A G E N D A

A meeting of the Heritage Preservation Commission of the City of Waxahachie, Texas, to be held on ***Thursday, May 9, 2024 at 5:30 p.m.*** in the Hatchet Conference Room at the Charles Beatty Municipal Services Building, 408 S. Rogers, Waxahachie, Texas.

Heritage Preservation Commission Members:	Peggy Crabtree, Chair Jacqueline Montejano, Vice Chair Curtiss Thompson Michelle Haye Ronald Finch Adam Graves Kelly Savell
Planning & Zoning Commission Liaison:	Bonney Ramsey
Heritage Preservation Manager:	Eleana Tuley
City Council Liaison:	Patrick Souter

1. Call to Order

2. ***Public Comments:*** Persons may address the Heritage Preservation Commission on any issues. This is the appropriate time for citizens to address the Commission on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Commission may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.

3. Consent Agenda

   All matters listed under Item 3, Consent Agenda, are considered routine by the Heritage Preservation Commission and will be enacted by one motion. Approval of the Consent Agenda authorizes the Chairman to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any Commission Member.

   a. Minutes of the regular meeting of April 11, 2024
   b. Minutes of the special meeting of April 26, 2024

4. Consider a Demolition Permit and Certificate of Appropriateness for 401 S. Rogers Street

5. Consider a Certificate of Appropriateness for 103 University Avenue

6. Consider a Certificate of Appropriateness for 501 John Arden Drive

7. Consider a Certificate of Appropriateness for 513 W. Second Street

8. Consider recommendation for amendments to the Historic Overlay District Section 3.24(e) Demolition or Relocation of Historic Resources of the Zoning Ordinance

9. Comments by Commission members and City staff

10. Adjourn

The Heritage Preservation Commission reserves the right to go into Executive Session as authorized by Section 551.071(2) of the Texas Government Code, for the purpose of seeking confidential legal advice from legal counsel on any agenda item listed herein. This meeting location is wheelchair-accessible. Parking for mobility impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at (469) 309-4006 or (TDD) 1-800-RELAYTX

Notice of Potential Quorum
One or more members of the Waxahachie City Council may be present at this meeting.
No action will be taken by the City Council at this meeting.

MINUTES (3a)

A special meeting of the Heritage Preservation Commission of the City of Waxahachie, Texas, was held on ***Friday, April 26, 2024 at 11:30 a.m.*** in the Hatchet Conference Room at the Charles Beatty Municipal Services Building, 408 S. Rogers, Waxahachie, Texas.

Heritage Preservation Commission Members Present:	Peggy Crabtree, Chair Jacqueline Montejano, Vice Chair Ronald Finch Kelly Savell
Members Absent:	Curtiss Thompson Michelle Haye Adam Graves
Planning & Zoning Commission Liaison:	Bonney Ramsey
Heritage Preservation Manager:	Eleana Tuley
City Council Liaison:	Patrick Souter

1. Call to Order

Peggy Crabtree called the meeting order at 11:30 am.

2. **Public Comments**

Kathleen Bowen made the commission aware of the zoning request at 409 W Jefferson Street to advocate for the preservation of the structure associated with the request.

John Weedle expressed his concerns about the 409 W Jefferson Street zoning request and the subject property's historical significance.

3. Consider Applications for the Historic Property Tax Exemption

Action:
Ron Finch made a motion to approve the historic tax exemption for 110 Trinity Lane, 415 Brown Street, and 105 Lucas Street. Kelly Savell seconded the motion. **All ayes.**

4. Comments by Commission members and City staff

Ron Finch mentioned the desire to discuss the provision regarding a 60-day delay for a demolition permit at the next HPC meeting.

Eleana Tuley suggested improving the process for submitting historic tax exemptions for next year, which would benefit both the City and property owners.

5. Adjourn

The meeting adjourned at 12:10 pm.

Respectfully Submitted by Eleana Tuley

MINUTES (3b)

A meeting of the Heritage Preservation Commission of the City of Waxahachie, Texas, was held on ***Thursday, April 11, 2024 at 5:30 p.m.*** in the Hatchet Conference Room at the Charles Beatty Municipal Services Building, 408 S. Rogers, Waxahachie, Texas.

Heritage Preservation Commission Members Present:	Peggy Crabtree, Chair Jacqueline Montejano, Vice Chair (late) Curtiss Thompson Michelle Haye Ronald Finch Adam Graves Kelly Savell
Planning & Zoning Commission Liaison:	Bonney Ramsey
Heritage Preservation Manager:	Eleana Tuley
City Council Liaison:	Patrick Souter

1. Call to Order

Peggy Crabtree called the meeting to order at 5:32 pm.

2. Public Comments

None.

3. Approve the minutes of the regular meeting of March 21, 2024

Action:
Adam Graves made a motion to approve the minutes of March 21, 2024. Ron Finch seconded the motion. **All ayes.**

4. Consider a Certificate of Appropriateness and Additional Tax Incentive for Routine Maintenance for 208 Oldham Avenue

Action:
Michelle Haye made a motion to approve the Certificate of Appropriateness and the Additional Tax Incentive for Routine Maintenance for 208 Oldham Avenue. Adam Graves seconded the motion. **All ayes.**

5. Consider Applications for the Historic Property Tax Exemption

Action:
Michelle Haye made a motion to approve the Historic Property Tax Exemption for 201 Oldham Street, 610 Sycamore Street, 803 Cantrell Street, and 808 W Main Street. Kelly Savell seconded the motion. **All ayes.**

6. ***Public Hearing*** on a request by the City of Waxahachie to expand the boundaries of the Historic Overlay District as created by Ordinance Number 2331, per the requirements of Ordinance Number 3020, and ordering the changing of the Zoning Map thereof in accordance with said change.

Eleana Tuley presented the request to the Commission.

Action:
Michelle Haye made a motion to recommend approval of the boundary for the expansion of the historic overlay. Curtiss Thompson seconded the motion. **All ayes.**

7. Comments by Commission members and City staff

Peggy Crabtree discussed the classes she attended at the Real Places Conference hosted by the Texas Historical Commission in Austin.

Michelle Haye proposed a 60-day delay for demolition permits, encouraging owners of historic buildings to consider preservation alternatives.

8. Adjourn

Meeting adjourned at 5:50 pm.

Respectfully Submitted by Eleana Tuley

(4)

Memorandum

To: Heritage Preservation Commission

From: Eleana Tuley, AICP, Downtown Redevelopment & Historic Preservation Manager

Thru: Warren Ketteman, Senior Director of Economic Development

Date: May 9, 2024

Re: Consider a Demolition Permit and Certificate of Appropriateness for 401 S. Rogers Street

---

Applicant: Dale Siegler, Director of Administrative Services

Property Address: 401 S. Rogers Street

Request: The Applicant will present the demolition and façade plans for City Hall at 401 S. Rogers Street in coordination with the consultant.

Conditions of Approval:

- The Applicant shall apply for all required permits from the City in accordance with the City's applicable rules and regulations governing such permits.
- The Applicant must notify the Heritage Preservation Commission when improvements are completed so that the Chair may verify that they were completed in accordance with HPC approval.

Attachments:

- COA Application
- City Hall Renovation Façade Plans

CITY OF WAXAHACHIE
APPLICATION FOR
CERTIFICATE OF APPROPRIATENESS
FOR HISTORIC PROPERTY RESTORATIONS

Case Number _____ Date Filed: _____

Date for Consideration by the Heritage Preservation Commission: _____

Property Owner City of Waxahachie and/or Agent Dale Sigler

Mailing Address –Owner/Agent (circle one) 408 S. Rogers Street, Waxahachie, Texas 75165

Phone number (469) 309-4007

Email address dale.sigler@waxahachie.com

Historic Structure Address 401 S. Rogers Street

Is this structure for residential or non-residential use? (circle one)

Has this structure been designated as a Historic Resource?
Yes X No _____ By whom _____
(If it has not been designated, the property owner must request designation as a historic resource from the Heritage Preservation Commission prior to applying for a Certificate of Appropriateness.)

Is this structure in the Historic Overlay District? Yes X No _____

The Commission is appointed to assist you, but it also has the responsibility of protecting significant historic properties from inappropriate changes. **The Heritage Preservation Commission will not approve your project unless the Commission is shown to its satisfaction that the project is consistent with the historical character of the property.** Answer the following statements carefully and provide as much information as possible so the Commission can make an informed decision.

1. Description of Project: _____

This project includes the demolition of the circa 2000s addition to the historic City Hall, partial restoration of the historic City Hall, new three-story addition to the City Hall, and reworked hardscape.

2. Reason(s) you feel the proposed exterior work is consistent with the historical character of the property (use additional space on the back of this form or by attaching additional sheets if necessary).

This addition was designed to comply with the New Additions chapter of the Downtown Waxahachie Design Guidelines. Section 3.61 notes that "an addition should relate to the building in mass, scale, character, and form." The form of the addition building was informed by the historic City Hall building. It is designed with a base, body, and cornice that align with same elements on the historic building. It is designed with a flat roof in deference to the original building's hipped roof. The all-glass lobby creates a clear delineation between the historic building and the addition. Materials will match or take their queues from the historic building.

Additionally, the design fully exposes the south facade of the historic City Hall to view per Section 3.62. The portions of the south facade now covered by the addition will be fully visible from the exterior and within the lobby.

CHECKLIST

The following items **must** be included with this application:

- Current photograph(s) of the existing structure
- Historic photographs (if available) upon which the proposed work is based
  NOTE: **Please research the history of your property before you begin planning your project. Sims Library and the Ellis County Museum are good places to start.**
- Elevation drawing(s) of any part of structure that is visible from the public right-of-way with details drawn to scale for work to be done
- List of materials for all exterior surfaces and/or signs
- Dollar value of improvements to be made

The following items may be requested:

- Location map of proposed buildings and structures
- Details of proposed lighting fixtures
- Sample(s) of material(s) to be used
- Any other reasonable information that the Commission may deem necessary in order to visualize the proposed work

If your property is located in the Historic Overlay District, you must consult the *Downtown Waxahachie Design Guidelines* before planning your project. You can obtain a copy of the guidelines from the Heritage Preservation Officer or on the City of Waxahachie website at www.waxahachie.com/images/City2/files/downtown_waxahachie_guidelines_08-19-2011.pdf.

If your property is not in the Historic Overlay District, please refer to the Secretary of the Interior's Standards for Rehabilitation as you plan your project. You may obtain a copy online at www.nps.gov/tps/standards/rehabilitation/rehab/stand.htm or by contacting the Heritage Preservation Officer.

NOTE: Ten (10) copies of plans and/or specifications must be on file with the Heritage Preservation Officer **at least** 20 days before the Heritage Preservation Commission meeting date.

Signature of Property Owner or Agent: _____ Date: _____

CERTIFICATE OF APPROPRIATENESS

Commission Action: Requires Signature of Chair of the Heritage Preservation Commission

Date: _____ Preliminary Approval YES ____ NO ____
& Signature

Date: _____ Final approval after work is YES ____ NO ____
& Signature inspected and completed

Waxahachie City Hall Renovation

Addition & Interior Renovation



401 S. Rogers Street,
Waxahachie, TX 75165

April 19, 2024
SCHEMATIC DESIGN

Architexas

Dallas | Austin | San Antonio
www.architexas.com

1907 Marilla St.
Second Floor
Dallas, Texas 75201

p 214.748.4561

City of Waxahachie
Waxahachie City Hall

401 S. Rogers St.,
Waxahachie, TX
75165

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REVISION HISTORY

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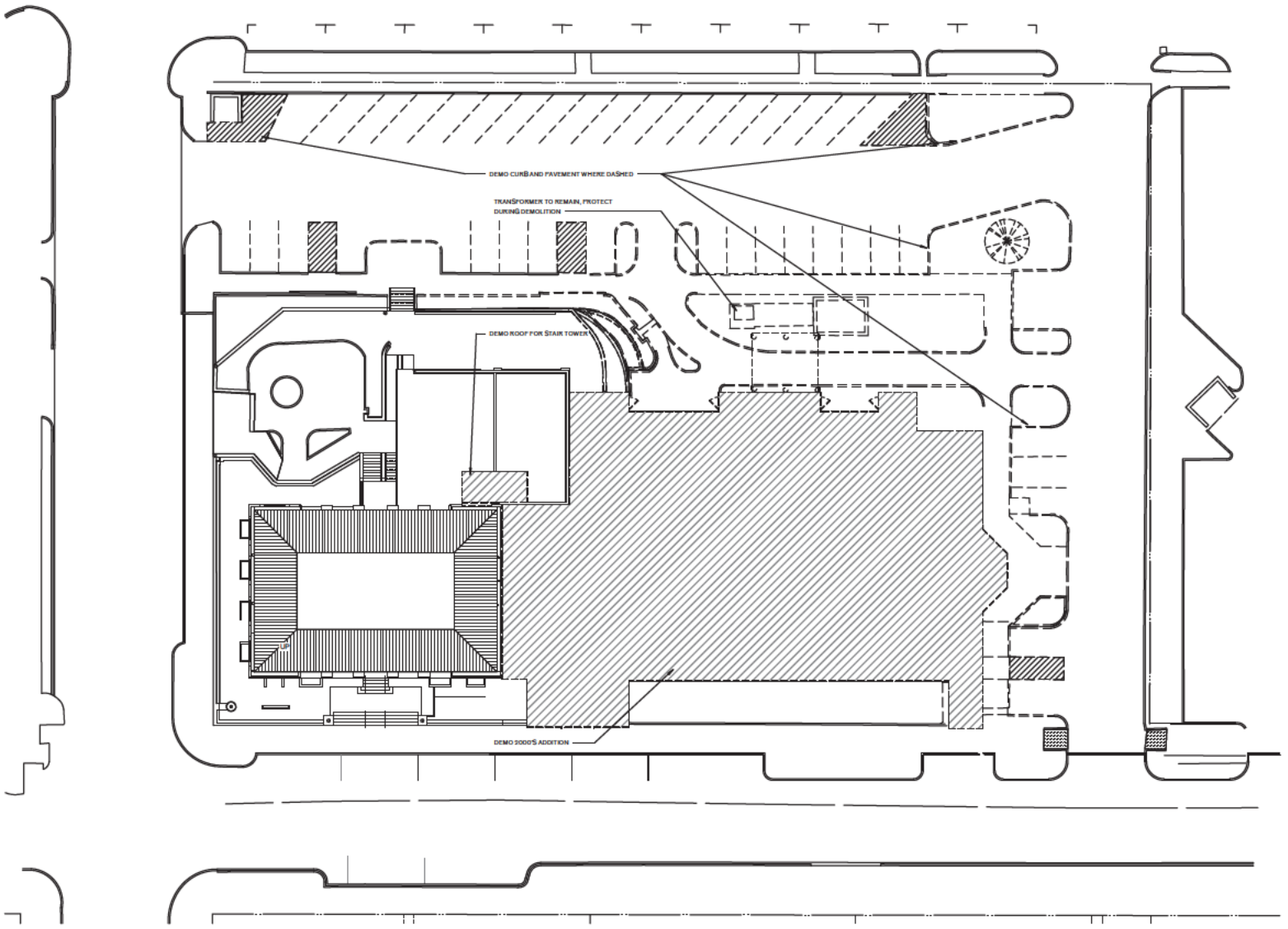
Craig H. Melde
TX Registration No. 9409

