

The purpose of this unofficial document is provide a user-friendly, consolidated format of adopted regulations in the City of Plano Heritage Preservation Ordinance. For an official copy, refer to Article VI, Chapter 16 of the City of Plano Code of Ordinances.

Heritage Preservation Ordinance



September 1, 2021

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16-101. General and Purpose.

(a) **Purpose.** The City Council of the City of Plano hereby finds and declares as a matter of public policy that the preservation of the city's heritage, including the recognition and protection of historic landmarks and icons, promotion of the historic culture, enhancement of the public's knowledge of the city's historical past, and development of civic pride in the beauty and noble accomplishments in the past, is a public necessity and is required in the interest of the culture, prosperity, education, and welfare of the people. The aspirations of this article are to:

- (1) Safeguard the city's history and culture by promoting the value and importance reflected in recognizing founders of the city, establishing historic landmarks, teaching the evolution of the area, and fostering general heritage preservation;
- (2) Protect, enhance, and perpetuate historic resources and districts which represent or reflect distinctive and important elements of the city's cultural, social, economic, political, archaeological, and architectural history;
- (3) Promote the city's heritage by educating and attracting tourists and visitors while providing incidental support and stimulus to business and industry;
- (4) Enhance and protect property values, recognize the owner's property rights, promote economic development, and foster sustainability;
- (5) Promote the city's heritage by encouraging the use of historic resources;
- (6) Promote economic prosperity and welfare of the community by encouraging the most appropriate use of historic properties within the city;
- (7) Increase historical awareness, including educating the youth of the city, in order to strengthen the culture, prosperity, and welfare of local citizens and visitors to the city;
- (8) Encourage stabilization, restoration, maintenance, and improvements of such properties; and
- (9) Provide input and advice to the City Council regarding matters of heritage preservation.

(b) **Fees, Forms, and Procedures.** City Council may establish a schedule of fees as required to recoup costs related to the administration of this ordinance. The Director of Planning may establish procedures, forms, and standards with regard to the content, format, and number of copies of information constituting an application under this ordinance.

16-102. Enabling Authority.

This article is enabled by Sections 211.001 and 211.003 of the Texas Local Government Code:

211.001 Purpose

The powers granted under this subchapter are for the purpose of promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural or architectural importance and significance.

...

211.003 Zoning Regulations Generally

The governing body of a municipality may regulate:

...

(b) In the case of designated places and areas of historical, cultural or architectural importance and significance, the governing body of a municipality may regulate the construction, reconstruction, alteration, or razing of buildings and other structures.

...

16-103. Definitions.

(Ordinance No. 2019-8-5; Ordinance No. 2021-8-2)

Accessory Building means a structure or use that is clearly subordinate to and functionally related to the primary building or use, which contributes to the comfort, convenience, or necessity of occupants of the primary building or use on the same platted lot. An Accessory Building does not include a Landscape Feature.

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

Building means a resource created principally to shelter any form of human activity.

Certificate of Appropriateness (CA) means a signed and dated document evidencing the approval of the Heritage Commission or Heritage Preservation Officer when he or she is authorized to approve such certification, for work proposed by an owner or applicant that is subject to this Ordinance.

Certified Local Government (CLG) means a local government certified or recognized by the State Historic Preservation Office (SHPO) and the National Park Service (NPS), as an active partner in the Federal Historic Preservation Program with a demonstrated commitment to preserve, protect, and increase awareness of cultural heritage found in the built environment.

Compatible Structure means a structure within a heritage district that was substantially constructed after the district's period of significance, but fits within the existing character of the heritage district to reflect existing buildings in massing, height, scale, material, roof, color, architectural details, and general appearance, or is built in accordance with an approved Certificate of Appropriateness (CA).

Contributing Structure means a structure within a heritage district that was substantially constructed within the district's period of significance and retains a significant amount of its physical integrity and character-defining features including location, setting, design, construction, workmanship, or association with historical persons or events.

Delegation of Duties means the list of duties that are delegated to the Heritage Preservation Officer by the Heritage Commission, as amended from time to time.

Demolition means 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.

Demolition by Neglect means allowing a structure, whether intentional or unintentional, to fall into such a state of disrepair that it becomes necessary or desirable to demolish it.

Demolition Delay means suspension by the City of Plano of an application for removal or demolition of a structure.

Design Standards means guidelines adopted by the City Council to provide direction in making determinations that proposed actions are in compliance with this ordinance and consistent in maintaining the historic character of the structure, district, and city.

Designation or Heritage Designation means approval of an “H” or “HD” zoning overlay district on a property or group of properties in combination with the underlying (base) zoning district.

Heritage Commission or Commission means the Heritage Commission of the City of Plano.

Heritage District or Heritage Resource District (HD) means an area which includes two (2) or more structures or sites, together with their accessory buildings, fences, and other appurtenances that are of historical, cultural, archaeological, or architectural importance, and that has received designation from the Plano City Council as a unified district. A heritage district may have within its boundaries contributing, compatible, and noncontributing structures. A Heritage District or Heritage Resource District is a local historic district under Texas Local Government Code Section 211.0165, as amended.

Heritage Landmark or Individually Designated Heritage Resource (H) means a structure, site, or landmark, together with its accessory buildings, fences, and other appurtenances, of historical, cultural, archaeological, or architectural importance that has received designation from the Plano City Council on its own and not as part of a heritage district. It may or may not also be located within a heritage district as part of a separate designation. A Heritage Landmark or Individually Designated Heritage Landmark is a local historic landmark under Texas Local Government Code Section 211.0165, as amended.

Heritage Preservation or Historic Preservation means the identification, evaluation, recordation, documentation, acquisition consistent with the Fifth Amendment of the United States Constitution, protection, management, repairs, rehabilitation, restoration, stabilization, maintenance, and reconstruction of historic structures or property, or any one or more of the foregoing activities.

Heritage Preservation Officer (HPO) means a staff person for the City of Plano whose duties encompass all heritage preservation activities for the city as established in accordance with Section 16-106 of the Code of the City of Plano.

Heritage Preservation Plan or Preservation Plan means a document created by the Heritage Commission to provide a current inventory of heritage resources, a list of potential heritage resources, and to make policy recommendations to guide heritage preservation activities for the City of Plano.

Heritage Resource means a property or properties designated by the City Council as a Heritage Landmark (H) or Heritage District (HD).

Heritage Resource Survey means a comprehensive survey involving the identification, research, and documentation of buildings, sites, and structures of any historic, cultural, archaeological, or architectural importance.

Landscape Feature means an outdoor enhancement for recreational or aesthetic use.

Maintenance means any work for which the purpose and effect of which is to correct or protect with least degree of intervention any deterioration or decay of or damage to a structure or property, or any part thereof, and to repair or replace the same, as nearly as may be practicable, to avoid any further deterioration, decay, or damage, using the same materials or those materials available which are as close as practicable to the original and all of which must comply with applicable codes and ordinances. Maintenance does not include a change in design, material, or outward appearance, but does include in-kind repairs or replacements.

Minor In-kind Repairs or Replacements means small-scale repairs or replacements to correct minor problems or damage to the exterior of a structure or building, not including a change in design, material, or outward appearance. Examples that satisfy this definition include, but are not limited to touch up painting, spot replacement of shingles, replacement of a windowpane, caulking, and securing loose boards.

National Register of Historic Places means the nation's official list of buildings, districts, and sites, including structures and objects, significant in American history and culture, architecture, archeology, and engineering maintained by the National Park Service and administered on a state-wide basis by the Texas Historical Commission.

National Historic Landmark means a nationally significant historic place designated by the Secretary of the Interior for its exceptional value or quality in illustrating or interpreting the heritage of the United States.

Non-Contributing Structure means a structure within a heritage district that was substantially constructed after the district's period of significance and is not an integral part of the historic, archaeological and architectural fabric of the district or the city, or was substantially constructed within the district's period of significance and does not retain a significant portion of its architectural or design integrity.

