

ARTICLE VII. HISTORIC PRESERVATION

Sec. 7-151. Title.

This article shall be cited as the "Paris Historic Preservation Ordinance." (Ordinance 2002-033, sec. 5, adopted 6/17/02)

Sec. 7-152. Purpose.

The city council hereby declares that as a matter of public policy, the protection, preservation, and enhancement of districts and landmarks of architectural, archaeological, cultural, and historic importance is necessary to promote the economic, cultural, educational, and general welfare of the citizens of Paris. The unique identity of the City of Paris and the history of the area prior to its founding, which produced significant historic, architectural, archaeological, and cultural resources, requires, this article to:

- (1) Protect and enhance the districts and landmarks which represent distinctive elements of the City's historic, architectural, and cultural heritage;
- (2) Foster civic pride in accomplishments of the past;
- (3) Protect and enhance the City's attractiveness to visitors and the support and stimulus to the economy thereby provided;
- (4) Insure the orderly, efficient, and appropriate growth and development of the City;
- (5) Promote economic stability and prosperity of the community by encouraging the most appropriate use of such significant property in the City; and
- (6) Stabilize and improve property values.

(Ordinance 2002-033, sec. 5, adopted 6/17/02)

Sec. 7-153. Paris Historic Preservation Commission; creation, duties, responsibilities, powers.

(a) Commission created. There hereby is created a historic preservation commission (the "commission") composed of seven (7) members and two (2) alternate members, appointed by the city council. All commission members shall have a demonstrated outstanding interest in the historic traditions of the City and experience in the preservation of the historic character of the City. The city council shall endeavor, to the extent reasonably available, to appoint members from the following categories:

- (1) Architect, planner, or design professional;
- (2) Member of the Main Street Board;
- (3) Owner of or resident or tenant in a landmark property or property in a historic district;
- (4) Member of a local historical society;
- (5) Three (3) members at large; or
- (6) Other specific background as desired.

(b) Term. Commission members shall serve for a period of two (2) years, their terms to be staggered (four (4) members appointed one (1) year and three (3) members appointed the next year). Initial appointments shall be four (4) for two-year terms and three (3) for one-year terms.

(c) Officers. The chair and vice-chair of the commission shall be elected by and from members of the commission.

(d) Ex-officio. The director of community development shall serve as ex-officio member of the commission.

(e) Powers. The powers of the commission shall include the authority to do the following:

(1) Adopt rules and procedures;

(2) Adopt identification criteria and rules for delineation of historic district boundaries;

(3) Conduct and administer historic resource surveys;

(4) Recommend designation of districts and landmarks;

(5) Establish committees as needed;

(6) Produce and distribute minutes of meetings;

(7) Develop public outreach/education/awareness programs;

(8) Approve/disapprove certificates of appropriateness;

(9) Provide design and other reasonable forms of advice to owners and tenants of historic properties in the certificate of appropriateness review process;

(10) Recommend acquisition of endangered historic resources to the city council when necessary;

(11) Submit an annual report to city council and the mayor on the status of preservation in the community and the work of the commission;

(12) Prepare and promote design guidelines for landmarks/districts.

(f) Meetings. The commission shall meet at least monthly, or more frequently if so required, to conduct business. The director of community development may, when necessary and with adequate notice, call special meetings of the commission. All meetings shall be held in conformance with the Texas Open Meetings Act, Chapter 551, Texas Government Code.

(g) Quorum. A quorum shall consist of four (4) commission members. A positive vote of a majority of the quorum shall be required to take any official action.

(Ordinance 2002-033, sec. 5, adopted 6/17/02)

Sec. 7-154. Support staff and historic preservation officer.

(a) Administration. The director of community development, or his designee, as historic preservation officer, shall administer this article and the permitting and zoning functions thereof contained in this and other applicable ordinances.

(b) Coordination. The historic preservation officer will coordinate the commission's and City's preservation activities with the county and appropriate state and federal agencies, and will advise the commission on relevant issues.

