

REQUEST TO PLACE ITEM ON CITY COUNCIL AGENDA

The City of Glen Rose welcomes constructive input from interested citizens. Please complete this form if you wish to have an item placed on the agenda for a regular City Council meeting. The deadline for placing an item on the agenda is one week prior to the regular meetings which are held the second Monday of every month. In order for the City Council to fully understand your item, have productive discussion, and insure efficient council meetings, it is important that you describe the item with as much detail as possible and include any supporting documentation so that it may be included in the Council's meeting packets. You may use additional blank pages for item description. If you have any questions, contact the City Secretary at 254-897-2272.

Full Name: ANN CARVER

Mailing Address: P.O. Box 487 Demo 76070

Phone Number: 9729654455 Fax Number: _____

Email: anncarver50@gmail.com

Are additional sheets or supporting materials attached? 4 Yes _____ No

I request that this item be placed on the agenda for the 1st of July 2022 City Council meeting.

Description of Item: As vice chair of the Historic Preservation Commission want to give update on the items the City Council task us with at our joint meeting of CC, P+Z & HPC in Dec of 2021.

(Use additional pages if needed)

Certification: I understand that the City Council retains the right to set the items for discussion at its meetings and further understand that my request will not be automatically placed on an agenda or may even be denied. I also understand that I may be requested to present additional information on my item, asked to consult with the appropriate City department, or take other action before my request is considered. I agree to attend the meeting at which my item may appear and make a presentation and/or answer questions.