Potential Heritage Resource means a property listed in the Preservation Plan that, according to preliminary research, may have historical, cultural, archaeological or architectural importance, either as an individual property or as part of larger district. A potential heritage resource has not received designation, but has the potential to become designated with further historic research, restoration, or property owner interest.

Preservation means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

Reasonable Rate of Return means a reasonable profit or capital appreciation, which may accrue from the use or ownership of a structure or property as the result of an investment or labor.

Reconstruction means the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

Recorded Texas Historical Landmark means a state designation for buildings important for their historical associations and which have retained a high degree of their original historic fabric, at least 50 years of age, and retained their original exterior appearance.

Rehabilitation means the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values.

Relocation means any change of the location of a structure, object, or material thing in its present setting to another setting.

Restoration means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

Secretary of the Interior's Standards for Rehabilitation means the standards established by the Secretary of the Interior for advising federal agencies on the preservation and rehabilitation of historic properties listed or eligible for listing on the National Register of Historic Places.

State Antiquities Landmark means a designation made by the Texas Historical Commission and, in the case of privately owned property, with the landowner's permission. This designation can include buildings as well as archeological sites. For a building to be designated as a State Archeological Landmark, it must first be listed on the National Register of Historic Places.

16-104. Heritage Commission – Established.

- (a) **Creation.** There is hereby created a Commission to be known as the Heritage Commission of the City, referred to as the "Commission" in this article.
- (b) **Members, Appointments, and Qualifications.** The Commission shall be composed of seven (7) members appointed by the City Council. The seven (7) members shall be appointed from the citizens of the City of Plano, and, if possible, consideration should be given to a property owner from each heritage district and owners of heritage landmarks. All members should have a demonstrated interest, competence, or knowledge in historic preservation, history, planning, architecture, real estate, legal, archaeology, or other related field.
- (c) **Terms.** The members serve for staggered terms of two (2) years ending on October 31; however, a member may serve until his or her successor is appointed. Vacancies shall be filled by appointment for the unexpired term only.
- (d) **Compensation.** The Commission members shall serve without compensation for their service.
- (e) **Officers.** The City Council shall appoint the chairperson of the Commission. The Commission shall designate a vice-chairperson from the appointed members.
- (f) **Removal from office.** The City Council may remove any member from the Commission at will, for any or no reason.
- (g) **Meetings.** The minutes of each meeting shall be filed in the Planning Department. All meetings of the Commission are open to the public (with the exception of Executive Sessions as allowed by the Texas Open Meetings Act). Both applicants and remonstrators may give testimony as determined by law, or in accordance with adopted by-laws, or in the discretion of the chairperson if no law or by-law applies. Notice of meetings is published by the Commission in accordance with the Texas Open Meetings Act.
- (h) **By-laws.** The Commission shall adopt the Heritage Commission Rules and Procedures to detail the duties of its officers and ensure the efficiency of its meetings.
- (i) **Abstentions.** No commissioner who is on the board of a nonprofit organization shall discuss, deliberate or vote on the nonprofit organization's application request for funding and shall abstain on all matters relating hereto.

16-105. Heritage Commission – Powers and Duties.

(Ordinance No. 2019-8-5; Ordinance No. 2021-8-2)

The Commission shall have the power to perform the following acts:

- (a) Adopt or amend Heritage Commission Rules and Procedures, as needed;
- (b) Review and take action on all Certificates of Appropriateness applications for compliance with adopted design standards pursuant to this article;
- (c) Periodically review and recommend to the City Council the update of criteria to be used in determining whether certain buildings, structures, land, areas, and districts should be designated as heritage resources;
- (d) Evaluate applications requesting the designation of a heritage resource;
- (e) Recommend to the City Council that an application be submitted to begin a city-initiated designation of a heritage resource;
- (f) Recommend conferral of recognition upon the owners of heritage resources by means of certificates, plaques, or markers;
- (g) Review and make comments to the Texas Historical Commission concerning the nomination of properties within its jurisdiction to the National Register of Historic Places;
- (h) Periodically review and recommend to the City Council the update of guidelines or standards to be used in determination of whether to grant or deny certificates of appropriateness for proposed alterations to the exterior of a heritage resource;
- (i) Make recommendations to the City Council concerning the utilization of state, federal, or private funds to promote the preservation of heritage resources within the city;
- (j) Receive, review, and recommend grant applications from area historic preservation agencies, groups, or organizations and make a recommendation to the City Council on the recipient's grant and amount to be awarded, if any;
- (k) Recommend to City Council the acceptance of donations, grants, funds, or gifts of historic property, and recommend to City Council the acquisition of heritage resources that cannot otherwise be preserved. The Commission shall not obligate the City of Plano without prior consent by City Council;
- (l) Participate in private, state, and federal historic preservation programs with the consent of the City Council;
- (m) Encourage public understanding of and involvement in the unique historical, architectural, and cultural heritage of the City of Plano through educational and interpretive programs;

- (n) Recommend incentive programs for preservation, such as tax exemptions, and administer the programs at the will of City Council;
- (o) Update the Heritage Preservation Plan subject to provisions in Section 16-108 and recommend to the City Council approval of the plan;
- (p) Present an annual report to the City Council summarizing the work completed during the previous year;
- (q) Adopt and amend the Delegation of Duties, as needed;
- (r) Conduct, review, and approve heritage resource surveys; and
- (s) Recommend approval of the designation of properties as historic landmarks and the inclusion of properties in a local historic district without property owner consent pursuant to Texas Local Government Code Section 211.0165(a-1);
- (t) Make a recommendation to the Planning and Zoning Commission and City Council on the designation of a Neighborhood Conservation District pursuant to Article 11.1000 of the Zoning Ordinance; and
- (u) Perform any task otherwise authorized by this Article.

16-106. Heritage Preservation Officer – Established.

- (a) **Creation.** There is hereby created a staff person to be known as the Heritage Preservation Officer.
- (b) **Appointment.** The City Manager, or his or her designee, shall appoint a qualified staff person, as outlined in the Secretary of the Interior’s Professional Qualification Standards, to serve as the Heritage Preservation Officer.

16-107. Heritage Preservation Officer – Powers and Duties.

The Heritage Preservation Officer shall have the power and duty to perform the following acts:

- (a) Administer this article and advise the Commission on matters submitted to the Commission;
- (b) Set deadlines for submittals to the Commission in order to assure adequate staff review time and proper notification of the Commission and general public;
- (c) Review Certificates of Appropriateness, and grant or deny same in accordance with the provisions of this article for routine maintenance and for any other action which the Commission has specifically delegated review under the Delegation of Duties or otherwise;
- (d) Coordinate the city's heritage preservation activities with those of local, state, and federal agencies as well as other municipal departments and the general public;
- (e) Submit to the Texas Historical Commission a list or inventory of designated heritage resources;
- (f) File with the appropriate county a list of designated heritage resources;
- (g) Assist in developing community outreach programs to support the heritage preservation program;
- (h) Manage reporting requirements to monitor and maintain Certified Local Government (CLG) status;
- (i) Monitor and report to the Texas Historical Commission all actions affecting any Recorded Texas Historic Landmark, State Antiquities Landmark, and National Register property, as deemed necessary;
- (j) Help maintain and update heritage resource surveys, as needed; and
- (k) Perform any task otherwise authorized by this Article.

16-108. Heritage Preservation Plan.

- (a) **Purpose.** The Preservation Plan is the guiding policy document for the city's heritage preservation program and related activities. The plan elaborates upon and works toward the goals and objectives identified in this Article and Heritage Preservation Policy of the Comprehensive Plan. The plan:
- (1) Maintains an inventory of heritage resources;
 - (2) Develops a list of potential heritage resources that have the potential to become designated with further historic research, restoration, or property owner interest;
 - (3) Develops a strategic framework which includes goals and objectives of the heritage preservation program; and
 - (4) Seeks and integrates community feedback.
- (b) **Review and Recommendation by the Heritage Commission.** The Commission will review the Preservation Plan and make a recommendation to City Council.
- (c) **Decision by the City Council for Plan Adoption.** The City Council will adopt by resolution the Preservation Plan.

16-109. Heritage Resource Surveys.

