

**ORDINANCE 2009-03**

**CITY OF MOUNT VERNON, TEXAS  
Historic District and Landmark Preservation Planning Ordinance**

**AN ORDINANCE OF THE CITY OF MOUNT VERNON, TEXAS, PROVIDING FOR ESTABLISHMENT OF CITY OF MOUNT VERNON, TEXAS LANDMARK COMMISSION; PROVIDING FOR THE APPOINTMENT OF A HISTORIC PRESERVATION OFFICER; PROVIDING FOR THE DESIGNATION OF HISTORIC LANDMARKS AND HISTORIC DISTRICTS AND THE CRITERIA FOR SUCH SELECTION; PROVIDING A PROCEDURE FOR A CERTIFICATE OF APPROPRIATENESS AND EXCEPTIONS; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE AND PUBLICATION.**

WHEREAS, CH.211 TEXAS LOCAL GOVERNMENT CODE, the Municipal Zoning Authority, specifically authorizes zoning functions and procedures for municipalities; and

WHEREAS, CH.211 TEXAS LOCAL GOVERNMENT CODE, the Municipal Zoning Authority, allows the adoption of plans for implementation of districts designed to protect and preserve historic districts and landmarks; and

WHEREAS, CH.211 TEXAS LOCAL GOVERNMENT CODE, Section 211.005 authorizes the governing body of a municipality to divide the municipality into districts, within which the governing body may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land and within which zoning regulation must be uniform for each class or kind of building in a district; (allowing zoning regulations to vary from district to district).

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF  
Mount Vernon, Texas:

That the following Historic District and Landmark Preservation Planning Ordinance is hereby enacted as part of the comprehensive zoning plan for the City of Mt. Vernon, Texas, pursuant to CH.211 TEXAS LOCAL GOVERNMENT CODE.

**Section 1. Purpose**

The City Council of Mt. Vernon, Texas, hereby declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks or districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that the City of Mt. Vernon, Texas 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. This act is intended to:

(a) protect and enhance the landmarks and districts which represent distinctive elements of Mt. Vernon's historic, architectural, and cultural heritage;

(b) foster civic pride in the accomplishments of the past;

(c) protect and enhance Mt. Vernon's attractiveness to visitors and the support and stimulus to the economy thereby provided;

(d) insure the harmonious, orderly, and efficient growth and development of the city;

(e) promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the city;

(f) encourage stabilization, restoration, and improvements of such properties and their values.

(g) The City Council of the City of Mt. Vernon shall henceforth adopt boundaries for specific historic districts and recognize and adopt historic landmarks which shall be subject to the provisions of this preservation ordinance. All action taken to adopt boundaries for districts and to recognize and adopt landmarks shall be taken pursuant to Texas laws and after public hearings and upon action such districts or landmarks may be granted the protection afforded in this ordinance.

## **Section 2. City of Mt. Vernon Landmark Commission**

There is hereby created a commission to be known as the City of Mt. Vernon Landmark Commission.

(a) The Commission shall consist of 12 members, to be selected from residents of the city of Mount Vernon, Texas, by recommendation of the Council or Mayor or City Manager and upon confirmation by a majority vote of the City Council. Terms of office will be based on a calendar year appointment ending in December of an assigned year. Terms are staggered with initial terms of one, two and three years. The 12 members shall be designated by Place Number designations and professional abilities with terms of office assigned to each place as follows:

Place One: an architect, planner, or representative of a design profession; Place One Term to end in 2009; 2012; 2015; and each three years thereafter.

Place Two: an historian; Place Two Term to end in 2009; 2012; 2015; and each three years thereafter.

Place Three: a real estate professional; Place Three Term to end in 2009; 2012; 2015; and each three years thereafter

Place Four: an attorney; Place Four Term to end in 2009; 2012; 2015; and each three years thereafter.

Place Five: an owner of a landmark or of a property in a historic district; ; Place Five Term to end in 2010; 2013; 2016; and each three years thereafter.