Signature: Ann Carver

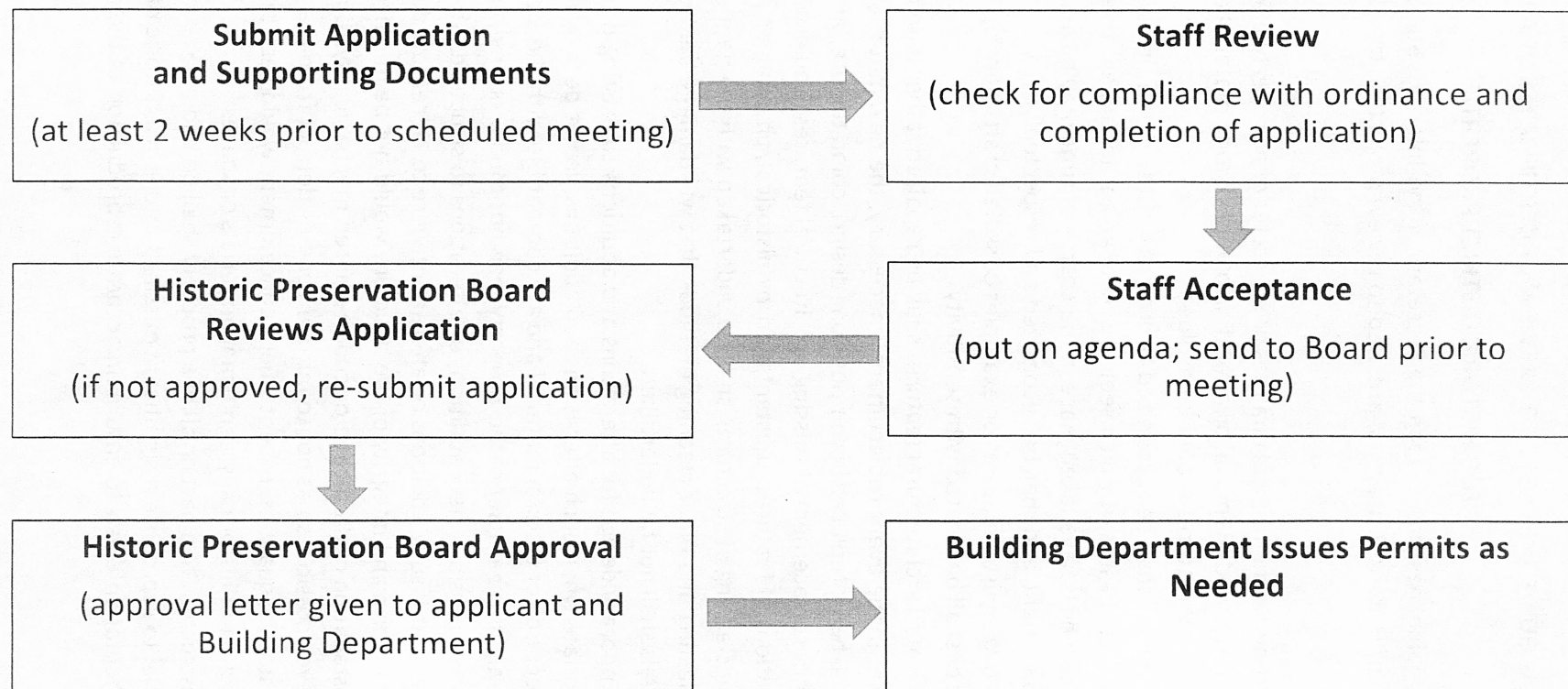
Date: 1st of July 2022

GENERAL GUIDELINES USED FOR REVIEW OF CERTIFICATES OF APPROPRIATENESS FOR HISTORIC DISTRICT PROPERTIES

The following guidelines, based upon the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties, are used to review projects in the National Register of Historic Districts:

- The distinguishing original qualities or character of a property and its environment shall not be destroyed. Removal or alteration of any historic material or distinctive architectural features should be avoided.
- All properties shall be recognized as products of their own time. Alterations which have no historical basis and which seek to create an earlier appearance shall be discouraged.
- Changes which have taken place in the course of time may have acquired significance in their own right, and shall be recognized and respected.
- Distinctive stylistic features or examples of skilled craftsmanship which characterize a property shall be treated with sensitivity.
- Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence.
- Surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- Contemporary design for alterations and additions to existing properties are appropriate when such alterations and additions do not destroy significant historic, architectural, or cultural material and are compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
- Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would not be impaired.
- The installation of protective or code-required mechanical systems shall be concealed whenever possible so as not to intrude upon or detract from the property's aesthetic and historical qualities, except where concealment would result in the alteration or destruction of historically significant materials or spaces.
- Reconstruction of a part or all of a property shall be undertaken only when such work is essential to reproduce a significant missing feature in a historic district, and documentation exists to ensure an accurate reproduction of the original.

Certificate of Appropriateness Application Flowchart



Date Received: _____

CITY OF GLEN ROSE

Code Enforcement Office

254-897-9373

Fax: 254-897-7989

CERTIFICATE OF APPROPRIATENESS APPLICATION

- Completed package must be received at least three weeks prior to the next scheduled Board meeting in order to be placed on the agenda for review and vote. Attach additional description pages to give full details, if needed.

Property Owner		Applicant/Tenant/Owner's Representative	
Name		Name	
Address		Address	
Phone		Phone	
Email		Email	
Property Address		Legal Description	
Present Use		Built Circa	
Proposed Use		Current Zoning	

Architect or Contractor Name _____

Address _____ Phone _____

Proposed Work/Design Description _____

☐ Scale Drawings with Dimensions Attached	☐ Photos Attached	☐ Current	☐ Historic
☐ Material Sample(s) Attached	☐ Rendering of Signage Attached		

I hereby certify that this information is correct to the best of my knowledge, and that the said work will be done in conformance with all submissions herein set forth and in compliance with the City of Glen Rose's Historic District Ordinances and Building Codes. I understand that falsifying information may result in nullification of this request.

Owner's Signature _____ Applicant's Signature _____

☐ Denied ☐ Approved Conditions _____

X _____ X _____ X _____
 Preservation Board Chair Preservation Board Officer City Building Official

- THIS IS NOT A BUILDING PERMIT AUTHORIZING ANY CONSTRUCTION OR REMODELING. CONTACT THE CODE ENFORCEMENT OFFICE PRIOR TO THE START OF ANY WORK. THIS COA BECOMES NULL AND VOID OF AUTHORIZED WORK IS NOT COMMENCED WITHIN 180 DAYS.

CITY OF GLEN ROSE

HISTORIC PRESERVATION BOARD – CERTIFICATE OF APPROPRIATENESS CHECKLIST

The following items are requested for consideration of this application. These and additional items may be required, at the request of the Historic Preservation Board, in order to determine the application complete and filed.

