

## ZONING TEXT AMENDMENT

Case Coordinator: Michael McCauley

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### **GENERAL PROJECT INFORMATION**

**REQUEST:** This is a city-initiated request to amend Article XX.3. “HP” Historic Preservation Overlay District to add to the intent for designating a historic landmark and historic district, change the name of the Historic Preservation Advisory Committee and their duties, change the criteria for a designation, add definitions, add application criteria, and amend the process for designating historic landmarks and districts.

**APPLICANT:** City of Carrollton

### **BACKGROUND INFORMATION**

Staff routinely proposes updates to codes and ordinances as appropriate. The proposed amendment allows the article to be better understood and removes sections not necessary to the zoning aspect of the ordinance.

The Planning Department had previously overseen and administered the Historic Preservation Advisory Committee (HPAC), including dedication of historical markers and regulating the Historic Preservation Overlay District (Carrollton Heights). In 2014, the Parks and Recreation Department began overseeing HPAC, (now Museum and Historic Advisory Committee (MHAC)), for designating historic markers and other non-zoning but historical-related matters. The Development Services Department continues accepting, reviewing, and taking administrative action on applications for Certificates of Historical Appropriateness. Additionally, Development Services oversees any modifications to the Carrollton Heights Overlay District. With the joint efforts of the Parks and Recreation Department and the Development Services Department, it is necessary to update Article XX.3 for assigned duties and responsibilities. These changes will better provide the public, staff, Commission and Council, with clearer regulations for understanding and regulating Article XX.3 “HP” Historic Preservation Overlay District.

The following is a markup version of the excerpt of Article XX.3 “HP” Historic Preservation Overlay District (new text in red and underlined and removed text red and ~~struck through~~):

**ARTICLE XX.3**  
**"HP" HISTORIC PRESERVATION OVERLAY DISTRICT**

*(Entire Article Established, Ord. 2706, 07/16/02; Ord. XXXX, 12/05/23)*

**SECTION A. INTENT AND PURPOSE.**

The "HP" Historic Preservation Overlay District shall function as an overlay zoning district. The "HP" requirements shall supersede the regulations of the underlying zoning district where such district's regulations are in conflict with the provisions of this Article. All regulations of the underlying zoning districts shall be in effect except as identified in the "HP" Historic Preservation Overlay District regulations.

The City Council of Carrollton hereby declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks designations or districts of historical and cultural importance and significance are necessary to promote the economic, cultural, educational, and general welfare of the public, and that such landmarks designations and districts represent the unique confluence of time and place that shaped the identity of generations of citizens, both collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage.

~~The~~ An historic designation of an historic landmark and/or historic district is intended to:

1. Protect and enhance the landmarks and areas which represent distinctive elements of Carrollton's historic, architectural, and cultural heritage
2. Protect and enhance Carrollton's attractiveness to residents, visitors and tourists
3. Support the harmonious, orderly, and efficient growth and development of the community
4. Promote, maintain and stimulate economic prosperity and the general welfare of the community and
5. Encourage stabilization, restoration, and improvements of properties and their values and.
6. Educate Carrollton residents and visitors of Carrollton history.

**SECTION B. DUTIES: HISTORIC PRESERVATION OFFICER, ~~HISTORIC PRESERVATION ADVISORY COMMITTEE MUSEUM AND HISTORIC PRESERVATION STAFF LIAISON, MUSEUM AND HISTORIC ADVISORY COMMITTEE.~~**

1. HISTORIC PRESERVATION OFFICER: (Also referred to as the “HPO”)

The City Manager or ~~his~~their designee shall appoint a qualified city official or staff person of the City of Carrollton to serve as Historic Preservation Officer. This officer shall administer this ordinance, meet with the ~~Historic Preservation Advisory~~ Museum and Historic Advisory Committee at their regular and called meetings as needed and advise them on matters of historic preservation and the administration of this ordinance.

~~This officer~~ The HPO shall also provide assistance to applicants and shall coordinate the City of Carrollton's historic preservation activities with those of federal and state agencies, and with local, state and federal preservation organizations.

~~2. HISTORIC PRESERVATION ADVISORY COMMITTEE: (Also referred to as "the Committee" and "HPAC")~~

~~The Historic Preservation Advisory Committee shall conduct meetings as established in Chapter 34 of the Carrollton Code of Ordinances.~~

~~3. MUSEUM AND HISTORIC PRESERVATION STAFF LIAISON: (Also referred to as the "MHPL")~~

~~The City Manager or their designee shall appoint a staff person of the City of Carrollton to serve as Museum and Historic Preservation Staff Liaison. The liaison will aid the Committee and support Carrollton's history as outlined in Chapter 133 of the Municipal Code of Ordinances.~~

~~The MHPL may advise and assist the HPO in historical research, documents, and recommendations, but shall not be responsible for items related to planning and zoning laws.~~