(a) **Purpose.** The purpose of completing a heritage resource survey is to identify and gather historic information on buildings, structures, and sites in the city that are at least fifty (50) years or older that may qualify for designation as a heritage resource. The Heritage Commission, Heritage Preservation Officer, or its designees, may conduct surveys for existing and potential heritage resources, as needed.

(b) **Survey Data.** Heritage resource surveys may vary in scope and detail, however all surveys should include, at a minimum, the following information for all properties within the survey:

- (1) Location of the property;
- (2) Photographs of the property;
- (3) Date of construction or approximate date of construction;
- (4) Architectural style of the structure;
- (5) Defining architectural details, including their materials, color, and condition; and
- (6) Accessory structures and landscape features.

(c) **Building Category and Integrity Evaluation.** After information for the heritage resource survey is compiled, the Heritage Commission shall review the properties surveyed to determine:

- (1) If based upon the age of the structure and its historical, architectural, or cultural significance, the buildings are historic or non-historic;
- (2) Whether the properties would be classified as contributing, compatible, or noncontributing to the surveyed area or the overall history and character of the city or other jurisdiction should the area be designated as a heritage district; and
- (3) To what extent each structure retains its key, character-defining features.

A heritage resource survey map showing the location of all potential contributing, compatible, and non-contributing structures should be included with the survey.

(d) **Approval.** The Heritage Commission shall approve the results of a heritage resource survey. Approval of a survey shall not establish any additional restrictions upon the properties within the survey, nor shall the structure categorization make any property within the survey eligible for any potential heritage tax exemptions, unless or until a property or group of properties are designated as a heritage resource through the procedure in Section 16-110 of this article.

16-110. Designation of Heritage Resources – Criteria.

- (a) **Purpose.** The purpose of designating a heritage resource is to bring it to the attention of the general public and protect it from inappropriate changes or demolition.
- (b) **Criteria for Designating Heritage Landmarks.** Any building, structure, site, or object, must be at least fifty (50) years old and must substantially comply with two (2) or more of the following:
 - (1) Possesses significance in history, architecture, archeology, or culture.
 - (2) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.
 - (3) Is associated with events that have made a significant impact in the city's past.
 - (4) Represents the work of a master designer, builder, or craftsman.
 - (5) Embodies the distinctive characteristics of a type, period, or method of construction.
 - (6) Represents an established and familiar visual feature of the city.
 - (7) Is identified with a person who significantly contributed to the culture and development of the city.
 - (8) Is a unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community, or the city.
- (c) **Criteria for Designating Heritage Districts.** A district may be designated if it includes two (2) or more structures or sites at least fifty (50) years old, together with their accessory buildings, fences, and other appurtenances that are of historical, cultural, archaeological, or architectural importance and substantially complies with all of the following:
 - (1) Contains properties and an environmental setting which meet two (2) or more of the criteria for designation of a heritage landmark;
 - (2) Constitutes a unique area of the City, such as a neighborhood or business center; and
 - (3) Contains two (2) or more properties that have been classified as contributing as part of a heritage resource survey.
- (d) **Heritage Resource Survey Map.** All proposed heritage districts shall contain a map illustrating the location of all contributing, compatible, and non-contributing properties and structures within the district as informed by the completion of a heritage resource survey.

- (e) **Original Site Construction.** Listed structures should typically remain on the original construction site. In the event that a potential heritage resource structure has been moved, the Commission shall determine if the structure can be designated. A priority listing of potential relocation sites is referenced in Section 16-116(c)(8).
- (f) **Criteria for Removing a Heritage Resource Designation.** The designation of an heritage landmark or heritage district, whether in whole or in part, may be removed if the heritage resource no longer complies with the criteria for designation in Section 16-100(b) and (c) of this Article, and:
- (1) A heritage landmark located outside of a heritage district has been relocated or involuntarily destroyed and on-site new construction would not fit within the historic character of the site or the surrounding area.
 - (2) A heritage resource located within a heritage district has been involuntarily destroyed, relocated outside of the heritage district, or has lost its historic integrity, and where removal of the designation would not create a gap, hole, or other irregular shape in the boundaries of a heritage district that would be detrimental to the existing character of the district as a whole.

16-111. Designation of Heritage Resources – Procedure.

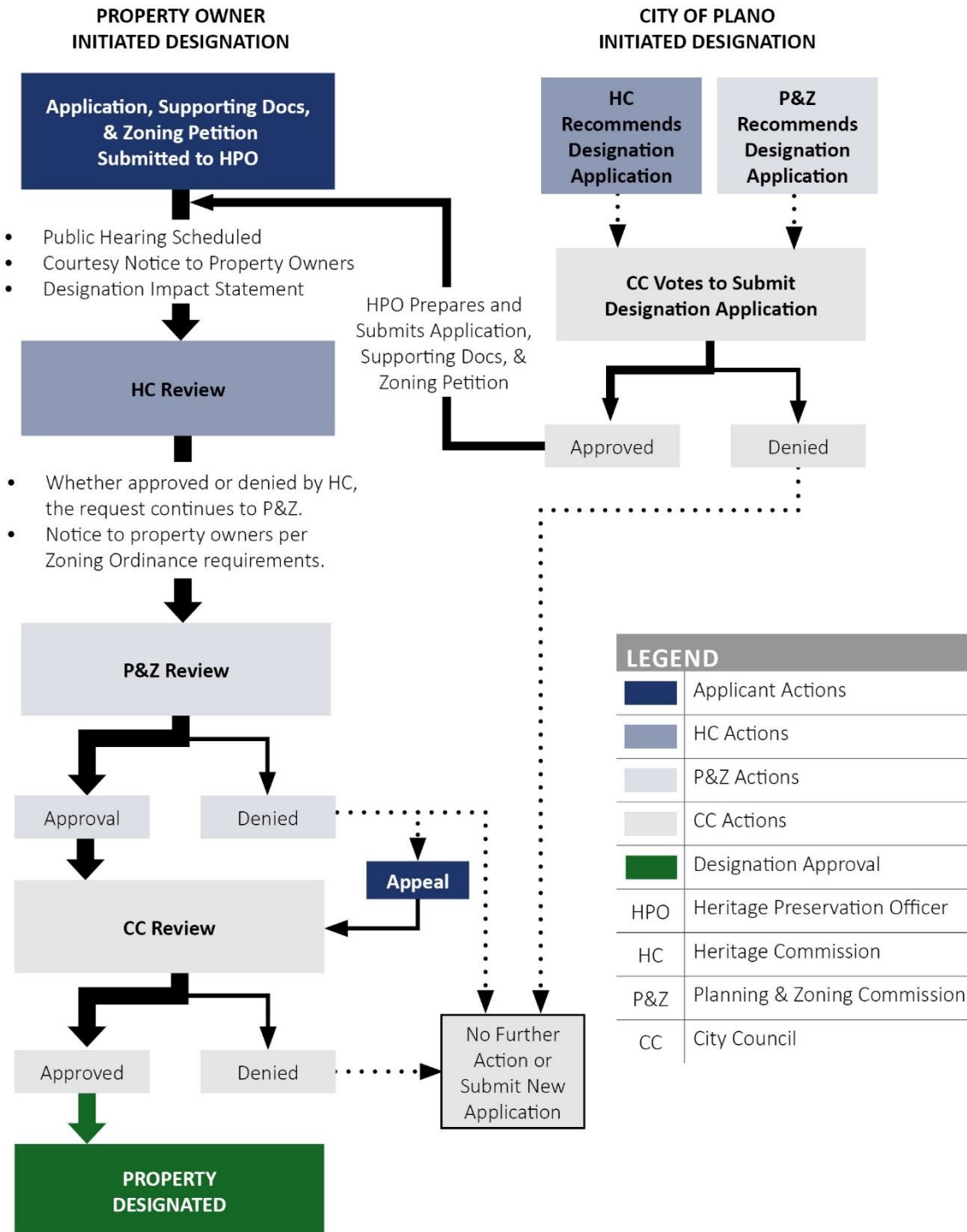
(Ordinance No. 2019-8-5; Ordinance No. 2021-8-2)