	Comments
Staff review/staff approval (unless waived by city)	
Completed Certificate of Appropriateness Application	
Detailed description of all proposed activities to be undertaken in the historic district or at the historic landmark	
Photograph(s) of the property and area(s) of alteration	
Scaled drawing illustrating all proposed activities, including: • Building elevations showing the proposed change • Exterior building material(s) description • Material samples • Site plan • Architectural drawings • List of proposed colors and color numbers, chosen from the Historic Preservation Board approved colors	
Authorization to represent the property owner, if the applicant is not the owner	
Applications for signs must include a City Sign Permit Application and diagram of the sign with dimensions	

Deliver to:

Historic Preservation Dept. - Building/Planning/Code Compliance
City of Glen Rose
201 NE Vernon
Glen Rose, TX 76043
Phone: 254-897-7989

The application must be completed and meet all City of Glen Rose ordinance requirements before a request for a Certificate of Appropriateness can be scheduled for a public hearing.

Please refer to City website or call the number above for a schedule of Historic Preservation Board meetings.

3.10.047 Historic District

In addition to any requirements of this article, all signage within any historic district must also meet the requirements and/or restrictions specified in the governing guidelines of the historic district and the construction materials and design standards for those signs must be approved by the historic preservation commission prior to construction. (Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.26; Ordinance 2020.10.12A, sec. 11, adopted 10/12/20)

ARTICLE 3.16 HISTORIC LANDMARK PRESERVATION**3.16.001 Purpose****3.16.002 Definitions****3.16.003 Historic Preservation Commission****3.16.004 Appointment Of Historic Preservation Officer****3.16.005 Criteria For Designation Of Local Historic Landmarks And The Historic Preservation Overlay Zoning District****3.16.006 Certificate Of Appropriateness For All Alteration Or New Construction****3.16.007 Certificate Of Appropriateness Required For Demolition****3.16.008 Economic Hardship Application Procedure****3.16.009 Taxes****3.16.010 Enforcement****3.16.011 Ordinary Maintenance****3.16.012 Penalties****3.16.001 Purpose**

(a) The city council hereby declares that as a matter of public policy, the protection, enhancement, and perpetuation of landmarks and of the Historic Preservation Overlay Zoning District of their historical and cultural importance and significance is considered necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that the city represents the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage.

(b) This act is intended to:

- (1) Protect and enhance the landmarks and Historic Preservation Overlay Zoning District which represent distinctive elements of the city's historic, architectural, and cultural heritage;
- (2) Foster civic pride in the accomplishments and heritage of the city, as reflected in its historic buildings, by establishing a formal process of inventory, recognition, education, and recommendation for designation of historic landmarks and overlay zones;
- (3) Enhance and preserve the city's unique architectural attractiveness to visitors and tourists, and thereby provide support and stimulus to city businesses and economy by establishing and approving uniform and equitable design guidelines for the sensible rehabilitation and use of existing landmarks;
- (4) Encourage and ensure the harmonious, orderly, and efficient growth and development of the city by establishing a historic preservation plan to be reviewed and adopted by the city council as part of the comprehensive master plan;
- (5) Promote economic welfare of the community by encouraging the beneficial use and occupancy of such property by adopting nationally accepted, minimum code standards for occupancy and use of historic structures, to help reduce the financial burden of ownership and continued preservation of historic properties within the city;
- (6) Strengthen the property values and economy of the city by encouraging stabilization, restoration, and improvements of historic properties through a process for review and recommendation concerning building permits for exterior construction, with copious regard for individual property rights.

(Ordinance 17.03.13A, sec. 1, adopted 3/13/17)

3.16.002 Definitions

Alteration. Any act or process that changes one or more historic, architectural, or physical features of an area, site, place, and/or structure including, but not limited to the erection, construction, reconstruction or removal of any structure.

Applicant. A person seeking a designation or authorization under this article or the person's designated and duly authorized agent or representative. This term may include the property owner, occupant of the site, the historic preservation commission or city council.

Appurtenant features. The features that define the design of a building or property including but not limited to porches, railings, columns, shutters, steps, fences, attic vents, sidewalks, driveways, garages, carports, outbuildings, gazebos, and arbors.

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

Architectural control. Regulations governing the appearance or architectural style of buildings or structures. Architectural control is an accepted form of aesthetic zoning.

