

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CORSICANA, TEXAS, REPEALING AND REESTABLISHING IN ITS
ENTIRETY, ARTICLE 1.3500 OF THE CITY CODE OF ORDINANCES.**

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Corsicana, Texas, that Article 1.3500, of the City Code of Ordinances be repealed and reestablished and shall hereafter read as follows:

**CHAPTER 1 GENERAL PROVISIONS
Article 1.3500: Historic Preservation**

Sec. 1.3501 - Authority

This section is authorized through:

- (1) Chapter 211 of the Texas Local Government Code, which authorizes zoning functions and procedures for municipalities;
- (2) Section 211.003(b) of the Texas Local Government Code, which provides that in the case of designated places and areas of historical, cultural, or architectural importance and significance, the governing body of a municipality may regulate the construction, reconstruction, alteration, or razing of buildings and other structures;
- (3) Section 211.005(a) of the Texas Local Government Code, which 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; however, zoning regulations may vary from district to district;
- (4) Section 214.00111 of the Texas Local Government Code provides additional authority to preserve substandard buildings as historic property which applies only to a municipality that is designated as a Certified Local Government by the State Historic Preservation Officer as provided by 16 U.S.C.A. Section 470 et seq.

Sec. 1.3502 - Scope

The provisions of this article apply to the alteration, rehabilitation, restoration, construction, relocation and demolition of any building, structure, object or site that is designated as a landmark or protected landmark or that is located within an historic district.

Nothing in this article will be construed to authorize the city to regulate the interior characteristics of any building or structure, provided that interior changes do not have an effect on any exterior features.

Other provisions of this Code, Construction Code, Fire Code, or state and federal law and regulations that are applicable to any building structure, object or site that is subject to the provisions of this article shall continue to apply.

Sec. 1.3503 - Purpose

The City Council of the City of Corsicana does hereby declare that as a matter of public policy the protection, enhancement, and perpetuation of districts and landmarks 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 historic resources of the City of Corsicana represent the unique confluence of time and place that have shaped the identity of generations of citizens, collectively and individually, and these resources constitute the heritage of Corsicana. This act is intended to:

- (1) Protect and enhance the landmarks and districts which represent distinctive elements of Corsicana's historic, architectural, and cultural heritage;
- (2) Foster civic pride in the accomplishments of the past;
- (3) Protect and enhance Corsicana's attractiveness to visitors, and support and stimulate the economy;
- (4) Ensure the harmonious, orderly, and efficient growth and development of the City that is sensitive to its historic resources;
- (5) Promote economic prosperity and welfare of the community by encouraging the most appropriate use of historic properties within the City;
- (6) Encourage stabilization, restoration and improvements of such properties and their values by offering incentives for rehabilitation.

Sec. 1.3504 - Definitions

For the purpose of this article, certain words, phrases and terms are herein defined.

Archeology. The science or study of the material remains of past life or activities and the physical site, location, or context in which they are found, as delineated in the Department of the Interior Archeological Resources Protection Act of 1979.

Area. A specific geographic division in the City of Corsicana.

Building. Any structure created to shelter people or things, such as a house, barn, church, office, hotel, or similar structure.

Certificate of Appropriateness. A signed and dated document evidencing the approval of the Landmark Commission and/or Historic Preservation Officer for work proposed by an owner or applicant.

Citizen. A legal resident of the City of Corsicana.

Demolition. An act or process (not withstanding acts of God, criminal activity, etc.) which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic, or architectural integrity.

Design Guidelines. Guidelines recommended by the Landmark Commission and adopted by the Corsicana City Council for property designated as a historic landmark or historic district to protect, perpetuate, and enhance the historical, cultural, architectural, or archeological character of an object, site, structure, or district.

Landmark Commission, or Commission. The Landmark Commission of the City of Corsicana, Texas, established in accordance with Section 1.3505.

Historic Preservation Officer (HPO). A staff person for the City of Corsicana whose duties encompass all historic preservation activities for the City as established in accordance with Section 1.3506.

Historic Landmark Preservation Plan (or Preservation Plan). A document established by the Landmark Commission and adopted by the Corsicana City Council to provide a current inventory of Historic Landmarks and Historic Districts and policy recommendations to guide historic preservation activities for the City of Corsicana.

Historic Preservation. The identification, evaluation, recordation, documentation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, and reconstruction of Historic Landmarks, or any one or a combination of the aforementioned activities.

Historic Landmark. A structure, site, building, or landmark, which satisfies two (2) or more of the criteria, set out in Section 1.3507 and which is designated as such in accordance with that Section.

Historic District. An area which includes two (2) or more structures or sites which satisfy two (2) or more of the criteria set out in Section 1.3507 and Section 1.3507.2, together with their accessory buildings, fences, and other appurtenances, and which is designated as such in accordance with that Section. A Historic District may have within its boundaries other structures that, while not of such historical, cultural, architectural, or archeological significance as to be designated as a Historic Landmark, nevertheless contribute to the overall visual setting of or characteristics of the Historic District.

Minor In-Kind Repairs. Small scale repairs to correct minor problems or damage to the exterior. Minor in-kind repairs do not include a change in design, material, or outward appearance, only in-kind replacement or repair. Examples of minor in-kind repairs include, but are not limited to: touch-up painting, replacement of a windowpane, caulking, securing loose boards, etc.