(Ordinance 2002-033, sec. 5, adopted 6/17/02)

Sec. 7-155. Designation of landmarks and historic districts.

(a) Designation. The city council may designate sites, buildings, structures, landscapes and objects as landmarks, and areas as historic districts, including the public rights-of-way in and surrounding them, by adopting zoning districts designated as HD on the city's official zoning maps pursuant to procedures incorporated into the city's basic zoning ordinance by the city council.

(b) Criteria. A historic district may be established to preserve landmarks and areas of exemplary architectural, archaeological, cultural, or historic value provided such landmarks or areas have one (1) or more of the following characteristics:

- (1) Significance in history, architecture, archaeology, or culture;
- (2) Association with certain events that have made a significant contribution to the broad patterns of local, regional, state, or national history;
- (3) Association with the lives of significant persons in our past;
- (4) Embodying the distinctive characteristics of an architectural or engineering type, period, or method of construction;
- (5) Represents the work of a master designer, builder, or craftsman;
- (6) Represents an established and familiar visual feature of the community;
- (7) Has archaeological value because it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.

(c) Regulations. Design guidelines and other appropriate regulations concerning the exterior and site development or redevelopment of a historic district may be recommended by the commission and adopted by the city council as part of a district ordinance.

(d) Notice to affected property owners, hearings. Property owners of a proposed historic district designation shall be notified by the commission prior to the commission's hearing on designation. Testimony and documentary evidence may be presented, which will become part of the public record, to comment on the historic, architectural, or cultural importance of the proposed historic property.

(e) Recommendations. Upon receipt of written recommendation of the commission, a proposal for designation shall be submitted to the planning and zoning commission for its review, public hearing, and recommendation to the city council for adoption, as provided in the city's general zoning ordinance.

(f) Designations recorded. Upon designation of a property or properties as a landmark or historic district by the city council, the designation shall be recorded by legal description on the city's official zoning maps, in the records of real property of Lamar County, and with the tax appraisal office.

(Ordinance 2002-033, sec. 5, adopted 6/17/02)

Sec. 7-156. Ordinary maintenance.

Nothing in this article should be construed to prevent ordinary maintenance or repair of any exterior architectural feature of a property designated as a landmark or within a historic overlay district. Ordinary maintenance shall be defined as any work that does not constitute a change in design, material, color, or outward appearance, and

includes in-kind replacement or repair. Ordinary maintenance shall also include the planting or replacing of grass, flowers, shrubs, and trees. The director of community development shall be the officer in charge of making the decisions as to what is "ordinary maintenance". (Ordinance 2002-033, sec. 5, adopted 6/17/02; Ordinance 2004-012, sec. 2, adopted 5/10/04)

Sec. 7-157. Certificates of appropriateness.

- (a) Standards for certificates of appropriateness. The commission shall follow the United States Secretary of the Interior's formal written Standards for the Rehabilitation of Historic Buildings in its consideration of all applications for certificates of appropriateness. These standards shall be made available to owners and tenants of property designated as historic.
- (b) Criteria for approval. In considering an application for a certificate of appropriateness, the commission shall be guided by any adopted design guideline, and where applicable, the secretary of the Interior's Standards for Rehabilitation. Any adopted design guideline and the Standards for Rehabilitation shall be made available to the property owners of historic landmarks or within historic districts.
- (1) Every reasonable effort shall be made to adapt the property in a manner that requires minimal alteration of the building, structure, object, or site and its environment.
 - (2) The distinguishing original qualities or character of a building, structure, object, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
 - (3) All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
 - (4) Changes that have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 - (5) Distinctive stylistic features or examples of craftsmanship that characterize a building, structure, site, or object shall be retained where possible.
 - (6) Deteriorated architectural features shall be repaired rather than replaced wherever possible. In the event the replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or placement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than conjectural designs or the availability of different architectural elements from other buildings or structures.
 - (7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
 - (8) Every reasonable effort shall be made to protect and preserve archaeological resources affected

by or adjacent to any project.