- (a) **Property Owner-Initiated Designation.** Any person or corporation having a proprietary interest in a property may submit an application to designate the property as a heritage resource or heritage district. Applications shall be made in writing on a form suitable to the Planning Department and accompanied by payment of the appropriate fee to be charged by the City of Plano, Texas, for administering the application.
- (1) *Signature Requirements – Heritage Landmarks.* Application for designation of a heritage landmark shall require the signatures of all owners of the property, or their authorized agents.
- (2) *Signature Requirements – Heritage District.* Applications for designation of heritage districts must contain the signatures of property owners, or authorized agents, of at least sixty percent (60%) of the total number of lots or parcels of land in the proposed district boundaries, as determined by the most recently approved municipal tax roll in which the district is located.
- (b) **City-Initiated Designation.** The Heritage Commission or Planning & Zoning Commission may recommend to the City Council an application be submitted to designate any property, structure, site, or district within the incorporated limits of the City of Plano as a heritage landmark or heritage district. The City Council may, on its own motion, direct city staff to initiate designation proceedings. Upon approval of such motion, the Heritage Preservation Officer shall prepare a heritage resource designation application and zoning petition on behalf of the City of Plano.
- (c) **Property Owner Consent Requirements.** Pursuant to Section 211.0165 of the Texas Local Government Code, city-initiated designation of a heritage landmark shall require:
- (1) Written consent of all property owners within the boundaries of the proposed designation, which may be withdrawn at any time in the process; or
- (2) A three-fourths vote of approval by the Heritage Commission, a review by the Planning and Zoning Commission, and a three-fourths vote of approval by the City Council.
- (d) **Heritage Resource Designation Impact Statement.** At least fifteen (15) calendar days prior to the public hearing at the Heritage Commission for designation of a heritage resource, staff shall provide the property owner(s) with a Heritage Resource Designation Impact Statement that includes:
- (1) Regulations that are authorized to be applied to the heritage resource after the designation;
- (2) Procedures for the designation;
- (3) Tax benefits that are authorized to be applied to the heritage resource after the designation, if any; and
- (4) Rehabilitation or repair programs offered by the City of Plano for a heritage resource, if any.

- (e) **Review and Recommendation by the Heritage Commission.** Upon staff's acceptance or completion of an application, the Heritage Preservation Officer shall schedule a public hearing at the next practicable Heritage Commission meeting. At least ten (10) calendar days prior to the Heritage Commission meeting, a written courtesy notice of the public hearing shall be sent to all owners of real property within 500 feet of the property or properties on which the designation is proposed. The Heritage Commission shall make a recommendation to the Planning & Zoning Commission as to whether or not the property, district, or site is eligible for heritage resource designation according to the criteria in Section 16-110 of this article and the merits of the application.
- (f) **Review and Recommendation by the Planning & Zoning Commission.** Upon receiving a recommendation by the Heritage Commission, the matter shall be scheduled by staff for a public hearing before the Planning & Zoning Commission. The matter shall proceed in the same manner as a petition for the amendment of the Zoning Ordinance. The Planning & Zoning Commission will consider the criteria for designation specified in the Zoning Ordinance.
- (g) **Decision by the City Council.** The matter shall proceed to the City Council in the same manner and in the same instances as a petition for the amendment of the Zoning Ordinance, except for the procedural requirements in Section 16-111(b). In the event that the City Council approves the amendment to the Zoning Ordinance, the property shall be designated "H" for a heritage landmark or "HD" for a heritage district. If the City Council does not approve the designation, the procedure for successive applications for petitions for the amendment of the Zoning Ordinance for a particular tract of property shall apply.
- (h) **Decision Recordation.** Upon passage by the City Council of an ordinance designating property as "H" or "HD," the City Secretary shall file a copy of the ordinance with the appropriate county clerk, in accordance with state law, and the appropriate county tax assessor, together with a written notice briefly stating the fact of the designation and shall send a copy of such notice by certified mail to the owner of the affected property. Designated properties, districts, or sites shall be governed by the comprehensive zoning ordinance of the city and the ordinance establishing the heritage resource.
- (i) **Amendment or Removal.** The same application and procedure that is followed for the designation of heritage resources shall apply for amendment or removal of the designation, except:
- (1) An owner of any individual property within a heritage district may submit an application to remove only their property from the district without requiring the signatures of at least sixty percent (60%) of the total number of lots of parcels of land within the district boundaries.
 - (2) An owner of any individual property within a heritage district may submit an application to amend the categorization of their property as contributing, compatible, or noncontributing without requiring the signatures of at least sixty percent (60%) of the total number of lots or parcels of land within the district boundaries.
 - (3) The Commission or the Heritage Preservation Officer may initiate amendments to a heritage landmark or heritage district ordinance without a motion from City Council as described in subsection (b) above.

Exhibit 1 – Summary of Heritage Resource Designation Procedure.

Date specific requirements are located in Section 16-111. In the case of a conflict between Exhibit 1 and the ordinance language, the ordinance language shall prevail.



16-112. Certificate of Appropriateness – Review Required.

- (a) **Purpose.** The intent of the Certificate of Appropriateness is to insure that the integrity and character of Plano's heritage resources are maintained.
- (b) **Review Required.** No person or entity shall carry out any construction, reconstruction, alteration, restoration, rehabilitation, stabilization, repair, site improvements, demolition, or relocation of any heritage resource which affect the exterior appearance of any structure without obtaining a Certificate of Appropriateness issued by the Commission or Heritage Preservation Officer, as appropriate, for the following types of work:
- (1) Repair (other than maintenance), reconstruction, alteration, addition, stabilization, restoration, or rehabilitation;
 - (2) New construction on real property excluding public rights-of-way;
 - (3) Material changes in any doors, roofs, windows, masonry work, woodwork, light fixtures, signs, sidewalks, fences, steps, paving, and/or other exterior elements visible from a public right-of-way which affect the appearance and compatibility of the structure or property; or
 - (4) Demolition, removal, or relocation of a heritage resource, including any accessory buildings or landscape features.
- (c) **Maintenance and Minor In-kind Repair and Replacements.** Nothing in this article should be construed to prevent maintenance or minor in-kind repair of any exterior architectural feature of a heritage landmark or structure located in a heritage district. Repairs shall be made in accordance with the design standards established by the City Council.
- (d) **Emergency Repair.** If a heritage resource is unexpectedly damaged and the Heritage Preservation Officer determines that additional deterioration is likely to occur without immediate repair, the Heritage Preservation Officer may authorize the property owner, or agent on behalf of the property owner, to take temporary measures to stabilize and protect the structure. In such cases, the property owner, or agent on behalf of the property owner, shall apply for a Certificate of Appropriateness within ten (10) calendar days of completion of the emergency corrective measures. The corrective measures authorized under this subsection shall not permanently alter the architectural features of the heritage resource.
- (e) **Building Permit and Site Plan Approval.** Unless where otherwise excepted by this article, a Certificate of Appropriateness must be approved prior to issuance of any building permit or site plan approval. The Certificate of Appropriateness application shall be in addition to, and not in lieu of, any required building permit. Issuance of any necessary permits and approval of any plans from the Building Inspections, Planning, Public Works, or Environmental Health Departments are required with an approved Certificate of Appropriateness before work can commence.

16-113. Certificate of Appropriateness – Criteria.

In considering an application for a Certificate of Appropriateness, the Commission shall be guided by designs standards/guidelines, where established for a heritage district, and the Secretary of Interior's Standards for Rehabilitation of Historic Buildings:

- (a) Every reasonable effort shall be made to adapt the property in a manner that requires minimal alteration of the building, structure, object, or site and its environment.
- (b) The distinguishing original qualities or character of a building, structure, object, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible.
- (c) All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- (d) Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (e) Distinctive stylistic features of examples of skilled craftsmanship, which characterize a building, structure, object, or site, shall be kept where possible.
- (f) Deteriorated architectural features shall be repaired rather than replaced, wherever practicable. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities, where practicable. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (g) The surface cleaning of structures shall be undertaken in the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (h) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
- (i) Whenever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that, if additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.
- (j) Proposals for demolition, removal, or relocation of a heritage resource shall be evaluated under the provisions listed in Section 16-116 of this ordinance.