Architexas No.
2407

Date
19 April 2024

Sheet Name
Cover Sheet

Sheet Number
A0.00



1 Demo Site Plan
1/16" = 1'-0"

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Dallas, Texas 75201
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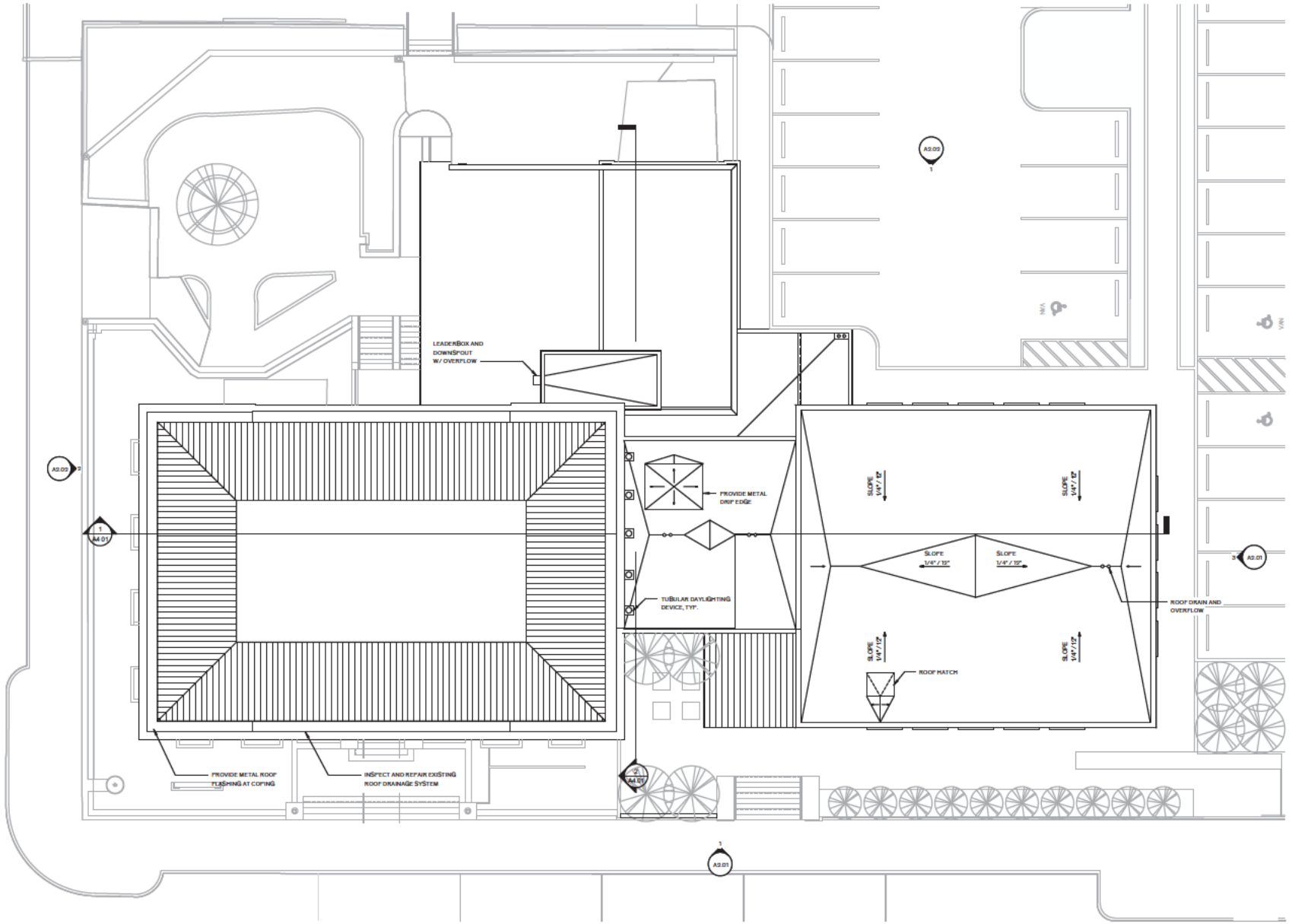
Craig M. Meikle
TX Registration No. 9409

Architexas No.
9407

Date
19 April 2024

Sheet Name
Demo Site Plan

Sheet Number
D1.01



TRUE NORTH PROJECT NORTH

1 Roof Plan
1/8" = 1'-0"

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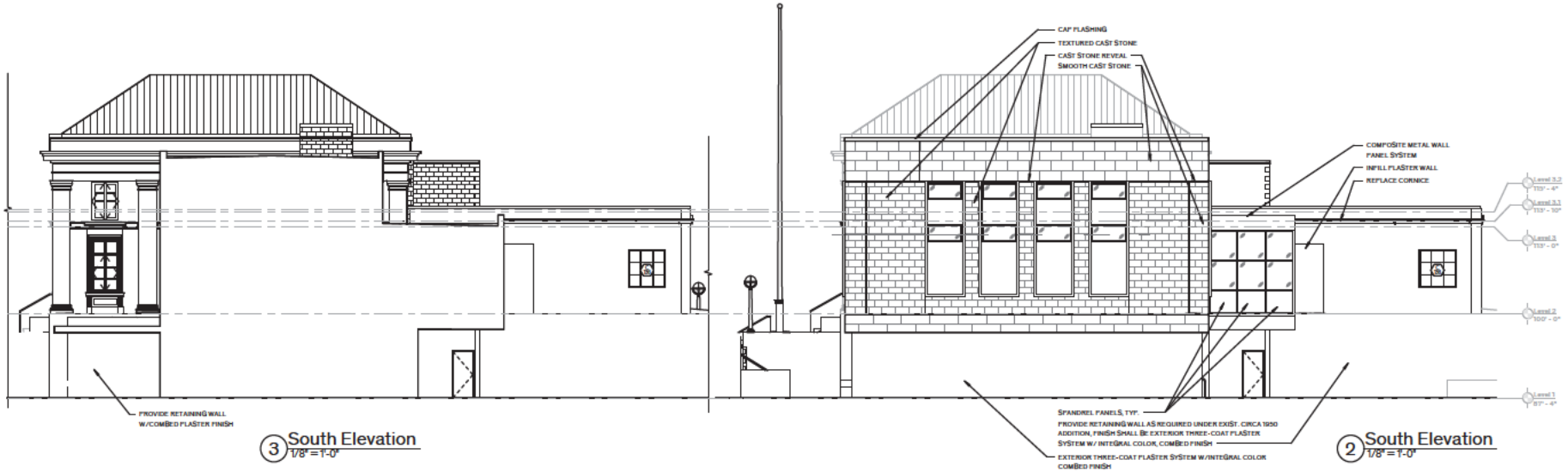
Craig M. Meikle
TX Registration No. 9409

Architexas No. 9407

Date 19 April 2024

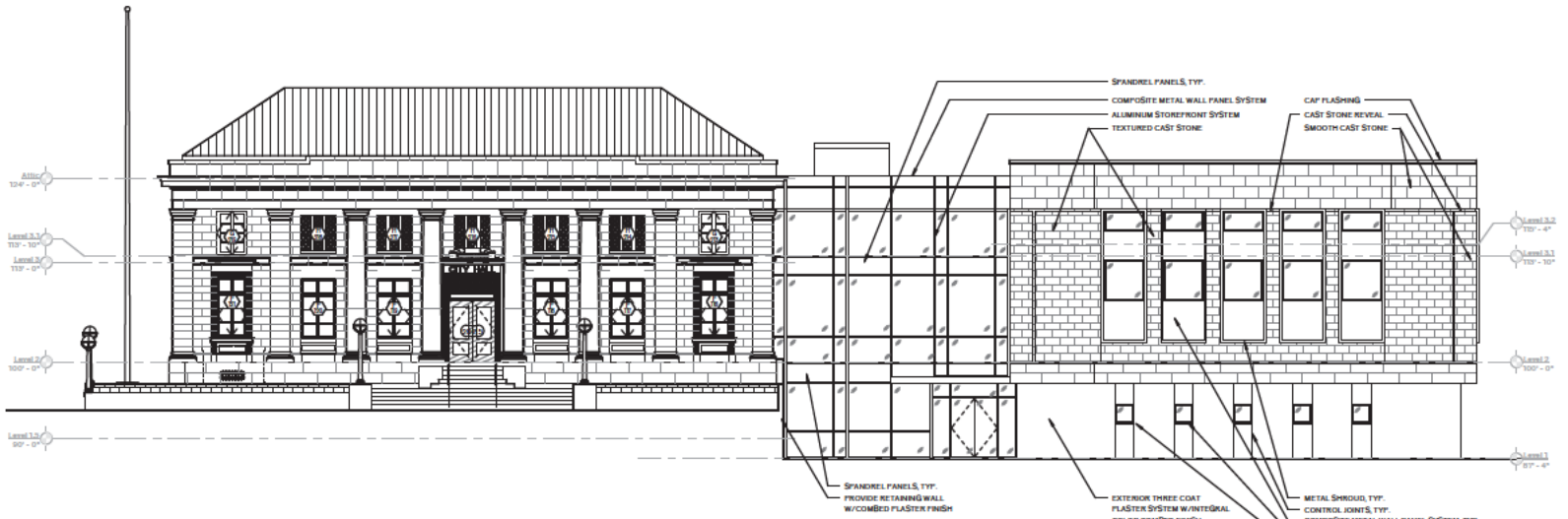
Sheet Name
Roof Plan

Sheet Number
A1.04



3 South Elevation
1/8" = 1'-0"

2 South Elevation
1/8" = 1'-0"



1 West Elevation
1/8" = 1'-0"

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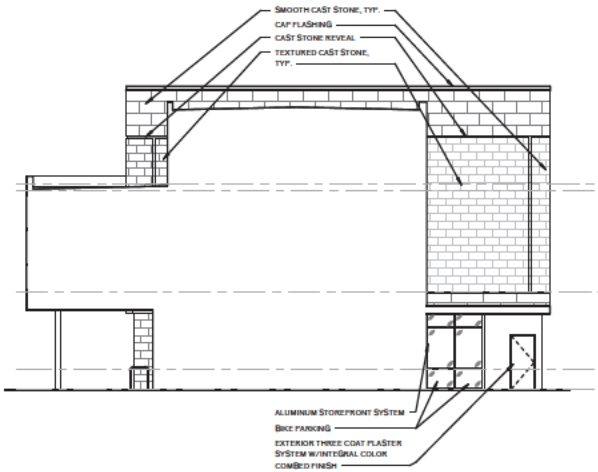
SCHEMATIC DESIGN
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Craig M. Meikle
TX Registration No. 9409

Architexas No. 9407
Date 19 April 2024

Sheet Name
South & West Elevations

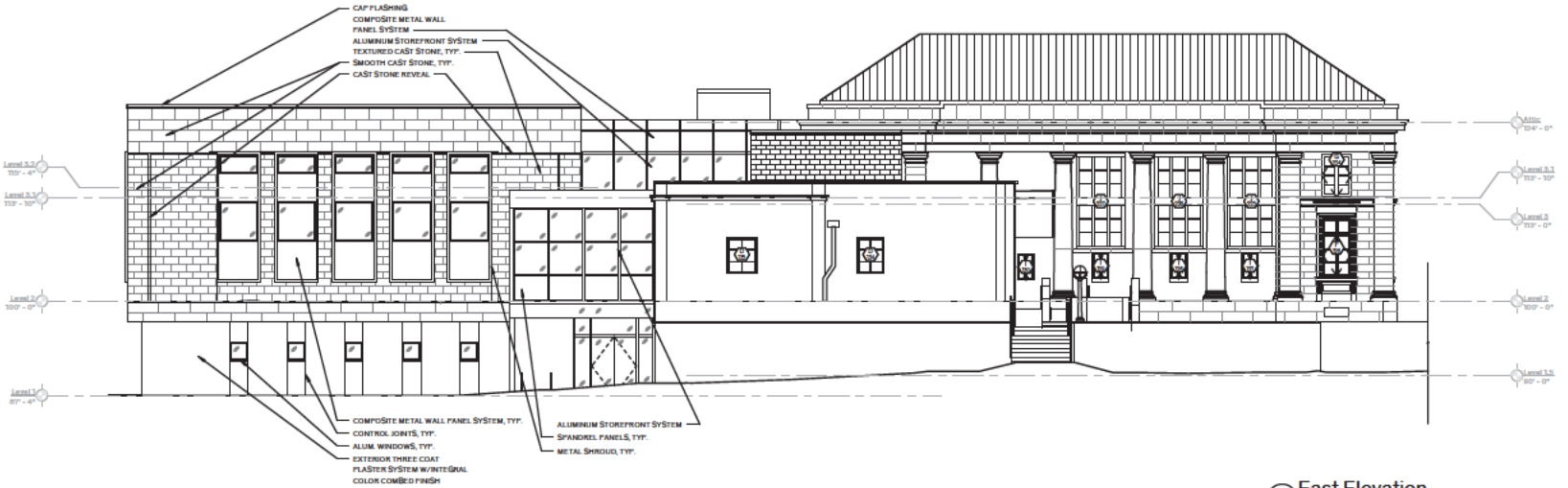
Sheet Number
A2.01



3 North Elevation - Addition
1/8" = 1'-0"



2 North Elevation
1/8" = 1'-0"



1 East Elevation
1/8" = 1'-0"

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City of Waxahachie
Waxahachie City Hall

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Waxahachie, TX
75165

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REVISION HISTORY

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Craig M. Meikle
TX Registration No. 9409

Architexas No.
9407

Date
19 April 2024

Sheet Name
North & East Elevations

Sheet Number
A2.02

Memorandum

To: Heritage Preservation Commission

From: Eleana Tuley, AICP, Downtown Redevelopment & Historic Preservation Manager

Thru: Warren Ketteman, Senior Director of Economic Development

Date: May 9, 2024

Re: Consider a Certificate of Appropriateness for 103 University Avenue

---

Applicant: Karen Snow, Property Owner

Property Address: 103 University Avenue

Request: The property owner proposes making visual and structural changes to the home at 103 University. The changes include the following:

- Replacing the roof,
- Repainting the exterior of the home and the carport,
- Restoring and repairing the original windows,
- Widening the front steps to increase the depth to 17 inches, and
- Installing a new front door.

The applicant is considering removing the railing along the steps but keeping the railing around the porch. Before proceeding with this change, the applicant is seeking the commission's input. A photo of the house from April 1, 1985, is included with this request. This photo does not show a railing on the house, so the Applicant wants to ensure the proposed changes are appropriate.

Conditions of Approval:

- The Applicant shall apply for all required permits from the City in accordance with the City's applicable rules and regulations governing such permits.
- The Applicant must notify the Heritage Preservation Commission when improvements are completed so that the Chair may verify that they were completed in accordance with HPC approval.

Attachments:

- COA Application
- Historical Photo
- Current Photo
- Letters from Neighbors
- Window (Before Photo)
- Window (After Photo)
- Door Options

CITY OF WAXAHACHIE
APPLICATION FOR
CERTIFICATE OF APPROPRIATENESS
FOR HISTORIC PROPERTY RESTORATIONS

Case Number_____ Date Filed: _____

Date for Consideration by the Heritage Preservation Commission: _____

Property Owner Chris + Karen Snow and/or Agent _____

Mailing Address – Owner/Agent (circle one) [redacted] Waxahachie TX 75165

Phone number [redacted]

Email address [redacted]

Historic Structure Address 103 University Avenue

Is this structure for residential or non-residential use? (circle one)

Has this structure been designated as a Historic Resource?
Yes _____ No _____ By whom _____
(If it has not been designated, the property owner must request designation as a historic resource from the Heritage Preservation Commission prior to applying for a Certificate of Appropriateness.)

Is this structure in the Historic Overlay District? Yes ____ No _____

The Commission is appointed to assist you, but it also has the responsibility of protecting significant historic properties from inappropriate changes. **The Heritage Preservation Commission will not approve your project unless the Commission is shown to its satisfaction that the project is consistent with the historical character of the property.** Answer the following statements carefully and provide as much information as possible so the Commission can make an informed decision.

1. Description of Project: *Update roof + paint house and storehouse
*paint carport
* Restore + repair original windows (2) cords to be replaced ① weights made to balance window so are new
* New wood front steps to be 17" deep
* New wood Door – See attached description - Home depot

2. Reason(s) you feel the proposed exterior work is consistent with the historical character of the property (use additional space on the back of this form or by attaching additional sheets if necessary).

We have obtained 3 letters from neighbors and previous owner who verify the current exterior structure is what they have seen for 40-60 yrs.

(see letters from Dixie Allen, Marsha Goodwin + previous owner Linda Davis.

CHECKLIST

The following items **must** be included with this application:

- Current photograph(s) of the existing structure
- Historic photographs (if available) upon which the proposed work is based
  NOTE: **Please research the history of your property before you begin planning your project. Sims Library and the Ellis County Museum are good places to start.**
- Elevation drawing(s) of any part of structure that is visible from the public right-of-way with details drawn to scale for work to be done
- List of materials for all exterior surfaces and/or signs
- Dollar value of improvements to be made

The following items may be requested:

- Location map of proposed buildings and structures
- Details of proposed lighting fixtures
- Sample(s) of material(s) to be used
- Any other reasonable information that the Commission may deem necessary in order to visualize the proposed work

If your property is located in the Historic Overlay District, you must consult the *Downtown Waxahachie Design Guidelines* before planning your project. You can obtain a copy of the guidelines from the Heritage Preservation Officer or on the City of Waxahachie website at www.waxahachie.com/images/City2/files/downtown_waxahachie_guidelines_08-19-2011.pdf.

If your property is not in the Historic Overlay District, please refer to the Secretary of the Interior's Standards for Rehabilitation as you plan your project. You may obtain a copy online at www.nps.gov/tps/standards/rehabilitation/rehab/stand.htm or by contacting the Heritage Preservation Officer.

