

ORDINANCE NO. 14-2000

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART E, "ZONING," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, Subpart E, "Zoning," of the Abilene Municipal Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

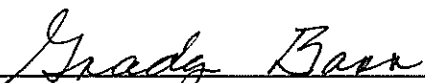
PASSED ON FIRST READING this 13 day of April A.D. 2000.

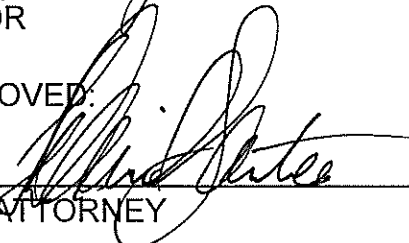
A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 2 day of April, 2000, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 9:00 a.m., on the 27 day of April, 2000, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 20 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 27 day of April, A.D. 2000.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. 14-2000

EXHIBIT "A"

Amend Section 23-344

HISTORIC OVERLAY ZONE

ADD to Section 23-344 HISTORIC OVERLAY ZONE

Historic overlay zones may be established to preserve and encompass districts, **conservation districts**,

Delete: Section 23-344.1. CRITERIA FOR DESIGNATION

ADD: Section 23-344.1. CRITERIA FOR DESIGNATION

Historic overlay zones shall be established only if principal districts, **conservation districts**, areas, sites, structures, buildings, or objects within the boundaries of a proposed zone exhibit any one or more of the following characteristics:

- A. Significance or value to the development, heritage, or cultural characteristics of the city, state, or country. This significance can be in history, archeology, or culture.
- B. Association with events or persons that have made a significant contribution to our past.
- C. Embodiment of characteristics distinctive of a type, period, or method of construction or architecture, or representing a significant and distinguishable entity whose components may lack individual distinction.
- D. Yielding, or may be likely to yield, historical information.
- E. Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood or the community.
- F. Represents the works of a master designer, architect, builder, or craftsman.

A district or **conservation district** shall constitute a distinct section of the City, united historically or aesthetically by plan or physical development whose properties and environmental setting meet one or more of the above criteria.

Amend Section 23-356 LANDMARKS COMMISSION

Delete: Section 23-356.5. LANDMARKS COMMISSION

ADD: Section 23-356.5. LANDMARKS COMMISSION

A Landmarks Commission shall be established to administer the provisions of this ordinance appropriate for the protection and preservation of structures and lands deemed by the community to be of unique historical, architectural, and cultural value. The Landmarks Commission shall have all the powers and duties specifically provided for herein.

A. Organization and Membership

The seven (7) voting members of the Landmarks Commission shall be appointed by the Mayor with the approval of City Council for a term of three (3) years. Said term shall be deemed extended until a successor is appointed to serve on the Landmarks Commission. Appointees shall serve without compensation. The Landmarks Commission shall elect a chairman, a vice chairman, secretary, and sergeant at arms from among its official members, who shall consist of the following:

- (1) Two residents, managers or owners of historic properties
- (2) A member of the Abilene Preservation League
- (3) A member of the Taylor County Historical Commission
- (4) One licensed architect
- (5) A representative of the Abilene Board of Realtors
- (6) A representative of the construction industry

The Mayor, with the approval of City Council, shall also have the power to appoint two (2) alternate members at large to the Landmarks Commission who shall serve in the absence of one or more regular members when requested to do so by the Planning Director or the Director of Community Development (hereafter referred to as the Planning Director in this portion of the Zoning Ordinance). The composition of this at large alternate membership shall be similar to the composition of the regular Commission membership. They shall be residents of the City of Abilene with interest, background, or expertise in the area of preservation of significant structures or lands. Each alternate member shall serve for a term of three (3) years. Any vacancies shall be filled in the same manner and shall be subject to removal as the regular members. The purpose of alternates is to ensure a quorum of Landmarks Commission membership at official meetings.