16-114. Certificate of Appropriateness – Procedure.

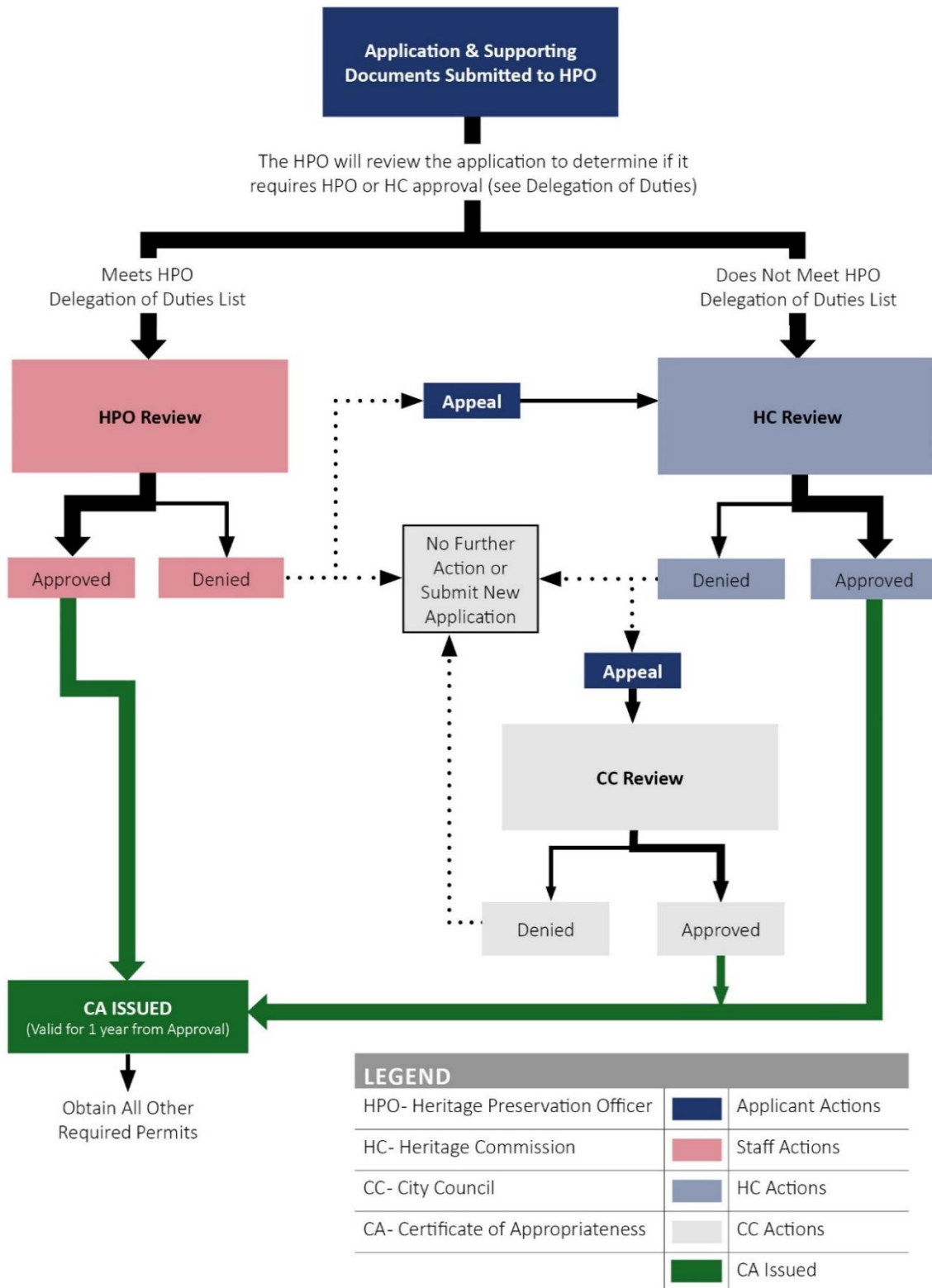
- (a) **Application Required.** The owner or his/her agent (architect, contractor, lessee, etc.) shall apply for a review of proposed changes and request a Certificate of Appropriateness.
- (b) **Heritage Preservation Officer Review.** The Heritage Preservation Officer may meet with the applicant as needed and review the proposed work according to the decision criteria as described in Section 16-113.
- (c) **Heritage Commission/Heritage Preservation Officer Decision.** The Commission or the Heritage Preservation Officer, if delegated review authority, shall deny, with or without prejudice, delay as permitted in Section 16-118(e), approve, or approve with modifications a Certificate of Appropriateness. The Heritage Preservation Officer shall provide a written notice of the decision to deny, delay, or accept the Certificate of Appropriateness with any approved conditions to the Building Inspections Department and applicant within ten (10) calendar days after the Commission meeting during which the application was considered. If the Commission/Heritage Preservation Officer has taken no action within sixty (60) calendar days of original receipt by the Planning Department, the building permit shall be issued by the Building Inspection Department.
- (d) **Changes in Building or Site Plans Following a Decision.** The applicant shall be allowed to work with the Heritage Preservation Officer to resolve any issues that may arise during the permit review process. No change shall be made in the application for any building permit after issuance of a Certificate of Appropriateness without resubmittal to the Heritage Preservation Officer.
- (e) **Appeal.**
 - (1) *Appeal of Heritage Preservation Officer Decision.* The applicant may appeal the decision of the Heritage Preservation Officer to the Commission by filing a written request with the Director of Planning within thirty (30) calendar days of the receipt of a written notice of the action taken by the officer. The Heritage Preservation Officer shall schedule the appeal for the next practicable Commission meeting.
 - (2) *Appeal of Heritage Commission Decision.* If the Commission has denied the Certificate of Appropriateness, the applicant, the Director of Planning, or two (2) members of the City Council may file in writing a notice of appeal to the City Council with the Director of Planning within thirty (30) calendar days after the date upon which the Commission notified the applicant of its decision. Such notification may take place by means of an oral ruling by the Commission at the public meeting. Written notice of any appeal shall be sent to the property owner. The notice of appeal shall set forth in clear and concise fashion the basis for the appeal. The City Secretary shall place the appeal on the next practicable City Council agenda, and the applicant shall be notified of the date of the hearing. The City Council, utilizing the criteria described in Section 16-113, shall deny, with or without prejudice, or approve, with or without conditions, or remand the item to the Commission for further proceedings consistent with City Council's decision.

- (f) **Resubmittal Following a Decision.** If the Commission is silent as to whether the denial is with or without prejudice, then the denial will be deemed to be without prejudice. All denials made by Heritage Preservation Officer shall be deemed as without prejudice. After a decision is reached by the Commission denying, with prejudice, an application for Certificate of Appropriateness, where no appeal is made to the City Council, a resubmittal of application will not be accepted for additional hearing within a twelve (12) month period from the date of final decision except upon written request by the applicant indicating the incorporation of changes in plans and specifications to the original application as recommended by the Commission. Denial of a Certificate of Appropriateness without prejudice permits reapplication immediately.
- (g) **Expiration.** Every Certificate of Appropriateness issued pursuant to this section shall expire and be void if the authorized work has not commenced within one (1) year from the date of approval or is suspended or abandoned at any time after the work commenced for a period of 180 calendar days. Failure to complete the work within the required time, including any extension(s), may result in the revocation of the Certificate of Appropriateness. Following expiration or revocation, approval of a new Certificate of Appropriateness application is required to commence construction.
- (h) **Extensions.** If work has not commenced, or has commenced but a delay greater than 180 calendar days is anticipated, extensions may be granted by the Heritage Preservation Officer for any period up to one (1) year. No combination of extensions shall exceed one (1) year from the original expiration date. Requests for extensions shall be submitted in the form as required by the Heritage Preservation Officer prior to the date of expiration and should include the following:
- (1) Reason for requesting the extension; and
 - (2) A timetable for starting/restarting and completing work.