Architectural details. The small details like moldings, carved woodwork, etc. that add character to a building.

Building. Shall refer to a dwelling, such as a house, barn, church, hotel, or similar structure created to shelter any form of human activity. The term may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn. The term also includes mobile homes, manufactured homes, and industrial housing.

Certificate of appropriateness. An order issued by the historic preservation commission indicating approval of plans for alteration, construction, or removal affecting a designated landmark or property within a designated overlay district.

Certified local government. A local government certified or approved by the state historic preservation office (SHPO), which has an appointed commission to oversee the survey and inventory of historic resources, to review areas for historically significant structures, and to develop and maintain community planning and education programs.

Contributing building. A historic building that is at least 50 years old or older that retains a significant amount of its physical integrity and character defining features including location, setting, design, construction, workmanship, and/or association with historical persons or events.

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

Design guidelines. Guidelines adopted by the historical preservation commission that details acceptable alterations of designated properties. The historic preservation commission has authority to administer design guidelines.

Design review. Shall refer to the decision-making process conducted by the historic preservation commission or an appointed historic preservation officer that is guided by the terms set out in an historical preservation ordinance.

District. A district which possesses a significant concentration, linkage, or continuity of contiguous sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

Exterior architectural feature. Shall mean but not be limited to architectural style and general arrangement of such portion of the exterior of a structure as is designed to be open to the view from a public way.

Facade. The entire building front including the parapet.

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

- (a) Federal. The National Register of Historic Places (for both individual buildings and entire districts);
- (b) State. Recorded Texas Historic landmarks (only for individual buildings) and state archeological landmarks; or
- (c) Local. Designated under a municipal historic ordinance either individually as a landmark or as a locally designated overlay zoning district.

Historic landmarks. A building, structure, object or site designated by city council as a historic landmark.

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

Historic preservation commission (HPC). The commission established under this article and appointed by the city council.

Historic Preservation Overlay Zoning District. The overlay zone as described in the zoning ordinance text by HP, is mapped, and is imposed as an augmentation to those of the underlying zoning district. It is zoning applied over one or more other zoning districts, creates a second mapped zone that is superimposed over the conventional zoning lists. An overlay district typically provides a high level of regulations in certain areas such as downtown and historic areas but may also be used to permit exceptions or less restrictive standards (fewer parking spaces in a downtown area or more density in an economic development area).

Historic rehabilitation. The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

Historic resource. Any building, structure, object or site that is 50 years or older or any resource that has been identified as a high or medium priority because of its unique history or architectural characteristics.

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

Integrity. The authenticity of a property's historic identity, evidenced by survival of physical characteristics that existed during the property's historic or prehistoric period.

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

Landmark. Any individual building, structure, or object that is significant for historical, architectural or architectural reasons and receives designation by the city pursuant to this article.

Minor alterations. The installation or alteration to awnings, fences, gutters, downspouts, and incandescent lighting fixtures; restoration of original architectural features that constitute a change from

the existing condition; alterations to signs; and additions and changes not visible from any street to the rear of the main structure or to an accessory structure.

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

Object. A physical item associated with a specific setting or environment that is movable by nature or design, such as statuary in a designed landscape. The term object is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed.

Order of demolition. An order issued by the preservation board indicating approval of plans for demolition of a designated landmark or property within a designated historic preservation overlay district.

Ordinary maintenance. Repair of any exterior or architectural feature of a landmark or property within a historic preservation overlay zoning district which does not involve a change to the architectural or historic value, style or general design. In-kind replacement or repair is included in this definition of ordinary maintenance.

Owner. The individual, corporation, partnership, or other legal entity in whom is vested the ownership, dominion, or title of property and who is responsible for payment of ad valorem taxes on that property; including a lessor or lessee if responsible for payment of ad valorem taxes.

Preservation. The stabilization of an historic building, its materials and features in their present condition to prevent future deterioration. Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time. (Protection and stabilization have now been consolidated under this treatment.)

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

Reconstruction. The act or process of reproducing by new construction the exact form and detail of a vanished building as it appeared at a specific period of time. A technique used earlier in the 20th century, reconstruction is rarely used today because of the preference to use limited financial resources to preserve existing historic buildings.