Place Six: a member of the Mt. Vernon Music Association (if this organization shall be dissolved, the requirement for representation as to such organization shall cease and this place shall be filled "at large" from residents of the City); Place Six Term to end in 2010; 2013; 2016; and each three years thereafter.

Place Seven: a member of the Franklin County Historical Association, (if this organization shall be dissolved, the requirement for representation as to such organization shall cease and this place shall be filled “at large” from residents of the City); Place Seven Term to end in 2010; 2013; 2016; and each three years thereafter.

Place Eight: a member of the Franklin County Arts Alliance, (if this organization shall be dissolved, the requirement for representation as to such organization shall cease and this place shall be filled “at large” from residents of the City); Place Eight Term to end in 2010; 2013; 2016; and each three years thereafter.

Place Nine: a member of the Franklin County Genealogical Society, (if this organization shall be dissolved, the requirement for representation as to such organization shall cease and this place shall be filled “at large” from residents of the City); Place Nine Term to end in 2011; 2014; 2017; and each three years thereafter.

Place Ten: a resident of Mt. Vernon, Texas, selected to this “at large” place. Place Ten Term to end in 2011; 2014; 2017; and each three years thereafter.

Place Eleven: a resident of Mt. Vernon, Texas, selected to this “at large” place. Place Eleven Term to end in 2011; 2014; 2017; and each three years thereafter

Place Twelve: a resident of Mt. Vernon, Texas, selected to this “at large” place. Place Twelve Term to end in 2011; 2014; 2017; and each three years thereafter

The Council’s determination of a member designated as a “representative of a design profession” or as an “historian” shall be determined by the Council in its discretion and such determination shall be final.

**(b)** All Commission members, regardless of background, shall have a known and demonstrated interest, competence, or knowledge in historic preservation within the city of Mt. Vernon, Texas.

**(c)** The Commission as a whole shall represent the ethnic makeup of the city.

**(d)** Commission members shall serve for initial staggered terms to allow for full terms of three years, with all appointments to be confirmed in January of even numbered years after termination of a term as set forth in the listing of places set out above.

**(e)** The Chairman and Vice Chairman of the Commission shall be designated from among the Commission membership by the City Council of the City of Mt. Vernon. The secretary of the Commission shall be the City Manager of the City of Mt. Vernon or his designated representative from city staff so that there shall be complete and accurate records maintained of Commission proceedings. All written minutes will be maintained and available for distribution to Commission members. Minutes shall be made available to Commission members by e-mail and a printed copy of minutes of a meeting shall be provided within one week to a Commission member upon request of such member.

(f) The Commission shall have review authority over local Certificates of Appropriateness or any alterations to local properties under the jurisdiction of the Commission within the historic residential districts and the historical commercial district of the City of Mt. Vernon. Specifically, the Commission shall be empowered to:

(i) Make recommendations for employment of staff and professional consultants as necessary to carry out the duties of the Commission.

(ii) Prepare rules and procedures as necessary to carry out the business of the Commission, which shall be ratified by the City Council.

(iii) Adopt criteria for the designation of historic, architectural, and cultural landmarks and the delineation of historic districts, which shall be ratified by the City Council.

(iv) Conduct surveys and maintain an inventory of significant historic, architectural, and cultural landmarks and all properties located in a historic district within the city.

(v) Recommend the designation of resources as landmarks and historic districts.

(vi) Create committees from among its membership and delegate to these committees responsibilities to carry out the purposes of this ordinance.

(vii) Maintain written minutes which record all actions taken by the Landmark Commission and the reasons for taking such actions.

(viii) Recommend conferral of recognition upon the owners of landmarks or properties within districts by means of certificates, plaques or other appropriate markers.

(ix) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.

(x) Make recommendations to the city government concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and historic districts within the city.

(xi) Approve or disapprove of applications for certificates of appropriateness pursuant to this act.

(xii) Prepare and submit annually to the council a report summarizing the work completed during the previous year.

(xiii) Prepare specific design guidelines for the review of landmarks and historic residential and commercial districts.

(xiv) Recommend the acquisition of a landmark structure by the city government where its preservation is essential to the purpose of this act and where private preservation is not feasible.