Denial of an extension request may be appealed to the Heritage Commission. The requested extension shall be scheduled for consideration at the next practicable Commission meeting.

Exhibit 2 – Summary of the Certificate of Appropriateness Procedure.

Date specific requirements are located in Section 16-114. In the case of conflict between Exhibit 2 and the ordinance language, the ordinance language shall prevail.



16-115. Demolition, Removal, or Relocation – Review Required.

- (a) **Purpose.** It is the intent of this and succeeding sections to preserve historic and architectural resources of the city through limitations on demolition and removal of heritage resources to the extent it is economically feasible, practical, and necessary. The demolition or removal of heritage landmarks and contributing structures within a heritage district diminishes the city's historic character, significance, and authenticity and is discouraged.
- (b) **Review Required.** Review Required. No building permit shall be issued to demolish, remove, or relocate a heritage resource, accessory building, or landscape feature without a Certificate of Appropriateness. The following resources require demolition review by the Heritage Preservation Officer or Heritage Commission:
- (1) *Heritage Landmarks.* The Commission shall render a decision to delay, deny, or grant a Certificate of Appropriateness for demolition, removal, or relocation.
 - (2) *Contributing Structure located within a Heritage District.* The Commission shall render a decision to delay, deny, or grant a Certificate of Appropriateness for demolition, removal, or relocation.
 - (3) *Compatible Structure located within a Heritage District.* The Commission shall render a decision to grant or delay a Certificate of Appropriateness for demolition, removal, or relocation, and shall not render a decision to deny.
 - (4) *Non-contributing Structure located within a Heritage District.* The Heritage Preservation Officer shall render a decision to grant a Certificate of Appropriateness for demolition, removal, or relocation, and shall not render a decision to deny.
 - (5) *Accessory buildings and landscape features identified as integral to the historic interpretation or integrity of the heritage resource in an area where a historic resource survey has been conducted.* The Commission shall render a decision to delay, deny, or grant a Certificate of Appropriateness for demolition, removal, or relocation.

16-116. Demolition, Removal, or Relocation – Criteria.

(a) **Valid Reasons for Demolition or Removal.**

- (1) The heritage resource is a non-contributing or compatible structure within a heritage district;
- (2) The subject accessory structure and/or landscape feature is not integral to the historic interpretation or integrity of the heritage resource;
- (3) The heritage resource has lost its architectural significance and/or historic integrity;
- (4) Preserving the heritage resource creates an extreme economic hardship because there is no economically viable use of the current building;
- (5) The structure poses an imminent threat to public health or safety upon determination by the Chief Building Official and agreement by the Heritage Preservation Officer and Director of Planning; or
- (6) The structure poses a threat to public health or safety.

(b) **Valid Reasons for Relocation.**

- (1) The heritage resource is subject to future roadway, capital improvement project, or economic development plans and there are no reasonable alternatives except relocation; or
- (2) All other preservation options have been exhausted.

(c) **Criteria for Decision.** A decision by the Commission to approve or deny a Certificate of Appropriateness for demolition, removal, or relocation for one of the above reasons shall be guided by:

- (1) The historic, cultural, or architectural significance of the building, structure, site, or object;
- (2) The historic, cultural, or architectural significance of the building, structure, site, or object to the character of a district;
- (3) The difficulty or impossibility of reproducing such a building, structure, site, or object because of its unique design, features, material, detail, or unique location;
- (4) Whether the building, structure, site, or object is one of the last remaining examples of its kind in the neighborhood, district, or the city;
- (5) Whether there are definite plans for development of the property if the proposed demolition is carried out, and the potential effect of those plans on the character of the district or surrounding area;

- (6) Whether the demolition would result in a vacant lot or void in the continuous, historic building facade along the street;
- (7) Whether reasonable measures can be taken to save the building, structure, site, or object;
- (8) Whether the building, structure, site, or object is capable of earning a reasonable economic return on its value; and
- (9) For relocation, whether the property owner has, in good faith, made efforts to relocate the structure in its entirety with a sense of place and time in the following order:
 - i. On the same site;
 - ii. Within a heritage district, if applicable;
 - iii. Within the City of Plano's municipal boundaries;
 - iv. Within the same county boundaries;
 - v. Within adjoining county boundaries; or
 - vi. Within the State of Texas.

16-117. Demolition, Removal, or Relocation – Required Documentation.

An applicant seeking to demolish, remove, or relocate a structure described in Section 16-115 must provide necessary documentation as proof to establish the necessity of a Certificate of Appropriateness. If the applicant is seeking approval for more than one reason, he/she shall provide all documentation required for each reason. The applicant, private persons, organizations, and city departments may submit relevant evidence in addition to the required documentation. The Commission may also request additional information beyond the required documentation. Documentation requirements are as follows:

(a) **Required Documentation for a Compatible or Non-Contributing Structure in a Heritage District.** Applicants seeking to demolish, remove, or relocate any compatible or noncontributing structure in a heritage district shall provide the following with their application:

- (1) Available records depicting the original construction of the existing structure, including drawings, pictures, or written descriptions.
- (2) Photographic documentation demonstrating the existing condition of the structure.

(b) **Required Documentation for a Heritage Landmark or Contributing Structure in a Heritage District.** Applicants for demolition, removal, or relocation of heritage landmarks or contributing structures in a heritage district shall state one or more of the following reasons for removal, demolition, or relocation, and shall provide the corresponding documentation to substantiate the request.

- (1) *The heritage resource has lost its architectural significance and/or historic integrity.* An application for demolition, removal, or relocation of a heritage resource that has lost its architectural significance and/or historic integrity shall include the documentation listed below:
 - i. Available records depicting the original construction of the existing structure, including drawings, historic photographs, or written descriptions.
 - ii. Documentation of the current condition of the exterior of the existing structure, including drawings, photographs, or written descriptions. Documentation of the current condition of the interior is not required, but may be provided to support the request.
 - iii. Definitive plans for the future development of the property. A Certificate of Appropriateness application for the future development of the property is strongly encouraged in concurrence with the demolition request.
- (2) *No economically viable use of the property exists.* An application for demolition, removal, or relocation of a heritage resource based on lack of economic viability shall include the documentation listed below. The City may retain an economic expert knowledgeable in the area of valuation, renovation, redevelopment, and rehabilitation of real estate to review the documentation submitted by each applicant and provide a written report to the Commission regarding the economic viability of each property. The application must include:

- i. The amount paid for the property and date of purchase;
- ii. Remaining balance on any mortgage or other financing secured by the property and annual debt service;
- iii. Real estate taxes for the previous three (3) years and assessed value according to the most recent valuation;
- iv. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
- v. The fair market value of the property at the time the application is filed as determined by a licensed appraiser;
- vi. Any listing of the property for sale or rent, name of the broker/agent, price asked for and offers received, if any, for the previous two (2) years, including relevant documents or affidavits;
- vii. The price or rent sought by the applicant;
- viii. Any advertisements placed for the sale or rent of the property;
- ix. A report from any one or more of the following: an architect, engineer, developer, real estate consultant, appraiser or other real estate profession experienced in rehabilitation of historic property as to the economic feasibility of rehabilitation or adaptive reuse of the existing structure on the property;
- x. Any other evidence that shows that the affirmative obligation to maintain the structure or property makes it impossible to realize a reasonable rate of return;
- xi. Form of ownership or operation of the property (i.e. sole proprietorship, trust, partnership, corporation, joint venture, for profit, not for profit, etc.);
- xii. A documented report attested to by a certified public accountant that includes the annual gross and net income, if any, from the property for the previous three (3) years; itemized operating and maintenance expenses, depreciation deduction, and annual cash flow before and after debt service, if any, during the same period (commercial properties only); and
- xiii. A statement as to why the structure cannot be moved or relocated to another similar site or within a heritage district.

