage Preservation Officer. In the event that the Committee does not act within ninety (90) days of the receipt of the application, a permit may be granted by City staff.
- E. All decisions of the Committee shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the City Clerk's office. The Committee's decision shall state the reasons for granting or denying the hardship application.
- F. An applicant for a Certificate of Appropriateness dissatisfied with the action of the Committee relating to the issuance or denial of the Certificate of Appropriateness shall have the right to appeal, in writing, to the City Council within thirty (30) days after receipt of notification of such action. The City Council shall give notice, follow publication procedures, hold hearings and make its decision in the same manner as provided in the general zoning ordinance of the City.

**210 Enforcement**

All work performed pursuant to a Certificate of Appropriateness issued under this Ordinance shall conform to any and all requirements included therein. It shall be the duty of the building inspector or other City official 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 Committee and verification by the Heritage Preservation Officer, the Heritage Preservation Officer 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 is in effect.

Note: all underlined items in section 120, paragraphs 1, 4 and 6 were amended by ordinance 08-06-667 effective as of 10/10/2008.

**ARTICLE 5 SPECIAL DISTRICTS**

**ZONING ORDINANCE**

**A. DECLARATION OF POLICY.**

The City Council hereby finds and declares as a matter of public policy that the protection, enhancement and use of districts within the City that exhibit the character of the City's early heritage is a public necessity and is required in the interest of the culture, prosperity, education and welfare of the people.

**B. ESTABLISHMENT OF "HP" HERITAGE OVERLAY ZONING DESIGNATION.**

Any zoning district designation appearing on the Zoning District Map may be designated with an HP Overlay District.

**C. DISTRICT REGULATIONS AND REQUIREMENTS:**

The regulations as established in districts underlying the HP Overlay Districts shall apply unless otherwise modified in these district regulations.

**D. CERTIFICATE OF APPROPRIATENESS:**

Any development, construction, reconstruction or rehabilitation that results in the modification of the exterior of any structure in and HP Overlay District shall be subject to requirements for a Certificate of Appropriateness in accordance with the City of Royse City's Heritage Preservation Ordinance.

**E. HERITAGE PRESERVATION DESIGN STANDARDS:**

Any development, construction, reconstruction or rehabilitation that results in the modification of the exterior of any structure in any "HP Overlay District shall be subject to any City of Royse City regulations that govern HP Overlay Districts including any Heritage Preservation Design Standards.

**F. CRITERIA:**

The following criteria shall be considered when determining whether an area is eligible for designation as a Heritage Preservation District.

1. The dominant architecture within the proposed district is significant to maintaining the character of the City's early heritage.
2. The area exhibits or represents the distinctive characteristics of a type, period or method of construction;
3. Is representative of the work, or exhibits the characteristics of the work, of a master designer, builder or craftsman.
4. The area contains established and familiar visual features of the community.
5. Significance in history, architecture, archeology and/or culture;
6. Association with events that have made a significant contribution to the patterns of local, regional, state or national history.



7. Association with the lives of persons significant in our past;

**G. Commercial Regulations:**

The following regulations shall apply to HP Overlay Districts when the underlying district is zoned for commercial use. In addition all structures and uses within the HP Overlay District laying within underlying non-residential zoning districts shall be subject the architectural standards established by the Heritage District Design Guidelines.

1. Permitted Uses: In the HP Overlay District, no building or land shall be used and no building constructed, reconstructed, altered or enlarged unless permitted in any underlying commercial district and not specifically prohibited within the HP Overlay District. In addition, residential uses, as shown below, shall be permitted in any HP Overlay district with an underlying commercial district, providing that no residential dwelling units shall be located on any ground floor.
  - (a) Apartment
  - (b) Apartment, loft
  - (c) Apartment, studio
  - (d) Bed and Breakfast (Hosted and Non-hosted)
  - (e) Farmers Market shall be permitted as a special event. A written application shall be submitted to the City manager or his/her designee for administrative approval. At his/her discretion the city manager or his/her designee may defer such approval to the City Council with a recommendation from the Planning and Zoning Commission.
2. Prohibited Uses: The following uses are prohibited in any HP Overlay District when the underlying district is commercially zoned.
  - (a) Animal pound
  - (b) Auto Glass, Seat Cover, Muffler shop
  - (c) Auto laundry/car wash
  - (d) Auto parts and accessory sales
  - (e) Auto sales or auction
  - (f) Body piercing studio
  - (g) Cemetery/mausoleum
  - (h) Collection Center
  - (i) Fairgrounds/exhibition area
  - (j) Garage repair
  - (k) Gas or motor fuel sales
  - (l) Golf Course
  - (m) Greenhouse/nursery – commercial
  - (n) Halfway House
  - (o) Helistop/Heliport

- (p) Massage Studio
  - (q) Mini-Warehouse
  - (r) Motorcycle sales
  - (s) Parking Lot, trucks/trailers
  - (t) Pawn shop
  - (u) Radio microwave tower
  - (v) Radio/Television Station Tower
  - (w) Sewerage pumping station
  - (x) Stadium
  - (y) Swimming Pool
  - (z) Tattoo studio
  - (aa) Telephone switching station
  - (bb) Water pumping station, private
  - (cc) Water storage facility, private or public
  - (dd) Signs
3. Permitted Signs: Signs are permitted within the underlying commercial districts of an HP Overlay District in accordance with *Sign Ordinance, Ord. No. 905-05-452*.
  4. Outside Display: Commercial products may be displayed in the public rights-of-way on the sidewalk, providing that a minimum of 3 (three) feet of clear space is provided for pedestrians. Any outside display must be cleared from the public right-of-way each day after business hours.
  5. Outdoor Seating: Business establishments may provide outdoor seating in public rights-of-way on the sidewalks adjacent to their property. A site plan approved by City Council shall indicate all proposed outdoor seating areas in relationship to the primary building.
  6. Parking: Angle parking in any road right-of-way shall be permitted in HP Overlay Districts. Such parking shall conform to the dimension requirements of Section 6-7, Off-Street Parking and Loading Requirements, of the Royse City Zoning Ordinance.

#### **H. Residential Regulations:**

Underlying residential districts in the HP Overlay District shall comply with the underlying district requirements and shall be subject the architectural standards established by the Heritage District Design Guidelines.