(9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

(10) Whenever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

(c) Certificate of appropriateness required. A person shall not alter a property designated as historic or property within a historic district, or any portion of the exterior of a structure on the site, or designated adjacent right-of-way, or place, construct, maintain, expand, or remove any structure on the site without first obtaining a certificate of appropriateness in accordance with this article. Certificate of appropriateness shall be obtained prior to the issuance of any building permit, although the certificate of appropriateness review and building permit and other required permit review processes may be conducted simultaneously. Certificate of appropriateness may also be required for work not otherwise requiring a building permit. The certificate of appropriateness shall be required in addition to, and not in lieu of, any required building permit.

(d) Application for certificate. Prior to commencement of any work, the owner shall file an application for a certificate of appropriateness with the director of community development. The application shall contain:

- (1) Name, address, and telephone number of applicant, and address of affected property if different.
- (2) Detailed description of proposed work.
- (3) Current photographs of property including where available historic photos.
- (4) Drawings of proposed changes or new construction, and samples of materials.
- (5) Other information deemed necessary by the commission for clarification of the project.

(e) Approval of certificate. The commission shall deny, approve, or approve with conditions any certificate of appropriateness application within thirty (30) calendar days of receipt of a completed application, determining whether the proposed work is consistent with the regulations contained in this article, in all applicable ordinances, and in the zoning ordinance designating the historic landmark. Upon posted notice the commission shall conduct a public hearing on the application, at which time an opportunity is provided for proponents and opponents of the application to present their views.

(f) Decisions of the commission. All decisions of the commission shall be in writing, stating its approval or the specific reasons for denying or modifying any applications. If approved, a copy of the certificate shall be sent to the applicant by certified mail and a copy filed with the director of community development.

(g) Expiration of certificate. A certificate of appropriateness shall expire six (6) months from the date it is issued if the approved work has not commenced, and it shall expire one (1) year from the date it is issued if the approved work has not been completed.

(Ordinance 2002-033, sec. 5, adopted 6/17/02; Ordinance 2004-012, sec. 3, adopted 5/10/04)

Sec. 7-158. Minor exterior alterations.

(a) Application review. If the director of community development determines that the applicant is seeking a certificate of appropriateness to authorize only minor exterior alterations, as defined in this section, the director shall review the application to determine whether the proposed work complies with the regulations contained in this section and all applicable historic district designation ordinances and approve or deny the application within five (5) working days of its receipt.

(b) Appeal. Any interested person may appeal the director's decision by submitting to the director a written request for appeal within thirty (30) calendar days of the director's decision. The written request for appeal starts the standard certificate of appropriateness review procedure by the historic preservation commission.

(c) Minor exterior alteration defined. For purposes of this section, "minor exterior alteration" is the installation of or alteration to awnings, fences, gutters, and downspouts; incandescent lighting fixtures; landscaping and hardscaping comprising less than twenty-five (25) percent of the front or side yard; restoration of original architectural features that constitute a change from existing conditions; painting of wood or other appropriate elements that constitutes a change in color from existing color; and additions and changes not visible from any street to the rear of the main structure or to an accessory structure.

(Ordinance 2002-033, sec. 5, adopted 6/17/02)

Sec. 7-159. Demolition permits.

(a) Review of application for demolition permit. A demolition permit for a structure within a historic district, or an individual landmark, shall not be issued by the director of community development until review and issuance of a completed certificate of appropriateness application by the commission. The director shall not forward the application to the commission until it is complete; the following information must be supplied by the applicant before the application is considered complete:

- (1) Information describing the condition of the structure;
- (2) Estimated cost of restoration or repair;
- (3) Demonstration that the adaptive use or restoration of the structure has been seriously considered;
- (4) Any available historic records of the building, including drawings, photographs, or other similar material;
- (5) Architectural drawings for any proposed new construction which is intended to replace the historic structure;
- (6) Any conditions proposed to be voluntarily placed on new development that would mitigate the loss of the landmark structure;

(7) Any other information the director of community development finds appropriate for the commission to render a decision on the application.