Ordinary Maintenance. Any work, the purpose and effect of which is to correct any deterioration or decay of or damage to a structure or property, or any part thereof, and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay, damage using the same materials or those materials available which are as close as possible to the original and all of which must comply with applicable codes and ordinances. Ordinary Maintenance does not include a change in design, material, or outward appearance, but does include in-kind replacement or repair. Examples of ordinary maintenance include, but are not limited to: replacement or repair of roofing materials, painting, or other minor architectural features, etc.

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

Restoration. The act or process of accurately recovering the form and details of a structure or 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.

Routine Repairs and Maintenance. Means repairs, replacements, corrections and maintenance items to the property as shall be required in the normal and ordinary course of operation of the property. Examples of routine repairs and maintenance include, but are not limited to: plumbing maintenance, clearing plumbing pipes, replacing light bulbs, pest control, cleaning of any kind, filter changes. The final determination to be made by the Historic Preservation Officer.

Secretary of the Interior's Standards for Rehabilitation. The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings, reported at 36 Code of Federal Regulations 67.7, or as otherwise coded, if modified.

Stabilization. The act or process of applying measures designed to reestablish a weather resistant enclosure and structural stability of an unsafe or deteriorated structure or property while maintaining the essential form as it presently exists.

Structure. Anything constructed or erected which requires location on the ground, or is attached to something having a location on the ground, including, without limitation, buildings.

Sec. 1.3505 – Corsicana Landmark Commission

This ordinance hereby creates a commission to be known as the Corsicana Landmark Commission (Landmark Commission).

- (1) The Landmark Commission shall consist of ten (10) members of the City of Corsicana to be appointed and confirmed by the City Council of the City of Corsicana as follows:
 - a. One (1) member shall be from the architecture or design area of expertise.
 - b. Three (3) members shall have demonstrated an interest in the history of Corsicana.
 - c. Three (3) members shall be historic property owners representing one or more of the Historic Districts or individual Historic Landmarks.
 - d. Ex-Officio board members (non-voting members) shall include:
 1. One (1) representative from the Planning and Zoning Commission.
 2. One (1) representative from the City's Manager's staff, such as a Historic preservation officer.
 3. One (1) representative from the City Planning and Zoning staff.
- (2) All Landmark Commission members, regardless of background, shall have a known and demonstrated interest, competence, or knowledge in historic preservation within the City of Corsicana.
- (3) Landmark Commission members shall serve for a term of two (2) years. Members may serve 2 terms or 4 years and must wait one term before reappointment.
 1. The chairman, vice-chairman, and secretary of the Landmark Commission shall be elected by and from the members of the Landmark Commission.
 2. The functions of the Landmark Commission will include, but not be limited to the following:
 - a. Prepare rules and procedures as necessary to carry out the business of the Landmark Commission.
 - b. Adopt criteria for the identification of historic, architectural, and cultural landmarks and the delineation of historic districts.
 - c. Develop and maintain the Historic Landmark Preservation Plan that will be utilized by the Landmark Commission, Planning and Zoning Commission, the Corsicana City Council, and the City of Corsicana.
 - d. Conduct surveys as necessary, maintaining and updating an inventory of significant historic, architectural, archeological, and cultural resources, landmarks and historic districts within the City of Corsicana.
 - e. Recommend the designation of Historic Landmarks and Historic Districts to City Council.
 - f. Recommend for the City Council to approve historical designation of resources brought forward by property owners of historical landmarks or properties.
 - g. Create committees from among the membership, as necessary to conduct the work of the commission.

- h. Maintain written minutes that record all actions taken by the Landmark Commission and the reasons for taking such actions.
 - i. Recommend for the City Council to approve recognition upon owners of Historic Landmarks or properties within Historic Districts by means of certificates, plaques, or markers.
 - j. Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.
 - k. Make recommendations to the City Council concerning the utilization of governmental or private funds to promote the preservation of Historic Landmarks or Historic Districts within the City of Corsicana.
 - l. Approve or disapprove applications for Certificates of Appropriateness in accordance with this act.
 - m. Recommend financial incentive programs (i.e. tax incentives, loan programs) for the preservation and rehabilitation of Historic Landmarks and Historic Districts.
 - n. Recommend the City's adoption of specific guidelines for the review of Historic Landmarks and Historic Districts.
 - o. Informally review on an annual basis the conditions of the Historic Landmarks and Historic Districts and evaluate possible future needs.
- (4) The Landmark Commission shall meet as necessary to conduct business. Special meetings may be called at any time by the chairperson, the HPO or on written request of any two (2) Landmark Commission members. All meetings shall be in conformance with the Texas Open Meetings Act, Texas Civil Statute, Article 6252-17.
- (5) A quorum for the transaction of business shall consist of four (4) of the Landmark Commission voting members.
- (6) A majority of the voting members present will constitute an official vote for the working mechanics of the Landmark Commission.

Sec. 1.3506 - Appointment of a Historic Preservation Officer

- (1) The City Manager shall provide for the appointment of a qualified city staff person to serve as the Historic Preservation Officer (HPO). The HPO shall administer this ordinance and advise the Landmark Commission on matters submitted to the Commission. In addition to serving as the staff representative for the Landmark Commission, the HPO is responsible for coordinating the city's historical preservation activities with those of local, state, and federal agencies and with local, state, and national nonprofit preservation organizations, as well as other municipal departments and the general public. The HPO shall maintain the Historic Preservation Plan, applicable surveys, and historic information and shall update such information from time to time, as necessary.
- (2) The HPO shall also be empowered to:
- a. To maintain and hold open for public inspection all documents and records pertaining to the provisions of this ordinance.