NOTE: Ten (10) copies of plans and/or specifications must be on file with the Heritage Preservation Officer **at least** 20 days before the Heritage Preservation Commission meeting date.

Signature of Property Owner or Agent: Karen Snow Date: 4/14/24

CERTIFICATE OF APPROPRIATENESS

Commission Action: Requires Signature of Chair of the Heritage Preservation Commission

Date: _____ Preliminary Approval YES ____ NO ____
& Signature

Date: _____ Final approval after work is YES ____ NO ____
& Signature inspected and completed




The Applicant is planning on keeping the remaining railing
Applicant would like to remove these section of the railing

Dear preservation society,

My family has owned 103 University for 1983 – 2024 years. I have been a part of this neighborhood for all those years.

To the best of my knowledge I have not seen any changes other than painting or routine upkeep to the home at 103 University Avenue during that time.

Thank you,

Linda Davis

Date 4-10-24

Dear preservation society,

My family has owned 106 University Ave for since the 1960's years. I have been a part of this neighborhood for all those years.

To the best of my knowledge I have not seen any changes other than painting or routine upkeep to the home at 103 University Avenue during that time.

Thank you, Dixie Allen (Wheatley)

Date 4-9-2024

Dear preservation society,

My family has owned 1201 West Marvin for about 40 years years. I have been a part of this neighborhood for all those years.

To the best of my knowledge I have not seen any changes other than painting or routine upkeep to the home at 103 University Avenue during that time.

Thank you,

Marsha Goodwin

Date 4/9/2024


BEFORE PHOTO


AFTER PHOTO

SPRING BLACK FRIDAY DEALS While Supplies Last. Shop Now.

Internet # 309338358 Model # PHED.KA.550DS.30.68.134.RH.PR

Krosswood Doors

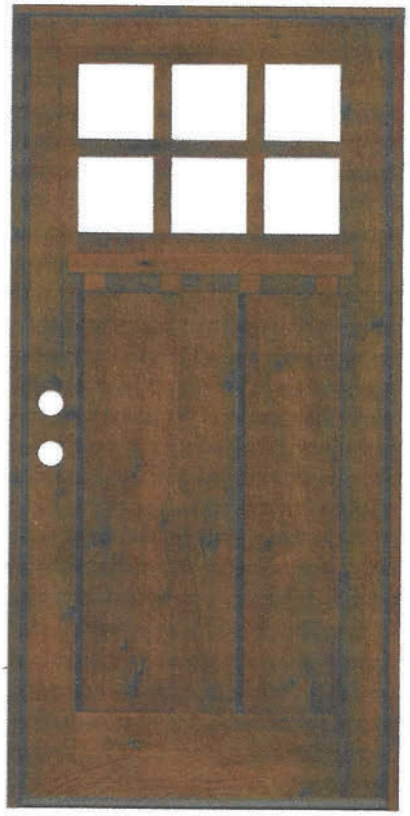
36 in. x 80 in. Craftsman Alder Right Hand 6-Lite Clear Provincial Stain Wood/Dentil Shelf Single Prehung Front Door

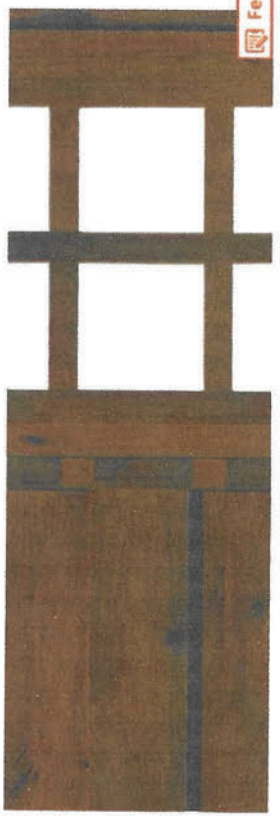
★★★★ (342) Questions & Answers (327)









Live Chat Feedback

Share Print

$1978.00

$165.00 /mo† suggested payments with 12 months† financing Apply Now

Color/Finish: **Provincial Stain**

Common Door Size (WxH) in.: **36 x 80**

(6)

Memorandum

To: Heritage Preservation Commission

From: Eleana Tuley, AICP, Downtown Redevelopment & Historic Preservation Manager

Thru: Warren Ketteman, Senior Director of Economic Development

Date: May 9, 2024

Re: Consider a Certificate of Appropriateness for 501 John Arden Drive

---

Applicant: Luke Troyer, Property Owner

Property Address: 501 John Arden Drive

Request: The Applicant replaced the original columns on the front of the house with cedar columns to improve the porch's structural rigidity. The Applicant is seeking the commission's input on alternative options to maintain the historical integrity of the home.

Conditions of Approval:

- The Applicant shall apply for all required permits from the City in accordance with the City's applicable rules and regulations governing such permits.
- The Applicant must notify the Heritage Preservation Commission when improvements are completed so that the Chair may verify that they were completed in accordance with HPC approval.

Attachments:

- COA Application
- Before Photo of Columns
- After Photo of Columns

CITY OF WAXAHACHIE
APPLICATION FOR
CERTIFICATE OF APPROPRIATENESS
FOR HISTORIC PROPERTY RESTORATIONS

Case Number _____ Date Filed: 4-26-2024

Date for Consideration by the Heritage Preservation Commission: _____

Property Owner Luke Troyer and/or Agent _____

Mailing Address – (Owner)/Agent (circle one) [redacted]

Phone number [redacted]

Email address [redacted]

Historic Structure Address 501 John Arden

Is this structure for (residential) or non-residential use? (circle one)

Has this structure been designated as a Historic Resource?
Yes ✓ No ____ By whom Heritage Preservation Commision
(If it has not been designated, the property owner must request designation as a historic resource from the Heritage Preservation Commission prior to applying for a Certificate of Appropriateness.)

Is this structure in the Historic Overlay District? Yes ____ No ____ (?)

The Commission is appointed to assist you, but it also has the responsibility of protecting significant historic properties from inappropriate changes. **The Heritage Preservation Commission will not approve your project unless the Commission is shown to its satisfaction that the project is consistent with the historical character of the property.** Answer the following statements carefully and provide as much information as possible so the Commission can make an informed decision.

1. Description of Project: Replace Porch Columns

2. Reason(s) you feel the proposed exterior work is consistent with the historical character of the property (use additional space on the back of this form or by attaching additional sheets if necessary).

Exact Size, Type and overall appeal is consistant with the architecural design.
Deteriation suggests Replacement

CHECKLIST

The following items **must** be included with this application:

- Current photograph(s) of the existing structure
- Historic photographs (if available) upon which the proposed work is based
  NOTE: **Please research the history of your property before you begin planning your project. Sims Library and the Ellis County Museum are good places to start.**
- Elevation drawing(s) of any part of structure that is visible from the public right-of-way with details drawn to scale for work to be done
- List of materials for all exterior surfaces and/or signs
- Dollar value of improvements to be made

The following items may be requested:

- Location map of proposed buildings and structures
- Details of proposed lighting fixtures
- Sample(s) of material(s) to be used
- Any other reasonable information that the Commission may deem necessary in order to visualize the proposed work

If your property is located in the Historic Overlay District, you must consult the *Downtown Waxahachie Design Guidelines* before planning your project. You can obtain a copy of the guidelines from the Heritage Preservation Officer or on the City of Waxahachie website at www.waxahachie.com/images/City2/files/downtown_waxahachie_guidelines_08-19-2011.pdf.

If your property is not in the Historic Overlay District, please refer to the Secretary of the Interior's Standards for Rehabilitation as you plan your project. You may obtain a copy online at www.nps.gov/tps/standards/rehabilitation/rehab/stand.htm or by contacting the Heritage Preservation Officer.

NOTE: Ten (10) copies of plans and/or specifications must be on file with the Heritage Preservation Officer **at least** 20 days before the Heritage Preservation Commission meeting date.

Signature of Property Owner or Agent _____ Date: 4-26-2024

CERTIFICATE OF APPROPRIATENESS

Commission Action: Requires Signature of Chair of the Heritage Preservation Commission

Date: _____ Preliminary Approval YES ____ NO ____
& Signature

Date: _____ Final approval after work is YES ____ NO ____
& Signature inspected and completed



BEFORE PHOTO



AFTER PHOTO

Memorandum

To: Heritage Preservation Commission

From: Eleana Tuley, AICP, Downtown Redevelopment & Historic Preservation Manager

Thru: Warren Ketteman, Senior Director of Economic Development

Date: May 9, 2024

Re: Consider a Certificate of Appropriateness for 513 W. Second Street

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Applicant: Rebecca Vera, Property Owner, Becman Properties, LLC

Property Address: 513 W. Second Street

Request: The Applicant is renovating the home at 513 W. Second Street. Improvements to the home include the following:

- Power washing and repainting the exterior;
- Replacing aluminum windows with wood windows;
- Fixing the foundation, and
- Removing the lattice fencing on the garage to replace it with siding to match the exterior of the primary structure.

It is believed that the part of the house that includes the garage was built after the main part of the house was constructed. The applicant is asking for the commission's advice on the proposed alterations to ensure that the home will be eligible for historic tax exemption next year.

Conditions of Approval:

- The Applicant shall apply for all required permits from the City in accordance with the City’s applicable rules and regulations governing such permits.

- The Applicant must notify the Heritage Preservation Commission when improvements are completed so that the Chair may verify that they were completed in accordance with HPC approval.

Attachments:

- COA Application
- Current Photos of the Home

CITY OF WAXAHACHIE
APPLICATION FOR
CERTIFICATE OF APPROPRIATENESS
FOR HISTORIC PROPERTY RESTORATIONS

Case Number _____ Date Filed: 4/19/24

Date for Consideration by the Heritage Preservation Commission: _____

Property Owner Becman Properties (Rebecca Vera) and/or Agent _____

Mailing Address – (Owner)/Agent (circle one) [redacted]

Phone number [redacted]

Email address [redacted]

Historic Structure Address 513 W. 2nd St. Waxahachie

Is this structure for (residential) or non-residential use? (circle one)

Has this structure been designated as a Historic Resource?
Yes _____ No _____ By whom _____
(If it has not been designated, the property owner must request designation as a historic resource from the Heritage Preservation Commission prior to applying for a Certificate of Appropriateness.)

Is this structure in the Historic Overlay District? Yes ✓ No _____

The Commission is appointed to assist you, but it also has the responsibility of protecting significant historic properties from inappropriate changes. **The Heritage Preservation Commission will not approve your project unless the Commission is shown to its satisfaction that the project is consistent with the historical character of the property.** Answer the following statements carefully and provide as much information as possible so the Commission can make an informed decision.

1. Description of Project: power wash and repaint exterior, replace aluminum windows with wood windows, fix foundation, add siding to the carport to match the house.

2. Reason(s) you feel the proposed exterior work is consistent with the historical character of the property (use additional space on the back of this form or by attaching additional sheets if necessary).

Replacing the aluminum frame windows will preserve the integrity and appearance of the house.

CHECKLIST

The following items **must** be included with this application:

- ✓ Current photograph(s) of the existing structure
- ✓ Historic photographs (if available) upon which the proposed work is based
  NOTE: **Please research the history of your property before you begin planning your project. Sims Library and the Ellis County Museum are good places to start.**
- ✓ Elevation drawing(s) of any part of structure that is visible from the public right-of-way with details drawn to scale for work to be done
- ✓ List of materials for all exterior surfaces and/or signs
- ✓ Dollar value of improvements to be made

The following items may be requested:

- Location map of proposed buildings and structures
- Details of proposed lighting fixtures
- Sample(s) of material(s) to be used
- Any other reasonable information that the Commission may deem necessary in order to visualize the proposed work

If your property is located in the Historic Overlay District, you must consult the *Downtown Waxahachie Design Guidelines* before planning your project. You can obtain a copy of the guidelines from the Heritage Preservation Officer or on the City of Waxahachie website at www.waxahachie.com/images/City2/files/downtown_waxahachie_guidelines_08-19-2011.pdf.

If your property is not in the Historic Overlay District, please refer to the Secretary of the Interior's Standards for Rehabilitation as you plan your project. You may obtain a copy online at www.nps.gov/tps/standards/rehabilitation/rehab/stand.htm or by contacting the Heritage Preservation Officer.

NOTE: Ten (10) copies of plans and/or specifications must be on file with the Heritage Preservation Officer **at least** 20 days before the Heritage Preservation Commission meeting date.

Signature of Property Owner or Agent: Rebecca Vela Date: 4/9/24

CERTIFICATE OF APPROPRIATENESS

Commission Action: Requires Signature of Chair of the Heritage Preservation Commission

Date: _____ Preliminary Approval YES ____ NO ____
& Signature

Date: _____ Final approval after work is YES ____ NO ____
& Signature inspected and completed







Memorandum

To: Heritage Preservation Commission

From: Eleana Tuley, AICP, Downtown Redevelopment & Historic Preservation Manager

Thru: Warren Ketteman, Senior Director of Economic Development

Date: May 9, 2024

Re: Consider amendments to Section 3.24(e) Demolition or Relocation of Historic Resources of the Zoning Ordinance

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At the April 26, 2024, Heritage Preservation Commission meeting, the commission requested to discuss revising the ordinance provisions for the demolition of historic resources to have a 60-day delay. At this meeting, we will discuss our current provisions within *Section 3.24(e), Demolition or Relocation of Historic Resources*, and review examples from the City of Paris, Mineola, and Fort Worth.

Commissioners should come prepared to discuss whether our current provisions are satisfactory or what other provisions could improve our existing ordinance for demolishing or relocating historic resources.

City of Waxahachie – Ordinance Provisions for Demolition or Relocation of Historic Resources

Upon receipt of an application to demolish a historical resource, the Heritage Preservation Officer must inform the commission of the application. From the point the commission is formally informed of the application, the commission has 60 days to consider the following:

- The state of repair of the building;
- The reasonableness of the cost of restoration or repair;
- The existing and/or potential usefulness;
- The purpose behind preserving the structure;

- The character of the neighborhood; and
- All other factors it finds appropriate.

Before the 60 days are up, the Heritage Preservation Commission must either approve or deny the application. If the demolition permit is denied, the Applicant can appeal the decision to the City Council. The decision of the City Council is final.

Attachments:

- City of Waxahachie - Section 3.24(e) Demolition or Relocation of Historic Resources
- City of Paris – Sec. 9.05.009 Demolition Permit
- City of Mineola – Sec. 8-135 Demolition Permit
- City of Fort Worth – Section 7-109 Preservation of Historic Properties

CITY OF WAXAHACHIE

Section 3.23 Overlay, special and obsolete districts.

(a) Overlay and Prefix Districts shall be used in conjunction with base zoning districts. In the use of the following overlay zoning classifications, the base district shall remain in effect if it is already in existence unless changed by zoning amendment. New base districts or changes in existing base districts may be requested at the same time overlay or prefix districts are requested.

Section 3.24 Historic overlay districts.

(a) General purpose and description:

(i) The City hereby declares that as a matter of public policy, the protection, preservation and enhancement of districts and landmarks of architectural, archaeological, cultural, and historic importance is necessary to promote the economic, cultural, educational, and general welfare of the citizens of Waxahachie. The unique identity of the City of Waxahachie and the history of the area since its founding, which produced significant historic, architectural, archaeological and cultural resources, require this ordinance to:

1) Safeguard the City's historic and cultural heritage, as embodied and reflected in such historic areas, places, buildings and structures, by appropriate regulations.
2) Promote economic stability and prosperity of the community by encouraging the most appropriate use of such significant property in Waxahachie.
3) Protect and enhance the City's attractions to tourists and visitors, as well as provide support and stimulus to business and industry.
4) Ensure the identification and evaluation of buildings, structures, places and areas of historical, architectural and cultural importance or value; and to provide efficient procedures for that process, and any necessary adjustments or variances from unduly harsh application of the provisions of this ordinance.
5) To balance the rights of the public which justify preservation of the City's history and culture, with those of private property owners who own and control property, and are entitled to the reasonable use and return from their assets.

(b) Designation overview

Nature of District. The City may designate a site, building, structure, landscape or object as a historic resource and a unique area as a historic district together with the public rights of way in and surrounding the resource or district, by establishing a Historic Overlay District that combines with one or more base zoning districts pursuant to the procedures set forth in Section 2.04 of the City's zoning ordinance.

1) Permitted uses within the Historic Overlay District shall be those allowed in the base zoning district.

2) Unless expressly modified by or limited by an action taken pursuant to this Section, the height and area standards, special requirements and other regulations shall be those applicable within the base zoning district.

(ii) Criteria for Historic Resources

1) A Historic Overlay District may be established to preserve historic resources of exemplary architectural, archaeological, cultural or historic value having one or more of the following characteristics:

a) Possesses significance in history, architecture, archeology, or culture of the city, county, state or nation.