In addition to the members from the community as stated above, the following persons or their designates shall sit on the Landmarks Commission as ex officio members. These include the City Manager, the City Attorney, the Planning Director, the Building Official, and the Director of Economic Development. None of the ex officio members shall have voting power, but shall assist the Landmarks Commission in its various functions.

B. Removal from Office and Vacancies

Members of the Landmarks Commission serve at the pleasure of City Council. The term of each member and alternate member shall be deemed extended until a successor is appointed to the Landmarks Commission.

C. Rules of Procedure and Quorum

The Landmarks Commission shall adopt its own rules of order and procedure to regulate meetings and activities directly related thereto. The rules shall deal only with procedural matters and shall be available to the public and kept on file with the Planning Director. A quorum shall consist of no less than four (4) members. Affirmative vote of four (4) members shall be necessary for approval of motions before the Commission, except as specifically set forth within Section 23-356.5(G)(5) concerning designation of a Historic overlay zone. Members must be present at the meeting to vote.

D. Public Meeting

All meetings of the Landmarks Commission shall be open to the public. Regular meetings shall be scheduled at least once a month, and the Planning Director shall call together the Landmarks Commission to consider official business. Additional meetings may be held upon the call of the chairman or the vice-chairman, in the absence of the chairman, or upon petition of a simple majority of Landmarks Commission members.

E. Records

The Landmarks Commission shall keep minutes of its proceedings, showing the vote upon each question. Such minutes shall be a public record, filed with the Planning Director.

F. Powers and Duties

(1) The Landmarks Commission shall review all completed applications for designation of a Historic Overlay Zone or Planned Development Historic District and forward its recommendations to the Planning and Zoning Commission.

(2) The Landmarks Commission shall review and approve or disapprove all completed applications for Certificates of Appropriateness and district design guideline reports, as provided for in this subsection and Section 23-344

concerning the Historic Overlay Zone and Section 23-332 concerning Planned Development Districts, and Conservation Districts as provided for in this section.

- (3) It shall further be the responsibility of the Commission to:
- (a) Review and periodically update the 1999 Historic Preservation Plan and the comprehensive survey of structures and lands felt by the community to be of historical, cultural, or architectural significance.
 - (b) Maintain current and accurate records of all Historic overlay zone designations and other landmark properties. As a part of this record keeping the Landmarks Commission will maintain an Abilene Register of Historic Properties based upon the latest historic resource survey. The register will include the address, the date of construction, if known, the name or identification of the property, and any designations.
 - (c) Provide information to owners of landmark properties.
 - (d) Actively pursue and formulate a program for private and public action to promote and encourage the preservation of historic landmarks.
 - (e) Appoint a Design Review Committee for each historic overlay district, planned development historic district, or conservation district.
 - (f) Follow the mandates as outlined in City Council Resolution 5-1999 (City Council List of Historic Properties) or as amended.

G. Procedure for Designation of Historic Overlay Zone

- (1) Application: An application for Historic Overlay Zoning or Planned Development Historic District Zoning (PDH) including Conservation Districts shall be initiated by the owner(s) of the subject property or properties, his or her agent, or the Landmarks Commission. In a district, any one owner may initiate the application. Application shall be made on forms provided by the Planning Director or his representative. All information prescribed by the form shall be furnished and the form delivered to the Planning Director or his representative. Said application shall be received by the Planning Director or his representative at least twenty (20) days prior to a public hearing by the Landmarks Commission.

An applicant for district zoning must attach a map and designate whether the application is for historic district overlay zoning or planned development historic district (PDH). Contributing and noncontributing properties, as defined in Section 23-363, and district boundaries must be shown on the map.

