

## **CURRENT ORDINANCES ZONING**

### **Section 3-200 Planning and Zoning Commission**

A. **Powers and Duties.** In addition to any authority granted to the Planning and Zoning Commission by state law or other ordinances of the City, the Planning and Zoning Commission shall have the following powers and duties under the provisions of these regulations:

10. To gather information and make recommendations to the City Council and cooperate with the Landmark Preservation Commission and similar organizations concerning historic and landmark preservation in the City specifically including, but not necessarily limited to, matters arising out of or related to the Landmark Preservation Overlay ("LP") Zoning District. (Amend Ord 00-103, 9/12/00)

### **Section 3-400 Landmark Preservation Commission**

A. **Powers and Duties.** The Landmark Preservation Commission shall replace the Landmark Preservation Committee, previously appointed by the Planning and Zoning Commission, and the Landmark Preservation Commission shall assume all of the powers and duties previously delegated to the Landmark Preservation Committee consistent with the provisions of this article. The Landmark Preservation Committee is therefore dissolved and its members and alternate members relieved of any further duty, obligation, power and/or authority.

The Landmark Preservation Commission shall have the following powers and duties under the provisions of these regulations:

1. To thoroughly familiarize itself with buildings, structures, sites, districts, areas, places and lands within the City which may be eligible for landmark status.
2. To make recommendations to the Planning and Zoning Commission and City Council relating to whether certain buildings, structures, sites, districts, areas, places and lands should be designated as landmarks through Landmark Preservation Overlay "LP" zoning.
3. To oversee the creation, maintenance, and periodic updates of a Survey of Historic Structures within the City of Arlington that shall be forwarded to the City Council for its adoption. The Survey of Historic Structures shall identify and catalog those resources that have been registered on the National Register of Historic Places; granted landmark status by the Texas Historical Commission or the City of Arlington; or which otherwise qualify as eligible property under criteria for inclusion on the National Register of Historic Places, designation as a Texas Historic Landmark or State Archeological Landmark, or designation under the City's Landmark Preservation Overlay "LP" Zoning District. The Survey of Historic Structures shall also include a factual verification of the significance of the structures, land, areas, and districts of historical, architectural, archeological, or cultural value identified and cataloged therein.

4. To review and after public hearing thereon either approve or deny requests for Certificates of Appropriateness and Certificates of Demolition for buildings, structures and sites located in the Landmark Preservation Overlay "LP" Zoning District.
5. To issue an annual report to the City Council concerning the status of landmark and historic preservation efforts in the City and any issues related thereto. The Landmark Commission's failure to issue such recommendations or report in a timely fashion as required by these rules of procedure shall not preclude the City Council from taking action the Council deems appropriate.
6. To formulate plans and programs for public and private action for encouraging and promoting the preservation of landmarks within the City of Arlington.
7. To research and recommend sources of funds for preservation and restoration activities and acquisitions, including federal, state, private, and foundation sources.
8. To provide information and counseling to owners of landmarks.
9. To recommend changes in use where conditions exist under which the required preservation of a historic landmark would cause undue hardship to the property owner.
10. To recommend, when appropriate, the amendment to or removal of a Landmark Preservation ("LP") zoning designation.
11. To undertake such other activities as are necessary to further the interests of historic preservation within the City which do not conflict with the interest or laws of the City or State of Texas.
12. To issue a temporary stay on demolition permits after proper notice and a public hearing thereon for buildings, structures and sites that are fifty (50) years old or older that are not located in the Landmark Preservation Overlay "LP" Zoning District, and which have historical significance. Such temporary stays shall be issued in accordance with the provisions of Section 4.16 of the Construction Chapter of the City of Arlington Code.
13. Actions taken or recommendations made by the Landmark Commission that are subject to review by the Planning and Zoning Commission or the City Council are not binding on those bodies, and the reviewing body may decide a matter contrary to recommendations or actions of the Landmark Commission.

**B. Membership, Appointment and Term of Office.**

1. **Membership.** The Landmark Preservation Commission shall be composed of nine (9) members, all of whom shall be residents of the City of Arlington, Texas, and shall be selected for their outstanding and unselfish interest in civic affairs. All members shall serve without pay and until their successor is duly appointed and qualified. Membership shall be apportioned according to the following fields of expertise or specialized knowledge:
  - a. Two members shall represent any combination of the following fields or professions:

- (1) Architecture;
- (2) Banking, finance or economics;
- (3) Law;
- (4) Real estate; or,
- (5) Urban planning.

b. Three members shall have historic preservation experience in restoring older homes/buildings, writing historic marker applications, or participating as members of an Arlington historical or preservation group, society or association.

c. Four members shall be citizens at large.