- b. Receive and review all applications pursuant to this ordinance to ensure their completeness.
- c. Review and take action on all Certificates of Appropriateness applications subject to administrative review pursuant to this ordinance.
- d. Review and forward with any recommendations all applications for Certificates of Appropriateness subject to review by the Landmark Commission pursuant to this Article.
- e. *Ensure proper posting and noticing of all* Landmark Commission meetings, schedule applications for Commission review, provide packets to its members prior to the meetings, record meeting minutes and facilitate all Commission meetings.

Sec. 1.3507 – Criteria for Designation of a Historic Landmark or Historic District

- (1) An individual Landmark may be designated if it is at least fifty (50) years old and it substantially complies with two (2) or more of the following:
 - a. Listed as a Recorded Texas Historic Landmark (RTHL), State Antiquities Landmark (SAL) or listed on the National Register of Historic Places;
 - b. Possesses significance in history, architecture, archeology and culture;
 - c. Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history;
 - d. Is associated with events that have made a significant impact in the city’s past;
 - e. Represents the work of a master designer, builder or craftsman;
 - f. Embodies the distinctive characteristics of a type, period or method of construction;
 - g. Represents a significant element of community sentiment or public pride.
- (2) A Historic District may be designated if it substantially complies with the following:
 - a. Contains properties and an environmental setting which meet two or more of the criteria for designation of a landmark, and;
 - b. Constitutes a distinct section of the City.

Sec. 1.3508 – Designation of a Historic Landmark or Historic District

- (1) The provisions pertaining to the designation of historic properties constitute a part of the comprehensive zoning plan of the City.
- (2) The City Council, Landmark Commission, or the owner of a property may initiate designation of an historic landmark by submitting an application for designation.
- (3) A property will not be designated as an historic landmark without the property owner’s approval.
- (4) A majority of property owners (51%) of the potential district must approve of historic district designation.

- (5) The application for designation will contain:
 - a. For a proposed Historic Landmark, the name, address, telephone number of applicant, and physical address of the property;
 - b. For a proposed historic district, the name, address, telephone number of the applicant, and no more than 50% negative responses from owners of properties in the proposed district, where a poll has been taken, each property is counted separately, and no response is considered an affirmative response;
 - c. Site plan of the proposed landmark property, or map indicating the geographic boundaries of the proposed district, showing all affected buildings and/or structures;
 - d. Detailed historic description and background on the proposed landmark or proposed district;
 - e. Current photographs of the overall property or area, along with any historical photographs, if available, and;
 - f. Any other information which the HPO or Commission may deem necessary.
- (5) An application for designation shall be made on forms as prescribed by the City and shall be filed with the HPO along with any fees in accordance with the municipal fee schedule. Buildings, structures, sites or areas located within the City which substantially comply with the criteria found in Section 1.3506 of this ordinance may be recommended by the Commission to the City Council as historic landmarks or historic districts.
- (6) Upon receipt of a completed designation application, the HPO shall schedule a hearing at the next available regularly scheduled Landmark Commission 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 fourteen (14) days prior to the scheduled hearing. A published notice of the scheduled hearing shall also be made in accordance with the Texas Open Meeting Act. Notice of applications for proposed Districts shall be mailed to each affected property owner and posted at least four (4) separate locations that are visible from the public right-of-way at its external boundaries for a minimum period of fourteen 14 days prior to the scheduled hearing. A published notice of the scheduled hearing shall also be made in accordance with the Texas Open Meeting Act.
- (7) Once a completed designation application is received the property or properties under consideration shall be protected by and subject to all of the provisions of this Article governing alterations, demolition, minimum maintenance standards and penalties until a final decision by the City Council becomes effective.
- (8) At the hearing, the applicant shall have an opportunity to present testimony and evidence to demonstrate the historical significance, or insignificance of the subject property or area. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of public record. The burden of proof shall be upon the applicant.
- (9) The Landmark Commission may take action to approve, postpone requesting additional information, or deny the application. The HPO shall forward any final recommendation to the Planning and Zoning Commission within forty-five (45) days of the hearing.
- (10) The Planning and Zoning Commission shall give notice and conduct its hearing upon receipt of the recommendation from the Commission. Notice for such hearing shall be in

the same manner and the hearing held according to the same procedures as specifically provided in the general zoning ordinance of the City of Corsicana. The Planning and Zoning Commission shall review the application to ensure that the recommended designation will not pose a conflict with the underlying land use zoning and shall forward its recommendation to the City Council within forty-five (45) days after taking action on the application.

- (11) Upon receipt of the joint recommendation on the application from the Landmark Commission and the Planning and Zoning Commission, the City Council shall schedule a hearing on the application within forty-five (45) days. Notice for such hearing shall be in the same manner and the hearing held according to the same procedures as specifically provided in the general zoning ordinance of the City of Corsicana.
- (12) Upon designation of a Historic Landmark or Historic District, the designation shall be recorded in the Official Public Records of Real Property of Navarro County, the tax records of the City of Corsicana, and the Corsicana official zoning maps. All zoning maps should indicate the designated landmarks and districts by an appropriate mark.
- (13) The designation as an Historic Landmark or Historic District does not necessarily impose the obligation on the property owner to improve, alter, or change a property. However, owners of designated properties shall comply with the provisions of this ordinance and all other city ordinances.
- (14) The applicant or any person adversely affected by any determination of the Landmark Commission may appeal the decision to City Council. Appeal request shall be on forms as prescribed by the City and shall be filed with the HPO within ten (10) days of the Landmark Commission's decision and scheduled for the next available regularly scheduled City Council meeting. The City Council shall conduct a public hearing and act on the appeal.

