

## **Urban Design and Historic Preservation Zoning Ordinance Provisions**

### ***Summary of Deliverable***

In an effort to ensure that all pertinent information concerning the topics of Urban Design and Historic Preservation are adequately addressed within the overall Zoning Ordinance project, we as a consultant team made the decision to provide you with all of the sections of the Zoning Ordinance that addresses both Urban Design and Historic Preservation within the same deliverable. We determined on this approach to ensure that you can feel confident that all of the necessary provisions concerning these topics are going to be somewhere within the final adopted Zoning Ordinance and other locations within the City's Municipal Code. The headings numbers identified at the beginning of each section of this deliverable refer to the new section of the City Code where we are recommending that the provisions be located. However, should the City decide that it would prefer a different organizational structure, we are amenable to changing the location of these provisions within the Municipal Code.

### ***Applicable Definitions***

- (1) *Building*: An enclosed sheltering structure.
- (2) *Certificate of Appropriateness*: A permit issued by the City's Urban Design and Historic Preservation Commission (UDHPC) that indicates approval with the requirements for which the applicant has applied.
- (3) *Contributing Structure*: A structure within the HP-O District that is at least 50 years old and retains all or most of its historic integrity thus helping to solidify the historical nature of the District.
- (4) *Developer*: A person engaged in land, site, or building development.
- (5) *Noncontributing Structure*: A structure within the Historic Preservation Overlay (HP-O) District that does not possess the qualifications or characteristics of a contributing structure, but has been included within the HP-O District because of its geographic location.
- (6) *Planning Director*: The director of the City of Amarillo Planning and Development Services Department, or the director's designee.
- (7) *Preservation*: The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property.
- (8) *Reconstruction*: The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.
- (9) *Rehabilitation*: The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

- (10) *Restoration*: The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period.
- (11) *Structure*: Anything constructed or erected with a fixed location on the ground or attached or resting on something having a fixed location on the ground.

## **Article II, Zoning Districts:**

### **Sec. 4-10-71, D-O (Downtown Urban Design Overlay District)**

- (a) **Purpose.** The purpose of the Downtown Urban Design Overlay District is to establish design standards for new construction and certain renovations of property in the downtown area in order to protect and enhance the character of downtown, encourage economic development, and protect property values. (Ord. No. 7834, § 1, 1-17-2020)
- (b) **Boundaries.**
- (1) The boundaries of the D-O District are depicted on the City of Amarillo Zoning Map, and described in detail in this section.
  - (2) The D-O District includes all land located within the area bounded by the following:
    - a. Beginning at a point in the west right-of-way line of Washington Street, same being the southeast corner of Lot 1, Block 1, Flynn's Addition;
    - b. Thence north along the west right-of-way line of Washington Street to a point being the northeast corner of Lot 9, Block 7, The Revised Map of Madden Addition;
    - c. Thence northeasterly across SW 11<sup>th</sup> Avenue to a point being the southeast corner of Lot 5, Block 130, Plemons Addition;
    - d. Thence north along the west right-of-way line of Adams Street to a point being the northeast corner of Lot 1, Block 70, Glidden and Sanborn Addition;
    - e. Thence east along the south right-of-way line of SW 5<sup>th</sup> Avenue to a point being the northeast corner of Lot 20, Block 65, Glidden and Sanborn Addition;
    - f. Thence north along the west right-of-way line of the 20ft. alley in Block 65, Glidden and Sanborn Addition as projected north to a point being 150ft. north of the northeast corner of Lot 18, Block 9, Glidden and Sanborn Addition;
    - g. Thence east along the north property line as projected east to a point being 90ft. north of the northeast corner of Lot 1, Block 2, Glidden and Sanborn Addition;
    - h. Thence northeasterly to a point being 185 ft. north of the northwest corner of Lot 10, Block 1, Glidden and Sanborn-Holland Addition;
    - i. Thence east to a point being 190 ft. north of the northeast corner of Lot 1, Block 347, Holland's Addition;
    - j. Thence south along the east property line Lot 1, Block 347 as projected north, to a point 190 ft. south of the southeast corner of Lot 5, Block 347, Holland's Addition;
    - k. Thence southwesterly along the west line of the BNSF railway property, crossing SE 3<sup>rd</sup> and SE 4<sup>th</sup> Avenues, to a point 380 ft. east of the northeast corner of the SE 5<sup>th</sup> Avenue and Grant Street intersection;

- l. Thence west along the north right-of-way line of SE 5<sup>th</sup> Avenue as projected east from the northeast corner of the SE 5<sup>th</sup> Avenue and Grant Street intersection, to a point being 180 ft. east of the just mentioned intersection;
- m. Thence south along the east right-of-way line of the 20 ft. alley in Block 352, Mirror Addition as projected south, to a point being 25 ft. east of the northeast corner of Lot 24, Block 402, Mirror's Addition;
- n. Thence southwesterly to a point being the northeast corner of Lot 1, Block 205, Plemons and Mirror Addition;
- o. Thence continuing southwesterly to a point being the southeast corner of Lot 5, Block 235, LA Wells Subdivision;
- p. Thence westerly to a point being the southeast corner of Lot 28, Block 235, LA Wells Subdivision;
- q. Thence west along the south lot line of Lot 28, Block 235 as projected west to a point being the southwest corner of Lot 5, Block 239, JW Cartwright's Subdivision;
- r. Thence west along the north right-of-way line of Interstate-40 west to a point being the southeast corner of Lot 1, Block 1, Flynn's Addition and being the point of beginning. (Ord. No. 7223, § 2, 7-20-2010)

