

Chapter 58 - HISTORICAL PRESERVATION

Footnotes:

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State Law reference— *Texas Historical Commission, Texas Government Code § 442.001 et seq.*

ARTICLE I. - IN GENERAL

Secs. 58-1—58-19. - Reserved.

ARTICLE II. - LANDMARKS

Sec. 58-20. - Definitions.

Accessory structure means structures which are incidental to, and located on the same lot as a principle building(s) including but not limited to, gazebos, garages, sheds, greenhouses, etc.

Building means a structure for the support or shelter of any use or occupancy.

Certificate of appropriateness (COA) means a permit issued by the historic review commission and the city council granting an applicant approval for the alteration, change, demolition, relocation, excavation, or new construction of contributing site, contributing structure, or landmark for work proposed by an owner or applicant that is subject to this article.

Contributing structure means a building, site, structure, or object that adds to the historic character, or cultural values and possesses historic integrity of the district or area, and because it was constructed during the period of significance, typically at least 50 years old.

Demolition means an act or process (notwithstanding 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 Wylie of an application for removal or demolition of a structure.

Design standards means guidelines adopted by the city council defining the requirements that will preserve the historic and architectural character of a structure or a historic district.

Downtown historic district (DTH) means an area as described in section 6.3 downtown historic district (DTH). District boundaries of the city's zoning ordinance. The historic district may have within its boundaries contributing, and non-contributing structures.

Historic review commission (HRC) means the historic review commission of the City of Wylie.

Historic landmark (HL) means a structure, a group of structures, a site, an area, a district, or combination thereof, that has received designation from the city council on its own and not as part of the downtown historic district. It may or may not also be located within the downtown historic district as part of a separate designation.

Historic preservation means the protection, rehabilitation, restoration, or reconstruction of historically significant structures in an effort to preserve the historic character of Wylie.

Heritage preservation plan or preservation plan means a document created by the historic review 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 Wylie.

Heritage resource means a property or properties designated by the city council as a historic landmark (HL) or downtown historic district (DTH).

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 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.

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.

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, archeological or architectural importance, either as an individual property or as part of a 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.

(Ord. No. 2022-46, § 2, 5-31-2022)

Sec. 58-21. - Landmark designation purpose.

In accordance with section 11 of Ordinance No. 2013-17, and Local Government Code ch. 211, § 211.0165, Designation of Historic Landmark, as amended, the municipality shall have the authority to recommend historic landmarks that have local importance. Designating local historic landmarks as places of importance brings attention to the general public and protects the historic resource from inappropriate changes or demolition. Such places of importance may be edifices or locations which are distinctive and important elements of the city's cultural, social, economic, political, archeological and architectural history.

(Code 1991, ch. 1, §§ 15.00, 15.01; Code 1997, § 58-31; Code 2005, § 58-21; Ord. No. 90-11, § 1, 8-28-1990; Ord. No. 2022-46, § 2, 5-31-2022)

Editor's note— Ord. No. 2022-46, § 2, adopted May 31, 2022, amended the title of this section to read as herein set out. The former section title pertained to similar subject matter.

Sec. 58-22. - City council to designate.

Designation of city landmarks will be made by the city council. Designations may be initiated by a property owner, the historical society of the city, the city council, or the planning and zoning commission, the historic review commission, or city staff. If the property owner does not consent, the designation or inclusion of the owner's property must be approved by a three-fourths vote of the city council, and the historic review commission.

(Code 1991, ch. 1, § 15.02; Code 1997, § 58-32; Code 2005, § 58-22; Ord. No. 90-11, § 2, 8-28-1990; Ord. No. 2022-46, § 2, 5-31-2022)

Sec. 58-23. - Criteria and markers.

(a) *Criteria*. In making such designations as set forth in this article, the city council and the historic review commission shall consider one or more of the following criteria:

(1)

Character, interest or value as part of the development, heritage or cultural characteristics of the City of Wylie, State of Texas, or the United States;