Sec. 1.3509 - Removal of Designation

The historic designation of Historic Landmarks and/or Historic Districts may be considered for the removal with the suggested proposal of the Landmark Commission to the City Council. De-designation may be suggested when a structure or a district has lost a majority of its historical value or significance due to deterioration or alteration.

Sec. 1.3510 – Ordinary Maintenance

- (1) Nothing in the ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a historic landmark or a property within a historic district which does not involve a change in the design, material, or outward appearance that require the issuance of a building permit.
- (2) In-kind repair/replacement and repainting is included in this definition of ordinary maintenance unless painting involves an exterior masonry surface that was not previously painted.

- (3) The HPO shall determine what is “ordinary maintenance”. If the HPO deems a Certificate of Appropriateness necessary, the standard rules for its procedures shall apply.
- (4) Locally adopted Design Guidelines should be used by property owners conducting Ordinary Maintenance.
- (5) Certificates of Appropriateness are not required for Ordinary Maintenance activities.

Sec. 1.3511 – Minimum Maintenance Standards

- (1) No owner or person with an interest in real property designated as a Historic Landmark or a property located within a Historic District shall permit the property to fall into a serious state of disrepair so as to result in the significant deterioration of any exterior architectural feature which would, in the judgment of the Landmark Commission, create a detrimental effect upon the historic character of the Historic Landmark or Historic District. Examples of serious disrepair or significant deterioration include:
 - a. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing or buckling;
 - b. Deterioration of external chimneys that causes leaning, sagging, splitting, listing or buckling;
 - c. Deterioration or crumbling of exterior plaster finishes, surfaces or mortars;
 - d. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
 - e. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering;
 - f. Rotting, holes, and other forms of material decay;
 - g. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination;
 - h. Deterioration that has a detrimental effect upon the special character of the Historic District as a whole or the unique attributes and character of the contributing structure;
 - i. Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

Sec. 1.3512 – Demolition By Neglect

- (1) Demolition by Neglect refers to the gradual deterioration of a property when routine or minimum maintenance is not performed. The HPO and various City departments work together in an effort to reduce Demolition by Neglect involving Landmarks or properties located within Districts within the City. A Demolition by Neglect citation as determined by the Building Official and may be issued against the owner of the property for failure to comply with the minimum maintenance standards (Section 1.3510 above) by permitting the subject property to exhibit serious disrepair or significant deterioration as outlined in this Section.

- (2) While the HPO will act as the point of contact, appropriate City staff shall, when needed, will conduct inspections.
- (3) The procedure for citing a property for Demolition by Neglect shall be as follows:
 - a. Initial identification is made by visual inspection of the area by the HPO or a Landmark Commission member or by referral from someone in the area. All referrals shall be made in writing and shall be submitted to the HPO.
 - b. Once the initial identification is made, followed by a preliminary determination by the HPO, the property owner shall be notified by US mail of the defects of the building and informed of various incentive programs that may be available for repair. The owner is given thirty (30) days in which to respond to the preliminary determination by submitting a stabilization proposal to HPO. The stabilization proposal will be presented to the Landmark Commission at the next available meeting. If the Landmark Commission approves the proposal, a Certificate of Appropriateness (if necessary) may be issued administratively by the HPO. The approval will detail the specific work which is necessary to correct the Demolition by Neglect conditions, as well as a time period to begin and complete the work. The HPO shall update the Landmark Commission and City Manager on the status of the property every thirty (30) days once work begins on the property.
 - c. If the property owner receives the letter regarding the preliminary determination, but fails to respond, a second notice shall be sent in the same manner as described above.
 - d. If the property owner fails to receive and/or respond to the letter regarding the preliminary determination after two (2) attempts, the matter returns to the Landmark Commission for a citation hearing. The HPO shall send a third notice via certified mail informing the owner of the hearing, the property is posted with a notice of the violation in accordance with the provisions of this Section, and a public hearing on the citation is scheduled.
 - e. At the public hearing the owner is invited to address the Landmark Commission concerns and to show cause why a citation should not be issued. The Landmark Commission may take action to approve any proposed work, defer the matter to give the owner more time either to correct the deficiencies or make a proposal for stabilization, or recommend an issuance of a citation.

Sec. 1.3513 - Certificate of Appropriateness for Alterations or New Construction Affecting Historic Landmarks or Properties in 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. No person shall 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 without a Certificate of Appropriateness application. Exterior temporary items obscuring the façade from the right-of-way shall not exempt a person from this provision. The application must be reviewed and approved by the HPO or the Landmark Commission prior to the issuance of any building permit involving any historic landmark or property located within a historic district. The application shall be required in addition to, and not in lieu of, any required building permit.

Sec. 1.3514 – Criteria for Certificate of Appropriateness for Alterations or New Construction Affecting Historic Landmarks or Historic Districts

- (1) In considering an application for a Certificate of Appropriateness, the HPO and the Landmark Commission shall review it for compliance with The Secretary of the Interior’s Standards for Rehabilitation and any applicable adopted Design Guidelines previously ratified by the City Council.
- (2) All review criteria shall be made available to the applicant, property owners of historic landmarks and properties located within historic districts. The Landmark Commission or HPO shall promulgate and make recommendations to update the adopted Design Guidelines as necessary, provided that the changes do not pose a conflict with underlying land-use zoning and the changes do not take effect until ratified by the Planning and Zoning Commission and City Council.