~~This person shall also provide assistance to applicants as pertained to the A.W. Perry Homestead, Carrollton history, and markers unrelated to zoning laws and shall coordinate the City of Carrollton's historic preservation activities with those of federal and state agencies, and with local, state and federal preservation organizations with the HPO as needed.~~

~~4. MUSEUM AND HISTORIC ADVISORY COMMITTEE: (Also referred to as "the Committee" and "MHAC")~~

~~The Museum and Historic Advisory Committee shall conduct meetings as established in Chapter 34 of the Municipal Code of Ordinances.~~

## **SECTION C. DESIGNATIONS.**

### **1. HISTORIC DESIGNATION**

#### **A. CONTENTS OF AN APPLICATION FOR DESIGNATION (See Section 133 Municipal Code of Ordinances):**

~~The standard application form used by the City of Carrollton Development Services Department shall be used in accordance with Section A of Article XXXI.~~

#### ~~2. CRITERIA FOR DESIGNATION:~~

~~A designation for an historic landmark or district may be made if, in the opinion of the City Council, the landmark or district:~~

~~a. Possesses significance in history, architecture, archeology or 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 the life of a person or persons significant to the community~~
- ~~d. Embodies the distinctive characteristics of a type, period, style or method of architecture or construction~~
- ~~e. Represents the work of a significant builder or craftsman~~
- ~~f. Represents an established and familiar feature of the community~~
- ~~g. Possesses high artistic values~~
- ~~h. Represents and/or contributes to a significant and distinguishable entity whose components may lack individual distinction~~
- ~~i. Has yielded, or is reasonably likely to yield, information important to history or prehistory, or~~
- ~~j. Is eligible for listing in the National Register of Historic Places or recognition by the Texas Historical Commission.~~

### ~~3. PROCESS FOR DESIGNATING LANDMARKS & DISTRICTS:~~

- ~~a. The Committee shall, within 60 days from receiving a complete application, hold a public hearing and consider the nomination. Notice of this public hearing shall be posted in the manner set forth in Section B(1), Article XXXI, Carrollton Comprehensive Zoning Ordinance, provided that HPAC shall substitute for any and all references to the Planning and Zoning Commission therein.  
  
The Committee shall then forward a recommendation to the Planning & Zoning Commission on the nomination, and a report containing the following information, as applicable:
  - ~~i. An explanation of the significance of the nomination as it relates to the Criteria for Designation~~
  - ~~ii. An explanation of the integrity and authenticity of historic character of the nominated landmark~~
  - ~~iii. Design criteria to be used to guide and evaluate any alteration, construction, reconstruction, restoration, rehabilitation, removal or demolition of a landmark or within a district, and~~
  - ~~iv. Testimony or evidence received by the Committee as part of the application or during the public hearing.~~~~
- ~~b. Upon forwarding a recommendation and report from the Committee to the Planning & Zoning Commission, the process shall follow the procedures set forth in Section B (regarding a hearing before Planning and Zoning Commission), and in Section C (regarding a hearing before the City Council), Article XXXI, Carrollton Comprehensive Zoning Ordinance.~~
- ~~c. Upon designation of an historic landmark or district, the City Council shall cause the~~

~~designation to be recorded in the real property records of the appropriate county, the tax records of the City of Carrollton and the Dallas Central Appraisal District, and to be shown on the official zoning map of the City of Carrollton by an appropriate mark. The record filed with the county shall include a verified written instrument filed in the real property records of the county clerk's office of each county in which Carrollton is located listing each historic structure or property that is located in the municipality and that county and is designated as historic by a political subdivision of the state by: the street address, if available in the municipal files; the legal description of the real property on which the structure or property is located; and the name of the owner of the real property, if the name is available in the municipal files.~~

#### ~~4. REMOVING A DESIGNATION:~~

~~A designation for an historic landmark or historic district may be removed in the same manner and by the same process by which it was enacted.~~

## 2. HISTORIC DISTRICT

### A. CRITERIA FOR HISTORIC DISTRICT:

Applications for a designation for a historic district may be submitted if the property or properties have received National or State historical recognition or satisfies the following:

- 1) Possesses significance in history, architecture, archaeology, or culture and is associated with events that have made a significant contribution to the broad patterns of local history.
- 2) Embodies the distinctive characteristics of a type, period, style or method of architecture or construction; represents an established and familiar feature of the community and represents and/or contributes to a significant and distinguishable entity whose components may lack individual distinction.

### B. APPLICATION CRITERIA:

- 1) Source verification is required for all information pertaining to claims of significance.
- 2) Applicant must be sole owner or have written permission granting approval for application from current owner(s), any persons named in the application, or any other company, corporation or individual who may have a say or right of objection to the designation.

### C. PROCESS FOR DESIGNATING DISTRICT:

- 1) Submit to MHAC an application and associated drawings that explains the different criteria for designation that the proposed properties meet.
- 2) The Committee shall present applications during the next scheduled meeting with no less than 10 days from receiving a complete application, hold a public hearing and consider the nomination. Notice of this public hearing shall be posted in the manner

set forth in Section B(1), Article XXXI, Carrollton Comprehensive Zoning Ordinance, provided that MHAC shall substitute for any and all references to the Planning and Zoning Commission therein.