(c) **Downtown Urban Design Standards Adopted.**

- (1) The *Downtown Amarillo Urban Design Standards (DAUDS)* is hereby adopted by reference and made part of this Chapter. (Ord. No. 7834, § 1, 1-17-2020)
- (2) All development in the D-O District is subject to the design standards contained in the DAUDS.

- (d) **Certificate of Appropriateness Required.** A Certificate of Appropriateness (COA) reflects compliance with the DAUDS, and is approved in accordance with the procedures set forth in Sec. 4-10-223, *Certificate of Appropriateness*.
- (e) **Downtown Signs.** Signage on property located within the Downtown Urban Design Overlay District shall be subject to the permitting, fees, inspections, and applicable construction and electrical code provisions of *Article IV, Division 8 (Signs)*, but in all other aspects such signs shall be subject to and comply with the DAUDS. (Ord. No. 7834, § 1, 1-17-2020)
- (f) **Administration.** See Sec. 4-10-248, *Urban Design and Historic Preservation Commission (UDHPC)*.

## Article II, Zoning Districts.

### Sec. 4-10-72, HP-O (Historic Preservation Overlay District) and H-L (Historic Landmarks)

- (a) **Purpose.** The purposes of the Historic Preservation Overlay (HP-O) District and Historic Landmark (H-L) designations are to:
- (1) Create an overlay district protecting an area of the City that has great historic and cultural significance;
  - (2) Create an H-L process that designates specific properties (located outside of an overlay district) that have great historic and cultural significance;
  - (3) Preserve, protect, and enhance historically, culturally, and architecturally significant sites and Structures which represent a distinct area of the City and serve as reminders of our culture and heritage;
  - (4) Promote the economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the City;
  - (5) Strengthen civic pride through neighborhood conservation;
  - (6) Provide a review process for the appropriate Preservation and development of important cultural, architectural, and historical locations; and
  - (7) Maintain a generally harmonious outward appearance of both Contributing Structures and Noncontributing Structures.
- (b) **Authority.** The authority to grant an:
- (1) HP-O District is pursuant to § 211.003.b of the Texas Local Government Code (TLGC); and
  - (2) H-L is pursuant to § 211.0165, *Designation of Historic Landmark*, of TLGC.
- (c) **Standards Specific to Each Historic District or Landmark.** When either an HP-O or H-L is designated by the City Council:
- (1) A set of specific regulations and/or guidelines may be created to govern the HP-O District or an H-L. The regulations specific to each HP-O or H-L shall be created in accordance with the following United States Secretary of the Interior Standards (See <https://www.nps.gov/tps/standards.htm>):
    - a. Standards for Rehabilitation;
    - b. Standards for Preservation;
    - c. Standards for Restoration; and
    - d. Standards for Reconstruction.
  - (2) The HP-O or H-L shall use the aforementioned United States Secretary of Interior Standards as guidance to determine whether a specific project application meets the standards, thus allowing for approval of the application.
- (d) **Duty to Preserve and Repair.** The owner or someone having legal custody and control of a designated H-L or a Contributing Structure within an HP-O shall:

- (1) Preserve the H-L or Contributing Structure against decay and deterioration and shall keep it free from any of the following defects:
  - a. Parts which are improperly or inadequately attached so that they may fall and injure persons or property;
  - b. Deteriorated or inadequate foundation;
  - c. Defective or deteriorated floor supports or floor supports that are insufficient to carry the loads imposed;
  - d. Walls, partitions, or other vertical supports that split, lean, list, or buckle due to defect or deterioration or are insufficient to carry the loads imposed;
  - e. Ceilings, roofs, ceiling or roof supports, or other horizontal members which sag, split, or buckle due to defect or deterioration or are insufficient to support the loads imposed;
  - f. Fireplaces and chimneys which list, bulge, or settle due to defect or deterioration or are of insufficient size or strength to carry the loads imposed;
  - g. Deteriorated, crumbling, or loose exterior stucco or mortar, rock, brick, or siding;
  - h. Broken, missing, or rotted roofing materials or roof components, window glass, sashes, or frames, or exterior doors or door frames; or
  - i. Any fault, defect, or condition in the Structure which renders it structurally unsafe or not properly watertight.
- (2) Repair any and all defects found to the H-L or Contributing Structure as listed above in subsection d(1).