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 Waxahachie's past.

d) Embodies distinctive characteristics of a type, period or method of construction.

e) Represents the work of a master designer, builder or craftsman.

f) Represents an established and familiar visual feature of the City of Waxahachie.

g) Is the location of a significant event.

(iii) Criteria for Historic Area

1) A Historic Overlay District may be established to preserve a historic area if the area contains properties that meet one or more of the criteria for designation contained for a historic resource and constitutes a unique section of the City of Waxahachie that contributes to the heritage of the community.

(iv) Request for Designation

1) A property owner, interested citizen, or the Heritage Preservation Commission (HPC) may request to designate certain sites, buildings, structures, landscapes or objects as historic resources. Owners of said property shall be notified prior to the Commission's hearing to consider designation. At the aforementioned public hearing, commissioners, owners, and other interested parties may present testimony or documentary evidence that will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic resource. The record may also contain staff reports, public comments, or other evidence offered outside of the hearing. Designation as a historic resource does not necessarily impose the obligation on the property owner to improve, alter, or change a property.

2) A property owner or the Heritage Preservation Commission (HPC) may request that a unique area be preserved as a historic district. The Heritage Preservation Officer will send notification to property owners within the proposed district boundaries of the proposal. When the HPO has received verifiable written support from the owners of at least thirty (30) percent of the properties within the proposed historic district boundary, the Heritage Preservation Officer shall forward the application to the Heritage Preservation Commission for a public hearing and recommendation. Prior to such hearing, the HPC shall conduct studies and research and make a report on the historic significance of the exteriors of buildings, structures, features, sites, objects and surroundings in the and other interested parties may present testimony or documentary evidence that will become part of a record regarding the historic, architectural or cultural importance of the proposed historic resource or historic district. The record may also contain staff reports and public comments. Following the public hearing, the HPC shall formulate its recommendation to the Planning and Zoning Commission and the City Council concerning establishment of a Historic Overlay District.

(v) Process for Designation

1) The HPC shall make its recommendation on the proposed Historic Resource or Historic District to the Planning and Zoning Commission within thirty (30) days from the date of the public hearing on the proposed designation of the historic resource or historic district, coupled with a request to establish a Historic Overlay District for the site or area.

2) Upon receipt of the HPC recommendation, the Planning and Zoning Commission shall give notice, conduct its public hearing and make recommendations to the City Council in the same manner and according to the same procedures as provided in Section 2.04.

3) The City Council shall give notice, follow the publications procedure, hold public hearings and make its determination on the Historic Overlay District in the same manner and in accordance with the procedures for a zoning amendment, as provided in Section 2.04.

(vi) Upon establishment of the Historic Overlay District designation, the Historic Overlay District shall be recorded on the official zoning map of the City of Waxahachie. All zoning maps shall identify the Historic Overlay District with the suffix “H”. The boundaries of each Historic Overlay District shall be described in detail and shall be filed in the city secretary’s office for public inspection.

(c) Certificate of appropriateness for alteration, restoration, or new construction within historic overlay districts:

(i) Prohibition on Alteration or Development

1) Within a Historic Overlay District, no person shall alter any building, site, structure, landscape or object designated as a historic resource or alter any portion of the exterior of a structure within a historic district, or place, construct, maintain, expand or remove any structure on such site without first obtaining a Certificate of Appropriateness from the HPC.

2) No building permit shall be issued until an application for a Certificate of Appropriateness has been reviewed and approved by the HPC. The Certificate of Appropriateness 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 Waxahachie.

(ii) Procedures for Certificate of Appropriateness

1) Prior to the commencement of any work requiring a Certificate of Appropriateness, the property owner shall file an application for such a certificate with the Heritage Preservation Commission. The Commission, if requested, shall aid the property owner in preparation and completion of the application. The application form shall contain the following:

a) Name, address, telephone number of the applicant, and a detailed description of the proposed work.

b) Current photographs of the property

c) Historical photographs (if available) upon which the proposed work is based

d) Elevation drawing(s) of any part of the structure that is visible from the public right-of-way with details drawn to scale for work to be done

e) List of materials for all exterior surfaces and/or signs

f) Dollar value of improvements to be made

g) Location map of proposed buildings and structures

h) Details of proposed light fixtures

i) Sample(s) of material(s) to be used

j) Any other reasonable information that the Commission may deem necessary in order to visualize the proposed work.

2) An application for a Certificate of Appropriateness shall be submitted to the Heritage Preservation Officer or other designated City official as stipulated by the City Manager. The HPC shall hold a public meeting on the application within thirty (30) days of receipt of the completed application. All applications received twenty (20) days in advance of the next meeting will be reviewed and discussed at the next scheduled Commission meeting.
3) The HPC shall make a final decision on the application within forty-five (45) days of the filing date. If no action has been taken by such date, a Certificate of Appropriateness shall be deemed issued by the Commission.
4) All decisions of the HPC shall be in writing and will be sent to the applicant and the Building Official within ten (10) working days of the Commission's decision.

(iii) Criteria

1) The HPC shall take into account the following criteria for determining whether to issue a Certificate of Appropriateness.
2) The Downtown Waxahachie Design Guidelines, adopted by the City Council in August 2011, which are based on the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings shall be used in this process.
3) The judgment of new construction proposals and the rehabilitation of non-historic buildings will be based on the compatibility of the design within the context of the property's adjacent and nearby historic buildings.
4) The design of new buildings may have key elements of an existing or previous building of the historic period, including massing, scale, fenestration and materials. Buildings may not be absolute reproductions and shall appear as clearly contemporary.
5) Infill buildings between contributing buildings shall be similar in setback, roof form, cornice line and materials, to one of the adjacent buildings. The height of the new buildings shall relate to the heights of adjacent structures. New buildings should not tower over existing buildings. Exterior building finishes shall be similar to that of surrounding historic structures.
6) When constructing an addition to a historic building, it shall be done in a manner so that there is the least possible loss of historic materials and so that character defining features are not obscured, damaged or destroyed. Every effort should be made to locate the addition at the rear of the building or on an inconspicuous side of a historic building; and limiting its size and scale in relationship to the historic building.

7) The new addition should be designed in a manner that makes it clear what is historic and what is new. Design for the new work may be contemporary or may reference design motifs from the historic building. In either case, it should always be clearly differentiated from the historic building and be compatible in terms and mass, materials and relationship of solids to voids.

(iv) Appeal from Action of HPC Concerning Application for Permits

1) An applicant for a Certificate of Appropriateness dissatisfied with the action of the HPC on the application may appeal the decision to the City Council within fifteen (15) days after receipt of notification of such action. The applicant shall be advised by the Heritage Preservation Officer of the time and place of the hearing at which his appeal will be considered and shall have the right to attend and be heard as to his reasons for filing the same.

2) In determining the appeal, the City Council shall consider the same factors as the HPC, the report of the HPC and any other matters presented at the hearing on the appeal. The City Council shall affirm, modify or reverse the decision by the HPC on the application for the Certificate of Appropriateness, and may impose such conditions as are necessary to assure that the proposed action meets the criteria for approval. If the application is disapproved, the City Council may indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the district. The applicant and the HPC shall be notified of the Council's decision by the Heritage Preservation Officer.

(v) Issuance of Permits

1) Upon approval of an application for a Certificate of Appropriateness, the Building Official shall be authorized to issue a building permit or other permits required to undertake the action proposed in the application consistent with all applicable City standards.

2) No change shall be made in the scope of work for any building permit after issuance of Certificate of Appropriateness without submittal of an application to amend the Certificate, which shall be considered by the HPC in the same manner as provided above. If a property owner wishes to change the scope of work under a Certificate of Appropriateness, the property owner shall consult the Heritage Preservation Officer who shall have the authority to approve non-substantive changes. If the Heritage Preservation Officer deems the requested changes to be substantive, such changes shall be referred to the Heritage Preservation Commission for action.

(d) Minor in kind repairs and ordinary maintenance

1) Nothing in this Section shall be construed to prevent minor in kind repairs or ordinary maintenance. Minor in kind repairs and ordinary maintenance, including painting, do not require a Certificate of Appropriateness unless the tax incentive for maintenance is being sought. If the twenty-five (25) percent tax incentive for maintenance is requested, all provisions of Section 24.57 in Ordinance no. 2288 will apply.
2) The Downtown Waxahachie Design Guidelines should be consulted when performing minor in-kind repairs or ordinary maintenance. The Heritage Preservation Officer is also available as an additional resource and should be consulted concerning questions about minor in-kind repairs and ordinary maintenance. If the Heritage Preservation Officer deems a Certificate of Appropriateness necessary, the procedures in Section 3.24 (c) shall apply.

(e) Demolition or relocation of historic resources

(i) Demolition Permit Required

1) A permit for the demolition or relocation of a historic resource or any structure within a Historic Overlay District shall not be granted by the Building Official without the review and approval of a completed application by the Heritage Preservation Commission. Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with the provision of this ordinance shall be fined not more than $2,000 for each offense.

(ii) Application

1) Certain information must be submitted by the applicant along with an application for a permit for demolition or relocation prior to the Heritage Preservation Commission making a ruling on the application. The applicant must supply the following information before the application is considered complete:
2) Information describing the condition of the structure.
3) An estimate of the cost of restoration or repair.
4) Demonstration that adaptive use or restoration of the structure has been seriously considered.
5) Any available historic records of the building (drawings, photographs).
6) Architectural drawings for the proposed new construction which is intended to replace the historic structure if applicable.
7) Any improvements proposed by the property owner to be placed on the land or new development that would mitigate the loss of the historic structure if applicable.
8) Any other information deemed appropriate by the Commission to assist in rendering a decision on the application.

(iii) Action on Application

1) Upon formal notification from the Heritage Preservation Officer that the application has been received, an automatic sixty (60) day stay will go into effect. During this time the Heritage Preservation Commission shall consider the state of repair of the building, reasonableness of the cost of restoration or repair, the existing and/or potential usefulness, the purpose behind preserving the structure, the character of the neighborhood, and all other factors it finds appropriate. If the Commission determines that, in the interest of preserving historical values, the structure should be preserved, it shall notify the Building Official that the application has been disapproved. If disapproved, the applicant may appeal to the City Council in the same manner as for a Certificate of Appropriateness. If demolition or relocation is approved, the HPC shall notify the Building Official so the appropriate permit(s) can be issued.

(f) Duty to maintain/demolition by neglect

(i) No owner or person with an interest in real property designated as a historic resource, a National Register property, or included in a historic district shall allow such property to fall into a serious state of disrepair without requesting a demolition permit. Property owners who allow properties to fall into a serious state of disrepair are subject to all the provisions of Chapter 8, Article III in the City of Waxahachie Code of Ordinances.

(ii) Examples of a state of serious disrepair shall include, but are not limited to, the following:

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 of exterior stucco or mortar.
5) Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors.
6) Deterioration of any feature so as to create a hazardous condition that could lead to the claim that demolition is necessary for the public safety.
7) Deterioration of ornamental features.

(g) Enforcement

(i) Compliance Required

1) All work performed pursuant to a Certificate of Appropriateness issued under this Ordinance shall conform to all requirements included herein and all other City codes. It shall be the duty of the building inspector to periodically inspect any such work to ensure compliance.

(ii) Enforcement Proceedings

1) In the event that work being performed is found to not be in accordance with the Certificate of Appropriateness or upon notification of such fact by the Heritage Preservation Commission, 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. All other remedies authorized under this Zoning Ordinance shall be applicable to non-compliance with a Certificate of Appropriateness.

2) Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with the provisions of this ordinance shall be fined not more than $2,000 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(h) Definitions

(i) For purposes of this Section, the following definitions apply:

1) Archeology - the science or study of material remains of past life or activities and the physical site, location, or context in which they are found, as delineated in the Department of the Interior's Archeological Resources Protection Act of 1979.

2) Area - a specific geographic division in the City of Waxahachie

3) Building - any structure created to shelter people or things, such as a house, barn, church, office, hotel, or similar structure.

4) Certificate of Appropriateness - a signed and dated document evidencing the approval of the Heritage Preservation Commission and/or Heritage Preservation Officer for work proposed by an owner or applicant of a structure within a Historic Overlay District or an individual Historic Resource.

5) Citizen - a legal resident of the City of Waxahachie.

6) Demolition - an act or process (not withstanding acts of God, criminal activity, etc.) which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.

§ 4.400 CONSERVATION ("CD") OVERLAY DISTRICT.

(a) *Purpose and intent.*

(1) The City of Fort Worth has many unique and distinctive residential neighborhoods and commercial areas which contribute significantly to the overall character and identity of the city but may lack sufficient historical, architectural or cultural significance at the present time to be designated as a historic district. The city council recognizes the need to preserve, protect and enhance the value of these areas and wished to provide a means of conserving the distinctive atmosphere or character of areas by protecting or enhancing their significant architectural or cultural attributes through the establishment of conservation districts.

(2) Tex. Local Government Code § 211.003 authorizes the City of Fort Worth to regulate and restrict the construction, alteration, reconstruction or razing and of buildings and other structures in "designated places and areas of historic, cultural or architectural importance and significance." The conservation district provides for the establishment of regulations concerning the conservation of existing buildings and new construction and their settings in designated places of architectural or cultural importance and significance. It is recognized that there are areas in the city where the application of conservation district zoning could assist in the conservation of architectural and cultural attributes and thereby contribute to the stability or stabilization of these areas:

(3) The provisions of this article are intended:

a. To protect and strengthen desirable and unique physical features and design characteristics;

b. To promote and provide for economic revitalization;

c. To protect and enhance the livability of the city;

d. To reduce conflict and prevent blighting caused by incompatible and insensitive development, and to promote new compatible development;

e. To stabilize or enhance property values;

f. To provide residents and property owners with a planning tool for future development;

g. To encourage and strengthen civic pride; and

h. To ensure the harmonious, orderly and efficient growth and redevelopment of the city.

(b) *Zoning classification and authority.*

(1) Designation is a means for property owners to initiate and implement programs for the conservation or revitalization of neighborhoods and commercial areas. The conservation overlay district and its regulations shall be applicable to each property within the district in addition to the regulations of the base underlying zoning classification where the property is located.

(2) Separate ordinances are required to designate each conservation district. Ordinances designating each district shall identify the designated boundaries, applicable designation criteria and design standards for that district.

(3) Any zoning district may be followed by the suffix "CD," indicating that such zoning district is subject to the use and development regulations of both the designated district and the conservation district design standards. The zoning designation for property located within a conservation district shall consist of the base zone symbol and the overlay district symbol "/CD" as a suffix.

(4) Designation of an area by the city council as a conservation district ("CD") is intended as a zoning overlay which supplements the primary underlying zoning district classification. The permitted uses of the property shall be determined and controlled by the use regulations set forth for the primary zoning district classification for the property. Property designated as a conservation district may have additional overlay designations.

(5) The height of structures and minimum dimensions of lots and yards shall be determined by the regulations set forth for the underlying, primary zoning district classification except where height and area regulations are specified in conservation district design standards adopted by the city council. No conservation district can restrict height to less than two stories over the entire footprint of the original structure.

(6) If there are any conflicts between the adopted design standards of the conservation district and any provision of the zoning ordinance, the provisions of the adopted design standards of the conservation district shall apply.

(7) If there are any conflicts between the provisions of this article and any other provision of the zoning ordinance, the most restrictive regulation shall apply in the absence of a specific directive to the contrary.

(c) *Procedures for establishing a conservation district.*

(1) Following a request for designation of a conservation district, the planning and development department shall develop a conservation plan for the proposed district that includes:

a. Statement of purpose and intent;

b. Maps indicating boundaries, age of structures and existing land use within the proposed district;

c. Maps and other graphic and written materials identifying and describing the distinctive neighborhood and building characteristics and goals of the proposed district;

d. A list of all property owners (with legal addresses), neighborhood associations and/or other organizations representing the interests of property owners in the proposed district; and

e. Design standards.

(2) All property owners within the proposed district shall be afforded the opportunity to participate in drafting the conservation plan, which will be approved as part of the zoning ordinance creating a conservation district.

(3) Authority to initiate. A zoning application for designation as a conservation district must be filed with the planning and development department. An application shall be initiated either:

a. By petition (form provided by the planning and development department) signed by the owners who collectively own more than 50% or more of the individual tracts, parcels or platted lots, to be located within the boundaries of the proposed district, and the request of the owners who collectively own 50% or more of the land area, excluding streets and alleys, to be located within the boundaries of the proposed district. Two or more platted lots developed together shall be counted as one lot. Each vacant platted lot of sufficient size to be developed under the current zoning designation for the property shall be counted as one lot; or

b. By the city council.