Sec. 1.3515 – Procedure for Certificate of Appropriateness for Alterations or New Construction Affecting Historic Landmarks or Historic Districts

The procedure for obtaining a Certificate of Appropriateness may be initiated by the City for all City-owned landmarks or proposed work within a District, or by the individual property owner(s) of the subject historic landmark or for a property located within an historic district. The application must be submitted, reviewed and approved by the HPO or the Landmark Commission prior to the commencement of any work. An application for Certificate of Appropriateness shall be made on forms as prescribed by the City. Landmark Commission design review affecting historic landmarks and properties located in historic districts shall occur as follows:

- (1) Upon receipt of a completed Certificate of Appropriateness application as determined by the HPO, the HPO shall review the application to determine completeness and for a preliminary determination of compliance with the Secretary of the Interior’s Standards for Rehabilitation and any applicable adopted Design Guidelines. The applicant is encouraged to schedule a meeting with the HPO prior to the submittal of an application to discuss the proposed work and get initial design direction. The Certificate of Appropriateness application form shall include:
 - a. Name, address, telephone number of the applicant, and a detailed description of the proposed work;
 - b. Location and photographs of the property, adjacent properties, and historic photographs, if any, should be included;
 - c. Drawings and/or descriptions of the proposed changes;
 - d. Samples of materials to be used, to include samples and information on any materials to be used that differ from existing or original materials;
 - e. If the proposal includes signs, a scale drawing illustrating the type of lettering to be used, all dimensions, colors, construction materials, method of illumination, and a plan showing the sign’s location on the property;
 - f. Site plan, if modifications are being requested;
 - g. Any other reasonable information that the Landmark Commission may deem necessary in order to visualize the proposed work.
- (2) Following determination of completeness and a preliminary determination of compliance, the HPO shall determine if the case can be reviewed administratively (in accordance Section 1.3516 below) or shall schedule a public hearing and consideration at the next

available regularly scheduled Landmark Commission meeting. All review criteria and the formal written report to the HPO shall be made available to the applicant prior to consideration.

- (3) The Landmark Commission shall review the application at a public meeting. At that time, the applicant shall have an opportunity to be heard, present testimony and evidence to demonstrate that the proposed work follows the Secretary of the Interior's Standards for Rehabilitation and any adopted Design Guidelines. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of a record. The burden of proof shall be upon the applicant.
- (4) The Landmark Commission may take action to approve, postpone requesting additional information, or deny the application. If the Landmark Commission has not taken action to approve or deny the application within sixty (60) days of the original application being determined complete by the HPO, a Certificate of Appropriateness shall be deemed issued and the HPO shall so advise the applicant in writing.
- (5) If approved, the HPO shall issue a Certificate of Appropriateness to the applicant with any specific conditions of approval (if any) supporting the decision. The HPO shall also forward the Landmark Commission decision to the appropriate City personnel. Any specific conditions of approval made by the Landmark Commission shall be attached to the construction documents prior to the issuance of any building permits. No subsequent changes shall be made to the approved design without the prior review and approval of the HPO or Landmark Commission. An applicant shall have one (1) year from the date of issuance of a Certificate of Appropriateness to secure a building permit for the specified improvements or it shall become null and void.
- (6) If the Landmark Commission finds the proposed work will have an adverse effect on the historic landmark, or property located within a historic district, or if the proposed work is inconsistent with the Secretary of the Interior's Standards for Rehabilitation or any applicable adopted Design Guidelines, the Landmark Commission shall advise the applicant at the meeting of the disapproval of the application and of any changes to the application which are necessary to approval of the same. Within ten (10) days following the meeting, the HPO shall provide the applicant noticing in writing of the disapproval of the application and of any changes to the application which are necessary for the approval of the same.
- (7) The applicant adversely affected by the action of the Landmark Commission may appeal the decision to the City Council. Appeal requests shall be filed in writing to the HPO within ten (10) days of the Landmark Commission decision. The HPO must schedule the appeal at the next available regularly scheduled City Council meeting. Appeals of decisions made under Administrative Review will be heard by the Landmark Commission at their next regularly scheduled meeting.
- (8) Applications considered at a meeting with less than a quorum present will be reviewed for approval by the HPO.

Sec. 1.3516 – Certificate of Appropriateness - Administrative Review

- (1) Application for certain minor alterations, additions, and repairs may be reviewed and approved administratively by the HPO without review by the Landmark Commission. Those activities will be determined on a case by case basis by the HPO. Items that may be administratively approved are as follows but not limited to:
 - a. Exterior paint colors

- b. Trim paint colors
 - c. Signage
 - d. In-kind repairs/replacement
- (2) An appeal to an administrative decision shall be filed with the HPO within ten (10) business days of said decision and will be considered by the Landmark Commission at the next regular scheduled meeting.

Sec. 1.3517 – Certificate of Appropriateness for Demolition Affecting Historic Landmarks or Historic Districts

- (1) No historic landmark or property located within a historic district shall be demolished or removed unless such demolition is approved by the Landmark Commission and a Certificate of Appropriateness for the demolition is granted.
- (2) A permit for the demolition or relocation of a historic landmark or property within an historic district, including secondary buildings and landscape features, shall not be granted by the building inspector without the review and approval of a completed application by the Landmark Commission.