**(e) Demolition by Neglect.**

- (1) The Planning Director and the UDHPC are authorized to work with a property owner to encourage maintenance and stabilization of any H-L or Contributing Structure within an HP-O and identify resources available before taking any action under this Section.
- (2) The Planning Director and the UDHPC may initiate an investigation of whether a property is being demolished by neglect. Upon an initiation of an investigation, the Planning Director shall:
  - a. Attempt to meet with the property owner to inspect the Structure and discuss any resources that might be available for financing any necessary repairs; and
  - b. Prepare a report for the UDHPC on:
    1. The condition of the Structure;
    2. The repairs needed to maintain and stabilize the Structure consistent with the Duty to Preserve and Repair. [See subsection (d) above].
- (3) After receiving the report prepared by the Planning Director, the UDHPC may vote to certify the property as a demolition by neglect case.
- (4) If the UDHPC votes to certify a property as a demolition by neglect case, then the Planning Director shall send notice to the owner or the owner's agent, by certified mail, describing the required repairs and specifying:

- a. That the repairs must be started within 60 days; and
  - b. A date by which the repairs must be completed.
- (5) The Planning Director may refer a demolition by neglect case to the Office of the City Attorney or the appropriate City department for enforcement action if the property owner fails to:
- a. Start repairs by the deadline set in the notice;
  - b. Make continuous progress toward completion; or
  - c. Complete the repairs by the deadline set in the notice.
- (6) A claim of economic hardship remedy may be filed by the owner should there be any true financial reasons why the property is being demolished by neglect. (See Sec. 4-10-223.m, *Claim of Economic Hardship*)
- (f) **Certificate of Appropriateness.** A Certificate of Appropriateness (COA):
- (1) Is a prerequisite condition for the issuance of a Building permit within the HP-O or an individually designated H-L;
  - (2) Demonstrates compliance with the Secretary of the Interior’s Standards for Rehabilitation; and
  - (3) Demonstrates compliance with the procedures set forth in Sec. 4-10-223, *Certificates of Appropriateness*.
- (g) **Historic Preservation Overlay (HP-O) District Designation Process.** See Sec. 4-10-224, *Historic Preservation Overlay (HP-O) District Designation Process*.
- (h) **Historic Landmarks (H-L) Designation Process.** See Sec. 4-10-225, *Historic Landmarks (H-L) Designation Process*.
- (i) **Tax Incentive Program.** See Chapter 14-2, Article IV, *HP-O and Historic Landmark Tax Incentive Program*.
- (j) **Administration.** See Sec. 4-10-248, *Urban Design and Historic Preservation Commission (UDHPC)*.

## **Article V. Procedures, Sec. 4-10-223, Certificate of Appropriateness (COA)**

- (a) **Purpose.** The Certificate of Appropriateness (COA) process is necessary to ensure that proposed changes to the City's built environment:
- (1) Are consistent with the existing historical, archaeological, architectural, and cultural fabric of the City; and
  - (2) Will create development that is consistent with the scale, exterior texture, and building materials of nearby structures.
- (b) **Applicability.**
- (1) *Required.* A COA is required as a prerequisite condition for the issuance of a Building Permit or Demolition Permit for any property that is:
    - a. Within the Downtown Urban Design Overlay District (D-O);
    - b. A Contributing Structure within the Historic Preservation Overlay (HP-O); or
    - c. Designated as a Historic Landmark (H-L).
  - (2) *Exemptions.* A COA is not required for:
    - a. Noncontributing Structures within an HP-O;
    - b. A Contributing Structure within an HP-O or an H-L that is in need of ordinary maintenance and repair or for the alteration, Rehabilitation, Restoration, or construction of the following:
      1. Reroofing with in-kind materials with no change to the Structure, shape, or pitch of the roof;
      2. An alteration that is obscured from view from the street by the original Structure and not merely obscured by fencing, landscaping, or other obstructions that are not permanent;
      3. Gutters, downspouts, storm windows and doors, window screens, screen doors, temporary emergency weatherization features such as plywood coverings over windows, porch ceiling fans, light fixtures, HVAC units, landscaping;
      4. Fences;
      5. Removal of burglar bars, satellite dishes, antennae, solar panels, free-standing signs, and accessibility ramps and lifts;
      6. Installation of solar panels, antennae, satellite dishes, or other roof equipment installed on the rear half of the roof; and installation of free-standing signs; and
      7. Painting non-masonry surfaces and repainting previously painted masonry surfaces; or
    - c. Any structure within the D-O that does not require approval of a COA per subsection (g).
- (c) **Criteria to Grant COA.** Regardless of whether the COA is approved administratively or by the UDHPC to achieve compliance with either the HP-O, D-O, or H-L standards, all decisions made to approve a



COA shall be guided by the appropriate Secretary of the Interior’s standards and any standards and/or guidelines that are drafted to be specific to either a particular zoning district or an H-L.