(d) *Designation criteria.* To be designated as a conservation district, the area must meet the following criteria:

(1) Contain a minimum one block length (both sides of the street); an exception for one block face (one side of the street) may be allowed when different land uses or development patterns exist on the opposite side of the street;

(2) At least 50% of the land area in the proposed district is presently improved, unless created to preserve a special or natural streetscape characteristic; and

(3) Possess two or more of the following distinctive features that create a cohesive identifiable setting, character or association:

a. Scale, size or type of construction;

b. Lot layouts, setbacks, street layouts, alleys or sidewalks;

c. Special natural or streetscape characteristics, such as creek beds, parks, greenbelts, gardens or street landscaping; or

d. Abuts or links designated historic landmarks and/or districts.

(e) *Design standards.*

(1) The conservation plan approved as part of the zoning ordinance creating a conservation district shall include objective design standards for new construction of any building or structure, or the relocation or rehabilitation to the street facade of an existing building or structure. The design standards shall be applied administratively by city staff.

(2) The conservation plan and requisite design standards shall not apply to those activities which constitute in-kind replacement or repair, ordinary repair and maintenance that is using the same or similar material and design.

(3) The design standards for the conservation district shall include, at a minimum, the following elements governing the physical characteristics and features of all property (public or private) within the proposed district:

a. Building height, number of stories (may not restrict to less than two stories over the entire footprint of the original structure);

b. Lot coverage;

c. Lot size;

d. Front and side yard setbacks; and

e. Driveways, hardscape covering.

(4) In addition, the design standards may include, but shall not be limited to, the following elements:

a. Building orientation;

b. General site planning (primary, ancillary structures);

c. Garage entrance location;

d. Street trees;

e. Height of fences and walls;

f. Right-of-way (exceeding public works standards);

g. Principal elevation features; and

h. Building form.

(5) The proposed standards shall be submitted with the application to the zoning commission and the city council. No conservation district may be established in the city unless the city council first approves the design standards for the district in accordance with this article.

(6) Copies of the approved standards shall be on file in the planning and development department and in the deed records of the county in which the property is located.

(7) Any modification of adopted design standards must be approved by the city council following the same procedure used for promulgation of the original standards. Invalidation of any of the standards shall not affect the validity of any other portion.

(f) *Public hearing.*

(1) At least ten days prior to the zoning commission public hearing, notices of the time and place of the meeting shall be mailed to all addresses of property owners and residents shown on the application, to any additional addresses of properties in the proposed district as shown on the last approved city tax roll, and to any registered neighborhood associations located within the proposed district. Notice may be served by depositing the same, properly addressed and postage paid, in the United States mail.

(2) No area shall be designated as a conservation district without the recommendation of the zoning commission. The zoning commission shall conduct a public hearing on the proposed designation within 45 days after receipt of the application for designation and the proposed conservation plan by the planning and development department, or as soon thereafter as is reasonably practicable. The hearing shall be in the same manner and according to the same procedures for amending the zoning map as set forth in Chapter 3, Article 5.

(3) City council hearing. The city council shall give notice and conduct its hearing on the zoning commission's recommendation concerning the proposed conservation plan within 45 days of receipt of the recommendation of the zoning commission, or as soon thereafter as is reasonably practicable. The city council shall review the conservation plan and shall approve the same, with or without modifications, at the public hearing on the proposed designation. The city council shall give notice, follow the publication procedure, hold the hearing and make its determination in the same manner and according to the same procedures for amending the zoning map as set forth in Chapter 3, Article 5.

(4) If the owners of at least 20% of an area nominated for designation or located within 200 feet of a proposed conservation district protest such designation by submitting a written, signed protest, the affirmative vote of at least three-quarters of all members of the city council is required in order for the designation to take effect.

(g) *Recording of designations on zoning map.* Upon designation of an area as a conservation district, the city council shall direct that the designation to be recorded on the official zoning maps of the city.

(h) *Filing of designation and guidelines in property records.* Record of designation of an area as a conservation district and the corresponding district guidelines shall be recorded in the official property records of the county in which the property is located by the planning and development department.

(i) *Administration/enforcement.* No building permit shall be issued for new construction or any alteration or addition to the street facade of an existing building or structure within a designated conservation district without the submission and approval of design plans and the issuance of a certificate of appropriateness by the director of planning and development or his or her designee. All work performed pursuant to a certificate of appropriateness shall conform to any requirements included herein. It shall be the duty of the planning and development and code compliance department to assure compliance. If work is performed that is not in accordance with the certificate of appropriateness 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 a project while a stop-work order is in effect. Properties located in a conservation district that are designated "HC" historic and cultural landmark or "HSE" highly significant endangered shall comply with the most restrictive regulation.

(j) *Appeal; penalties.*

(1) Any owner dissatisfied with the decision of the director planning and development or his or her designee to deny a certificate of appropriateness shall have the right to appeal the decision to the board of adjustment. The request for appeal must be made within ten calendar days after receipt of notification of such action, by filing a written notice of appeal with the city secretary and the planning and development department. The board of adjustment may authorize a variance from the design standards of a conservation district if it is determined that the variance will not be contrary to the public interest (refer to Review Procedures, § 3.400 Variances). The board of adjustment shall schedule a hearing on such appeal within 30 days after receipt of the notice of appeal, or as soon thereafter as is reasonably practicable.

(2) Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with the provisions of this article shall be fined not more than $2,000 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(3) The provisions of this section shall apply in addition to other enforcement procedures or penalties, which are available at law or in equity.

(Ord. 18900, eff. 11-10-2009; Ord. 20159-04-2012, § 1 (Exh. A), passed 4-3-2012)

§ 4.401 HISTORIC PRESERVATION ORDINANCE - HISTORIC OVERLAYS.

(a) *Purpose and intent.* As a matter of public policy, the identification, protection, enhancement, and perpetuation of landmarks or districts of historical, cultural, architectural, or archeological significance are necessary to safeguard and promote the economic, cultural, educational, and general welfare of the public. It is recognized that Fort Worth represents the unique confluence of time and place that has shaped the identity of generations of citizens, collectively and individually, and has produced significant historical, cultural, architectural, and archeological resources that exist as the visual and tangible evidence of cultural identity. This § 4.401 may be referred to as the Historic Preservation Ordinance. The provisions of the Historic Preservation Ordinance are intended to:

(1) Encourage the identification, documentation, evaluation, and recording of resources that may have significance and integrity that reflect the cultural heritage of Fort Worth;

(2) Protect, preserve, and perpetuate the cultural heritage of Fort Worth, including its landmarks and districts of historical, cultural, architectural, or archeological importance;

(3) Facilitate education and awareness opportunities for the benefit of elected officials, appointed bodies, city departments, and the public at large regarding the cultural heritage of Fort Worth and the benefits of utilizing historic preservation to achieve the goals and vision of Fort Worth;

(4) Foster civic pride by recognizing accomplishments of the past;

(5) Promote the cultural heritage of Fort Worth, celebrate the economic prosperity and welfare of the community through the preservation of Fort Worth's cultural heritage, and recognize the support and stimulus to the economy provided by residents and visitors alike; and

(6) Safeguard the significance of Fort Worth's cultural heritage by ensuring managed change that is appropriate to its historic context.

(b) *City historic preservation officer.*

(1) *Appointment.* The City of Fort Worth, through a departmental director designated by the city manager, must appoint a historic preservation officer ("HPO"), who has expertise in archaeology, history, architecture, historic architecture, historic preservation, or a closely-related field and meets the relevant Secretary of the Interior's Professional Qualifications Standards.

(2) *Powers, duties, and responsibilities.* The HPO has the following powers, duties, and responsibilities:

a. Administer the city's Certified Local Government Program in cooperation with the National Park Service and the Texas Historical Commission and coordinate the city's historic preservation activities with those of state and federal agencies;

b. Act as staff liaison to the historic and cultural landmarks commission ("HCLC") and advise city departments, commissions, and city council on matters relating to the city's cultural heritage;

c. Manage and maintain the historic resource survey in consultation with the HCLC and in accordance with this Historic Preservation Ordinance;

d. Administer the city's historic site tax exemption program;

e. Except as specifically set forth otherwise in this Historic Preservation Ordinance, review all applications required under this Historic Preservation Ordinance for completeness and appropriateness;

f. Coordinate with local, state, and national nonprofit preservation organizations and advise property owners, architects, designers, realtors, contractors, and other decision-makers on matters relating to the city's cultural heritage; and

g. Exercise such other and further powers as may be conferred on the HPO by this Historic Preservation Ordinance or any other city codes and ordinance.

(c) *Identification and designation of cultural resources.*

(1) *Establishment of historic overlay categories.* There are three categories of protection for historically, culturally, architecturally, or archeologically significant properties in Fort Worth, as follows:

a. Highly significant endangered ("HSE");

b. Historic and cultural landmark, if an individual structure or site ("HC"), or historic and cultural landmarks district, if more than one structure or site ("HC District"); and

c. Demolition delay ("DD").

(2) *Criteria for designation.* The following criteria, as well as the criteria applied to evaluate districts for inclusion in the National Register of Historic Places, must be used to establish the significance and integrity of property or neighborhoods and their features and to evaluate the eligibility of a property as a historic property or HC District:

a. *Significance.*

1. Is distinctive in character, interest, or value and exemplifies the cultural, economic, social, ethnic, or historical heritage of the City of Fort Worth, State of Texas, or the United States.

2. Is an important example of a particular architectural type or specimen or embodies elements of architectural design, detail, material, or craftsmanship that represent a significant architectural innovation in Fort Worth.

3. Has been identified as the work of an important architect or master builder whose individual work has contributed to the development of Fort Worth.

4. Has been identified with a person or persons who significantly contributed to the culture and development of the City of Fort Worth, State of Texas, or the United States.

5. Bears a significant relationship to other distinctive buildings, structures, sites, objects, or areas, either as an important

collection of properties of architectural style or craftsmanship with few intrusions, or by contributing to the overall character of the area according to a plan based on architectural, historic, or cultural motif.

6. Possesses significant archeological value, which has produced or is likely to produce data affecting theories of historic or prehistoric interest.

7. Is the site of a significant historic event.

8. Is designated as a Recorded Texas Historic Landmark, State Archeological Landmark, or an American Civil Engineering Landmark or is listed on the National Register of Historic Places.

b. *Integrity.* A property's ability to convey its significance, taking into consideration the following seven factors: location, design, setting, material, workmanship, feeling, and association, as set forth in National Register of Historic Places' Seven Aspects of Integrity.

(3) *Eligibility for designation.*

a. *Eligibility for HSE designation.* An individual property may be designated HSE if it meets the following qualifications:

1. Three or more of the criteria for significance;

2. The necessary criteria for assessing integrity; and

3. Threatened by deterioration, damage or irretrievable, irreplaceable loss due to neglect, disuse, disrepair, instability, lack of financial resources, development pressures, or demolition.

b. *Eligibility for HC and HC District designations.*

1. *Individual property.* An individual property may be designated as HC if it meets the following qualifications:

i. Two or more of the criteria for significance; and

ii. The necessary criteria for assessing integrity.

2. *District.*

i. An area, which includes two or more properties that possesses a significant concentration, linkage, or continuity of buildings, sites, structures, or objects united historically or aesthetically by plan or physical development, may be designated as a HC District if it meets the following qualifications:

A. Three or more of the criteria for significance; and

B. The necessary criteria for assessing integrity; and

C. Where a proposed HC District is composed of a single geographic area of contiguous properties, then at least 51% or more of the historic properties in the district must be contributing; or

D. Where a proposed HC District is composed of two or more definable significant areas separated by nonsignificant areas, then the historic properties must be spatially discrete.

ii. An existing HC District may be amended or otherwise altered to include additional properties or settings provided that such properties and settings (1) meet the criteria for HC District designation and (2) have a similar historic context and character that reasonably relates to the existing HC District, either by architectural, historical, or cultural motif.

c. *Eligibility for DD designation.* A property may be designated DD if it meets the following qualifications:

1. One or more of the criteria for significance; and

2. The necessary criteria for assessing integrity.

(4) *Criteria and special considerations for removal or change of historic designation.*

a. *Criteria.*

1. Subject to any special considerations, the HSE, HC, HC District (either in whole or in part), or DD designation may be removed for the following reasons:

i. The individual property or HC District, either in whole or in part, no longer conforms to the criteria for significance and integrity under this Historic Preservation Ordinance; or

ii. Such designation creates an unreasonable economic hardship in accordance with the provisions of this Historic Preservation Ordinance.

2. The DD designation may be removed if it no longer conforms to the criteria for significance and integrity or changed to HC or HSE if it satisfies the applicable criteria for significance and integrity. The DD designation must be removed if the property is demolished in accordance with this Historic Preservation Ordinance.

3. Any historic property designated as HC may be changed to HSE if the property meets the designation criteria for HSE, even if the property is part of a HC District.

b. *Burden of proof.* The party seeking removal of a designation has the burden of proving, by a preponderance of the evidence,

that the subject property no longer satisfies the criteria for designation.

c. *Special considerations.*

1. *HC District designation removal.* The HC District designation may be removed only from a district as a whole and not from individual sites or structures located within a HC District, except when the boundary of an existing HC District has been reduced in accordance with this Historic Preservation Ordinance and then, removal of such designation will only apply to those properties that have been excluded from the reduced boundary.

2. *HSE designation removal.* The party seeking removal of a HSE designation on the basis that such property is no longer endangered must simultaneously nominate such property for designation as HC. The requests for removal of the HSE designation and designation of such property as HC must be considered and decided concurrently; provided, however, the city council is not required to designate such historic property as HC upon removal of a HSE designation.

3. *DD change to HC District.* If a historic property designated as DD is subsequently nominated as, or becomes, part of a HC District, then such property will be subject to all applicable interim controls and elevated to HC District designation upon approval by the city council.

4. *HSE in HC District.* Any historic property designated as HSE will retain such HSE designation if it is subsequently nominated as, or becomes, part of a HC District, except as otherwise set forth in this Historic Preservation Ordinance. Any historic property designated as HSE within a HC District must comply with the standards and guidelines applicable to the HC District within which it is located.

(5) *Procedures for designation and designation removal.*

a. *Step 1: nomination for designation and designation removal.*

1. *City council.*

i. The city council may nominate an individual property or HC District for historic designation or designation removal by adopting a resolution to nominate such and directing the HPO to submit the same to the HCLC for consideration. Nominations by the city council will not require the submission of an application for designation; however, the HCLC may not consider a nomination until such time as the HPO acquires the information necessary to report on the eligibility and criteria applicable to the nomination.

ii. The nomination of an individual property or HC District for historic designation or designation removal by the city council will be deemed to have been nominated on the effective date of the adopted resolution.

2. *HCLC.* The HCLC may initiate the nomination process for historic designation or designation removal of an individual property or HC District by adopting a resolution directing the HPO to submit a complete application for designation or designation removal to the HCLC for consideration. The HCLC may not consider such application until its next regularly or special-called meeting.

3. *City manager.* The Fort Worth city manager or that person's authorized designee may initiate the nomination process for historic designation or designation removal of an individual property or HC District by directing the HPO to prepare and submit a complete application for designation to the HCLC for consideration.

4. *Property owners.* Property owner(s) of an individual property or a property within a proposed HC District may initiate the nomination process for historic designation or designation removal by submitting a completed and signed application to the HPO.

5. i. *Application.* The application for historic designation and designation removal will be promulgated by the HPO; provided; however, that the application must, at a minimum, require a detailed summary explaining how the subject property or HC District meets the criteria necessary for historic designation or designation removal, as applicable.

ii. *HC District.* In addition to the application requirements set forth above, an application for HC District designation, including any related historic district expansion, or designation removal, including any district reduction, must contain the following:

A. A windshield survey that consists of a completed survey form and photograph of every property, their settings, streetscapes, and unique characteristics of the HC District.

B. Draft standards and guidelines or a copy of the Secretary of the Interior's Standards for the Treatment of Historic Properties for a proposed HC District. HC District design standards and guidelines must, at a minimum, meet the requirements of the Secretary of the Interior's Standards for the Treatment of Historic Properties.

C. A list of contributing and non-contributing resources for the HC District.

D. Research that establishes the significance of the property in the proposed HC District, which includes a statement of significance.

E. Signatures of property owners in support of the application who collectively own:

(i) Fifty percent or more of the land and the individual tracts, parcels, or platted lots located within the following boundaries:

(A) For HC District designation removal, the existing HC District;

(B) For HC District designation, the proposed HC District; or

(C) For HC District expansion, both the proposed expanded HC District and existing HC District.

(ii) Two or more platted lots developed together will be counted as one lot.