Recorded state historical landmark. A state designation for buildings important for their historical associations and which have retained a high degree of their original historic fabric. They must be at least 50 years of age and retain their original exterior appearance. State historical landmarks receive greater legal protection than National Register of Historic Places designations.

Rehabilitation. The act or process of returning a property to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.

Restoration. Returning a property to a state indicative of a particular period of time in its history, while removing evidence of other periods.

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

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

State historic preservation office (SHPO). The state office responsible for administering federal historic preservation programs as defined in the National Historic Preservation Act of 1966 as amended and subsequent legislation. The executive director of the state historical commission serves as SHPO for the State of Texas.

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

Zoning. A police power measure, enacted by a municipality, including the city, in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards.

(Ordinance 17.03.13A, sec. 2, adopted 3/13/17)

3.16.003 Historic Preservation Commission

- (a) Creation. There is hereby created a commission to be known as the Glen Rose Historic Preservation Commission.
- (b) Composition. The commission shall consist of five (5) members appointed by the city council, who, upon application and demonstration of their qualifications, are citizens of the city (to the extent available) with primary consideration given to professional members from the disciplines of architecture, history, urban planning, real estate, legal, archeology, or other disciplines related to historic preservation.
- (c) Organization and meetings.
 - (1) The HPC shall have at least one (1) member that resides or owns property within the Historic Preservation Overlay Zoning District.
 - (2) All HPC members must have a known and demonstrated interest, competence, or knowledge in historic preservation within the city and/or the county.
 - (3) The HPC as a whole shall represent the ethnic makeup of the city.
 - (4) HPC members shall be identified by place numbers 1 through 5 and the terms of office served shall be staggered. The city council may reappoint commission members as their terms expire not to exceed three consecutive terms. The mayor shall fill any vacancies that may occur before a term has expired, only for the remainder of the term.
 - (5) Any member may resign by submitting a letter of intent to the HPC that has been read into the official commission minutes and forwarded to the mayor. The city council may terminate any commission member upon cause of an appropriate hearing or upon the absence of three (3) unexcused, consecutive regular commission meetings within a calendar year.
 - (6) The chairperson, vice chairperson and secretary of the HPC shall be elected by and from its membership.
 - (7) A quorum for the transaction of business shall consist of not less than three (3) members of the commission.
 - (8) The commission shall meet at least monthly, if needed. Special meetings may be called at any time by the HPC chairperson, vice chairperson or at the written request of at least

three commission members. All meetings shall be held in conformance with the Texas Open Meetings Act.

(d) Duties and powers. The HPC shall be empowered to:

- (1) Make recommendations to the city council for the employment of staff and professional consultants as necessary to carry out the duties of the commission.
- (2) Adopt parliamentary rules and procedures necessary to carry out the business of the commission, which shall be ratified by the city council.
- (3) Review and take action on the designation of landmarks and the delineation of the Historic Preservation Overlay Zoning District, which shall be ratified by the city council.
- (4) Recommend and confer recognition upon the owners of landmarks or properties within the Historic Preservation Overlay Zoning District by means of certificates, plaques, or markers.
- (5) Review and recommend to city council and other applicable city boards and commissions all proposed changes to the zoning ordinance, general plan or other adopted policies of the city that may affect the purpose of the ordinance.
- (6) Conduct public hearings and provide comment on buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places to the state historic commission. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.
- (7) Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and all properties located within designated overlay districts located in the city. Such information shall be maintained securely, and be made accessible to the public and should be officially validated through physical inventory at least once a month.
- (8) Monitor and report to the state historical commission all actions affecting any Recorded Texas Historic Landmark, State Archaeological Landmark, National Register property and any locally designated landmark, as deemed necessary.
- (9) Create subcommittees from among its membership and delegate to these committees responsibilities to carry out the purposes of this article.
- (10) Maintain written meeting minutes which are recorded by staff and demonstrate all actions taken by the commission and the reason for taking such actions.
- (11) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.
- (12) Review and take action on certificates of appropriateness applications for compliance with adopted design guidelines pursuant to this article.
- (13) Develop, prepare and adopt specific design guidelines which shall be ratified by the city council for use in the review of certificates of appropriateness applications.
- (14) Prepare and submit annually to the city council a report summarizing budget costs, goals and objectives and work completed during the previous year, as well as anticipated budgetary requests.
- (15) Make recommendations to the city concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and overlay zoning districts within the city.
- (16) Recommend to city council the acquisition of endangered landmarks by demolition where

its preservation is essential to the purpose of this article and where private preservation is not feasible.