(d) **Administrative Responsibilities.**

- (1) The Planning Director is the administrative agent of the UDHPC. [See Sec. 4-10-248(e), *Historic Preservation Officer*]
- (2) The Building Official is charged with the issuance of Building and Demolition Permits. [See Chapter 4-1, *Fees, Permits, and Contractor Registrations*]

(e) **Administrative Approval for D-O and HP-O Compliance.** The Planning Director is authorized to review and approve a COA for D-O and/or HP-O Compliance for any of the following:

- (1) Signage;
- (2) Landscaping;
- (3) Street lighting;
- (4) Sidewalk construction (including trees and furnishings);
- (5) Minor modifications to the exterior of Buildings;
- (6) Temporary construction facilities;
- (7) Buildings that are completely restored to their original state; or
- (8) Changes to civic space that is open to the public.

(f) **Urban Design and Historic Preservation Commission (UDHPC) Approval for D-O Compliance.** The UDHPC is required to approve a COA for the any of the following:

- (1) Construction of a new Building (excluding Accessory Buildings);
- (2) Major modifications of Buildings, defined as any existing Building that is altered by increasing the existing footprint by 50% or more, either by a single expansion or by the cumulative effect of a series of expansions;
- (3) Projects that increase by 50 linear feet or more, a Building’s façade that fronts, or is adjacent to public right-of-way;
- (4) Construction of new parking lots or the expansion of existing parking lots in area by 50% or more; or
- (5) Any project that has been referred to the UDHPC by the Planning Director.

(g) **Urban Design and Historic Preservation Commission (UDHPC) Approval for HP-O or H-L Compliance.** A COA issued by the UDHPC shall be required prior to starting work on any Contributing Structure within the HP-O or any H-L when any of the following:

- (1) Material changes in the exterior appearance of any existing Contributing Structure by addition, Alterations, or Reconstruction;

- (2) Prior to the issuance of a permit by the Building Official to demolish or move any Structure (See Sec. 4-3-6, *Demolition of and Moving Buildings*) that has been recognized by the City as either a Contributing Structure within an HP-O or having a medium or high priority status per a City historic survey. (See Sec. 4-10-248f, *Historic Resource Surveys*); or
- (3) Any project that has been referred to the UDHPC by the Planning Director.
- (h) **Application Requirements.** The applicant for a COA shall be the owner or the owner's agent and shall file an application for the COA with the Planning and Development Services Department.
- (1) The application shall contain the following:
- a. Name, address, email address, and telephone number of the applicant;
  - b. Detailed description of proposed work;
  - c. Location and photographs of the property and the adjacent properties;
  - d. Details and or specifications of the Building materials to be used; and
  - e. If the application includes signage, then a scaled drawing showing:
    1. The type of lettering to be used including all dimensions and colors;
    2. Method of Illumination (if applicable); and
    3. The sign's location on the property.
- (2) Applicants are encouraged, but not required, to also submit:
- a. Historical photographs;
  - b. Elevation drawings of the proposed changes; and
  - c. Any other information that the applicant believes will be of assistance to the UDHPC.
- (i) **Application Fee.** At the time of filling the application, the owner or agent shall pay a fee of \$200.00. An application without the fee is deemed incomplete.
- (j) **Application Submittal Timeframes with Other Permits.**
- (1) An application for a COA may be submitted in conjunction with a Building Permit application (See Chapter 4-1, *Permit and Inspection Fees*). The approval of the COA, however, must occur prior to the approval of the Building Permit.
  - (2) An application for a COA may be submitted in conjunction with a Demolition Permit application (See Sec. 4-3-6, *Demolition of and Moving Buildings*). The approval of the COA, however, must occur prior to the approval of the Demolition Permit.
- (k) **Building Demolition or Moving Process.**
- (1) Except in cases of imminent danger to public safety, health, or welfare, none of the following types of Buildings shall be either demolished or moved unless a period of 60 days has passed since the submittal of a complete application, pursuant to Sec. 4-3-6, *Demolition of and Moving Buildings*:

- a. Any Building or Structure designated to be a Contributing Structure within an HP-O District;  
or
  - b. Any Building or Structure designated to be an H-L by the City regardless of its location within the City;
- (2) During the 60-day stay on demolition described above, the City has the opportunity to discuss the feasibility of emergency measures to either stabilize the Building in such a manner where demolition might not be necessary and/or to secure the area surrounding the Structure in such a manner to ensure there is no injury to the public or surrounding properties.
- (l) **Standards to Demolish or Move a Building.** The UDHPC shall deny an application to either demolish or move a Building that is either a Contributing Structure within the HP-O or designated as an H-L unless it makes the following findings:
- (1) For a request to replace a Structure with a new Structure:
    - a. The new Structure is more appropriate and compatible with the HP-O where it is located than the Structure to be demolished and removed; and
    - b. The owner has the financial ability and intent to build the new Structure. The UDHPC must first approve a COA for the new Structure before it may consider the request for demolition or removal.
  - (2) For a request to remove or demolish a Structure that has no economically viable use:
    - a. The Structure is incapable of earning a reasonable economic return (a reasonable economic return does not have to be the most profitable return possible);
    - b. The Structure cannot be adapted for any other use that would result in a reasonable economic return; and
    - c. The owner has failed during a period of the last two years to find a Developer, financier, or purchaser that will enable the owner to realize a reasonable economic return, despite reasonable efforts to do so.
  - (3) For a request to demolish or remove a Structure that poses an imminent threat to public safety, health, or welfare:
    - a. The Structure is a documented major and imminent threat to public safety, health or welfare;
    - b. The demolition or removal is required to alleviate the threat to public safety, health, or welfare; and
    - c. There is a no reasonable way, other than demolition or removal, to eliminate the threat in a timely manner.
- (m) **Claim of Economic Hardship.** Properties that are either Contributing Structures within an HP-O or designated as an H-L may file a claim of economic hardship provided the following:
- (1) After receiving written notification from either the Planning Director or the UDHPC of a denial of a COA for demolition or moving (See subsection (k), *Building Demolition or Moving Process*, and subsection (l), *Standards to Demolish or Move a Building*), or a violation of the duty to