(xv) Propose tax abatement programs(s) for landmarks or districts.

(xvi) Accept on behalf of the city government the donation 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 the City Council.

(g) The Commission shall monitor and report any actions affecting any county courthouse, Recorded Texas Historic Landmark (RTHL), State Archeological Landmarks (SAL), National Register (NR), National Historic Landmark (NHL), and any locally designated properties, to the Texas Historical Commission.

(h) The Commission shall meet monthly, if business is at hand. Special meetings may be called at any time by the Chairman or Mayor or on the written request of any four Commission members. All meetings shall be held in conformance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

(i) A quorum for the transaction of business shall consist of not less than a majority of the full authorized membership. The chairman of the Commission shall have full voting privileges as a full authorized member (one of the 12 places on the Commission) and his presence shall count toward the presence of a quorum. The chairman may vote on all matters brought before the Commission and not merely in the event of a tie vote.

### **Section 3. Appointment of Historic Preservation Officer**

The council shall appoint a qualified city official, staff person, or appropriate resident of the city to serve as historic preservation officer. This officer shall administer this ordinance and advise the Commission on matters submitted to it.

The chairman of the Landmark Commission is responsible for coordinating the city's preservation activities with those of state and federal agencies and with local, state, and national nonprofit preservation organizations.

### **Section 4. Designation of Historic Landmarks**

(a) These provisions pertaining to the designation of historic landmarks constitute a part of the comprehensive zoning plan of the City of Mt. Vernon, Texas.

(b) Property owners of proposed historic landmarks shall be notified prior to the Landmark Commission hearing on the recommended designation. At the Landmark Commission's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic landmark. As used throughout this ordinance, the term "Commission" shall mean the Landmark Commission of the City of Mt. Vernon unless specifically referenced as another commission.

(c) In Mt. Vernon, Texas, the City Council as a whole acts as the Zoning Commission for the City in regular or special called Council Meetings. Therefore, upon recommendation of the

Landmark Commission, the proposed historic landmark shall be promptly submitted to the City Council. The City Council shall thereafter give notice and conduct its hearing on the proposed designation within forty-five (45) days of receipt of such recommendation from the Landmark Commission. Such hearing shall be in the same manner and according to the same procedures as specifically provided in the general zoning ordinance of the City of Mt. Vernon, Texas. The City Council shall give notice, follow the publication procedure, hold hearing(s), and make its determination in the same manner as provided in the general zoning ordinance of the City of Mt. Vernon, Texas.

(d) Upon designation of a building, object, site, or other 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 Franklin County, the tax records of the City of Mt. Vernon, and the Franklin County Appraisal District as well as the official zoning maps of the City of Mt. Vernon. All zoning maps should indicate the designated landmarks with an appropriate mark.

## **Section 5. Designation of Historic Districts**

(a) These provisions pertaining to the designation of historic districts constitute a part of the comprehensive zoning plan of the City of Mt. Vernon, Texas.

(b) Property owners within a proposed historic district shall be notified prior to the Landmark Commission hearing on the recommended designation. At the Landmark Commission's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic district. As used throughout this ordinance, the term "Commission" shall mean the Landmark Commission of the City of Mt. Vernon unless specifically referenced as another commission.

(c) The Landmark Commission may recommend the designation of a district if it:

(i) Contains properties and an environmental setting which meet one or more of the criteria for designation of a landmark; and ,

(ii) Constitutes a distinct section of the city.

(d) In Mt. Vernon, Texas, the City Council as a whole acts as the Zoning Commission for the city in regular or special called Council Meetings. Therefore, upon recommendation of the Landmark Commission, the proposed historic district shall be promptly submitted to the City Council. The City Council shall thereafter give notice and conduct its hearing on the proposed designation within forty-five (45) days of receipt of such recommendation from the Landmark Commission. Such hearing shall be in the same manner and according to the same procedures as specifically provided in the general zoning ordinance of the City of Mt. Vernon, Texas. The City Council shall give notice, follow the publication procedure, hold hearing(s), and make its determination in the same manner as provided in the general zoning ordinance of the City of Mt. Vernon, Texas.