- (2) Identification with a person or persons who significantly contributed to the culture and development of the city;
 - (3) Location as the site of a significant historic event;
 - (4) Exemplification of the cultural, economic, social or historical heritage of the city;
 - (5) Relationship to other distinctive buildings, sites or areas which are eligible for preservation according to a plan based on historical, cultural or architectural motif;
 - (6) Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the city;
 - (7) Value as an aspect of community sentiment or public pride.
 - (8) Detailed recommendation from the historic preservation commission.
- (b) *Markers.* Designated landmarks will be awarded markers based on the category of selection.
- (1) Historical edifices and similarly small sites shall be designated with a marker detailing the historical significance of the edifice or site.
 - (2) Historical zones, areas and residential neighborhoods shall, where possible in cooperation with the parks and recreation department, be provided with a conspicuous and attractive landscaped area with a marker detailing the historical significance of the zone, area or residential neighborhood.
- (c) *Revocation of local historical landmarks.*
- (1) Loss of integrity (through alteration, addition, or designation) is the most common reason for the withdrawal of landmark designation. The city council shall have the power to revoke any local historical landmark (LHL) for the violation of any criteria set forth by this ordinance. The following criteria shall justify the withdrawal of a local historical landmark designation:
 - a. The property has ceased to meet criteria for designation; the qualities for which it was originally designated have been lost or destroyed.
 - b. Additional information forthcoming after the designation demonstrates that the property does not possess sufficient significance to be a local historic landmark.
 - c. A professional error was made in the designation of the property.
 - (2) Revocation of a local historical landmark designation requires:
 - a. A public hearing where the HRC and city council shall determine the nature and extent of the violation of the designation;
 - b. Proper notice to the designee;
 - c.

Written notice from the HRC, which shall give the designee the reasons for the proposed revocation of the designation; and

- d. A finding by the council that reasonable corrective measures have not been done by the designee and that revocation of the designation is required.

(Code 1991, ch. 1, § 15.03; Code 1997, § 58-33; Code 2005, § 58-23; Ord. No. 90-11, § 3, 8-28-1990; Ord. No. 2022-46, § 2, 5-31-2022)

Editor's note— Ord. No. 2022-46, § 2, adopted May 31, 2022, amended the title of this section to read as herein set out. The former section title pertained to similar subject matter.

Sec. 58-24. - City to take into account all landmarks when making improvements.

The city council, when considering normal city improvements such as lighting, pavement or landscaping, shall, where designated historic landmarks exist, make every effort to ensure that such improvements are in keeping with and enhance the appearance of the landmark edifice or site.

(Code 1991, ch. 1, § 15.04; Code 1997, § 58-34; Code 2005, § 58-24; Ord. No. 90-11, § 4, 8-28-1990; Ord. No. 2022-46, § 2, 5-31-2022)

Sec. 58-25. - Ordinary maintenance.

Nothing in this article should be construed to prevent ordinary maintenance or repair of any exterior architectural feature of a property designated as a landmark or within a historic overlay district. Ordinary maintenance shall be defined as any work that does not constitute a change in design, material, color from a historic palette or outward appearance, and include in-kind replacement or repair.

(Code 1991, ch. 1, § 15.05; Code 1997, § 58-35; Code 2005, § 58-25; Ord. No. 90-11, § 5, 8-28-1990; Ord. No. 2022-46, § 2, 5-31-2022)

Editor's note— Ord. No. 2022-46, § 2, adopted May 31, 2022, amended the title of this section to read as herein set out. The former section title pertained to similar subject matter.

Sec. 58-26. - Off-street parking and loading.

Due to the development nature of property with a historic landmark designation, it is recognized that conventional off-street parking, loading, and development standards required by section 6.3 of the comprehensive zoning ordinance for individual lots may be difficult to provide. Any uses proposed with a historic landmark designation may present a plan for parking to the historic review commission and or the planning and zoning commission. Upon review, the required commission may determine different amounts and methods in establishing off-street parking.

(Ord. No. 2022-46, § 2, 5-31-2022)

Secs. 58-27—58-50. - Reserved.

ARTICLE III. - HISTORIC REVIEW COMMISSION

Sec. 58-51. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commission means the Historic Review Commission of the City of Wylie, Texas.

Commission member means the members of the Historic Review Commission.

District means the historic district boundaries as set forth and amended by the comprehensive zoning ordinance and official zoning map.

Staff liaison means the planning director of the City of Wylie, Texas, or his designee.

Substantial renovation means alterations to the exterior of existing buildings that change the placement or design of windows, doors or other exterior features of the building such as coping or pilasters; an increase in the floor area of the building greater than ten percent; adding new exterior building materials that do not match the existing materials.

(Code 2005, § 58-51; Ord. No. 2013-17, § 2, 4-9-2013)

Sec. 58-52. - Establishment of the historic review commission.

There is hereby created and established within the city the historic review commission for the purpose of, among other things, reviewing and recommending an action to the planning and zoning commission and/or city council for proposed new construction or substantial renovation, revisions to the ordinance, and to consider future amendments and long range goals of the historic district or landmarks. The commission will act in an advisory capacity to the city council.

(Code 2005, § 58-52; Ord. No. 2013-17, § 3, 4-9-2013)

Sec. 58-53. - Number of members; appointment terms.