- (2) Landmarks Commission Initiation of Historic Overlay Zoning: The Landmarks Commission may initiate a Historic Overlay Zoning Application only if: (a) the property is on the City Council adopted List of Historic Properties, Resolution 5-1999; (b) and there is pending an application for a building, demolition, moving, or sign permit (excluding permits affecting the interior; and (c) the Landmarks Commission, after holding a public hearing and reviewing all available information, makes a finding pursuant to the criteria for designation contained in Section 23-344 that the structure should be given Historic Overlay Zoning and that the permit activity is likely to result in partial or total demolition, or adversely affect the structural, physical, or visual integrity of the listed property as stated in Chapter 30, Abilene City Code

Said public hearing shall be held as soon as possible following the minimum 72 hour public notice requirement. If the property owner/agent agrees with the Commission finding and consents to the Historic Overlay Zoning application, a vote of four members shall be required to approve the zoning application. If the property owner/agent is present and opposes the finding and the Historic Overlay Zoning application, a super majority of six members shall be required to approve the zoning application.

If the Commission votes to initiate a Historic Overlay Zoning application the Commission shall, at its next regularly scheduled meeting or specially called public meeting, consider the application. The Landmarks Commission shall follow the notice requirements of Section 23-356.1(H)(3). If the property owner/agent opposes the Historic Overlay Zoning, a super majority of six members shall be required to approve the zoning application.

- (3) Fees: Upon filing of an application for Historic Overlay Zone or PDH designation by the owner(s) of the land, the applicant shall pay the same filing fee required for a routine zone change, as prescribed by Section 23-356.1(H)(1) of this Ordinance and the City Council Schedule of Fees. No additional fees shall be required upon recommendation of

approval or disapproval by the Landmarks Commission. Application fees shall only be returned if the applicant withdraws the request before public notice has been made.

- (4) Report: The Planning Director or his representatives shall prepare a report for Landmarks Commission members delineating the contents of the application and other materials deemed useful by the Commission in performing its duties.
- (5) Notice and Hearing: The Landmarks Commission shall hold a public hearing on all proposed Historic Overlay Zoning or PDH district designations. Notice of said hearing to consider this additional zoning classification shall be in conformance with Section 23-356.1(H)(1)(2). Said hearing shall not be scheduled until the completed application form is submitted and all fees have been paid.

The Planning Director shall be responsible for seeing that the notice requirements met. Prior to public notice being given, the applicant may withdraw the proposal. When the Planning Director has provided such notice as required on a proposed Historic overlay zone change, the interest of the public will be deemed to have been attached to the proposal, and the proponent may not then withdraw the proposal prior to the hearing.

After hearing the proposal that has been advertised, the Landmarks Commission may allow the withdrawal of the proposal upon the affirmative vote of four (4) of its members.

- (6) Action by the Landmarks Commission: At the public hearing, the Commission shall make findings and conclusions regarding the designation of the Historic Overlay Zone or PDH district. Such findings, conclusions and dedications shall be based on the criteria for designation contained in Section 23-344. If a property owner(s) objects to his property being included within a Historic Overlay Zone or district, the affirmative vote of six (6) members of the Landmarks Commission shall be required in order for the property to be included in that zone. If the property owner agrees to have his property included within the zone or district, the affirmative vote of only four (4) members shall be required to include the property within the zone.

Upon recommendation for approval or disapproval, said recommendation shall be forwarded by the Planning Director to the Planning and Zoning Commission for consideration at its next regularly scheduled meeting or a special meeting

called for such purpose. Where application for Historic Overlay Zone designation is made by the Landmarks Commission, the chairman of such Commission shall appoint a member thereof to, or shall himself, present that body's findings and recommendations to the Planning and Zoning Commission.