- (17) Propose incentive program(s) to city council for local property owners of historic landmarks or within the local Historic Preservation Overlay Zoning District.
- (18) Review and take action on all city preservation-related incentive program applications involving work on landmarks and the overlay zoning district for compliance with adopted design guidelines pursuant to this article.
- (19) Accept on behalf of the city government donations of preservation easements and development rights as well as any other gift of value for the purpose of historic preservation, subject to the approval of city council.
- (20) Provide comment to the state historical commission on any federal undertakings (projects utilizing federal funds or requiring a federal permit) pursuant to section 106 of the National Historic Preservation Act of 1966, as amended.

(Ordinance 17.03.13A, sec. 3, adopted 3/13/17)

3.16.004 Appointment Of Historic Preservation Officer

The city administrator or its designee shall appoint a qualified staff person to serve as historic preservation officer (HPO). The HPO shall be empowered to:

- (a) Administer this article and advise the commission on matters submitted to it.
- (b) To maintain and hold open for public inspection all documents and records pertaining to the provisions of this article. All records will be maintained at city hall or other designated location as determined by the city records officer.
- (c) Receive and review all applications pursuant to this article to ensure their completeness.
- (d) Review and take action on all certificates of appropriateness applications subject to administrative review pursuant to this article.
- (e) Review and forward with any recommendations all applications for certificates of appropriateness subject to review by the commission pursuant to this article.
- (f) Ensure proper posting and noticing of all commission meetings, schedule applications for HPC review, provide packets to its members prior to the meetings, record meeting minutes and facilitate all commission meetings. The HPC secretary will assist in these administrative duties.
- (g) Review and help coordinate the city's preservation and urban design activities with those of local, state and federal agencies and with local, state, and national preservation organizations in the private sector.

(Ordinance 17.03.13A, sec. 4, adopted 3/13/17)

3.16.005 Criteria For Designation Of Local Historic Landmarks And The Historic Preservation Overlay Zoning District

Properties that are listed as a Recorded Texas Historic Landmark (RTHL), State Archeological Landmark (SAL) or listed on the National Register of Historic Places (NR) shall be considered as recognized local landmarks.

- (a) An individual landmark may be designated if it is at least fifty (50) years old and it substantially complies with two or more of the following:

- (1) Possesses significance in history, architecture, archeology, and 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 our 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.
- (b) The Historic Preservation Overlay District has been established. See section 14.02.053 of the zoning ordinance for the official map. Any increase in the size of this existing district will require notification of all property owners and public hearings before any commission affected by the ruling.
- (c) The procedure for designating a historic landmark or to establish or amend a Historic Preservation Overlay Zoning District may be initiated by the city, or by the individual property owner(s), or by at least 20% of the residents of the potential overlay zoning district. An application for determination of significance shall be made on forms as prescribed by the city and shall be filed with the HPO along with fees in accordance with the municipal fee schedule.
- (d) Upon receipt of a completed determination of significance application, the HPO shall schedule a hearing at the next available regularly scheduled HPC meeting. Notice of the application shall be mailed to the property owner(s) and posted on the property by the city for a minimum period of ten (10) days prior to the scheduled hearing. A published notice in the official newspaper of record of the scheduled hearing shall also be made a minimum of 15 (fifteen) days prior to the scheduled hearing.
- (e) Upon designation of a building, object, site, or structure as a historic landmark or district, the city council shall cause the designation to be recorded in the official public records of real property of the county, the tax records of the city, and the county appraisal district. Any affected map will be revised and recorded.