(3) *The structure poses an immediate threat to public health or safety.* If a heritage resource exhibits unsafe and dangerous conditions, poses a fire hazard or other public health or safety risk, and such danger or hazard is so great and so immediate that time normally taken for evaluation of the structure or consideration by the Commission should be circumvented to prevent immediate and substantial harm to persons or property, the Heritage Preservation Officer is authorized to approve emergency demolition, or removal of specific structural features that are the source of danger or hazard, upon finding both of the following by the Chief Building Official in consultation with the Director of Planning:

- i. The structure to be demolished, or the structural features to be removed, endanger public health or safety due to the risk of immediate:
 - 1. Physical damage to adjacent properties or structures from potential structural collapse or from pieces of the structure becoming detached and falling or blowing from the structure due to advanced deterioration or a serious state of disrepair;
 - 2. Encroachment into or physical damage within abutting public rights-of-way due to the conditions described in item 1 above; or
 - 3. Physical damage to public infrastructure, utilities, or other public facilities.
- ii. There is no reasonable way, other than demolition or removal of specific structural features, to eliminate the immediate threat.

(4) The structure poses a threat to public health or safety. An application for demolition or removal that poses a threat to public health or safety that is not an immediate threat as described immediately above shall include the documentation listed below. The owner must establish the necessary facts to prove demolition is necessary to alleviate a threat to public health and safety. The application must include:

- i. Documentation depicting the current condition of the structure, including drawings, photographs, or written descriptions;
- ii. A study regarding the nature, imminence, and severity of the threat, as performed by a licensed engineer or architect;
- iii. A study regarding both the cost or restoration of the structure and the feasibility (including architectural and engineering analyses) of restoration of the structure, as performed by a licensed architect or engineer; and
- iv. An assessment of the property by the Property Standards division, if requested by the Commission or applicant.

A recommendation by the Building Standards Commission may be requested by the Heritage Commission or applicant.

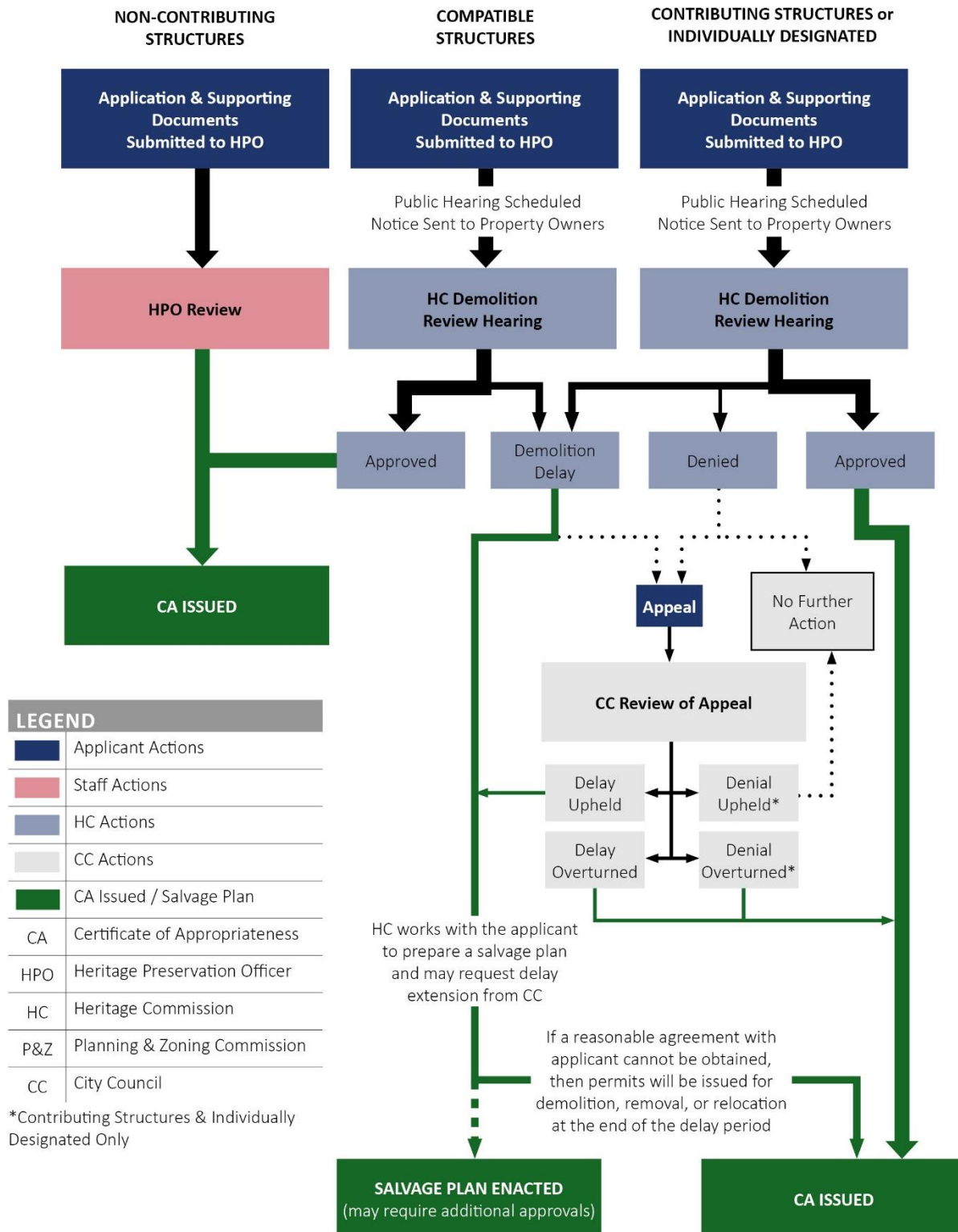
16-118. Demolition, Removal, or Relocation – Procedure.

- (a) **Application Required.** An owner or his or her designee seeking demolition, removal, or relocation of a structure described in Section 16-115 shall submit a Certificate of Appropriateness - Demolition Application to the Heritage Preservation Officer. The application must be signed and sworn to by all the owners of the property or their duly authorized representatives.
- (b) **Heritage Preservation Officer Review – Non-contributing Structures.** If the structure proposed for demolition, removal, or relocation is classified as a non-contributing structure in a heritage district, the Heritage Preservation Officer shall have ten (15) calendar days to approve the application.
- (c) **Demolition Hearing – All Other Structures.** If the structure proposed for demolition, removal, or relocation is a heritage landmark or is classified as a contributing or compatible structure in a heritage district, the Heritage Preservation Officer shall schedule a public hearing for the next practicable Commission meeting. At least ten (10) calendar days prior to the public hearing, the applicant(s) shall be given written notice of the hearing to the address provided in the application and a written courtesy notice of the public hearing shall be sent to all owners of real property within 500 feet of the property or properties on which the demolition, removal, or relocation is proposed. At the hearing, the Commission shall review and consider all submitted documents and testimony of any interested parties.
- (d) **Demolition Review Decision.** The Commission must render a decision to approve, delay, or deny the application within sixty (60) calendar days of the receipt of the Certificates of Appropriateness application by the Planning Department. The Heritage Preservation Officer shall notify the applicant within five (5) calendar days of the final decision. Failure of the Commission to decide or suspend said application within the sixty (60) calendar day time limit described immediately above shall be deemed to be approval of the application and the Building Official shall issue the necessary permits to allow the requested demolition, removal, or relocation.
- (e) **Demolition Delay.**
 - (1) In the interest of identifying alternatives to save a structure, the Commission may suspend an application for removal, relocation, or demolition of a heritage landmark or contributing or compatible resources within a heritage district. The demolition, removal, or relocation of the structure may be delayed, and, in that event, the application shall be suspended for a period not exceeding ninety (90) calendar days from the date of the demolition review hearing. Within the suspension period, the Commission may request an extension of the suspension period by the City Council.