- (7) Action by the Planning and Zoning Commission: An application for a Historic Overlay Zone or PDH district designation is a zone change request. Therefore, complete provisions of Section 23-356.1(H) and (J) regarding public hearing, notice, consideration of requests, decisions, and appeals to the Planning and Zoning Commission apply to a proposed Historic Overlay Zone or PDH district including Conservation Districts.
- (8) Action by the Design Review Committee (Section 23-356.5, 3, e.): Design Review Committee (Districts Only)
- (a) The purpose of this subcommittee of the Landmarks Commission is to review all district design guideline reports and to preview all Certificates of Appropriateness in a historic district before they are reviewed and voted upon by the Landmarks Commission.
- (b) The Landmarks Commission chairperson shall appoint a member of the Landmarks Commission to serve as chairperson of the Design Review Committee. Committee membership shall be as follows:
- (1) one architect or design-related professional (may be the chairperson assigned by the Landmarks Commission chairperson)
 - (2) one (1) member of the Abilene Preservation League
 - (3) the Historic Preservation Officer for the City of Abilene or a staff person assigned that duty
 - (4) one (1) member of the Tax Increment Financing District (TIF) Board, if the historic district is in the (TIF) reinvestment zone
 - (5) one property owner(s) who own property within the district.
- (c) Each Design Review Committee shall adopt its own rules of order and procedure to regulate meetings and activities directly related to their business. The

rules shall deal only with procedural matters and shall be available to the public and kept on file with the Planning Director.

- (d) A quorum shall consist of four (4) voting members. Members must be present to vote.
- (e) The district design guideline report is to be considered and approved (simple majority) by the Design Review Committee and forwarded to the Landmarks Commission for their approval after Historic Overlay Zoning or Planned Development Historic District Zoning has been approved by the Landmarks Commission, the Planning and Zoning Commission, and the City Council. A design guidelines report for historic districts, including Conservation Districts shall include, but not be limited to, the following:
 - (1) a history of the district and, if possible, copies of historical photographs;
 - (2) a map of the district showing boundaries and all existing land uses along with contributing and noncontributing properties;
 - (3) an inventory, including recent photographs, of all buildings and their architectural style, descriptions of vacant lots or open space; and,
 - (4) a conceptual master plan commenting on:
 - o street traffic
 - o pedestrian and street paving (if applicable)
 - o street graphics, including signage
 - o parking
 - o lighting
 - o sidewalks
 - o parks or open space (if applicable)
 - o conceptual or suggested uses for vacant buildings and land
 - o sketches of what restored buildings might look like (optional)
- (f) Any action taken by this subcommittee shall be reviewed and approved by the Landmarks Commission at a public hearing. All decisions are

subject to the same regulations as pertain to any Certificate of Appropriateness - Section 23-356.5 (H).

H. Procedure for Certificate of Appropriateness

No person or entity shall construct, reconstruct, alter, change, restore, remove, or demolish any exterior architectural feature of a site, structure, building, or object included within a Historic Overlay Zone or PDH unless an application for Certificate of Appropriateness is approved in accordance with requirements included in this subsection. Furthermore, a Certificate of Appropriateness shall not be issued until a decision regarding the application is final as stated in Section 23-356.1(J). The work described in each application shall have a six month deadline for commencement. If the work has not been started, a new application must be submitted (See paragraph L. Reapplication by Proponent for similar application requests.)

- (1) Certificate Required: A Certificate of Appropriateness shall be required, for the following:
- (a) Issuance of permits for the moving in of any building within a Historic Overlay Zone or district.
 - (b) Issuance of a building permit for demolition or moving out of any building within a Historic Overlay Zone or district.
 - (c) Issuance of a building permit for exterior additions, alterations or repair or new construction of any building within a Historic Overlay Zone or district.
 - (d) Issuance of a permit for installation of a sign in accordance with Subpart C (Signs and Billboards) of Chapter 23, within a Historic Overlay Zone or district.
 - (e) Miscellaneous exterior alteration and changes to buildings within a Historic Overlay Zone or district not requiring a permit from the Building Official and including, but not limited to the following:
 - o Change of color by painting or other similar finish work.
 - o Installation of siding.
 - o Windows, doors and awnings supported by an exterior wall.
 - o Installation of permanent business or identification signs. (Banner signs that require separate or additional permanent fasteners shall be reviewed by way of a Certificate of Appropriateness. Temporary

banner signs that do not require separate or permanent fasteners are permitted for 90 days and do not require a Certificate of Appropriateness.)