(iii) Each vacant platted lot of sufficient size to be developed under the current zoning designation for the property will be counted as one lot.

6. *Effective date of nomination.* An individual property or HC District for which an application for historic designation or designation removal has been submitted by the HCLC, city manager, or property owner(s) will be deemed to have been nominated for such on the date that the HPO determines an application for designation or designation removal, as applicable, to be complete.

b. *Step 2: notice of nomination for designation or designation removal and interim controls.*

1. *Notice of nomination for designation or designation removal.*

i. Upon being nominated, the HPO must mail a notice of nomination for historic designation or designation removal, as applicable, to all affected property owner(s) at least ten calendar days before the scheduled HCLC hearing.

ii. For individually- nominated properties, the affected property owner is the owner or owners of the property that is the subject of the application.

iii. For nominations of HC District designation or designation removal, the affected property owners are each individual property owner within the HC District; provided, however, that HC District expansion nominations must also include each individual property owner within the proposed expansion area.

iv. The most recently approved county tax roll showing the name and address of the owner(s) must be used for notice purposes.

2. *Interim controls.* The city council finds that immediate, temporary controls are necessary to protect properties for which a notice of nomination for historic designation as a historic property has been mailed. Therefore, any property for which a notice of nomination as such has been mailed will be subject to the Certificate of Appropriateness ("COA") requirements contained in this Historic Preservation Ordinance, effective beginning on the date that the HPO mails a notice of nomination and expiring 180 days thereafter or until the proposed historic designation is denied, whichever is sooner. In the event that the proposed historic designation is approved, the property will be subject to all COA requirements applicable to such historic designation. Permits issued by the city prior to the effective date of the interim controls will not be subject to interim controls or the COA requirements. Interim controls do not apply to historic designation removals.

3. *Relief from interim controls.*

i. It is the intent of the city council to preserve historic property whenever possible, in recognition of the fact that historic properties have been needlessly demolished, resulting in vacant lots.

ii. The owner(s) of the property for which the interim controls apply may seek relief from the interim controls by doing the following:

A. Requesting a COA in accordance with this Historic Preservation Ordinance; or

B. Filing a written request with the HPO within ten calendar days after receipt of the notice of nomination, detailing any unusual and compelling circumstances justifying such relief.

(i) *HCLC hearing.* The HCLC must conduct a hearing on the matter within 15 calendar days after the request for relief is filed. The HCLC may consider factors such as the existence of a written, bona fide sales contract for the property; plans for relocation or demolition of the property; plans for development of the property; the effect of the interim controls on such plans; and other unusual and compelling circumstances justifying relief from the interim controls.

(ii) *HCLC decision.* In the event that the HCLC finds unusual and compelling circumstances justifying relief from the interim controls, then the HCLC may, for properties nominated by application, approve the request and order any of the following:

(A) Expedite review of the nomination;

(B) Reduce the term of the interim controls;

(C) Release the owner from such controls; or

(D) Take such other action as the HCLC deems to be appropriate.

(iii) *City council.* For property that is nominated by the city council, any approval and order of the HCLC will be a recommendation for consideration by the city council.

c. *Step 3: consideration by the HCLC.*

1. The HPO must schedule a hearing before the HCLC for consideration of the historic designation or designation removal within 45 calendar days after the effective date of a nomination, or as soon thereafter as is reasonably practicable.

2. After conducting a hearing on the matter, the HCLC must recommend approval or denial to the city council or continue the designation or designation removal to a certain date.

d. *Step 4: consideration by the zoning commission.*

1. The matter must be submitted to the zoning commission for its review and recommendation within 45 calendar days after the

HCLC makes it recommendation, or as soon thereafter as is reasonably practicable.

2. The zoning commission must give notice and conduct its public hearing on the matter in accordance Chapter 3 of the city's Zoning Ordinance.

e. *Step 5: city council hearing and action.*

1. After both the HCLC and Zoning Commission make their recommendations, the matter must be submitted to the city council for its review and consideration.

2. The city council must give notice and conduct a hearing on the matter in accordance with Chapter 3 of the city's Zoning Ordinance.

f. *Step 6: post designation and designation removal requirements.*

1. *Recording of designations on zoning map.* Upon designation as a historic property, the city's zoning administrator will cause the appropriate designation to be recorded on the official zoning maps of the City of Fort Worth. All zoning maps must indicate the appropriate overlay abbreviation and the marks indicating the primary underlying zoning district classification. HC District may be recorded as either HC District or HC.

2. *Filing of designations in property records.* Property owners that file an application for designation must record the applicable designation in the official property records of the county in which the property is located within ten calendar days of designation by the city council and provide proof of such filing to the HPO. Proof of recordation by the property owner must be provided to the HPO prior to the receipt of any subsequent historic site tax exemption from the City of Fort Worth. For city-initiated designations, the zoning administrator is responsible for filing such designation in the official property records of the county in which the property is located.

3. *Post-designation removal requirements.* Within ten business days after the city council approves the removal of the applicable historic designation, the zoning administrator must remove such historic designation from the official zoning maps of the City of Fort Worth and record such designation removal in the official property records of the county in which such property is located.

(6) *Relationship to base zoning districts.*

a. Except as otherwise set forth in the city's Zoning Ordinance, designation of a property by the city council as HSE, HC, HC District, or DD is a zoning overlay to the primary zoning district classification. The permitted uses of the property will be determined and controlled by the use regulations set forth for the primary zoning district classification for the property.

b. Historic properties, including those in a HC District, are subject to the regulations of the base zoning district classification. However, where the adopted design standards and guidelines of a HC District or the Secretary of the Interior's Standards for the Treatment of Historic Properties, whichever is more restrictive, require a more historically appropriate yard setback, building height, lot dimension, or site configuration than the base zoning district allows, then the design standard and guidelines or the Secretary of the Interior's Standards for the Treatment of Historic Properties, as appropriate, will prevail. However, in no instance will this relieve the requirement for a variance from the board of adjustment in compliance with the provisions set out in this or any other city ordinance.

c. For all instances where this Historic Preservation Ordinance will be applied, the prevailing precedence will be as follows:

1. Chapter 4, Article 4 of the city's Zoning Ordinance for all matters of process, procedure, and regulation.

2. The adopted standards and guidelines for a HC District and Secretary of the Interior's Standard for the Treatment of Historic Properties for all matters of rehabilitation, restoration, or preservation.

3. All other City of Fort Worth ordinances, regulations, or policies as they may apply to any action described within this Historic Preservation Ordinance.

d. In no instance will the provisions of this Historic Preservation Ordinance be construed to exempt any issue of life safety or to provide relief from the provisions of the adopted building code without the written consent of the chief building official.

e. If there is any conflict between the adopted design standards and guidelines and any provision of this Historic Preservation Ordinance, the most restrictive will apply.

f. If there is any conflict between the provisions of this Historic Preservation Ordinance and any other provision of the city's Zoning Ordinance, the most restrictive regulation will apply in the absence of a specific directive to the contrary.

g. The board of adjustment does not have jurisdiction to grant a variance from the Secretary of the Interior's Standards for the Treatment of Historic Properties or any design standards and guidelines applicable to historic properties that have been adopted by the city council.

(7) *Design standards and guidelines.* The following are the procedures for creating, amending, or updating design standards and guidelines and lists of contributing historic properties.

a. *Creating or amending design standards and guidelines.*

1. Property owners that submit an application to nominate a property as HSE, HC, or HC District, must submit, with the application, a set of proposed design standards and guidelines following the principles set forth in the Secretary of the Interior's Standards for the Treatment of Historic Properties. The standards and guidelines must be prepared by the applicant with the assistance of the HPO. The applicable design standards and guidelines must be adopted concurrently with the designation of the property.

2. The HPO must review design standards and guidelines on a periodic basis to determine if updates or amendments are

necessary.

3. Any amendments or updates to an individual property or HC District's design standards and guidelines, or the creation thereof if none were adopted at the time of historic designation, must, at a minimum, meet the requirements of the Secretary of the Interior's Standards for The Treatment of Historic Properties.

b. *Process for creating and amending standards and guidelines.*

1. *Step 1: request to create or amend standards and guidelines.*

i. *City council or HCLC.* The city council or HCLC may request amendments to any adopted design standards and guidelines, or the creation of standards and guidelines if none were adopted at the time of historic designation, by adopting a resolution directing the HPO to submit recommendations to the HCLC for consideration.

ii. *HPO.* The HPO may initiate the process for amending any adopted design standards and guidelines, or creating standards and guidelines if none were adopted at the time of historic designation.

iii. *City manager.* The city manager or that person's authorized designee may request amendments to any adopted design standards and guidelines, or the creation of standards and guidelines if none were adopted at the time of historic designation, by directing the HPO to initiate the process for such.

iv. *Property owners.* The property owner(s) of a historic property or those within a HC District may request amendments to their adopted design standards and guidelines, or the creation thereof if none were adopted at the time of designation, by submitting a petition in support of the request to the HPO. For HC Districts, the petition must be signed by property owners that own 50% or more of the land and the individual tracts, parcels, or platted lots located in the HC District.

2. *Step 2: notice and community outreach.*

i. The HPO must notify the affected property owners that the design standards and guidelines are under review for amendments or that the creation of design standards and guidelines is being considered if none were adopted at the time of historic designation. For purposes of this process, the affected property owners will be the same as those set forth in the notice of nomination for historic designation section of this Historic Preservation Ordinance.

ii. The HPO must meet with property owners in the affected HC District to discuss the proposed design standards and guidelines prior to scheduling a review by the HCLC.

3. *Step 3: consideration by the HCLC.*

i. Once the HPO has sent notice and conducted community outreach, and the proposed design standards and guidelines have been prepared, the HPO must schedule a hearing before the HCLC for consideration and send notice of such hearing to all affected property owners.

ii. After conducting a hearing on the request to amend or create design standards and guidelines, the HCLC must recommend approval, with or without revisions, or denial to the city council or continue the request to a certain date.

4. *Step 4: consideration by the zoning commission.*

i. After the HCLC makes its recommendation on the request to amend or create design standards and guidelines, the request must be submitted to the zoning commission for its review and recommendation.

ii. The zoning commission must give notice and conduct its public hearing on the request in accordance with Chapter 3 of the city's Zoning Ordinance.

5. *Step 5: city council hearing and action.*

i. After the HCLC and the zoning commission make their respective recommendations on the request to amend or create design standards and guidelines, then the request must be submitted to the Fort Worth city council for its review and consideration.

ii. The Fort Worth city council must give notice and conduct a hearing on the request in accordance with Chapter 3 of the city's Zoning Ordinance.

c. *Adopted standards and guidelines.* The adopted standards and guidelines must be used by the city staff in implementing the intent and purpose of this Historic Preservation Ordinance. Invalidation of any portion of the design standards and guidelines will not affect the validity of any other provisions. Any then existing design standards and guidelines will remain in effect until the city council approves any amendments or revisions to the same.

(8) *Creating or amending a contributing historic properties list.* The list of contributing historic properties for a HC District may be created or amended, as needed, in accordance with the criteria and procedures set forth herein.

a. *Creating or amending a contributing historic properties list.*

1. Property owners that submit an application to nominate properties as HC District, must submit a list of contributing and non-contributing historic properties within the proposed HC District with the application. The list must be prepared by the applicant with the assistance of the HPO. The owners of properties nominated for designation as HC District by the HCLC, City council, or city manager will cooperate with the HPO in the preparation of said list. When submitted with an application for historic designation, the list of contributing and non-contributing historic properties should be adopted concurrently with the designation of the HC District. In the event that the list is not adopted at the same time as the designation of the HC District, the procedure below for creating a new contributing

and non-contributing historic properties list will apply.

2. The HPO will review the lists of contributing and non-contributing historic properties for each HC District on a periodic basis to determine if updates or amendments are necessary.

b. *Initiation of the process.*

1. *City council or HCLC.* The city council or HCLC may adopt a resolution directing the HPO to conduct an evaluation of the contributing status of historic properties within an existing HC District.

2. *HPO.* The HPO may initiate the process for, and conduct the evaluation of, the contributing status of historic properties within an existing HC District.

3. *Property owners.* A property owner may submit an application a written request and designation application to the HPO requesting an evaluation of the contributing status of a property. The HPO must evaluate the application in relation to the contributing status of the owner's historic property within an existing HC District. Should the application be deemed incomplete, the HPO may request additional information of the applicant in order to determine the contributing status of the historic property.

c. *Consideration by the HPO.*

1. The HPO must perform an evaluation and make a determination of the contributing status of the subject historic property once the HPO has deemed an application to be complete.

2. Once the HPO makes a determination of the contributing status of a historic property, then the HPO must provide notice of its determination to the property owner(s) and the requesting party within 30 calendar days, or a reasonable time thereafter.

3. Should the HPO find that the subject property meets the definition of a contributing or non-contributing historic property, then the HPO will have authority to amend the status, unless the prior status of the historic property was approved by city council in which case the city council will have such authority.

4. A property owner may appeal the HPO's determination to the HCLC pursuant to the procedures set forth in this Historic Preservation Ordinance under § 4.401(g) below.

(d) *Certificates of appropriateness (changes to historic properties).*

(1) *Review required.*

a. *HC and HSE.* Except as may otherwise be permitted in this Historic Preservation Ordinance, any historic property designated or pending designation as HC or HSE requires the submission of an application for a COA, review for appropriateness, and issuance of a COA in accordance with the provisions of this Historic Preservation Ordinance prior to the commencement of any exterior work on such historic property, including, but not limited to, construction, alteration, demolition, relocation, and repair.

b. *DD.* Except as may otherwise be permitted in this Historic Preservation Ordinance, any historic property designated or pending designation as DD requires the submission of an application for a COA, review for appropriateness, and issuance of a COA only for demolition or relocation in accordance with the provision of this Historic Preservation Ordinance prior to the commencement of any such demolition or relocation work.

c. *Emergency securing of property.* The city department charged with emergency securing of property, in cooperation with the HPO, may perform emergency measures to secure any historic property that is in imminent danger of collapse and a hazard to the public health, safety, or welfare without the necessity of a COA application, review for appropriateness, or COA; provided, however, that the HPO must receive written notice of such emergency securing measures and the date and time that the same will occur. The city will use its best efforts to minimize damage to the historical and architectural elements of the historic property.

(2) *Level of review.* Once the HPO deems an application for a COA to be complete, the HPO will determine whether the application will be evaluated for appropriateness by the HPO or the HCLC as set forth in this Historic Preservation Ordinance.

a. *HPO review.* Except where such jurisdiction conflicts with the powers and duties conferred upon the HCLC pursuant to this Historic Preservation Ordinance or Appendix A, § 2.103 of the city code, the HPO has original jurisdiction to evaluate applications for appropriateness and issue COAs; provided, however, the HPO may refer any application, or any portion thereof, to the HCLC for review and consideration.

b. *HCLC review.* The HCLC has original jurisdiction to evaluate applications for appropriateness, or any portion thereof, and issue COAs for the following:

1. New construction of a primary structure;

2. All waivers from applicable design standards and guidelines;

3. Demolition and relocation of individually designated historic properties and contributing historic properties in HC Districts, except those for emergency demolitions;

4. Requests for determination of whether individually designated historic properties and contributing historic properties in HC Districts can be reasonably rehabilitated pursuant to the city's Minimum Building Standards Code, including, but not limited to, Chapter 7, Article 4, § 7-109 of the city code;

5. Historic properties owned by a governmental entity, including, without limitation, the City of Fort Worth, Independent School Districts, and Counties; and

6. Referrals from the HPO.

(3) *Criteria for evaluation of an application for appropriateness.*

a. 1. *Criteria for evaluation of work other than demolition or relocation.* In determining the appropriateness of a COA application, the Secretary of the Interior's Standards for the Treatment of Historic Properties must be applied in conjunction with any applicable city codes and design standards and guidelines adopted by the city council.

2. *Waivers from design Standards and guidelines.* An applicant has the right to request a waiver from the applicable design standards and guidelines if a COA has been denied for failure to meet the applicable criteria, unless the requested item is specifically prohibited by such standards and guidelines in which case a waiver will not be considered.

i. *Burden of proof.* To receive a waiver from the applicable design standards and guidelines, the applicant must prove one of the following by a preponderance of the evidence:

A. That no reasonable opportunity exists to recover the cost of the work that is required by the design standards and guidelines. In determining whether to grant such a waiver, the HCLC should consider the totality of the circumstances and weigh the following factors:

(i) The cost to perform the work in compliance with the applicable design standards and guidelines;

(ii) The value of the property;

(iii) The extent to which a waiver is necessary to allow the owner a reasonable opportunity to recover the cost of the work;

(iv) Whether granting the waiver will harm an existing or proposed historic designation;

(v) Whether the applicant has applied for any tax incentives from the city, including, without limitation, the historic site tax exemption; and

(vi) Whether the proposed work is in harmony with the spirit and purpose of this Historic Preservation Ordinance.

