

**ORDINANCE NO. 17-2019**

**AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE, "LAND DEVELOPMENT CODE" OF THE ABILENE CITY CODE, BY CHANGING THE DEFINITIONS AND AUTHORITY OF THE LANDMARKS COMMISSION; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE**

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

PART 1: That Chapter 2 (Zoning Regulations) of the Land Development Code of the City of Abilene, is hereby amended by changing the characteristics used when deciding Historic Overlay (HO) Districts as set out in Exhibit A, attached hereto and made a part of this ordinance for all purposes.

PART 2: 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 Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto. PASSED ON FIRST READING this 28<sup>th</sup> day of February, 2019

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 18<sup>th</sup> day of January, 2019, the same being more than fifteen (15) days prior to a public hearing held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m. on the 14<sup>th</sup> day of March, 2019, 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 19 of the Charter of the City of Abilene.

PASSED ON FINAL READING THIS 14<sup>th</sup> day of March, 2019.

ATTEST:

  
Shawna Atkinson, Interim City Secretary

  
Anthony Williams, Mayor

APPROVED:

  
Stanley Smith, City Attorney

## ORDINANCE NO. 17-2019

### EXHIBIT "A"

#### AMEND: Section 2.3.4.4 Historic Overlay (HO) District

**REVISE:** Change the criteria which is used to make recommendations on what is to be considered a historic landmark. These changes narrow the scope of which is used to decide such

#### Section 2.3.4.4 Historic Overlay (HO) District

a) **Purpose.** The City of Abilene, Texas, recognizes the importance of historically, architecturally and culturally significant sites and structures to the community. Regulations of the Historic Overlay (HO) District are intended for the enhancement, perpetuation and use of areas, sites, structures, buildings, properties, and objects which typify the community's past through recognizable characteristics. The City of Abilene further declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks or districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public.

It is recognized that the City of Abilene represents the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage. It is further recognized that the unapproved demolition of historic resources could constitute a public nuisance. Regulations applicable to the Historic overlay zone are designed to achieve the following:

- (1) Safeguard the City's heritage as reflected in such districts, areas, sites, structures, buildings, properties, and objects.
- (2) Encourage neighborhood conservation.
- (3) Foster civic pride in the beauty and accomplishments of the past.
- (4) Promote the use of individual landmarks and districts for the education, enjoyment, and welfare of residents of the region.
- (5) Prevent the deterioration of districts, areas, sites, structures, buildings, properties, and objects found to be of historical, architectural, or cultural value and, where appropriate, encourage the reuse of such structures and buildings.
- (6) Protect and enhance Abilene's attractiveness to visitors and the support and stimulus to the economy thereby provided.
- (7) Ensure the harmonious, orderly, and efficient growth and development of the City.
- (8) Promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the City.
- (9) Encourage stabilization, restoration, and improvements of such properties and their values.

#### b) Applicability.

- (1) As an overlay zoning district, Historic Overlay Districts shall be applicable in all zoning districts, or portions thereof.
- (2) Provisions of the HO District apply specifically to exterior alterations, demolition, construction, moving in or removal of buildings, structures or objects within the boundaries of said overlay zone. Such activity proposed to be undertaken within an HO District shall be subject to approval of a Certificate of Appropriateness and all conditions set forth therein, except as otherwise specified in Section 2.4.4.4(f) [2.3.4.4(f)] of this LDC.
- (3) Procedures for review and approval of Certificates of Appropriateness, in addition to procedures for establishment of HO Districts, shall be as set forth within Section 2.4.4.4(f) [2.3.4.4(f)].

(4) Boundaries of an HO District for individual sites shall be aligned with recorded property lines, where feasible. Boundaries for districts shall be aligned with right-of-way lines, property lines, or other identifiable natural or man-made divisions.

(5) Permitted use of all property included in an HO District shall continue to be governed by the base zoning district and all regulations pertaining thereto, except as otherwise noted in this section.

(c) Criteria for Designation. Historic Overlay Districts shall be established only if principal districts, conservation districts, areas, sites, structures, buildings, properties, or objects within the boundaries of a proposed one exhibit any one or more of the following characteristics:

- (1) Possesses significance with respect to history, culture, architecture, archeology, paleontology, or as a natural site with a demonstrable cultural association;
- (2) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, national, or international history;
- (3) Embodies characteristics distinct to a type, period, or method of construction or architecture,
- (4) Is associated with the lives of persons significant in local, regional, state, national, or international history;
- (5) Represents a distinctive and familiar visual feature of a neighborhood or of the city;
- (6) Represents the works of a master designer, architect, builder, or craftsman.

-END-