Sec. 1.3518 – Criteria for Certificate of Appropriateness for Demolition Affecting Historic Landmarks or Historic Districts

The Landmark Commission may consider an application for a Certificate of Appropriateness for Demolition of a historic landmark or property located within a historic district only if it meets compliance with one of the following:

- a. The subject property of the application is not a recognized historic landmark;
- b. The subject building, structure or object is not an accessory building and/or landscape feature that is integral to the historic interpretation or integrity of the historic landmark;
- c. The applicant is requesting a Certificate of Appropriateness for Demolition of a historic landmark on the basis of Economic Hardship and the Landmark Commission finds that the applicant meets the criteria of Economic Hardship pursuant to this ordinance;
- d. The subject building, structure or object has lost its architectural significance and integrity over time for reasons not entirely within the control of the current or previous property owner(s).

Sec. 1.3519 – Procedure for Certificate of Appropriateness for Demolition Affecting Historic Landmarks or Historic Districts

- (1) The procedure for obtaining a Certificate of Appropriateness for Demolition may be initiated by the city for all city-owned historic landmarks or proposed work within a historic district, or by the individual property owner(s) of the subject historic landmark or property within a historic district.
- (2) The application must be submitted to the HPO for review and approval by the Landmark Commission prior to the commencement of any work. An application for Certificate of Appropriateness for Demolition shall be made on forms as prescribed by the city. The application shall contain:

- a. Name, address, telephone number of applicant, and physical address of the individual property;
 - b. Site plan of the individual property or map indicating the area of the proposed demolition showing all affected buildings and/or structures on the site;
 - c. Photographs of existing conditions as well as any historical photographs, if available;
 - d. All future development plans for the property, if available;
 - e. Any other information which the HPO or Landmark Commission may deem necessary.
- (3) An individual property that is under review by the City for a Certificate of Appropriateness for Demolition shall be protected by and subject to all of the provisions of this Section governing demolition, minimum maintenance standards and penalties until a final decision by the Landmark Commission.
- (4) The procedure and appeals process for a Certificate of Appropriateness for Demolitions shall be the same as provided for Certificate of Appropriateness applications for alterations and new construction in Section 1.3515 above.
- (5) The Landmark Commission may approve, deny, or postpone its decision on a Certificate of Appropriateness for Demolition. The Landmark Commission may postpone their decision for up to ninety (90) days while the Landmark Commission, HPO, and applicant search for alternatives to demolition.

Sec. 1.3520 – Economic Hardship Involving Certificate of Appropriateness for Demolition

- (1) No Certificate of Appropriateness application for Demolition involving a claim of economic hardship may be approved, nor shall a demolition permit be issued by the City unless the owner proves compliance with the following standards for economic hardship:
- a. The property is incapable of earning a reasonable return, in its current or rehabilitated state, regardless of whether that return represents the most profitable return possible; and,
 - b. 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,
 - c. Earnest and reasonable efforts to find a purchaser interested in acquiring the property and preserving it have failed; and,
 - d. The property cannot be moved or relocated to another site similar site or within the Historic District.

Sec. 1.3521 – Economic Hardship Procedure

- (1) After receiving written notification from the commission of the denial of a Certificate of Appropriateness application for Demolition, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the commission makes a finding that a hardship exists.
- (2) All standards for review shall be made available to the owner prior to the hearing. The information to be considered by the City may include, but not be limited to, the following:
- a. Purchase date price and financing arrangements
 - b. Current market value

- c. Form of ownership
 - d. Type of occupancy
 - e. Cost estimates of demolition and post demolition plans for development
 - f. Maintenance and operating costs
 - g. Inspection report by licensed architect and structural engineer having experience working with historic properties
 - h. Costs and engineering feasibility for rehabilitation
 - i. Property tax information
 - j. Rental rates and gross income from the property
 - k. Other additional information as deemed appropriate
- (3) Claims of economic hardship by the owner shall not be based on conditions resulting from:
- a. Evidence of demolition by neglect or other willful and negligent acts by the owner
 - b. Purchasing the property for substantially more than market value at the time of purchase
 - c. Failure to perform normal maintenance and repairs
 - d. Failure to diligently solicit and retain tenants
 - e. Failure to provide normal tenant improvements

The commission may hold a public hearing on the hardship application at which an opportunity will be provided for proponents and opponents of the application to present their views.

The applicant shall consult in good faith with the Landmark Commission, HPO, local preservation groups, and interested parties in a diligent effort to seek an alternative that will result in the preservation of the property.

All decisions of the Landmark Commission shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the City HPO and Planning and Zoning Department office for public inspection. The Landmark Commission's decision shall state the reasons for granting or denying the hardship application.

The applicant or any persons adversely affected by the action of the Landmark Commission may appeal the decision to the City Council. Appeal requests shall be filed in writing to the HPO within ten (10) days of the Landmark Commission decision. The HPO must schedule the appeal at the next available regularly scheduled City Council meeting.

Sec. 1.3522 – Enforcement

- (1) All work performed pursuant to a Certificate of Appropriateness issued under this Ordinance shall conform to all requirements included herein. It shall be the duty of the Building Inspector to periodically inspect any such work to ensure compliance.
- (2) In the event that work being performed is found to not be in accordance with the Certificate of Appropriateness, or upon notification of such fact by the Landmark Commission, the Building Inspector shall issue a "Stop Work Order" and all work shall cease immediately. The property owner shall then be required to apply for a hearing before the Landmark Commission to explain the non-compliance. No further work shall be undertaken on the project as long as a "Stop Work Order" is in effect and until a decision is rendered by the Landmark Commission on the application.