(e) Upon designation of a historic district, the City Council shall cause the designated boundaries to be recorded in the Official Public Records of real property of Franklin County, Texas,

the tax records of the City of Mt. Vernon, Texas, and the Franklin County Appraisal District as well as the official zoning maps of the City of Mt. Vernon, Texas. All zoning maps should indicate the designated historic district by an appropriate mark.

## **Section 6. Criteria for Designation of Historic Landmarks and Districts**

A historic landmark or district may be designated if it:

- (a) Possesses significance in history, architecture, archeology, and culture
- (b) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.
- (c) Is associated with events that have significance in our past.
- (d) Embodies the distinctive characteristics of a type, period, or method of construction.
- (e) Represents the work of a master designer, builder, or craftsman.
- (f) Represents an established and familiar visual feature of the neighborhood or city.

## **Section 7. Certificate of Appropriateness for Alteration or New Construction Affecting Landmarks or Historic Districts**

No person shall carry out any construction, reconstruction, alteration, restoration, rehabilitation, or relocation of any historic landmark or any property within a historic 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 a historic district. No such action shall be commenced without first obtaining a certificate of appropriateness for proposed new construction to ensure compatibility with the existing historic resources of the district.

## **Section 8. Criteria for Approval of a Certificate of Appropriateness**

In considering an application for a certificate of appropriateness, the Commission shall be guided by any adopted design guideline, and where applicable, the following from *The Secretary of the Interior's Standards for Rehabilitation of Historic Buildings*. Any adopted design guideline and *Secretary of the Interior's Standards* shall be made available to the property owners of historic landmarks or within historic districts.

- (a) Every reasonable effort shall be made to adapt the property in a manner which 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 features 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 or 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 possible. In the event replacement is necessary, the new material should reflect 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 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 with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

(h) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.

(i) 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.

(j) Whenever possible, new additions or alterations to buildings, structures, objects, or sites 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 building, structure, object, or site would be unimpaired.

## **Section 9. Certification of Appropriateness Application Procedure**

(a) Prior to the commencement of any work requiring a certificate of appropriateness the owner shall file an application for such a certificate with the Landmark Commission. The application shall contain:

(i) Name, address, telephone number of applicant, detailed description of proposed work.

(ii) Location and photograph of the property and adjacent properties. Historical photographs may be required by the Landmark Commission and should be submitted in advance of such request as a matter of courtesy.

(iii) Elevation drawings of the proposed changes, if available.

(iv) Samples of materials to be used.

(v) If the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination (if any), and a plan showing the sign's location on the property.

(vi) Any other information which the Landmark Commission may deem necessary in order to visualize the proposed work.

(b) No building permit shall be issued for such proposed work until a certificate of appropriateness has first been issued by the Landmark Commission. The certificate of appropriateness required by this act shall be in addition to and not in lieu of any building permit that may be required by any other ordinance of the City of Mt. Vernon, Texas.

(c) The Landmark Commission shall review the application at a regularly scheduled meeting within thirty (30) days from the date the application is received, at which time an opportunity will be provided for the applicant to be heard. The Commission shall approve, deny, or approve with modifications the permit within thirty (30) days after the review meeting. In the event the Commission does not act within thirty (30) days of the receipt of the application, a permit may be granted.

The Commission may also suspend action on the permit for an additional thirty (30) days if it desires to solicit additional information relating to the permit.

**The Landmark Commission's decision is limited to those decisions stated in the ordinance, i.e., approve, deny, or approve with modifications. Suspension of action for a specified time also can be provided for in lieu of or in addition to these provided actions.**

(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 within fifteen (15) days of the entry of the Commission's findings. 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 Landmark Commission relating to the issuance or denial of a certificate of appropriateness shall have the right to appeal to the City Council within (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.

## **Section 10. Certificate of Appropriateness Required for Demolition**

A permit for the demolition of a historic landmark or property within a historic district, including secondary buildings and landscape features, shall not be granted by the city staff of the City of Mt. Vernon without the review of a completed application for a certificate of appropriateness by the Landmark Commission, as provided for in Section 7, 8 and 9 of this ordinance.