- (a) The commission shall consist of seven members to be appointed by the city council for a term of two years each. The city council shall, to the extent reasonably possible, endeavor to appoint at least four citizens at large and the remaining three from the following categories:

- (1) Member in good standing with the downtown merchants association;

- (2) Member in good standing with the city historic society;
 - (3) Historian; and/or
 - (4) Owner of, or resident or tenant in, a landmark property.
- (b) No member shall serve on the commission for more than three consecutive, two-year terms or six consecutive years, whichever is less, unless extended by the affirmative vote of at least three-fourths of the full membership of the city council.
- (c) Except for a commission member whose tenure has been extended by the city council, as provided above, a member who has served three consecutive, two-year terms or six consecutive years, whichever is less, on the commission may be reappointed to serve on the commission after being off the commission for at least one year, and upon reappointment, the member is eligible to serve another three consecutive terms or six consecutive years, whichever is less. Such member is eligible, however, for appointment to a different board or commission without waiting.

(Code 2005, § 58-53; Ord. No. 2013-17, § 4, 4-9-2013; Ord. No. 2020-05, § 2, 1-14-2020; Ord. No. 2020-34, § 4, 5-26-2020)

Sec. 58-54. - Commission member's qualifications.

Each commission member shall be a qualified voter and shall not be an employee of the city. Each commission member shall have any other qualification as the city council deems necessary and appropriate.

(Code 2005, § 58-54; Ord. No. 2013-17, § 5, 4-9-2013)

Sec. 58-55. - Meetings.

The commission shall meet at least once each month at such time and place as shall be fixed by the commission by its standing rules, which meetings shall be open to the public. Special meetings may be called by the chairperson or by written request sent to the chairperson or vice-chairperson by three members of the commission. Minutes shall be kept of all such meetings, and any special meetings, with copies of said minutes and any other reports to be transmitted to the city council and the city manager. The commission shall have technical and logistical support provided as designated by the city manager.

(Code 2005, § 58-55; Ord. No. 2013-17, § 6, 4-9-2013)

Sec. 58-56. - Vacancies.

When vacancies occur on the commission, the city council shall appoint, by majority vote, a replacement to serve the remainder of the term.

(Code 2005, § 58-56; Ord. No. 2013-17, § 7, 4-9-2013)

Sec. 58-57. - Removal.

Each commission member serves at the pleasure of the city council and may be removed at the discretion of the city council. Commission member absences shall be controlled by article VIII of the city Charter.

(Code 2005, § 58-57; Ord. No. 2013-17, § 8, 4-9-2013)

Sec. 58-58. - Quorum; voting.

Four commission members shall constitute a quorum of the commission for the purpose of conducting its business, exercising its powers and for all other purposes. No action of the commission shall be valid or binding unless adopted by the affirmative vote of a majority of those commission members present and voting.

(Code 2005, § 58-58; Ord. No. 2013-17, § 9, 4-9-2013)

Sec. 58-59. - Officers.

The commission shall have a chairperson and vice-chairperson whose terms shall be one year. The chairperson and vice-chairperson shall be elected by the commission members. Neither the chairperson nor vice-chairperson shall serve as an officer for more than two consecutive terms. The chairperson shall preside over meetings and shall be entitled to vote upon each issue. The vice-chairperson shall assist the chairperson in directing the affairs of the commission. In the absence of the chairperson, the vice-chairperson shall assume all duties of the chairperson.

(Code 2005, § 58-59; Ord. No. 2013-17, § 10, 4-9-2013)

Sec. 58-60. - Powers and duties.

- (a) The commission shall act principally in an advisory capacity to the city council and the city staff in any matter pertaining to development within the historic district.
- (b) The commission shall have the power to:
 - (1) Develop, for city council approval, a set of bylaws governing rules of procedure for their meetings and operation;
 - (2) Review and recommend an action to the city council and/or planning and zoning commission for proposed new construction or substantial renovation as it relates to historic preservation;
 - (3) Recommend designation of historic districts and landmarks;
 - (4)

The commission shall advise and make recommendations to the city council pertaining to, among other things, policies and procedures of the district as identified in the comprehensive zoning ordinance;

- (5) Encourage public outreach/education/awareness programs;
- (6) Establish criteria to be used in determining whether certain buildings, land, areas, and districts should be designated as heritage resources.
- (c) All powers and duties prescribed and delegated herein are delegated to the commission, as a unit, and all action hereunder shall be of the commission acting as a whole. No action of any individual commission member is authorized, except through the approval of the commission or city council.
- (d) The commission shall not have the power to obligate the city for funds and/or expenditures or incur any debt on behalf of the city.
- (e) The commission shall have any other power and/or duty as prescribed and authorized by the city council.

(Code 2005, § 58-60; Ord. No. 2013-17, § 11, 4-9-2013)