Sec. 1.3523 – Penalties

Failure to apply for a Certificate of Appropriateness, respond to receipt of Notice of Demolition by Neglect, or other provisions of this ordinance shall be deemed a violation and the violator shall be liable for a misdemeanor charge, and be subject to a fine determined by the fee schedule set in place by the City of Corsicana.(section 1.106) for the purpose of this section, each day during which there exists any violation of any provisions herein shall constitute a separate violation of such provisions.

Sec. 1.3524 Tax Incentives

(1) Historical Appraised Tax Value Exemption for Residential and Non-Residential Designated Properties or Districts

Historic Resources shall be eligible for a Historical Appraised Tax Value Exemption of twenty-five percent (25%) of the appraised value of the property not to exceed twenty-five thousand dollars (\$25,000.00), based on meeting all of the following criteria:

- a. Any future modifications or expansions are completed pursuant to the issuance of Certificate(s) of Appropriateness.
- b. The Historic Resource is listed on the National Register of Historic Places, designated as a Recorded Texas Historic Landmark or State Archeological Landmark by the Texas Historical Commission, or has been designated a Corsicana Landmark by the Corsicana Landmark Commission and approved by the City Council in accordance with the Texas Property Tax Code.
- c. The Historic Resource must adhere to all city ordinances.

To be eligible for the Historical Appraised Tax Value Exemption, the owner of the Historic Resource must make application within 180 days of purchase. The incentives shall be limited to ten (10) years from date of issuance.

(2) Residential Designated Property Tax Incentive Program

Eligible Historic Resources shall be entitled to a reinvestment tax incentive of up to 50 percent (50%) of the total property tax assessment for rehabilitation based on meeting the following criteria:

- a. All modifications or expansion are completed pursuant to the issuance of Certificate(s) of Appropriateness provided for in sections 1.3513-1.3515.
- b. The Historic Resource is listed on the National Register of Historic Places, designated as a Recorded Texas Historic Landmark or State Archeological Landmark by the Texas Historical Commission, or has been designated a Corsicana Landmark by the City of Corsicana as a historically significant site in accordance with the Texas Property Tax Code.
- c. The Historic Resource must adhere to all City Ordinances.

Each property owner who desired to apply for a Historic Reinvestment Tax Incentive shall apply for said incentive. The incentive, if granted, shall be applicable for five (5) years. Application for the subsequent incentives shall be made on the official form provided by the City of Corsicana, Texas.

(3) Non-Residential Designated Property Tax Incentive Program

Historic landmark structures which are non-residential and which are listed on the National Register of Historic Places, or recorded as a Texas Historic Landmark or State Archeological Landmark by

the Texas Historical Commission, or which are designated as a Corsicana Landmark by the Corsicana Landmark Commission and City of Corsicana, shall be eligible for Historic Reinvestment Tax Incentives upon terms and conditions as hereinafter ordained.

- a. Eligible Historic Resources shall be entitled to a Reinvestment Tax Incentive of up to 50% of the total property tax assessment for rehabilitation. Investments eligible for this incentive are as follows:
 - Structural repairs and improvements
 - Electrical repairs and improvements
 - Plumbing repairs and improvements
 - Mechanical repairs and improvements
 - Interior repairs and improvements
 - Exterior restoration

When exterior restoration is being considered, the Historic Preservation Officer shall be consulted. If the Historic Preservation Officer deems a Certificate of Appropriateness necessary, the standard rules for its procedure shall apply.

Investments in personal property (such as store fixtures) shall not be eligible for the Reinvestment Tax Incentive. Each property owner who desires to apply for an Historic Reinvestment Tax Incentive shall apply for said incentive. The incentive, if granted, shall be applicable for only one year. Subsequent incentives for additional projects must be applied for each year. Application shall be made on the official form provided by the City of Corsicana, Texas.

- b. In addition to the above requirements, each applicant must submit documentation reflecting the cost of the eligible reinvestment project and complete the project within the agreed time frame. If facade restoration is contemplated, the project must comply with local Design Guidelines, if established. Prior to beginning the reinvestment project, the property owner shall apply for and receive a Certificate of Appropriateness provided for in Sections 1.3513-1.3515.

The Historic Preservation Officer shall review rehabilitation projects. The applicant must secure all city permits and must secure periodic city inspection of the project to insure proper completion of the project.

(4) Corsicana Downtown Revitalization District Tax Credit

Pursuant to the authority granted to the City of Corsicana as reflected in the Texas Property Tax Code and the Texas Local and Government Code, certain real property located within the boundaries of the Corsicana Downtown Revitalization District described boundaries City of Corsicana Ordinance 2785, are eligible to receive reinvestment tax credits upon the terms and conditions hereinafter ordained as follows:

- a. The property must be in compliance with all Downtown Property Maintenance codes. Article 3.1100.
- b. Eligible real property and property owner must be current with all ad valorem property taxes.
- c. Taxing entities that participate are the City of Corsicana and Navarro County.