- o Change in any exterior light fixtures, signs, sidewalks, fences, parkways, steps, paving, or other exterior elements which affects the visual integrity of the property.
 - (g) For historic districts only, including Conservation Districts, in addition to meeting the above requirements under paragraph (f), no person or entity shall carry out any construction, new construction, reconstruction, alteration, restoration, rehabilitation, or relocation of any historic landmark or any property within a historic district without first having the approval of the Design Review Committee as referenced in Section 23-356.5, paragraph B 3(e). After approval (simple majority) of the Design Review Committee, the application shall be forwarded to the Landmarks Commission.
 - (h) In an emergency situation the Planning Director or Historic Preservation Officer may determine the appropriateness of roofing materials for a building using the same criteria the Landmarks Commission uses in Section 23-356.5.H. for a Certificate of Appropriateness.
- (2) Certificate Not Required: A Certificate of Appropriateness is not required in the following instances:
- (a) Ordinary repair or maintenance of a building, structure, or site within a Historic overlay zone where no building permit is required under the City of Abilene Building Code; In-kind replacement or repair is included in this definition of ordinary maintenance, and,
 - (b) Does not involve work described in Section 23-356.5(H)(1)(a-f) above.
 - (c) Questions concerning whether or not the work requires a Certificate of Appropriateness may be addressed to the City's Historic Preservation Officer.
- (3) Application: The owner of the structure and/or site for which a Certificate of Appropriateness is requested, or his agent, shall complete the application form provided by the Planning

Director or his representative. The applicant shall submit this form and three (3) copies of all plans, elevations, specifications, and documents pertinent to changes proposed to the structure(s) or site(s) or districts within a Historic Overlay Zone or PDH district. Historic photographs or copies are requested if available. If the proposal includes signs or lettering, a scale drawing is required 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. Any other information which the Commission or the Planning Director may deem necessary in order to visualize the proposed work should also be submitted upon request. Said forms and pertinent attachments shall be submitted to the Planning Director or his designee no less than twenty (20) calendar days prior to public hearing by the Landmarks Commission. The Planning Director or his representative shall determine when an application and all pertinent forms have been properly completed, at which time the Planning Director or his representative shall forward all completed forms and attachments to the Landmarks Commission. Accompanying plans and drawings shall be clearly defined, dimensioned, and drawn to scale.

- (4) Public Hearing: The Landmarks Commission shall hold a public hearing on all pending applications for Certificate of Appropriateness. Prior to public notice being given, the applicant may withdraw the proposal. If the Commission finds that additional information relative to the pending application is necessary for its review they may postpone the public hearing or table the application. The Planning Director shall be responsible for seeing that the notice requirements are fully met. When the Planning Director has provided such notice as required for a proposed Historic Overlay Zone or PDH district, the interest of the public will be deemed to have been attached to the proposal, and the proponent may not then withdraw the proposal prior to the hearing.

After hearing the proposal that was advertised, the Landmarks Commission may allow the withdrawal of the proposal upon the affirmative vote of four (4) of its members or alternates.

- (5) Failure of the Landmarks Commission to Take Any Action on a Completed Certificate of Appropriateness: If no action is taken by the Landmarks Commission within sixty (60) days of a public hearing at which a complete application is considered, a Certificate of Appropriateness shall be deemed

issued by the Landmarks Commission, and the Planning Director shall so notify the applicant in writing.

- (6) Action by the Landmarks Commission on a Certificate of Appropriateness: The Landmarks Commission shall determine, from the data submitted and other pertinent information made available at the public hearing, the appropriateness of all undertakings for which a Certificate of Appropriateness is required. The Landmarks Commission shall have the power to approve or disapprove an application for Certificate of Appropriateness, or to approve a request with such conditions as the Landmarks Commission deems necessary to carry out the purposes of the Historic Overlay Zone or PDH district.