(b) Public hearing on application. The commission shall hold a public hearing on the application within thirty (30) calendar days of receipt of the completed application, at which time proponents and opponents of the application may present their views. The commission may seek expert assistance in the field(s) of real estate development, appraisal, financing, and other related disciplines to review the application. The applicant shall consult in good faith with the commission, interested local groups, and individuals in a diligent effort to investigate alternatives that will result in preservation of the property.

(c) Grant or denial of application. If the historic preservation commission determines that in the interest of preservation the structure should not be removed or demolished, it shall deny the application and seek alternatives that may result in preservation of the structure. If the commission determines that the interest of preservation, demolition or removal of the structure will not create an adverse effect, it shall issue the certificate of appropriateness for demolition.

(d) Decision of the commission. A copy of the decision shall be forwarded to the director of community development and to the applicant within ten (10) calendar days of the public meeting and a copy shall be filed with the city clerk. All decisions shall be in writing.

(e) Time limitation. If, after one hundred eighty (180) calendar days, the commission has not successfully found a purchaser or otherwise determined a process by which the property might be preserved, the building official shall issue the demolition permit.

(f) Demolition permits issued pursuant to orders of the building standards commission exempt. This section shall not apply to applications for demolition permits filed pursuant to orders of the building standards commission issued pursuant to article III of Chapter 7 of this Code.

(Ordinance 2002-033, sec. 5, adopted 6/17/02)

Sec. 7-160. Initiation of process for designation of historic landmark or district.

(a) Procedures. As set out herein, the procedure for adopting an ordinance to establish or amend a historic landmark or district designation may be initiated by the city council, the planning and zoning commission, the historic preservation commission or by the owner(s) of property within the area of request. Upon initiation of the procedure for designation, applications for a permit to place, construct, alter, demolish, or remove any structure on the property shall follow the procedures set forth herein for areas designated as historic districts, and shall continue thereafter unless and until the city council shall deny the proposed designation.

(b) Standards for certificates of appropriateness in proposed districts. The commission shall follow the United States Secretary of the Interior's formal written standards for the rehabilitation of historic buildings in its consideration of all applications for certificates of appropriateness. These standards shall be made available to owners and tenants of property designated as historic.

(c) Timing. For purposes of this section, the procedure for designation is considered to be initiated

immediately when the city council or planning and zoning commission or historic preservation commission votes to authorize the filing of a designation case, or in the case of owner initiation, when the application for designation is filed with the historic preservation commission. With regard to designations initiated with or by the historic preservation commission, the commission's review of such designation shall be completed and a recommendation made within one hundred eighty (180) days of initial designation, or the initial designation shall expire.

(d) Orders of the buildings standards commission exempt. This section shall not apply to buildings or structures subject to orders of the building and standards commission pursuant to article III of chapter 7 of the Code of Ordinances.

(Ordinance 2002-033, sec. 5, adopted 6/17/02; Ordinance 2004-012, sec. 4, adopted 5/10/04)

Sec. 7-161. Enforcement. *

All work performed pursuant to a certificate of appropriateness issued under this article shall conform to all its requirements. It shall be the duty of the director of the community development to inspect periodically to assure such compliance. (Ordinance 2002-033, sec. 5, adopted 6/17/02)

Sec. 7-162. Appeals.

Any person aggrieved by a decision of the commission relating to hardship or issuance of certification of appropriateness may, within thirty (30) calendar days of receipt of the written decision, file a written application with the city council through the office of the city clerk for review of the decision. The city council shall hold public hearings to consider the appeal. A decision of the city council is final and not appealable. (Ordinance 2002-033, sec. 5, adopted 6/17/02)

Sec. 7-163. Penalties.

That any person violating any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction, shall be fined in any sum not to exceed two thousand dollars (\$2,000.00), and each and every day's continuance of any violation of the above enumerated sections shall constitute and be deemed as a separate offense. (Ordinance 2002-033, sec. 5, adopted 6/17/02)

Secs. 7-164–7-169. Reserved.