preserve and repair (See Sec. 4-10-72(d), *Duty to Preserve and Repair*), an applicant may commence the economic hardship process.

- (2) No Building permit shall be issued unless the UDHPC makes a finding that an economic hardship does in fact exist.
- (3) When a claim of economic hardship is made due to the effect of this Chapter, the owner must prove that:
  - a. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
  - b. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, that would result in a reasonable return; and
  - c. Efforts to find a purchaser interested in acquiring the property and preserving it have failed. These efforts must include consulting in good faith with the HUDPC, local Preservation groups, and any interested parties in a diligent effort to seek an alternative that will result in Preservation of the property. Such efforts must be shown to the UDHPC prior to the granting of any claim of economic hardship.
- (4) An application for an economic hardship claim requires that the owner submit the following:
  - a. Photographs and a written description depicting the current condition of the Structure;
  - b. The assessed value of the Structure and property according to the two most recent tax assessments;
  - c. The amount of real estate taxes on the Structure and property for the previous two years;
  - d. The current fair market value of the Structure and property as determined by an independent licensed appraiser;
  - e. All appraisals obtained by the owner and prospective purchasers within the previous two years in connection with the potential or actual purchase, financing, or ownership of the Structure and property;
  - f. All listings of the Structure and property for sale or rent within the previous two years, prices asked, and offers received;
  - g. A profit and loss statement for the property and Structure containing the annual gross income for the previous two years and itemized expenses (including operating and maintenance costs);
  - h. All capital expenditures during the current ownership; and
  - i. A Restoration study of the Structure, performed by a licensed architect or engineer. This study should analyze feasibility - structurally and financially - of Restoration and/or adaptive reuse of the Structure.
- (n) **Expiration.** All COAs expire within one year after the date of approval.
- (o) **Variances.** The UDHPC may provide a recommendation to the Zoning Board of Adjustment on a variance request concerning any COA that could legally be granted for compliance with the D-O, HP-

O, or H-L. The UDHPC does not, however, have the authority to approve a variance request by an applicant.

**(p) Enforcement.**

- (1) All work performed pursuant to a COA issued under this Section shall conform to any requirements included therein. It shall be the duty of the City's Planning Director or designee to inspect periodically any such work to assure compliance.
- (2) In the event work is not being performed in accordance with a COA, the Planning Director or designee shall have the authority to issue a stop work order and all work shall cease immediately. No further work shall be undertaken on the project as long as a stop work is in effect.
- (3) Any property owner receiving a stop work order, pursuant to this Section, shall be required to appear at the next UDHPC meeting to explain said noncompliance.
- (4) Each day of work that is performed while a stop-work order is in effect is a separate violation of the City Code and is punishable under Sec. 1-1-5, *General Penalty; Continuing Violations; and Civil Parking Penalties*, of the City's Code of Ordinances.

**(q) Appeals.**

- (1) Decisions by either the Planning Director or the UDHPC may be appealed as provided in this Section for any decisions involving a proposed COA.
- (2) The applicant may appeal any decision of the Planning Director to the UDHPC.
- (3) The applicant may appeal any decision of the UDHPC to the Zoning Board of Adjustment.
- (4) The applicant has no later than 10 days following the date of formal notification by either the Planning Director or UDHPC to appeal a decision by either body.

## Article V, Procedures,

### Sec. 4-10-224, Historic Preservation Overlay (HP-O) District Designation Process

#### (a) **Designation Procedure.**

- (1) The following persons may initiate an application for an HP-O District:
  - a. Urban Design and Historic Preservation Commission (UDHPC);
  - b. City Council;
  - c. Planning Director or designee (also referred to as Historic Preservation Officer); or
  - d. Any person owning property within an area eligible for designation as an HP-O District as determined by the City's Historic Resource Surveys. See Sec. 4-10-248(f), *Historic Resource Surveys*.
- (2) The applicant requesting such designation shall complete an application form that shall contain:
  - a. The signature of the applicant or the applicant's authorized agent; and
  - b. Signatures of at least 51 percent of the property owners within the proposed HP-O District consenting to the designation of an HP-O.
- (3) The City Council and UDHPC are exempt from the 51 percent ownership requirement when either body serves to initiate the application.
- (4) Written public notice concerning any meeting to adopt an HP-O shall be given to any property owner who owns property within the proposed HP-O District.
- (5) All procedural rezoning requirements of Sec. 4-10-220, *Rezoning*s, shall be followed.