- 3) Upon forwarding a recommendation and report from the Committee to the Planning & Zoning Commission, the process shall follow the procedures set forth in Section B (regarding a hearing before Planning and Zoning Commission), and in Section C (regarding a hearing before the City Council), Article XXXI, Carrollton Comprehensive Zoning Ordinance.
- 4) Upon designation of an historic landmark or district, the City Council shall cause the designation to be recorded in the real property records of the appropriate county, the tax records of the City of Carrollton and the Dallas Central Appraisal District, and to be shown on the official zoning map of the City of Carrollton by an appropriate mark. The record filed with the county shall include a verified written instrument filed in the real property records of the county clerk's office of each county in which Carrollton is located listing each historic structure or property that is located in the municipality and that county and is designated as historic by a political subdivision of the state by: the street address, if available in the municipal files; the legal description of the real property on which the structure or property is located; and the name of the owner of the real property, if the name is available in the municipal files.

**D. REMOVING A DISTRICT DESIGNATION:**

A designation for an historic district may be removed in the same manner and by the same process by which it was enacted.

**SECTION D. CERTIFICATE OF HISTORIC APPROPRIATENESS.**

**1. REQUIRED:**

In addition to any other permit required by other ordinances of the City of Carrollton, a Certificate of Historic Appropriateness shall be required prior to:

- a. Any work which requires the issuance of a permit from the Building Inspections Department of the City of Carrollton and which affects the exterior appearance of a designated historic ~~landmark or any~~ structure located within a designated historic district.

No building permit shall be issued for any alteration, construction, reconstruction, restoration, rehabilitation, removal or demolition on any historic ~~landmark~~ structure or property within an historic district unless a Certificate of Historic Appropriateness has been approved for said activity.

- b. Any work which does not require the issuance of a permit from the Building Inspections Department, but which affects the exterior appearance of a designated historic ~~landmark or any~~ structure located within a designated historic district. Examples of such work may include, but are not limited to:
  - i. Change of exterior appearance by painting or other finish work

- ii. Installation of siding
- iii. Window treatment, including, but not limited to, window replacement and the installation of awnings, or
- iv. Door treatment, including, but not limited to door replacement or alteration.

2. ORDINARY MAINTENANCE AND REPAIR; EMERGENCY REPAIR:

- a. Nothing in this article shall be construed to prevent the ordinary maintenance and/or repair as defined by Article XXXIV; nor shall a Certificate of Historic Appropriateness be required by this article for ordinary maintenance and repair.
- b. Emergency maintenance and temporary repair as defined by Article XXXIV may be authorized by the City, provided that said temporary emergency maintenance and temporary repair does not permanently alter the distinctive features of the ~~landmark historically designation or historic district~~ designated structure, and that, within 30 days, the owner of record applies for appropriate and adequate permits to make permanent repairs.

4. CRITERIA FOR CONSIDERATION OF A CERTIFICATE OF HISTORIC APPROPRIATENESS:

a. General

When assessing an application for a Certificate of Historic Appropriateness, consideration shall be given to any design criteria set forth in the ordinance establishing the designated ~~landmark structure~~ and, where applicable, the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings (adopted herein by attachment: Appendix A to this article), both of which shall be made available to the owners of historic ~~landmarks structures~~ and the owners of property within historic districts.

Any adopted design guidelines, Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings (Appendix A), and Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings (Appendix B) shall be on file in the city secretary's office and made available to the public. (Appendix B is for guidance only and is not adopted by this article.)

General guidelines for the rehabilitation, repair, reconstruction or alteration of ~~landmarks structures~~ or for any construction in an historic district shall include, but are not limited to, the following:

- i. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- ii. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property should be avoided where possible.
- iii. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

- iv. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- v. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property should be preserved where possible.
- vi. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should, as closely as possible, match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- vii. Chemical or physical treatments, such as indiscriminate and careless sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- viii. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- ix. New additions, exterior alterations, or related new construction should not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- x. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

## **SECTION G. DEMOLITION BY NEGLECT.**

1. No owner or person with an interest in real property designated as ~~a historic landmark~~ or within an historic district shall permit said 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 ~~Museum and Historic Advisory Committee~~ Museum and Historic Advisory Committee, 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, but are not limited to:
  - a. Physical deterioration of exterior walls or vertical structural supports
  - b. Physical deterioration of roofs or horizontal structural supports
  - c. Physical deterioration of chimneys
  - d. Physical deterioration of foundations
  - e. Physical deterioration of stucco or mortar
  - f. Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors, or



- g. Physical deterioration of any features so as to create a hazardous condition, which could lead to the claim that demolition, is necessary for public safety.

**CONCLUSION**

Staff is recommending approval amending Article XX.3 of the CZO.