B. (i) That no reasonable opportunity exists to technically execute the work that is required by the applicable design standards and guidelines.

(ii) In determining whether there is a reasonable opportunity to technically execute the work, the HCLC should evaluate the feasibility of physically performing the rehabilitation work on the property.

ii. *Alternatives.* The HCLC and the HPO, in consultation with the property owner, must explore alternatives to the proposed work that will preserve the historic property to the greatest extent feasible.

b. *Criteria for evaluation of demolition and relocation.*

HCLC - Historic and Cultural Landmarks Commission
HSE - Highly Significant Endangered
HC - Historic District
DD - Demolition Delay

1. *Demolition or relocation request by an applicant other than the City of Fort Worth.*

i. *HSE and HC Designations.*

A. *Demolition.* Where an applicant requests a COA for demolition of a historic property, then the HCLC or HPO, as appropriate, may approve such COA if it finds that the applicant has established at least one of the following by a preponderance of the evidence:

(i) *Loss of Significance.* The applicant must prove that the subject historic property has lost its historical significance, as evidence by the following:

(A) The property has undergone significant and irreversible changes or new information reveals that the property is no longer eligible for historic designation or contributing status;

(B) Such significant and irreversible changes were not caused either directly or indirectly by the owner, and were not due to intentional or negligent destruction or a lack of maintenance rising to the level of a demolition by neglect; and

(C) Such irreversible changes are impractical and unlikely to be reversed.

(ii) *Unreasonable economic hardship.* The owner of the historic property must prove an unreasonable economic hardship in accordance with this Historic Preservation Ordinance.

(iii) *Non-contributing status.* Because non-contributing historic properties do not contribute to the historic, cultural, or architectural significance of a HC District, the applicant must prove that the subject property is located in a HC District and classified as non-contributing and would not be eligible to be a contributing historic property if re-evaluated by the HPO or HCLC.

B. *Relocation.* In considering whether to approve or deny an application for a COA for relocation of a historic property, the HCLC or HPO, as appropriate, must consider the totality of the circumstances and weigh the following considerations: alternatives, rarity, structural integrity, nature of threat, streetscape integrity, setting of the existing and recipient sites, and interim and long-term protection.

ii. *DD designations.* Where an applicant, other than the City of Fort Worth, requests a COA for demolition or relocation of a historic property designated or pending designation as DD, then the HCLC may not deny approval of the COA. However, the HCLC may delay the issuance of a demolition or relocation permit for up to 180 calendar days from the date of the HCLC's original hearing on the application for a COA to allow the HCLC, local preservation groups, and other interested parties to explore alternatives to demolition

or relocation.

A. In determining the length of any delay for demolition, the HCLC must consider the effectiveness of any proposed alternatives and matters that may cause a hardship to the applicant, including, without limitation, financial and development issues.

B. In determining the length of any delay for relocation, the HCLC must be guided by the relevant considerations applicable to relocation.

C. Should the HCLC fail to approve a specific delay period by an affirmative vote, the maximum delay of 180 calendar days will be required.

2. *Demolition request by the City of Fort Worth.*

i. *Minimum building standards.*

A. Owners, or other persons or entities, having legal custody and control of a historic property have an ongoing obligation to maintain such historic property in accordance with the city's Minimum Building Standards Code.

B. In determining whether a historic property should be demolished as a result of neglect, the city must follow the processes and procedures set forth in the city's Minimum Buildings Standard Code, including, but not limited to, Chapter 7, Article 4, § 7-109 of the City Code concerning the preservation of historic properties.

ii. *Emergency demolition.* The HPO may approve a demolition permit for an emergency demolition for a historic property if the city's building code official or development inspection supervisor (or a similar position within the city) determines that such historic property is in imminent danger of collapse and a hazard to the public health, safety, or welfare. Prior to doing so, the city's building code official or development inspection supervisor (or a similar position within the city) must inspect the property and document, in writing, the findings and reasons requiring an emergency demolition, a copy of which must be forwarded immediately to the HPO. Such process will not require the submission of an application for a COA or review for appropriateness.

(4) *Review process.*

a. *Step 1: submission of an application for a COA.*

1. An applicant must file an application for a COA with the HPO, which will be in a form promulgated and approved by the HPO. Once the HPO determines the application for appropriateness to be complete, the HPO will determine the appropriate level of review. The application must, at the very least, require the following items from all applicants:

i. Rationale for how the proposed change is compatible with designation as HSE or HC;

ii. Rationale and evidence supporting loss of significance or proof of unreasonable economic hardship, where applicable;

iii. A condition assessment of the historic property for demolition requests;

iv. Rationale and evidence supporting the criteria for relocation, including, without limitation, any contextual plans that show the relationship between the existing historic property to be relocated and its recipient site, which may include, without limitation, elevations and site and building sections;

v. Signature of the applicant verifying that the application is complete and correct; and

vi. Any other information that the HCLC or HPO may determine to be reasonably necessary.

2. *Demolition by way of minimum building standards.*

i. To demolish a historic property, the city must follow the processes and procedures set forth in the city's Minimum Buildings Standard Code, including, but not limited to, Chapter 7, Article 4, § 7-109 of the city code concerning the preservation of historic properties.

ii. The HPO or HCLC may also file a written request with the city department charged with enforcing the city's Minimum Building Standards Code, requesting that the city pursue a case against a historic property.

b. *Step 2a: review and action by the HPO.*

1. In considering an application for a COA, the HPO must, after taking into consideration the criteria for evaluating appropriateness, either approve, deny, or refer the application to the HCLC within 30 calendar days after determining that the application is complete, or as soon thereafter as is reasonably practicable.

2. The HPO may approve the application for appropriateness with or without conditions.

3. The HPO is not required to provide notice to the public of applications for appropriateness for which the HPO has jurisdictional review authority, unless the HPO refers such an application to the HCLC for review.

c. *Step 2b: review and action by the HCLC.*

1. *Public hearing required.*

i. All applications requiring review and a COA by the HCLC must be considered by the HCLC at its next available public hearing after the application has been determined to be complete by the HPO, or as soon thereafter as is reasonably practicable.

ii. If an applicant is appealing a decision of the HPO, then such review by the HCLC must be considered by the HCLC at its

next available public hearing after the Fort Worth city secretary and the HPO receive the applicant's notice of appeal, or as soon thereafter as is reasonably practicable.

2. *Consultation meeting.* For COA applications involving demolition or relocation where the city is not the applicant, the HPO will coordinate a consultation meeting at the historic property that is the subject of the demolition or relocation, or another location agreed upon by the meeting attendees. The meeting must include the applicant, property owner(s), city staff, and interested parties. The purpose of the meeting is to consult, in good faith, in a diligent effort to seek alternatives to demolition or relocation. This requirement is not considered a prerequisite to the demolition or relocation of a particular historic property if the HPO has diligently pursued such meeting to no avail.

3. *Notice of public hearing.* The HPO must mail a notice of public hearing to the property owner(s) located within 200 feet of the property listed on the application for a COA at least ten calendar days prior to the HCLC hearing for which it will appear.

4. *Decision of the HCLC.* The HCLC must conduct a public hearing on the applicant's request for a COA, taking into consideration the applicable criteria for evaluation.

i. For properties designated or pending designation as HSE or HC, the HCLC must approve the case, with or without conditions, deny the case, with or without prejudice, or continue the case to a date certain.

ii. For properties designated or pending designation as DD, the HCLC must approve the COA, subject to any delay or conditions imposed.

d. *Step 3. written decision for a COA.* All decisions of the HPO and the HCLC concerning a COA must be in writing and state the decision and any findings necessary to support such decision. The HPO must mail a written copy of any decision to the applicant within 30 calendar days after such decision has been rendered.

(5) *Conditions for issuance of a COA for demolition and relocation.*

a. *HSE and HC.* As a condition for the issuance of a COA for demolition or relocation of a historic property designated or pending designation as HSE or HC, the HCLC or HPO, as appropriate, may require any of the following:

1. Preparation of a salvage plan;

2. Documentation of the historic property;

i. Photographs of the historic property or features to be demolished;

ii. Written documentation of the significance of the historic property; and

iii. Documentation that the site has been rezoned, replatted, variances granted, or that other development requirements have been met.

3. Scaled drawings of the floor plan and exterior elevations;

4. Scaled plan indicating the dimensions of the site and exact location of each structure, property, and landscape feature on the site;

5. Preservation of trees, shrubs, and other landscaping of substantial significance; and

6. Any other information that the HCLC or HPO, as appropriate, may deem reasonably necessary to record the proposed demolition or relocation, such as documentation in accordance with the Historic American Building Survey or Historic American Engineering Record.

b. *DD.* Owners of historic property designated as DD who have received a permit to demolish or relocate such property must document such historic property in accordance with the Historic American Buildings Survey Documentation Standards prior to the demolition or relocation. The owner must coordinate with the HPO in documenting such property. Such owners must grant access to the property to city staff during reasonable business hours to facilitate such documentation.

(6) *Additional requirements for demolitions and relocations.*

a. Upon verification by the HPO that the approved demolition or relocation has occurred, the HPO will prepare the following applications (where applicable):

1. For demolitions, an application to remove the historic designation from the property.

2. For relocations, an application to remove the historic designation from the vacant lot and designate the new lot where the historic structure has been moved, which designation must be equal to or better than the existing designation on the historic property.

b. For relocations, a permit may not be issued for the development of the vacated lot until the rehabilitation of the relocated historic structure has occurred.

c. The owner of a relocated historic property must stabilize and substantially rehabilitate the historic property within nine months from the date of approval. If the owner fails to meet the nine-month term, then the HPO may extend the deadline an additional six months. If a property owner fails to meet the applicable deadline, the city may pursue any and all available remedies, including, but not limited to, those set forth in the penalties section of this Historic Preservation Ordinance.

(7) *Effect of a denial for COA.*

a. When an application for a COA has been denied with prejudice and all appeals have been exhausted, or when an applicant has withdrawn an application for appropriateness after such application has been scheduled for hearing before the HCLC, no new application of like nature will be accepted by the HPO or scheduled for a hearing before the HCLC for a period of 12 months following the final date of denial or withdrawal, unless the application is denied without prejudice. Any denial by the HCLC will constitute a denial with prejudice unless the HCLC specifically states on the record that the denial is without prejudice.

b. *Exception.* If an applicant submits an application for a COA for the same Historic Property that sets forth substantially different changes to that property than those changes that were denied with prejudice or withdrawn in the original application, then the HPO may waive the mandatory delay period and authorize the acceptance as a new application to be considered anew in accordance with the process set forth in this Historic Preservation Ordinance.

(8) *Expiration of a COA.* If, within two years from the date of the issuance of a COA, the historic property owner has not begun construction as evidenced by issuance of a building permit or a written contractual obligation to undertake a program of on-site construction, then such COA will expire. If the work for which a COA is approved is not completed within 3 years from the date that the COA is issued, then the COA will expire. The HCLC may grant extensions to allow the applicant to complete the work if it finds by a preponderance of the evidence unusual and compelling circumstances justifying relief from the completion deadline.

(9) *Other permits required.* Any COA required by this Historic Preservation Ordinance will be in addition to any other permits, variances, or approvals required by local, state, or federal law, and must be obtained prior to the approval of any building, demolition, relocation or other permit that is required by any code or ordinance of the City of Fort Worth.

(10) *Enforcement.*

a. All work performed pursuant to any approvals granted in this Historic Preservation Ordinance, including, but not limited to, a COA, must conform to the requirements set forth in this Historic Preservation Ordinance.

b. The HPO must periodically inspect any such work to ensure compliance. The building official must issue a stop-work order for any work that is not in compliance with this Historic Preservation Ordinance and all such work must immediately cease. No further work can be undertaken on a project while a stop-work order is in effect, except at the discretion of the HPO where work is deemed to not require a COA or other review as provided by this Historic Preservation Ordinance.

c. Within ten business days after receiving a stop-work order, a property owner must submit an application for all necessary approvals. Where a property owner fails to submit such application within the required time period, the City may pursue any and all available remedies, including, but not limited to, those set forth in the penalties section of this Historic Preservation Ordinance.

(e) *Unreasonable economic hardship.*

(1) *Declaration of unreasonable economic hardship.* The HCLC may declare that an unreasonable economic hardship exists as a basis for:

a. Recommending removal of a designation for historic property; or

b. Issuing a COA approving the demolition of historic property designated or pending designation as HSE or HC.

(2) *Burden of proof.* When a claim of unreasonable economic hardship is asserted, the historic property owner must prove the following by a preponderance of evidence:

a. The historic property is incapable of earning a reasonable rate of return in its current or rehabilitated state, regardless of whether that return represents the most profitable return possible, unless the HSE, HC, or DD designation, as applicable, is removed or the proposed demolition is allowed;

b. The historic property cannot be reasonably adapted for any other feasible use, whether by the current owner or by a purchaser, which would result in a reasonable rate of return; and

c. The historic property owner has demonstrated reasonable, good faith efforts to find a purchaser or tenant interested in acquiring or leasing the historic property.

(3) *Proof of hardship.*

a. The information to be considered as evidence of an unreasonable economic hardship must include, at a minimum, the following items, all of which must be submitted to the HPO as part of an application asserting an unreasonable economic hardship.

1. For all structures and property:

i. The original purchase price of the structures and property;

ii. The name and legal status (e.g., partnership, corporation) of the owner(s);

iii. For proposed demolitions, a signed building assessment report from a licensed engineer or contractor, with experience in rehabilitation, as to the structural soundness of any structures on the historic property and their suitability for rehabilitation and including a cost estimate for repairs;

iv. A cost estimate for demolition;

v. The past and current use of the historic property;

vi. The assessed value of the historic property according to the two most recent tax assessments;

vii. The amount of real estate taxes on the property for the previous two years;

viii. The date of purchase or other acquisition of the historic property;

ix. Principal balance and interest rate on the current mortgage and the annual debt service on the historic property, if any, for the previous two years;

x. All appraisals obtained by the owner or applicant within the previous two years in connection with the owner's purchase, financing or ownership of the historic property;

xi. Any listing of the historic property for sale or rent, asking price, and offers received;

xii. Any consideration given by the owner to profitable adaptive uses for the historic property;

xiii. Any replacement construction plans for proposed improvements on the historic property;

xiv. Financial proof of the owner's ability to complete any replacement project on the historic property, which may include, without limitation, a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution; and

xv. Proof that the owner's affirmative obligations to maintain the historic property make it impossible for the owner to realize a reasonable rate of return on the historic property.

2. Additional requirements for an income producing historic property:

i. Annual gross income from the property from the previous two years;

ii. Itemized operating and maintenance expenses from the previous two years; and

iii. Annual cash flow, if any, from the previous two years.

3. The HCLC or HPO may require that an applicant furnish additional information relevant to a determination of unreasonable economic hardship.

b. Claims of unreasonable economic hardship by the historic property owner must not be based on conditions resulting from the following:

1. Evidence of demolition by neglect or other willful and negligent acts by the owner;

2. Purchasing the property for substantially more than market value at the time of purchase;

3. Failure to take into account historic properties in the planning and design stage of development or proposed development;

4. Failure to perform normal maintenance and repairs;

5. Failure to diligently solicit and retain tenants; or

6. Failure to provide normal tenant improvements.

(4) *Unreasonable economic hardship for HC Districts.*

a. Where an individual historic property in a HC District is demolished pursuant to a COA issued as a result of an unreasonable economic hardship, then the historic property that was the subject of the COA for demolition must retain its designation as a historic property within the HC District and will be subject to all requirements for historically designated property that are set forth in this Historic Preservation Ordinance.

b. HC District designation can only be removed from the entire HC District in accordance with the process for removal of historic designations set forth in this Historic Preservation Ordinance.

(f) *Historic site tax exemption.*

(1) *Purpose and intent.* The purpose of this section is to set out the parameters that encourage the appropriate treatment of historic properties through the use of tax exemptions. With the exception of historic site tax exemptions of the entire assessed value of a particular structure, the intent of the historic site tax exemption is and has always been for the property receiving the tax exemption to be in the same position vis-à-vis City of Fort Worth taxes for the entire term of the exemption, assuming that market values are generally increasing.

(2) *Authority.* The tax exemption described in this section is adopted pursuant to the authority provided in Article 8, Section 1-f of the Texas Constitution and Tex. Tax Code § 11.24. In accordance with Tex. Tax Code § 11.24, a structure that is individually designated as HSE or HC or located in a HC District, and the land necessary for access to and use of the structure, is deemed to be a historically significant site in need of tax relief to encourage its preservation.