(b) **Benefit to Receiving Designation.** See Chapter 14-2, *Article IV, HP-O and Historical Landmark Tax Incentive Program*.

(c) **Criteria for Historic Preservation Overlay (HP-O) District Designation.** In evaluating a proposed Historic Preservation Overlay (HP-O) District, the UDHPC shall consider the following elements, one or more of which may be found sufficient for designation:

- (1) Character, interest, or value as part of the development, heritage, or cultural characteristics of the City of Amarillo, Potter County, Randall County, State of Texas, or United States;
- (2) A significant number of Structures within the proposed district are worthy of recognition as a recorded Texas Historic Landmark, National Historic Landmark, or entry in the National Register of Historic Places;
- (3) Association with events that have made significant contributions to the broad patterns of local, regional, state, or national history;
- (4) Association with the lives of people significant to the history of Amarillo, the Panhandle region of Texas, the State of Texas, or the United States;
- (5) Distinctive characteristics of a period or method of construction, or architecture, representative of, or rare survivors of, the work of a master designer, builder, or craftsman;
- (6) Retention of elements that have yielded, or may be likely to yield, important information about local, regional, State of Texas, or national prehistory or history;

- (7) Retention of interim physical alterations that themselves form an important part of the history of the proposed district;
- (8) Representative of an established and familiar visual feature of a neighborhood, community, or the City of Amarillo;
- (9) Retention of historic integrity, meaning that the property possesses several, and usually most of the following aspects of integrity:
  - a. Location;
  - b. Design;
  - c. Setting;
  - d. Materials;
  - e. Workmanship;
  - f. Feeling; or
  - g. Association.
- (10) Likelihood of buildings within the district either continuing their historical use or their potential adaptation for new uses without the need for major intervention that could seriously damage historic character and integrity of the proposed district;
- (11) Likelihood of preserving structures within the proposed district with significant architectural value or that are associated with a historic person or event even though the building or structure is no longer in its original location;
- (12) Opportunity to preserve a district that is:
  - a. Accurately executed in a suitable environment and presented in a dignified manner as part of a Restoration master plan and when no other building or structure with the same association has survived;
  - b. Primarily commemorative in intent but reflects an age, design, tradition, or symbolic value that has invested it with its own historical significance; or
  - c. Of exceptional importance although this significance was achieved within the last 50 years.
- (13) Designation by a survey that has been authorized and adopted by the HUPDC as an area within the City which contains a significant number of buildings deemed as a Contributing Structure to a defined district within the City.

## Article V, Procedures, Sec. 4-10-225, Historic Landmarks (H-L) Designation Process

- (a) **Designation Procedure.** See § 211.0165, *Designation of Historic Landmark*, of the Texas Local Government Code (TLGC).
- (b) **Benefit to Receiving Designation.** See Chapter 14-2, *Article IV, HP-O and Historical Landmark Tax Incentive Program*.
- (c) **Criteria for Historic Landmark Designation.** In evaluating a proposed Historic Landmark (H-L), the UDHPC shall consider the following elements, one or more of which may be found sufficient for designation:
- (1) Character, interest, or value as part of the development, heritage, or cultural characteristics of the City of Amarillo, Potter County, Randall County, State of Texas, or United States;
  - (2) Recognition as a recorded Texas Historic Landmark, National Historic Landmark, or entry in the National Register of Historic Places;
  - (3) Association with events that have made significant contributions to the broad patterns of local, regional, state, or national history;
  - (4) Association with the lives of people significant to the history of Amarillo, the Panhandle region of Texas, the State of Texas, or the United States;
  - (5) Distinctive characteristics of a period or method of construction, or architecture, representative of, or a rare survivor of, the work of a master designer, builder, or craftsman;
  - (6) Retention of elements that have yielded, or may be likely to yield, important information about local, regional, State of Texas, or national prehistory or history;
  - (7) Retention of interim physical alterations that themselves form an important part of the building's history;
  - (8) Representative of an established and familiar visual feature of a neighborhood, community, or the City of Amarillo;
  - (9) Retention of historic integrity, meaning that the property possesses several, and usually most of the following aspects of integrity:
    - a. Location;
    - b. Design;
    - c. Setting;
    - d. Materials;
    - e. Workmanship;
    - f. Feeling; or
    - g. Association.
  - (10) Likelihood of the continuation of a building's historical use or its potential adaptation for new uses without the need for major intervention that could seriously damage its historic character and integrity;



- (11) Likelihood of preserving a building or structure with significant architectural value or is the surviving structure most importantly associated with a historic person or event even though the building or structure is no longer in its original location;
- (12) Opportunity to preserve a:
- a. Reconstructed building that was accurately executed in a suitable environment and presented in a dignified manner as part of a Restoration master plan and when no other building or structure with the same association has survived;
  - b. Property that is primarily commemorative in intent but reflects an age, design, tradition, or symbolic value that has invested it with its own historical significance; or
  - c. Property that is of exceptional importance although this significance was achieved within the last 50 years.
- (13) Designation by a survey that has been authorized and adopted by the HUPDC as a place of historical, cultural, or architectural importance and significance.