(Ordinance 17.03.13A, sec. 5, adopted 3/13/17; Ordinance adopting 2017 Code)

3.16.006 Certificate Of Appropriateness For All Alteration Or New Construction

- (a) No person shall carry out any construction, reconstruction, alteration, restoration, rehabilitation, or relocation of any historic landmark or any property within the historic preservation overlay district, nor shall any person make any material change in the 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 any historic landmark or any property within the historic preservation overlay district without first obtaining a certificate of appropriateness.
- (b) In considering an application for a certificate of appropriateness, the commission shall be guided by any adopted design guideline and, where applicable, the Secretary of the Interior's Standards for Rehabilitation of Historic Buildings.
- (c) No building permit shall be issued for such proposed work until a certificate of appropriateness has first been issued by the commission.
- (d) All decisions of the commission shall be in writing. The commission's decision shall state its findings pertaining to the approval, denial, or modification of the application. A copy shall be sent to the applicant. Additional copies shall be filed as part of the public record on that property and dispersed to appropriated departments, e.g., building inspection.

- (e) An applicant for a certificate of appropriateness dissatisfied with the action of the commission relating to the issuance or denial of a certificate of appropriateness shall have the right to appeal to the city council within thirty (30) days after receipt of notification of such action. The city council shall give notice, follow publication procedure, hold hearings, and make its decision in the same manner as provided in the general zoning ordinance of the city.

(Ordinance 17.03.13A, sec. 6, adopted 3/13/17)

3.16.007 Certificate Of Appropriateness Required For Demolition

- (a) Required. A permit for the demolition of a historic landmark or property within the historic preservation overlay district, including secondary buildings and landscape features, shall not be granted without an approved application for a certificate of appropriateness by the commission, as provided for in section 3.16.006 and this section of this article.
- (b) Demolition by neglect.
- (1) No owner or person with an interest in real property designated as a landmark or included within a historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself.
 - (2) Examples of such deterioration include:
 - (A) Deterioration of exterior walls or other vertical supports.
 - (B) Deterioration of roof or other horizontal members.
 - (C) Deterioration of exterior chimneys.
 - (D) Deterioration or crumbling of exterior stucco or mortar.
 - (E) Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors.
 - (F) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.

(Ordinance 17.03.13A, sec. 7, adopted 3/13/17)

3.16.008 Economic Hardship Application Procedure

- (a) After receiving written notification from the commission of the denial of certificate of appropriateness, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the commission makes a finding that hardship exists.
- (b) When a claim of economic hardship is made due to the effect of this article, the owner must prove that:
- (1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
 - (2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
 - (3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

- (c) The applicant shall consult in good faith with the commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be shown to the commission.
- (d) The commission shall hold a public hearing on the application within sixty (60) days from the date the application is received by the (building official or designee, preservation officer). Following the hearing, the commission has thirty (30) days in which to prepare a written recommendation to the (building official or designee or other official). In the event that the commission does not act within ninety (90) days of the receipt of the application, a permit may be granted.
- (e) All decisions of the commission shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the city secretary's office for public inspection. The commission's decision shall state the reasons for granting or denying the hardship application.
- (f) An applicant for a certificate of appropriateness dissatisfied with the action of the commission relating to the issuance or denial of a certificate of appropriateness shall have the right to appeal to the city council within thirty (30) days after receipt of notification of such action. The city council shall give notice, follow publication procedure, hold hearings, and make its decision in the same manner as provided in the general zoning ordinance of the city.

(Ordinance 17.03.13A, sec. 8, adopted 3/13/17; Ordinance adopting 2017 Code)

3.16.009 Taxes

- (a) This section is enacted for the purpose of encouraging the preservation or improvement of properties located in the Historic Preservation Overlay District or considered a recognized local landmark pursuant to the provisions of section 3.16.005 of this code . Notification will be sent to property owners by certified mail. The full value of properties within the HPO district or considered a recognized local landmark in accordance with the provisions of section 3.16.005 of this code shall be exempt from real property ad valorem taxes levied by the city for a period of five (5) consecutive years per owner. To receive the exemption provided for in this section, a property owner claiming the exemption must both comply with all of the applicable requirements found in this article 3.16 historic landmark preservation and apply annually for the historic landmark designation exemption by filing a historic or archeological site exemption form with the chief appraiser of the central appraisal district as provided by law.
- (b) Immediately after January 1 of each year, the historic preservation commission shall notify the chief appraiser of the county central appraisal district of all the properties that qualify for the tax exemption for that year. Any tax exemption under this section shall be limited to the owner at the time of the exemption. In the event the property is sold, the tax exemption will not follow to the new owner, but will be immediately rescinded. If the exempted building(s) is not maintained, the historic preservation commission shall submit a report to the historic preservation officer. Noncompliance with this section could jeopardize the city (real property) tax exemption.
- (c) Recapture of taxes.
 - (1) If any property, within 5 years from any year in which the property received a tax exemption under this section either is removed from the HPO district at the request of the owner, or is determined to have been totally or partially destroyed or altered by the willful or negligent act of the owner or owner's agent, an additional tax shall be imposed, on the effective date of that determination, equal to the city taxes that would have been imposed had the exemption not been made, plus interest on the additional amount at an annual rate of 7%, calculated from the date on which the additional taxes would have become due if not exempted.
 - (2) In providing for the removal of a property from the HPO district, the city council shall call a