## **Section 11. Economic Hardship Application Procedure**

(a) After receiving written notification from the Landmark Commission of the denial of a certificate of appropriateness, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the Landmark Commission makes a finding that hardship exists.

(b) When a claim of economic hardship is made due to the effect of this ordinance, the owner must prove that:

(i) the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;

(ii) 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

(iii) 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 Landmark 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 Landmark Commission.

(d) The Landmark Commission shall hold a public hearing on the application within sixty (60) days from the date the application is received by the building inspector and preservation officer. Following the hearing, the Landmark Commission has thirty (30) days in which to prepare a written recommendation to the city staff for the city of Mt. Vernon, Texas. In the event that the Landmark Commission does not act within sixty (60) days of the receipt of the application, a permit may be granted.

(e) All decisions of the Landmark Commission shall be in writing. A copy shall be sent to the applicant by registered or certified mail, with return receipt requested, and a copy filed with the city secretary's office for public inspection. The Landmark 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 Landmark 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.

## **Section 12. Enforcement**

All work performed pursuant to a certificate of appropriateness issued under this ordinance shall conform to any requirements included therein. It shall be the duty of the designated city staff person 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 Landmark Commission and verification by city staff, the city staff person 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.

### **Section 13. Ordinary Maintenance**

Nothing in this ordinance 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. Color shall not be considered as ordinary maintenance and any change of color shall be submitted for approval of a certificate of appropriateness prior to commencing painting when any change of paint color from an existing paint color is proposed.

### **Section 14. Demolition by Neglect**

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 Landmark Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself.

Evidence of such deterioration may include, but is not limited to, the following:

- (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.

### **Section 15. Penalties**

Failure to comply with any of the provisions of this ordinance (including failure to apply for a Certificate of Appropriateness or failure to apply for a Demolition Permit) shall be deemed a violation and the violator shall be liable for a misdemeanor charge, and, upon conviction, shall be subject to a fine of not less than ten dollars (\$10.00) and no more than two hundred dollars (\$200.00) for each day that the violation continues. For the purpose of this ordinance, each day during which there exists any violation of any provision herein shall constitute a separate violation of such

provisions.

In addition to those remedies, the Council may provide for civil penalties for each violation and is authorized to institute appropriate action to enforce this ordinance as authorized by Chapter 211 of the Texas Local Government Code, as amended. If a violation occurs or is about to occur, the municipality is authorized to bring action to enforce the ordinance. See Sec. 211.012 of the Texas laws: Municipal Zoning Authority.

**Section 16. General**

All ordinances, orders, resolutions, heretofore passed and adopted by the City Council of the City of Mount Vernon, Texas, are hereby repealed to the extent that said ordinances, orders or resolutions, or parts thereof, are in conflict with the provisions of this ordinance.

**Section 17. Severability**

If any section, subsection, clause, phrase or provision of this ordinance is for any reason held to be unconstitutional or void by a court of competent jurisdiction, such holding shall not affect any valid provision of this or any ordinance of the City of Mount Vernon, Texas.

**Section 18. Definitions**

Definitions applicable to this Ordinance are set forth in Appendix A attached hereto and incorporated herein for reference.

**Section 19. Effective Date**

This ordinance shall take effect and be in full force from and after the passage, approval and publication hereof.

**This ordinance adopted the \_\_\_\_ day of \_\_\_\_\_, 2009.**

\_\_\_\_\_  
**J.D. Baumgardner,  
Mayor, City of Mt. Vernon, Texas**

**Attest:** \_\_\_\_\_  
**Tina Rose, City Secretary  
City of Mt. Vernon, Texas**

## APPENDIX A: DEFINITIONS

**alteration** A physical change in or to a building.

**architectural control** Regulations governing the appearance or architectural style of buildings or structures. Architectural control is a form of aesthetic zoning. (PAS, Report No. 322, p.4)

**building** A building, such as a house, barn, church, hotel, or similar construction that is created to shelter any form of human activity. Building also may be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn. (*National Register Bulletin 24*, p.1)

**case law** This is the body of law developed through hearings and judgments of specific issues (cases) by courts of law.