- d. Eligible property owners, upon approval by the City Council, shall be entitled to a reinvestment tax credit equal to the amount of investment for construction, reconstruction, alteration, or repair completed within a calendar year.
- e. The maximum tax credit for a project shall not exceed the annual tax liability of the real property for the year in which the investment was made. The amount of reinvestment tax credit per project shall be determined by the HPO and City Manager on a case-by-case basis.
- f. The investments eligible shall be made for new construction, structural repairs and improvements, electrical repairs and improvements, plumbing repairs and improvements, mechanical repairs and improvements, interior repairs and improvements, and/or exterior improvements or restoration made to the physical structure. Routine repairs and maintenance shall not be eligible for credit. Taxes incurred for investment in personal property shall not be eligible for credit.
- g. Each property owner who desires to apply for a tax credit shall apply for said relief on or before December 31st of the year the tax credit is to be granted. The tax credit, if granted, shall be applicable to only one (1) year. Subsequent tax credits for additional projects must be applied for each year.
- h. In addition to the above requirements, each applicant must submit documentation reflecting the cost and the payment for each eligible investment project such as invoices, receipts, cancelled checks and credit card statements that support payment for goods and services. Work that has been paid for in cash must have an invoice and affidavit from the contractors stating that the invoice was paid in full with cash. Each reinvestment project must be completed within the same calendar year as the year in which the tax credit is to be granted.
- i. When exterior work is to be completed, a Certificate of Appropriateness may be required. The City of Corsicana will inspect all work performed to make certain that all applicable City ordinances and codes are followed.
- j. The applicant must secure all City permits and must secure periodic inspection of the project to insure proper completion of the project.

(5) Corsicana Downtown Revitalization District Five-Year Tax Abatement

Pursuant to the authority granted to the City of Corsicana as reflected in the Texas Property Tax Code and the Texas Local and Government Code, certain real property located within the boundaries of the Corsicana Downtown Revitalization District described boundaries City of Corsicana Ordinance 2785, are eligible to receive ad valorem tax abatement upon the terms and conditions hereinafter ordained as follows:

- a. Eligible real property and property owner must be current with all ad valorem property taxes.
- b. Taxing entities that participate are the City of Corsicana and Navarro County.
- c. The estimated cost of the rehabilitation project shall equal or exceed 20% of the most recent assessed ad valorem tax valuation of the structure or \$20,000, whichever is less.

- d. The investments eligible shall be investments made for new construction, structural repairs and improvements, electrical repairs and improvements, plumbing repairs and improvements, mechanical repairs and improvements, interior repairs and improvements, and/or exterior improvements or restoration made to the physical structure. Taxes incurred for investment in personal property shall not be eligible for abatement.
- e. For exterior modification to the property, an application for a Certificate of Appropriateness shall be submitted to the Historic Preservation Officer for review by Corsicana Landmark Commission for compatibility with the Downtown Overlay Design Guidelines.
- f. All contemplated projects must be approved by the City of Corsicana City Council prior to work being done. The City of Corsicana will inspect all work performed to make certain that all applicable City ordinances and codes are followed.
- g. The applicant must secure all City permits and must secure periodic inspection of the project to insure proper completion of the project.
- h. Following the submission by the property owner of the Application for Tax Abatement and COA (if applicable) and approval by the City Council, 100% of the increase in appraised value of the structural alterations or new construction shall not be added to the tax roll for a period of five (5) years.
- i. Once a property owner has received a tax abatement under this ordinance, the property must be on the tax roll at full value for a minimum of ten (10) years before that property is eligible for tax abatement again.

Sec. 1.3525 - Tax Incentive Application and Approval Process

- (1) Prior to filing an application with the Historic Preservation Officer, the applicant shall:
 - a. Certify to the Historic Preservation Officer that the subject property is an Historic Resource or is located within a Designated Historic District.
 - b. Certify to the Historic Preservation Officer that the Tax Incentive request is for a project that has received a Certificate of Appropriateness if applicable.
 - c. Certify to the Historic Preservation Officer that the project for which the applicant intends to apply a Tax Reduction has been completed and inspected.
- (2) An application for a Tax Incentive shall be initiated by the owner of the subject property or by his or her agent, by completion of the appropriate application forms provided by the Historic Preservation Officer. The application shall include all receipts for the cost of the project as well as an affidavit affirming that all information on the application is correct and the receipts presented are for the cost of the project. The HPO shall receive said application.
- (3) No fees shall be required either upon filing of the application or upon approval or disapproval by the HPO.
- (4) The Historic Preservation Officer shall prepare a report for the City Manager delineating the contents of the application, an assessment as to whether the project was completed as put forth in the Certificate of Appropriateness and other materials deemed useful by the HPO in performing their duties.

- (5) The City Manager shall determine from the data submitted by the applicant and the information provided by the HPO, if the completed project is substantially in compliance with the Certificate of Appropriateness. If the City Manager finds that additional information relative to the pending application is necessary for its reviews, the City Manager may postpone the review of an application until such information is provided.
- (6) The HPO or City Manager shall have the authority to approve or disapprove an application for a Tax Incentive, or to approve a request with such conditions as the City Manager deems necessary to bring the project into compliance with the approved Certificate of Appropriateness. The HPO shall not approve requests for Tax Incentives where the project was completed prior to the adoption of this ordinance, where the applicant has not substantially complied with the requirements imposed on a Certificate of Appropriateness.
- (7) Upon approval by the HPO and City Manager the City Council shall consider approval of the Tax Incentives. The City Manager's Officer shall notify the Navarro County Appraisal District. The Appraisal District shall reduce the taxes for the subject property in accordance with the provisions herein and as indicated by the approved request.

PASSED and APPROVED this 25th day of November, 2019.

Don Denbow, Mayor

ATTEST:

Cathy McMullan, Acting City Secretary

APPROVED AS TO FORM:

Kerri Anderson Donica, City Attorney