public hearing, of which the owner shall be given notice. If it is determined that the property was partially or totally destroyed by the willful or negligent act of the owner or the owner's agent, the additional tax provided in subsection (a) shall be imposed.

- (3) A tax lien attaches to the property on the date this determination is made. It is removed from the district to secure payment of the additional tax and interest imposed by this section. The lien exists in favor of the city in the amount of the taxes and interest imposed.
- (4) The tax assessor collector shall notify the chief appraiser of the additional tax imposed and shall prepare and deliver a statement to the owner for the additional taxes plus interest as soon as practicable after the determination or removal. The taxes and interest are due and become delinquent and incur penalties and interest as provided by law for ad valorem taxes imposed by the city if not paid before February 1 of the year following the year in which the additional tax is imposed.

(Ordinance 17.03.13A, sec. 9, adopted 3/13/17; Ordinance 2020.03.17E adopted 3/17/20)

3.16.010 Enforcement

All work performed pursuant to a certificate of appropriateness issued under this article shall conform to any requirements included therein. It shall be the duty of the building official to inspect periodically any such work to assure compliance. In the event work is not being performed in accordance with the certificate of appropriateness, or upon notification of such fact by the commission and verification by the building official, the building official shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work is in effect. (Ordinance 17.03.13A, sec. 10, adopted 3/13/17)

3.16.011 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, or outward appearance. In-kind replacement or repair is included in this definition of ordinary maintenance. (Ordinance 17.03.13A, sec. 11, adopted 3/13/17)

3.16.012 Penalties

Any person, firm or corporation violating any provision of this division shall be guilty of a class C misdemeanor punishable by a fine up to \$2,000.00. Each day the violation continues shall be considered a separate offence. Such remedy under this section is in addition to the abatement restitution. (Ordinance 17.03.13A, sec. 12, adopted 3/13/17)

14.02.053 HPO Historic Preservation Overlay District

- (a) Purpose. This overlay zone is intended to encompass that portion of the city with historic resource value. The area within the Historic Preservation Overlay district is subject to the requirements of the Historic Landmark Preservation Ordinance (article 3.16 of the Code of Ordinances) and ordinances governing the underlying zoning district designation for each property.
- (b) District confines. The confines of the Glen Rose Historic Preservation Overlay District shall be defined as follows:

Beginning at the intersection of Vine and Cedar Streets; thence running NE along Vine Street to its intersection with Pecan Street; thence running SE along Pecan Street to its intersection with Grace Street; thence running SW along Grace Street, crossing State Highway 144 (also called Elm Street) and continuing in a straight line to the intersection with the extension of Cedar Street (the intersecting point being approximately 200 feet SE of Barnard Street; thence running NW with the extension of Cedar Street, then Cedar Street itself to the point of beginning.
- (c) Permitted uses. The permitted uses for each property are those uses allowed by the underlying zoning for that property.
- (d) Area, yard, height, lot coverage, lot dimensions, fences, walls, building size, temporary buildings, and signs. The requirements for these items are found in the zoning ordinance according to the underlying zoning district.
- (e) Parking requirements. Parking requirements are in accordance with the underlying zoning district found in the zoning ordinance.

(Ordinance 17.03.13B adopted 3/13/17)

Editor's note—Former sections 155.27 and 155.28 of the 2007 Code, pertaining to historic preservation districts, were replaced in their entirety by Ordinance 17.03.13B adopted March 13, 2017. Section 155.27 derived from Ordinance 256-H adopted 7/12/04; Ordinance 256-H Rev. adopted 12/11/06; and 2007 Code, secs. 155.27, 155.99(B).