**comprehensive plan** A document or series of documents prepared by a planning commission or department setting forth policies for the future of a community. Enabling statutes in many states require zoning to be in accordance with a comprehensive plan. (PAS, Report No.322, p.10-11)

**comprehensive historic preservation plan** A document that integrates the various preservation activities and gives them coherence and direction, as well as relates the community's preservation efforts to community development planning as a whole. (*National Register Bulletin 24*, p.61)

**design review** The decision-making process conducted by an established review committee of a local government that is guided by the terms set in the historic preservation ordinance.

**design review guidelines** These are a set of guidelines adopted by the commission that details acceptable alterations of designated properties. They are usually generously illustrated and written in a manner that would be understood by most property owners.

**district** A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. (*National Register Bulletin 24*, p.1)

**due process (of law)** A requirement that legal proceedings be carried out in accordance with established rules and principles. (PAS, Report No. 322, p.14)

**enabling legislation** State legislation that grants certain authority to local governments so that they may direct the development of their communities. Chapter 211, Municipal Zoning Authority is the legislation that enables municipalities in Texas to zone and designate historic landmarks and districts as part of the comprehensive zoning plan.

**general law cities** This refers to incorporated municipalities with populations under 5,000. These cities must conform to the general laws of the state of Texas.

**historic property** A district, site, building, structure, or object significant in American history,

architecture, engineering, archeology, or culture at the national, state, or local level.

**historic resource** This generally is the same as a **historic property**. It includes architectural, historical, and archeological properties as well as landscape features.

**home rule cities** This refers to incorporated municipalities with populations over 5,000. These cities must adopt a home rule charter and are granted more independence in their local decision-making.

**intensive 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** This refers to any individual building, structure, or object that is significant for historical, architectural, or archeological reasons.

**object** 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. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment, such as statuary in a designed landscape. (*National Register Bulletin 24*, p.1)

**ordinary maintenance** This generally refers to activities relating to a property that would be considered ordinary or common for maintaining the property, such as the replacement of a porch floor with identical or in-kind materials. It also may include other activities such as painting.

**overlay zones** A set of zoning requirements that is described in the ordinance text, is mapped, and is imposed in addition to those of the underlying district. Development within the overlay zone must conform to the requirements of both zones or the more restrictive of the two. (PAS, Report No.322, p.24)

**police power** The authority of government to exercise controls to protect the public's health, safety, morals, and general welfare. (PAS, Report No. 322, p.26)

**preservation** The act or process of applying measures to sustain the existing form, integrity, and material of a building or structure, and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

**preservation planning** This refers to the planning for the continued identification and evaluation of historic properties and for their protection and enhancement. (*National Register Bulletin 24*, p. 61)

**rehabilitation** The act or 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 or features of the property which are significant to its historical, architectural, and cultural values.

**restoration** The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

**site** A site is 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. (*National Register Bulletin 24*, p.1)

**special district** A district established to accommodate a narrow or special set of uses or for special purposes. The term can signify any district beyond the conventional residential, commercial, industrial, and agricultural districts. Examples include open space districts, hotel/motel districts, or historic preservation districts. The establishment of special districts must have an appropriate **police power** basis (these should be spelled out in the preamble or statement of purpose). (PAS, Report No. 322, p.32)

**statutory law** This is the body of law established through statutes initiated and adopted by elected officials participating in our legislative and executive branches of government.

**structure** The term structure is used to distinguish from buildings those functional constructions made usually for purposes other than creating shelter. (*National Register Bulletin 24*, p.1)

**taking** The appropriation by government of private land for which compensation must be paid. Under the U.S. Constitution, property cannot be condemned through eminent domain for public use or public purpose without just compensation. This is reasonably clear when government buys land directly. But the “taking issue” is far less clear when the imposition of police power controls. (PAS Report No. 322, p.34)

**zoning** A police power measure, enacted primarily by general purpose units of local government, 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. (PAS, Report No. 322, p.38)