**Article VII, Agencies Sec. 4-10-248, Urban Design and Historic Preservation Commission (UDHPC)**

- (a) **Generally.** The Urban Design and Historic Preservation Commission (UDHPC) works to:
- (1) Protect, enhance, and promote landmarks and districts of historical importance in the City; and
  - (2) Establish design standards for new construction and certain renovations of property within the boundary of the Downtown Urban Design Overlay (D-O) District or a Historic Preservation Overlay (HP-O) District.
- (b) **Powers and Duties.** The UDHPC shall be empowered to:
- (1) Make recommendations for employment of staff and professional consultants as necessary to carry out its duties;
  - (2) Prepare rules and procedures as necessary to carry out its business;
  - (3) Adopt criteria for the designation of historic, architectural, and cultural landmarks along with the delineation of HP-O District(s) and/or modifications to the City's D-O, which may be ratified by the City Council;
  - (4) Conduct surveys and maintain an inventory of significant historic, architectural, and cultural landmarks throughout the City to determine whether such structures or locations are appropriate for an HP-O, incorporation into the D-O, or to become a Historic Landmark (H-L);
  - (5) Recommend specific design guidelines for the Restoration, Rehabilitation, alteration, construction, Reconstruction, or relocation of objects, sites, or Structures for properties within the HP-O and D-O districts and for an H-L;
  - (6) Create committees, as necessary, of no more than three persons from among its membership and delegate specific responsibilities which serve to make recommendations to the UDHPC as a whole;
  - (7) Recommend to the City Council any amendments to the City's Code of Ordinances that might be appropriate to enhance the D-O and HP-O districts and for the Preservation, Restoration, and protection of an H-L;
  - (8) Make recommendations concerning the utilization of state, federal, municipal, or private funds to promote the Preservation and Restoration of an H-L and the HP-O and D-O Districts;
  - (9) Recommend the acquisition of an H-L by the City where the value of Preservation for the community is high and the feasibility of private Preservation is low;
  - (10) Maintain written minutes which record all actions taken and the reasons for taking such actions;
  - (11) Increase public awareness of the value of historic, cultural, architectural Preservation, and maintaining the City's traditional street grid within the D-O by developing and participating in public education programs; and
  - (12) Recommend conferral of recognition upon the owners of H-Ls and/or properties within an HP-O or D-O by means of certificates, plaques, or markers.
- (c) **Membership.**

- (1) The UDHPC shall consist of seven members to be appointed by the City Council.
- (2) The members of the UDHPC shall have:
  - a. Knowledge of and experience in the architectural, archeological, cultural, social, economic, and/or political history of the City of Amarillo;
  - b. A demonstrated interest or competence in:
    1. Historic Preservation; and/or
    2. Maintaining the character of Amarillo's downtown.
- (3) Representatives of a single business or professional interest should not constitute a majority of the membership of the Commission.
- (4) The City Council shall consider as members the following possible representatives:
  - a. A registered architect with the State of Texas;
  - b. An attorney licensed by the State of Texas;
  - c. A structural engineer;
  - d. A licensed real estate broker;
  - e. An owner or resident of a residential historic property;
  - f. An owner or resident of a commercial historic property; or
  - g. A person who meets the Secretary of the Interior's professional standards for expertise in "history" or "architectural history" as described in Code of Federal Regulations Title 36, Chapter I, Part 61 (*Procedures for State, Tribal, and Local Government Historic Preservation Programs*).

**(d) Meetings.**

- (1) The UDHPC shall meet as necessary to fulfill its Powers and Duties (See subsection b).
- (2) Four members shall constitute a quorum for the transaction of business, and all issues shall be decided by a majority of those members present and voting, except that in those instances where only a quorum of four is present at a meeting, all issues shall be decided by at least three affirmative votes.
- (3) The UDHPC shall adopt appropriate rules and regulations for the conduct of its business and the election of its chair and other officers.
- (4) Minutes of each meeting shall be recorded and maintained by the Planning Director or designee.

**(e) Historic Preservation Officer.** The City's Historic Preservation Officer is the City's Planning Director or designee. The duties of the Planning Director as it relates to Historic Preservation and Urban Design are to:

- (1) Administer the City's regulations pertaining to Historic Preservation and Urban Design;
- (2) Advises the UDHPC on all applications submitted to it for compliance with the City's Code of Ordinances; and

- (3) Serve as a representative of the UDHPC when in consultation with state and federal agencies and local, state, and national nonprofit Preservation organizations.

(f) **Historic Resource Surveys.**

- (1) The HPUDC has within its powers and duties the ability to undertake surveys and research efforts to identify neighborhoods, sites, Structures, and objects that have historical, cultural, architectural, and/or archeological significance.
- (2) All surveys and research methodologies shall comply with the State of Texas Guidelines for Historic Resource Surveys.
- (3) All surveys shall be adopted as official historic preservation planning documents for the City of Amarillo by the UDHPC.