(3) *Pre-existing historic site tax exemptions.*

a. Any application for a historic site tax exemption submitted on or after May 1, 2018 will be governed by the provisions of this § 4.401(f) of the Historic Preservation Ordinance. An application for a historic site tax exemption that was submitted prior to May 1, 2018 will receive consideration under the ordinance then in effect; provided, however, that any application for a historic site tax exemption that was received by the HPO on or before December 31, 2015, and that does not receive approval and verification of a tax exemption that commences on January 1, 2019, will automatically expire without further notice to the applicant.

CITY OF MINEOLA

ARTICLE IV. HISTORIC DISTRICTS AND LANDMARK ZONING[1]

Sec. 8-129. Purpose.

The city council does hereby declare that as a matter of public policy the protection, enhancement, and perpetuation of districts and landmarks of historical and cultural importance and significance are necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that the historical resources of the city represent the unique confluence of time and place that have shaped the identity of generations of citizens, collectively and individually, and these resources constitute the heritage of the citizens of the city. This act is intended:

(1) To perpetuate, protect, enhance and preserve the historic districts and landmarks which represent distinctive elements of the city's historic, architectural, social, and economic, ethnic, and political heritage and to develop appropriate settings for such places;

(2) To safeguard the city's historic and cultural heritage, as embodied and as reflected in such historic landmarks, by application of appropriate procedures;

(3) To stabilize and improve property values in such locations;

(4) To foster civic pride in the beauty and accomplishments of the past, and to promote the use of historic landmarks for the cultural prosperity, education and general welfare of the people of the city;

(5) To strengthen the economy of the city and to protect and enhance the city's attractions to tourists and visitors, as well as provide support and stimulus to business and industry;

(6) To provide assistance to property owners and tenants as well as civic organizations, concerned with historic preservation;

(7) To provide property owners opportunity to reject historic landmark designation by written request to the historic landmark commission and to the city council. This request is subject to a 60-day review by the historic landmark commission before it becomes effective, and no penalties apply within a historic district. Appeals to rejection shall be handled as provided in section 8-134(f).

(Code 1977, § 6-151; Ord. No. 94-8-8(2), § 1, 12-18-2000)

Sec. 8-130. Penalties.

Failure to apply for a certificate of appropriateness or failure to apply for a demolition permit shall be deemed a violation, and the violator shall be liable for a misdemeanor charge and shall be subject to a fine of not less than $10.00 and no more than $200.00 for each day the violation continues. For the purpose of this article, each day during which there exists any violation of any provision herein shall constitute a separate violation of such provisions.

(Code 1977, § 6-161; Ord. No. 94-8-8(2), § 11, 12-18-2000)

[1]State law reference(s)—Requirements for certified local governments to designate and protect historic properties, 13 Tex. Admin. Code § 15.6(f).

Sec. 8-131. Historic landmark commission.

There is hereby created a commission to be known as the Mineola Historic Landmark Commission. Membership and power of the commission shall be as follows:

(1) The historic landmark commission shall consist of nine people to be appointed by the City Council who have demonstrated an interest in the history of the city. All members must be eligible to vote within the Mineola Independent School District.

d. Ex officio members shall include:

2. The city historical preservation officer.

(2) All historic landmark commission members, regardless of background, shall have a known and demonstrated interest, competence, or knowledge in historic preservation within the city.

(3) The historic landmark commission as a whole shall represent the ethnic makeup of the city.

(4) Historic landmark commission members shall serve for a term of three years, with appointments being staggered. The staggered terms shall be as follows: Beginning with the first appointments, occurring after the adoption of the ordinance from which this article is derived, four members being appointed the first year, three members being appointed the second year and two members being appointed the third year after which the process repeats itself.

(5) The chairman, vice-chairman, and secretary of the historic landmark commission shall be elected by and from the members of the historic landmark commission.

(6) The mayor and city council shall appoint a city staff person as the preservation officer for the city for the purpose of maintaining communication with the state historical commission.

7 Any member who misses three consecutive meetings without advance notification to the chairman or historic preservation officer will be replaced.

(8) Eligibility for board members are subject to this Code.

(9) The powers of the historic landmark commission shall include:

a. Preparation of rules and procedures as necessary to carry out the business of the historic landmark commission;

b. Recommending adoption of criteria for the identification of historic, architectural, and cultural landmarks, and the delineation of historic districts;

c. Conducting surveys and maintaining and updating an inventory of historic, architectural, archaeological, cultural landmarks and historic districts;

d. Recommending the designation of resources as landmarks and historic districts;

e. Creating committees from among its membership;

f. Maintaining written minutes which record all actions taken by the historic landmark commission and the reasons for taking such actions;

g. Recommending conferral of recognition upon the owners of landmarks or within districts by means of certificates, plaques, or markers;

h. Increasing public awareness of the value of historic, cultural, and architectural preservation by developing, participating in public education programs;

i. Making recommendations to the city council concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and historic districts within the city;

j. Approving or disapproving certificates of appropriateness pursuant to this article, which, if denied, may be appealed by the applicant to the City Council;

k. Preparing specific design guidelines for the review of landmarks and historic districts;

m. Reviewing informally annually the conditions of the properties and possible future needs.

n. Make recommendations to the City Council concerning applications for certificates of demolition or relocation pursuant to this Article.

(10) The historic landmark commission shall set meeting times and dates by majority vote of the board members. Special meetings may be called at any time by the chairman, preservation officer, or on the written request of any two historic landmark commission board members. All meetings shall be held in conformance with the Texas Open Meeting Act.

(11) A quorum for the transaction of business shall consist of the majority of the voting board of the historic landmark commission.

(12) The historic landmark commission shall serve at the pleasure of, be appointed by, and shall be held accountable and governed by the city council.

(Code 1977, § 6-152; Ord. No. 94-8-8(2), § 2, 12-18-2000)

State law reference(s)—Requirements for historic review commission, 13 Tex. Admin. Code § 15.6(f)(3).

Sec. 8-132. Designation of landmarks or historic districts.

(a) *Power to designate.* The city council may designate by zoning ordinance certain buildings, sites, structures, and objects as historic landmarks, if requested by the owner, and certain areas as historic districts. Such landmarks and districts shall bear the words historic planned development (HPD) in their zoning designation.

(b) *Recommendation and designation.*

(1) The historic landmark commission may recommend to the planning and zoning commission and the city council a building, site or structure to be designated a landmark. Property owners of a proposed landmark or within a proposed historic district shall be notified prior to the historic landmark commission's hearing on the designation. At the historic landmark commission's public hearing, the city council, owners, and interested parties may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic landmark or district. The record also may contain staff reports, public comments, or other evidence offered outside of the hearing.

(2) The historic landmark commission shall make its recommendation on the proposed historic landmark or district to the planning and zoning commission which shall give notice, conduct its hearing, and make recommendations to the city council in the same manner and according to the same procedures as specifically provided in the general zoning ordinance of the city within 45 days of receipt of such recommendation. The city council shall give notice, follow the publication procedure, hold hearings, and make its determination as required by law within 45 days of receipt of such recommendation.

(3) Upon designation of an area as a historic landmark or district, the designation shall be recorded in the Official Public Records of Real Property of Wood County, the tax records of the city, and the official zoning maps of the city. All zoning maps should indicate historic landmarks and districts which shall be identified as HPD historic planned development overlay district shall meet the requirements of this article and the general zoning ordinances of the city.

(4) A historic landmark or district may be designated if it:

a. Possesses significance in history, architecture, archeology, or culture of the city, state, or nation.

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.

d. Embodies distinctive characteristics of a type, period, or method of construction.

e. Represents the work of a master designer, builder, or craftsman.

f. Represents an established and familiar visual feature of the city.

(c) *Criteria for designation.*

(1) The historic landmark commission may recommend a district or individual landmarks to the city council if it:

a. Contains properties which meet one or more of the criteria for designation of a landmark.

b. Constitutes a district section of the city.

(2) The boundaries of each historic district designated henceforth shall be specified in detail and shall be filed, in writing, in the city secretary's office for public inspection.

(3) Individual historic landmark designation is based on the same criteria as that used by the National Register of Historic Places.

(d) Power to Exclude

An owner of property designated by Zoning Ordinance as a historic landmark or area included in a historic district shall have the ability to request a zoning change to remove the property from the historic district and/or de-designate the property as a historic landmark. Any such request shall be in accordance with all required procedures found within the City of Mineola's Zoning Ordinance concerning amendments to a zoning district.

(Code 1977, § 6-153; Ord. No. 94-8-8(2), § 3, 12-18-2000)

Sec. 8-133. Certificate of appropriateness for alteration or new construction affecting landmarks or historic districts.

No person shall carry out any exterior alteration, restoration, reconstruction, or new construction within a historic district, nor shall any person make any change in the appearance of such a property, its colors, light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public right-of-way which affect the appearance and cohesiveness of the historic landmark or district, without first applying for a certificate of appropriateness from the historic landmark commission.

(Code 1977, § 6-154; Ord. No. 94-8-8(2), § 4, 12-18-2000)

Sec. 8-134. Certificate of appropriateness application procedure.

(a) Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall file an application for such a certificate with the historic landmark commission. The historic landmark commission shall, if requested, aid the property owner in preparation and completion of the application. The application form shall request the following:

(1) The name, address, and telephone number of the applicant, and detailed description of the proposed work.

(2) The location and photographs of the property and adjacent properties. Historical photographs also may be helpful.

(3) Elevation drawings of the proposed changes.

(4) Samples of materials to be used, to include paint samples and information of any materials to be used that differ from existing or original materials.

(5) If the proposal includes signs or lettering, a scale 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.

(6) A site plan if site modifications are requested.

(7) No synthetic, unless 50 years of age.

(8) Any other reasonable information, which the historic landmark commission may deem necessary in order to visualize the proposed work.

(b) No building permit shall be issued until an application for certificate of appropriateness has been approved by Landmark Commission and if denied, may be acted on by the City Council upon request of the applicant.

(c) The historic landmark commission shall take into consideration the current needs of the property owners, the architectural significance, and shall be sensitive to the property owner's financial condition.

(d) The historic landmark commission shall take action on the completed application within 60 days **of** receipt of the completed application. At which time an opportunity will be provided for proponents and opponents of the application to present their views. Said public hearing shall be held within 60 days of the date of the application.

(e) No change shall be made in the application of any building permit after issuance of a certificate of appropriateness without resubmitting to the historic landmark commission and approval thereof in the same manner as provided in subsection (b) of this section.

(f) All recommendations of the Historic Landmark Commission shall be in writing, with a copy sent to the applicant, and filed with the City Secretary's office. All recommendations of the Historic Landmark Commission shall state the reasons for said recommendations.

(Code 1977, § 6-155; Ord. No. 94-8-8(2), § 5, 12-18-2000)

Sec. 8-135. Demolition permit.

(a) An application seeking a permit for the demolition or relocation of a historic landmark, or property within a historic district, shall be filed with the Historic Landmark Commission. The Landmark Commission shall review a completed application for demolition or relocation with 60 days of receipt of the completed application. he recommendation from the Landmark Commission concerning said application for demolition shall be made to the City Council within seven days following its review, with said recommendation being filed with the City Secretary. A copy of the recommendation shall be sent by registered mail to the applicant.

(b) In making its recommendations to the City Council, the Historic Landmark Commission shall consider the state of repair of the building, reasonableness of the costs of restoration or repair, the existing and/or potential usefulness, the purpose behind preserving the structure as a historic landmark, the character of the neighborhood, and all factors it finds appropriate. All recommendations of the Historic Landmark

Commission concerning an application for a demolition or relocation certificate shall state the reasons for the recommendations.

(c) After a recommendation from the Historic Landmark Commission is made concerning an application for a demolition or relocation certificate, the City Council shall act upon said recommendation within 60 days of filing with the City Secretary. The City Council's decision concerning said application is final.

(Code 1977, § 6-156; Ord. No. 94-8-8(2), § 6, 12-18-2000)

Sec. 8-136. Compliance.

All work performed pursuant to a certificate of appropriateness and/or demolition or relocation certificate issued under this Article shall conform to all laws, ordinances and requirements which may be included herein. It shall be the duty of the building inspector and/or code enforcement officer to inspect periodically any such work to ensure compliance. In the event work is found that is not being performed in accordance with all applicable laws, ordinances and/or requirements included herein or, upon notification of such fact by the Landmark Commission, the building inspector and/or code enforcement 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 order is in effect. A decision shall be made by the Historic Landmark Commission concerning the stop work order within 48 hours, excluding weekends and holidays.

(Code 1977, § 6-157; Ord. No. 94-8-8(2), § 7, 12-18-2000)

Sec. 8-137. Ordinary maintenance.

Nothing in this article shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district which does not involve a change in design, material, color or outward appearance. In-kind replacement or repair is included in the definition of ordinary maintenance. The plan for cleaning of the exterior of a designated landmark shall be submitted to the historic landmark commission for review when the means to be used may change the exterior of said building. The building inspector and/or code enforcement officer shall be authorized to issue a stop work order if the owner's planned activity exceeds ordinary maintenance and repair. In this instance a decision concerning the need for a certificate of appropriateness shall be decided within 48 hours, excluding weekends and holidays, by the historic landmark commission. If a certificate of appropriateness is deemed necessary, the standard rules for its procedures shall apply.

(Code 1977, § 6-158; Ord. No. 94-8-8(2), § 8, 12-18-2000)

II.
REPEALER

Any and all Ordinances of the City of Mineola, Texas in conflict with the provisions of this Ordinance shall be and the same are hereby repealed, and all other provisions of the Ordinances of the City of Mineola not in conflict with the provisions of this Ordinance shall remain in full force and effect.

III.
Severability

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, subsections and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause subsection or phrase of this Ordinance shall be declared unconstitutional by the judgment or decree of any court

of competent jurisdiction, such unconstitutionality or illegality shall not affect any of the remaining sections, paragraphs, sentences, clauses, subsections and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional or illegal section, paragraph, sentence, clause, subsection or phrase.

IV.
EFFECTIVE DATE

This ordinance shall become effective immediately upon its passage and approval by the City Council for the City of Mineola, Texas.

PASSED and APPROVED by the City Council for the City of Mineola, Texas this _____day

of _____, 2022.

APPROVED BY:

Jayne Lankford, Mayor

ATTEST:

Cindy Karch, City Secretary

§ 9.05.009. Demolition permits.

(a) Review of application. A demolition permit for a structure within a historic district, or an individual landmark, shall not be issued by the director of community development until review and issuance of a completed certificate of appropriateness application by the commission. The director shall not forward the application to the commission until it is complete; the following information must be supplied by the applicant before the application is considered complete:

(1) Information describing the condition of the structure;

(2) Estimated cost of restoration or repair;

(3) Demonstration that the adaptive use or restoration of the structure has been seriously considered;

(4) Any available historic records of the building, including drawings, photographs, or other similar material;

(5) Architectural drawings for any proposed new construction which is intended to replace the historic structure;

(6) Any conditions proposed to be voluntarily placed on new development that would mitigate the loss of the landmark structure;

(7) Any other information the director of community development finds appropriate for the commission to render a decision on the application.

(b) Public hearing on application. The commission shall hold a public hearing on the application within thirty (30) calendar days of receipt of the completed application, at which time proponents and opponents of the application may present their views. The commission may seek expert assistance in the field(s) of real estate development, appraisal, financing, and other related disciplines to review the application. The applicant shall consult in good faith with the commission, interested local groups, and individuals in a diligent effort to investigate alternatives that will result in preservation of the property.

(c) Granting or denial of application. If the historic preservation commission determines that in the interest of preservation the structure should not be removed or demolished, it shall deny the application and seek alternatives that may result in preservation of the structure. If the commission determines that [in] the interest of preservation, demolition or removal of the structure will not create an adverse effect, it shall issue the certificate of appropriateness for demolition.

(d) Decision of commission. A copy of the decision shall be forwarded to the director of community development and to the applicant within ten (10) calendar days of the public meeting and a copy shall be filed with the city clerk. All decisions shall be in writing.

(e) Time limit for finding alternative. If after one hundred eight (180) calendar days the commission has not successfully found a purchaser or otherwise determined a process by which the property might be preserved, the building official shall issue the

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demolition permit.

(f) Exemption for orders of building and standards commission. This section shall not apply to applications for demolition permits filed pursuant to orders of the building and standards commission issued pursuant to article 4.03 of this code.

(Ordinance 2002-033, sec. 5, adopted 6/17/02 ; 1988 Code, sec. 7-159)

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