- (2) If the City Council, after notice to the applicant and a public hearing, determines that there are likely to be reasonable grounds for preservation, the City Council may extend the suspension period for an additional period not exceeding one hundred twenty (120) calendar days, for a total of not more than two hundred forty (240) calendar days from the date of the Certificate of Appropriateness application. During the period of suspension of the application, no permit shall be issued for such demolition, relocation, or removal, nor shall any person demolish, remove, or relocate the structure.
- (3) During the suspension time of the delay period, the Commission may prepare and submit to the applicant a salvage plan, which may suggest proposals to preserve the site for purposes consistent with this chapter. The plan may include recommendations for complete or partial tax abatements, tax credits, or authority for alteration or construction not inconsistent with the purposes of this article, and other actions allowable by law. The plan may also include an architectural salvage plan if the structure cannot be saved. The owner shall conduct in good faith with the local and state preservation organizations and interested parties a diligent effort to seek an alternative to removal or demolition. If a reasonable agreement for salvage cannot be obtained with the applicant, then the permits shall be issued for demolition, removal, or relocation at the end of the delay period.
- (4) Demolition delay shall not be ordered for properties that request relief based on the fact that they are not economically viable or for properties that are a threat to public health or safety.
- (f) **Appeal.** If the Commission has denied or delayed the Certificate of Appropriateness for demolition, removal, or relocation, the applicant may follow the same procedure for appeal set forth in Section 16-114(e).
- (g) **Emergency Demolition, Removal, or Relocation.** If any heritage resource, regardless of classification, is deemed by the Chief Building Official to pose an immediate threat to public health or safety pursuant to Section 16-117(b)(3), a Certificate of Appropriateness for total or partial demolition, removal, or relocation may be approved by the Heritage Preservation Officer at any time.

Exhibit 3 – Summary of Demolition, Removal, or Relocation Procedure.

Date specific requirements are located in Section 16-118. In the case of conflict between Exhibit 3 and the ordinance language, the ordinance language shall prevail.



16-119. Minimum Maintenance Requirement and Prevention of Deterioration.

Heritage resources shall be maintained in accordance with the minimum property, structural, health, and safety standards as adopted by the City of Plano. No owner, which is defined in this Section as a person, entity, association, or corporation with ownership, care, custody, or control over a heritage landmark or contributing structure within a heritage district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any architectural feature which would produce a detrimental effect upon the character of the heritage district or the life and character of the property itself. Owners shall be required to fulfill a minimum level of maintenance on their property in order to keep it from deteriorating. Any of the following are prima facie evidence of a serious state of disrepair:

- (a) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall claddings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.
- (b) Deterioration that causes a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the structure.

16-120. Demolition by Neglect.

Failure to provide the minimum maintenance required by Section 16-119 of this ordinance may result in a finding of demolition by neglect. If conditions of neglect are present or suspected, the Heritage Preservation Officer, in coordination with the Code Official, is authorized to lawfully investigate in an effort to prevent further deterioration.

(a) Procedure to Address Demolition by Neglect.

- (1) *Documentation of Neglect.* The Heritage Preservation Officer and Code Official shall document evidence of disrepair or neglect.
 - (2) *Notification of Owner.* The Owner shall be notified in writing, providing specific information about the alleged deterioration, and requesting that the Owner to appear before the Commission at the next practicable regular meeting of the Commission. The notification shall be sent to the Owner by registered mail.
 - (3) *Hearing.* The Commission shall conduct a hearing. The purpose of the hearing is to enable the Commission to make a fuller and more accurate determination of the existence and degree of deterioration and, the urgency for corrective action. The Owner may appear before the Commission in person or by agent.
 - (4) *Appeal.* An Owner may follow the same procedure for appeal set forth in Section 16- 114(e) for applicants to appeal the decision of the Commission.
 - (5) *Required Action Upon Finding of Demolition by Neglect.* If the Commission determines that the deterioration has produced a detrimental effect on the architectural significance and/or historic integrity of the property or district, the Heritage Preservation Officer, in coordination with the Code Official, shall take the following actions:
 - i. Send notice to the Owner, by certified mail, describing the required repairs or stabilization and specifying:
 1. The repairs must be started within sixty (60) calendar days; and
 2. A date by which the repairs must be completed; as determined by the Commission.
 - ii. Meet with the Owner within ninety (90) calendar days after the notice is sent, if the Heritage Preservation Officer determines that it would be useful to discuss progress in making repairs and consider any issues that may delay completion of repairs.
 - iii. Administratively approve a Certificate of Appropriateness, if necessary, to expedite work.
- (b) The Heritage Preservation Officer or Code Official may refer a demolition by neglect case to the City Attorney for enforcement of this Section.

- (c) The requirements of this Section do not prohibit enforcement and prosecution under any other applicable law.

16-121. Authority to Preserve Substandard Building as a Historic Property.

The City may preserve a substandard building as permitted under Section 214.00111 of the Texas Local Government Code.

16-122. Prohibited Acts, Penalty for Violation, and Enforcement.

- (a) It shall be unlawful to construct, reconstruct, remove, structurally alter, remodel, renovate, restore, demolish, raze, maintain, or failure to maintain any heritage resource in violation of the provisions of this article. In addition to other remedies, the City may institute any appropriate action or proceedings to prevent such unlawful construction, restoration, demolition, razing, maintenance, or failure to maintain, to restrain, correct, or abate such violation.
- (b) Any violation of the provisions or terms of this ordinance by any person, firm, or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.
- (c) All work performed pursuant to a Certificate of Appropriateness issued under this article shall conform to all of its requirements. It shall be the duty of the Heritage Preservation Officer to inspect periodically to assure such compliance. In the event work is not being performed in accordance with a Certificate of Appropriateness, or no Certificate of Appropriateness has been approved, or upon notification of such fact by the Commission and verification by the Heritage Preservation Officer, the Building Official shall issue a stop-work order and all work shall immediately cease. The property owner shall then be required to apply for a Certificate of Appropriateness and receive approval. No further work shall be undertaken on the project as long as a stop-work order is in effect until a decision is rendered by the Heritage Preservation Officer or Commission on the application.
- (d) All required permits must be issued and plans approved by the Building Inspections, Planning, Public Works, and Environmental Health Departments before work can commence under an approved Certificate of Appropriateness.

Index of Changes

No.	Date	Ordinance No.	Summary
1	12-10-1979	79-12-13	Adopted the city's original Historic Landmark Preservation Ordinance and established the Historic Landmark Committee.
2	12-14-1981	81-12-10	Amended Ordinance No. 79-12-13 to add districts as a type of designation.
3	10-24-1983	83-10-10	Amended Ordinance No. 79-12-13 to specify City Council shall appoint the chairperson of the Historic Landmark Committee.
4	10-10-1988	88-10-12	Amended Section 16-106 to add the Secretary of the Interior's Standards for Rehabilitation as the criteria for review of exterior alterations to designated properties.
5	02-23-1998	98-2-26	Repealed and replaced Ordinance Nos. 79-12-13, 81-12-10, Subsection (D) of Section II of 83-10-10, and 88-10-12 with a new Heritage Preservation Ordinance; renamed the Historic Landmark Committee to the Heritage Commission.
6	08-24-1998	98-8-35	Amended Ordinance 98-2-6 to add a new Section 16-103.1 for "Pre-designation of heritage resource, new Subsection 16-112(h) for expiration of Certificates of Appropriateness, and amended Section 16-116 regarding demolition of designated heritage resources.
7	04-01-2002	2002-4-6	Amended Ordinance No. 98-2-6 to the Heritage Commission authority to review and recommended heritage grant funding (previously the authority of the Cultural Affairs Commission).
8	10-08-2007	2007-10-23	Repealed Ordinance Nos. 98-2-26, 98-8-35, and 2002-4-6 and replaced with a new Heritage Preservation Ordinance.
9	06-25-2012	2012-6-9	Amended Ordinance 2007-10-23 to add Heritage Commissioner abstention requirement if serving on the board of a nonprofit organization seeking heritage grant funding.
10	01-08-2018	2018-1-3	Repealed Ordinance No. 2007-10-23 and replaced with a new Heritage Preservation Ordinance.
11	08-26-2019	2019-8-5	Repealed Ordinance No. 2018-1-3 and Ordinance No. 2012-6-9, and replaced with a new Heritage Preservation Ordinance; the provisions were similar to Ordinance 2018-1-3 with the addition of property owner consent for designation of heritage landmarks and associated changes.
12	08-09-2021	2021-8-2	Amended Ordinance 2019-8-5 to require property owner consent for designation of heritage districts and associated changes.