In considering an application for a Certificate of Appropriateness, the Landmarks Commission shall be guided by any adopted design guidelines, and where applicable, The Secretary of the Interior's "Standards for the Rehabilitation of Historic Buildings." Any adopted design guidelines and Secretary of the Interior's Standards shall be made available to the property owner(s) of historic landmarks or within historic districts upon request.

- (a) Sign Installation: Building Construction, Alteration, Repair, etc.

Approval of applications regarding sign installation, as well as for any building construction, moving in, enlargement, or alteration shall be based on the finding that proposed work will not adversely affect the structural, physical, or visual integrity of the landmark and is consistent with the spirit and intent of the Historic Overlay Zoning or PDH district. The Landmarks Commission shall have the power to approve applications with such conditions deemed necessary to carry out the purposes of the Historic Overlay Zone or PDH district.

If the Landmarks Commission finds that the proposed work will adversely affect the structural, physical, or visual integrity of the landmark or is inconsistent with the purposes of the Historic Overlay Zone or PDH district, it shall direct the Planning Director to notify the applicant in writing within thirty (30) days of public hearing that the application has been disapproved.

(b) Building Demolition or Removal

In reviewing an application regarding building demolition or removal, the Landmarks Commission shall consider the state of repair of the building, the cost of restoration or repair, the existing or potential usefulness, the purpose behind preserving the landmark, the character of the neighborhood, and all other factors it finds appropriate. If the Landmarks Commission determines that the interest of preserving historical, architectural or cultural values will not be adversely affected by demolition or removal, it shall approve the Certificate of Appropriateness.

If the Landmarks Commission determines that the interest of preserving historical, architectural or cultural values will be adversely affected by such demolition or removal, it shall disapprove the Certificate of Appropriateness. During the twelve (12) months after the date the Landmarks Commission disapproves an application for a Certificate of Appropriateness, reasonable alternatives to demolition or removal may be sought by all concerned.

If those twelve (12) months have expired and no reasonable alternatives to demolition or removal exist, then the building may be demolished or removed within a second twelve (12) month period without a Certificate of Appropriateness. At the end of the second twelve (12) month period, if the building has not been demolished or removed, then a Certificate of Appropriateness shall again be required for demolition or removal of a structure within a Historic Overlay Zone or PDH.

- (7) Issuance of Certificate of Appropriateness: The Planning Director shall issue a Certificate of Appropriateness upon approval of the Landmarks Commission. The Landmarks Commission shall return the application and all pertinent documents, together with a written list of conditions for approval, to the Planning Director. The applicant shall record with the Planning Director one (1) copy of all required documents with all conditions and modifications shown thereon. Before the certificate is issued, the Planning Director shall review these documents to ensure compliance with all conditions and modifications approved by the

Landmarks Commission. One (1) copy of the application and all accompanying documents shall then be dated and approved for recording by both the Planning Director and the Building Official.

I. No Building, Sign, or Demolition Permit Shall Be Issued Pending Consideration of Historic Overlay Zone Designation

- (1) No sign, building, or demolition permit, shall be issued where:
- (a) An area, district, site, structure, building, or object has been placed on an agenda of the Landmarks Commission, Planning and Zoning Commission, or City Council to consider whether same should be included within a Historic Overlay Zone or PDH district, or
 - (b) An area, district, site, structure, building, or object is listed in an official survey of historical sites, as indicated by a resolution of the City Council, (Council Resolution 5-1999 or amended), until a final decision regarding inclusion within a Historic Overlay Zone has been made as provided in Section 23-356.5(K). Initiation of the procedure for designation of a Historic Overlay Zone or PDH district, as provided in Section 23-356.5(H), shall be made by the Landmarks Commission when application is made for a building or sign permit, including permits for demolition or removal, for any area, district, site, structure, building, or object listed within said official survey of historical sites. Continued inclusion of the area, district, site, structure, building, or object within the official survey of historical sites, following the final decision concerning inclusion within a Historic Overlay Zone or PDH district, shall not prohibit issuance of a sign or building permit.