## **Sec. 4-3-6, Demolition of and Moving Buildings**

### **(a) Historic Landmarks (H-L) and Historic Preservation Overlay (HP-O) Buildings.**

- (1) Applications to demolish or move a Building when said Building is either within the HP-O District or is an H-L shall clearly state whether the request is to:
  - a. Replace the existing Structure with a new Structure;
  - b. Remove or demolish a Structure that has no economically viable use; or
  - c. Remove or demolish a Structure that poses an imminent threat to public health or safety.
- (2) See Sec. 4-10-223, *Certificate of Appropriateness*, for additional requirements for properties that are either an H-L or a Contributing Structures within an HP-O District.

## **Chapter 14-2, Article IV, HP-O and Historical Landmark Tax Incentive Program**

- (a) **Purpose.** The Historic Preservation Overlay (HP-O) and Historical Landmark Tax Incentive Program is intended to encourage Rehabilitation and Preservation of specific historic Structures within the City of Amarillo by providing a tax freeze to property owners who rehabilitate property within the standards and procedures of this Article.
- (b) **Tax Incentive Qualifications.**
- (1) Any Structure within the City's municipal limits that meets the following requirements shall have an assessed value for ad valorem taxation for a period of 10 tax years equal to the structure's assessed value prior to Rehabilitation and/or Restoration.
    - a. Designation by the Urban Design and Historic Preservation Commission (UDHPC) as a Historic Landmark (H-L) or as a Contributing Structure within an HP-O; and
    - b. The completion of Rehabilitation and/or Restoration plans in accordance with HPUDC regulations.
  - (2) This tax incentive shall:
    - a. Begin on the first day of the first tax year after verification of completion of the Rehabilitation and/or Restoration required for certification;
    - b. Only be granted for properties where the assessed value of the Rehabilitation and/or Restoration exceeds 30 percent of the assessed value of a Structure.
    - c. Only be granted on Historical Landmarks or Contributing Structures within the HP-O for the assessed value of a Structure and the land necessary for access to and use of the Structure.
  - (3) A Structure may have application made for more than one tax freeze when improvements continue to be made, but each application will be considered independently and the tax freeze will be applied separately to each application with each freeze only for a ten-year period.
- (c) **Application.**
- (1) Applications for ad valorem tax incentives are to be filed with the UDHPC prior to Restoration and/or Rehabilitation that is to be included in the tax freeze application. Each application shall be signed and sworn to by the owner of the property and shall provide the following:
    - a. The legal description of the property proposed for certification;
    - b. An affidavit by the owner describing the historic significance of the Structure in need of tax relief;
    - c. A final, complete set of plans for the Historic Structure's Restoration and/or Rehabilitation;
    - d. A statement of costs for the Restoration and/or Rehabilitation work;
    - e. A projection of the estimated construction, time, and predicted completion date of the Restoration and/or Rehabilitation; and

f. Authorization for members of the UDHPC and the City's Tax Assessor-Collector to visit and inspect the property proposed for certification and the records and books of the owners as necessary.

(2) Applicants are encouraged to submit any additional information to the UDHPC which the applicant deems relevant or useful, such as the history of the Structure.

**(d) Hearings.**

(1) Upon a finding that the applicant has submitted a complete application, the UDHPC shall make an investigation of the Structure and within 60 days make a recommendation to the City Council to approve or disapprove the application for a tax freeze.

(2) Upon completion of the Restoration and/or Rehabilitation work and upon the UDHPC acknowledging the increase in assessed value as being 30% or more, the HPUDC shall transmit the application and a report to the City Council within 30 days along with a recommendation for approval or disapproval of the application for tax freeze.

(3) After receiving the application and report of the UDHPC, the City Council shall within 30 days approve or disapprove the tax freeze.

**(e) Verification.**

(1) Upon completion of the Restoration and/or Rehabilitation the applicant shall submit a statement of completion to the UDHPC.

(2) The Planning Director or designee shall make an investigation of the property and shall approve or disapprove the Restoration and/or Rehabilitation.

a. If verification of the value or the Restoration and/or Rehabilitation is unfavorable, the applicant shall be required to provide more information regarding the value or to complete the Restoration and/or Rehabilitation in order to secure the tax exemption.

b. If the verification is favorable, the UDHPC shall notify the City's Tax Assessor-Collector in writing of compliance.

(3) The designated agent of the UDHPC may inspect the property annually where the tax freeze is in effect to see that all requirements associated with this Chapter are in compliance.

**(f) Transferability.** The benefits of the tax freeze program are transferrable and run with the property.

**(g) Removal of Tax Exemption.** If a tax freeze has been approved and the Structure which has the tax freeze is damaged, destroyed, altered, or not maintained, the property shall be removed from the tax incentive program.

**(h) Reappraisal of Property.** If a tax freeze has been approved and the property is later reappraised at a lower value, the previous frozen value shall be adjusted to the new assessed value established by the City's Tax Assessor-Collector.