

Historic Overlay District - Zoning Ordinance  
**HISTORIC (OVERLAY) DISTRICT (HOD)**

**ORDINANCE NO. 16.021**

**AN ORDINANCE OF THE CITY OF AURORA, TEXAS AMENDING AND FURTHER EXPANDING THE CURRENT ZONING CODE, ORDINANCE O-06-0403Z, TO INCLUDE SECTION 7.4., C1-MS-HOD COMMERCIAL MAIN STREET – HISTORIC OVERLAY DISTRICT “C1-MS-HOD,” ESTABLISHING BOUNDARIES FOR THE HISTORIC OVERLAY DISTRICT “HOD,”; OFFICIALLY ADOPTING THE AMENDED ZONING MAP; ESTABLISHING ZONING REGULATIONS WITHIN THE HISTORIC OVERLAY DISTRICT; ADOPTING PROCEDURES AND REQUIREMENTS FOR OBTAINING APPROVAL OF A DEVELOPMENT WITHIN THE HISTORIC OVERLAY DISTRICT; AND PROVIDING SEVERABILITY, PENALTY, OPEN MEETINGS, AND EFFECTIVE DATE CLAUSES.**

**WHEREAS**, the City of Aurora, Texas is a Type A general-law municipality located in Wise County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the purpose and intent of the Aurora Historic District is to promote the general welfare of the community by:

1. Safeguarding the cultural, social, political, and economic heritage of the City;
2. Fostering the preservation, restoration, and rehabilitation of structures and places of historic, architectural, and community value;
3. Fostering civic pride in the beauty and noble accomplishments of the past;
4. Furthering the attractiveness of the City of Aurora to home buyers, tourists, visitors, and shoppers, thereby providing economic benefit to the City;
5. Conserving and improving the value of property in the District; and
6. Enhancing opportunities, where applicable, for financial benefits for owners of historic properties through grants, low interest loans, tax credits, and other tax benefits that shall be available through the state or federal governments or preservation organizations.

**WHEREAS**, the Aurora City Council and Planning and Zoning Commission have held a Public Hearing, on November 5, 2015 and subsequent hearing on February 4, 2016 for the purpose of obtaining public opinion on the proposed Commercial 1 – Main Street Zoning District changes; and,

**WHEREAS**, the Aurora City Council recognizes new construction is an essential process in a vital community, representing the current phase of an evolution that has been ongoing since the settlement of Aurora. There are a number of ways of designing new buildings and additions that will meet the objectives of this Ordinance.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, THAT:**

## **SECTION I.**

Section 7.4. as written below, is hereby added to the Zoning Code of the City of Aurora, in its entirety.

### **SECTION 7.4. Historic Overlay District**

#### **SECTION 7.4.1. Purpose of the Historic Overlay District**

To protect, preserve, rebuild and restore those historic resources within Aurora which have a distinctive character recalling the architectural, residential, commercial, aesthetic and historical heritage of the period 1870-1920 within Aurora's history, and of the State of Texas. The preservation, restoration and protection of historic resources are public necessities and promote the health, safety and welfare of the citizens of Aurora.

#### **SECTION 7.4.2. Identification of the Historic Overlay District. (EXHIBIT A)**

A Zoning Map of the Aurora Historic District, as amended, which shows the Historic Overlay District, is hereby incorporated as part of this Section, and is on file with the City Administrator. The Zoning Map, attached hereto as Exhibit A, and all the notations, references, district boundaries, and other information shown thereon, shall be as much a part of this Ordinance as if all were fully described therein.

#### **SECTION 7.4.3. Design Regulations and Criteria of the Historic Overlay District. (EXHIBIT B)**

Proposed and reviewed by the Historic Preservation Officer, Aurora Historic Preservation Commission and Planning and Zoning Commission. The Design Regulations are attached hereto as Exhibit B, and all the notations, references, district boundaries, and other information shown thereon, shall be as much a part of this Ordinance as if all were fully described therein.

## **SECTION II. PENALTY FOR VIOLATIONS**

Any person or corporation violating any of the provisions of this Ordinance shall upon conviction be fined a sum not to exceed two thousand dollars (\$2000.00) per day and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense.

In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district where such property owner may be affected or invaded by a violation of the terms of the Ordinance to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

## **SECTION III. VALIDITY. SEVERANCE AND CONFLICT.**

If any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall be severed from and shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so

dedicated to be invalid or unconstitutional. To the extent any provision of this Ordinance conflicts with other ordinances of the City of Aurora the terms of this Ordinance shall control.

This Ordinance shall be effective upon the posting and/or publication of its caption as required by law and the City Administrator is hereby directed to implement such posting and/or publication.

**SECTION IV. EFFECTIVE DATE**

The City Administrator of the City of Aurora is hereby directed to publish in the official newspaper of the City of Aurora, the caption, penalty clause, and effective date clause of this Ordinance two (2) days as authorized by Section 52.011 of the Local Government Code.

This Ordinance shall be in full force and effect immediately upon passage and it is so ordained.

**RECOMMENDED FOR ACCEPTANCE** by the Historic Preservation Officer, Historic Preservation Board and Planning and Zoning Commission of the City of Aurora, Texas, on the 4<sup>th</sup> day of February, 2016.

**PASSED AND ADOPTED this the 4<sup>th</sup> day of February 2016.**

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Terry Solomon, Honorable Mayor

(SEAL)

ATTEST:

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Dr. Toni Wheeler, PhD, MPA, PMP  
City Administrator