J. Compliance

It shall be incumbent upon the Planning Director, Building Official and/or their respective representatives to make all inspections and certifications necessary to ensure that all construction, additions, exterior alterations, and changes to a designated area, district, site, structure, building, or object are made in accordance with the Certificate of Appropriateness as approved by the Landmarks Commission. Construction, additions, exterior alterations, and changes completed in a manner not authorized by an approved Certificate of Appropriateness shall be considered a public nuisance

and a violation of this ordinance and be subject to penalties specified in Section 23-362, Penalties and Violations and Chapter 30, Abilene City Code.

K. Appeals: Final Decision

Appeals from any decision of the Landmarks Commission on an application for Certificate of Appropriateness shall be made to the Board of Adjustment upon a written request for a public hearing before the Board of Adjustment. Such request shall be filed with the Planning Director or his duly authorized representative within fifteen (15) days of the decision of said Commission from which appeal is taken. The fee for such a request will be waived. Appeals shall be heard and decided by the Board of Adjustment in accordance with its powers of administrative review, following procedures set forth within Section 23-356.2(1). If such an appeal is not filed within fifteen (15) days, the denial by the Landmarks Commission shall be final.

All applications for Historic Overlay Zoning or Planned Development Historic District Zoning designation whether approved or disapproved shall be forwarded to the Planning and Zoning Commission in accordance with Section 23-356.1. If the Planning and Zoning Commission approves the designation, the application shall be forwarded to the City Council. If the Planning and Zoning Commission denies the designation, the application may be appealed to the City Council in accordance with Section 23-356.1(J).

L. Reapplication by Proponent

When an application for Certificate of Appropriateness has been denied by the Landmarks Commission and such denial has become final, a similar application shall not be considered by the Landmarks Commission for a period of twelve (12) months from the date of decision by the Landmarks Commission denying said application. The decision as to similarity of applications shall be made by the Director whose decision can be appealed to the Landmarks Commission at the time of the proposed public hearing for consideration of said application.

M. Removal of Historic Overlay Zoning or Planned Development Historic District Zoning is considered a zoning change and can only be removed by the public hearing process as set forth in Section 23-356.1(H)(1) and 23-356.5(G)(6).

Amend Section 23-363 DEFINITIONS

ADD: Conservation Historic District

A conservation district is a type of historic district. It has to meet at least one (1) of the criteria for being a historic as outlined in Section 23-344, Criteria for Designation, but can have fewer historic properties or buildings than what might be considered a traditional historic district (see definition of Historic District). It is an area where the objective is to conserve as many significant historic properties as possible plus retain the character of the neighborhood. Design guidelines must follow Section 23-356.5.G. A conservation district may be an overlay or planned development district.

Historic District

A historic district must meet the criteria as outlined in Section 23-344, Criteria for Designation. At least 50% of the buildings, sites, or structures must be contributing to the district. Design guidelines must follow what is outlined in Section 23-356.5.G(8)(e)(f).

Historic Survey

A historic survey for the purposes of this ordinance is a survey initiated and or approved by federal, state or local government to determine what properties from a specific time period or geographic area are considered historically significant. A survey may rate (high, medium, low priority) a historic property or just list them. A survey usually attempts to date buildings or may provide other information. Surveys have been done in Abilene in 1979 and 1989.

Delete: Landmark

Any area, site, structure, building, or object which has special historical, architectural or cultural interest, reflects the development, heritage, or cultural characteristics of the community and which the City Council determines shall be preserved in the interests of the general welfare of the community.

ADD: Landmark

Any area, site, structure, **district**, building, or object which has special historical, architectural or cultural interest, reflects the development, heritage, or cultural characteristics of the community and which the City Council determines shall be preserved in the interests of the general welfare of the community.