In the event any of the Places assigned to a particular field of expertise or specialized knowledge identified in subsections a or b, above, cannot be timely filled with a qualified candidate the City Council may appoint citizens at large to fill such places.

2. **Appointment and Term of Office.** Each of the nine (9) seats for the Landmark Preservation Commission shall be assigned a Place number ranging from one to nine. All nine (9) Places shall be filled by appointment in 2000, with Places 1, 3, 5, 7 and 9 to expire in 2001. Thereafter, odd-numbered Places shall be filled by appointment in odd-numbered years, and even-numbered Places shall be filled by appointment in even-numbered years. Members shall serve at the will and pleasure of the City Council. The regular terms of office for the membership shall be two (2) years, not to exceed three (3) full terms.

3. **Officers.** The members of the Landmark Commission shall organize and elect their own officers, except the Chairman who is appointed by City Council.

4. **Vacancies.** Vacancies occurring for any reason shall be filled by the City Council for the unexpired term.

C. **Meetings, Hearings and Procedures.**

1. **General.** All meetings and hearings of the Landmark Commission shall be open to the public in accordance with applicable law and shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure adopted by the Landmark Commission from time to time. Any action calling for a formal vote shall take place only at a public meeting. Executive sessions shall not be open to the public and shall be conducted in accordance with the procedures consistent with the statutes of the State of Texas.

2. **Rules of Procedure.** The Landmark Commission shall have the power to adopt its own rules of procedure insofar as such rules are consistent with the statutes of the State of Texas and the ordinances of the City of Arlington, and shall keep a written record of all of its proceedings.

The Historic Preservation Officer of the City of Arlington, or his designee, shall serve as Secretary for the Landmark Commission and shall be responsible for taking minutes of the Landmark Commission's proceedings. The Historic Preservation Officer shall have the duty of care, custody, and control of all records of the Landmark Commission.

3. **Regular and Special Meetings.** The Landmark Commission shall hold meetings regularly at least once in each month within the corporate limits of the City, and shall designate the time and place of such meetings.

The Landmark Commission may hold special meetings as necessary, with all rules for regular meetings applicable. The Landmark Commission Chairman or the Historic Preservation Officer may call such special meetings.

4. **Voting.** Approval of all matters and motions before the Landmark Commission shall require the affirmative vote of a majority of all members of the Landmark Commission present and voting, unless otherwise provided by law or the adopted Rules of Procedure.

5. **Expenses.** Whenever deemed necessary by the Landmark Commission to incur any expenses in the performance of duties assigned to it, an estimate of such proposed expenses shall be submitted to the Department of Neighborhood Services who must obtain approval from the Deputy City Manager. No debts of any kind or character shall be made or incurred by the Landmark Commission, or anyone acting for the Landmark Commission, unless and until such expenditures have been specifically authorized in writing by the Deputy City Manager prior to the time such obligations are incurred.

6. **Quorum.** Five (5) members of the Landmark Commission shall constitute a quorum for the transaction of business. (Amend Ord 00-103, 9/12/00)

#### **Section 9-600 Landmark Preservation Overlay ("LP") District.**

This district shall function as an overlay zoning district, whereby the standards identified in this district are superimposed and shall supersede the regulations of an approved standard zoning district where such district's regulations are in conflict with the provisions of these sections. All regulations of the underlying zoning district classification shall be in effect, except as identified in the "LP" Overlay District regulations set forth herein. The Zoning Map shall reflect the designation of a Landmark Preservation Overlay District by the letters "LP" as a suffix to the underlying zoning district classification.

A. **Purpose and Intent.** The "LP" Landmark Preservation Overlay District is intended to provide for the protection, preservation and enhancement of buildings, structures, sites and areas of architectural, historical, archaeological or cultural importance or value. Specifically, this district has the following expressed purposes:

1. To stabilize and improve property values;
2. To encourage neighborhood conservation;
3. To foster civic pride in the beauty and accomplishments of the past;

4. To protect and enhance the City's attraction to tourists and visitors;
5. To strengthen and help diversify the economy of the City; and
6. To promote the use of historical, cultural and architectural landmarks for the education, pleasure and welfare of the community.

**B. Landmark Preservation Commission.** The City Council shall appoint by resolution a Landmark Preservation Commission to advise and make recommendations to the Planning and Zoning Commission and/or the City Council on matters pertaining to landmark and historic preservation. (Amend Ord 00-103, 9/12/00)

**C. Landmark Preservation District Designation.** The following procedure shall be followed in establishing a Landmark Preservation Overlay District:

1. **Application Process:** An application for an "LP" Landmark Preservation Overlay District may be submitted by the owner or by a representative who has the express written approval of the owner. The public hearing and notification procedures for an amendment to the Zoning Ordinance of the City of Arlington, Texas shall be followed.

2. **Criteria to be Used in Designations:** The Planning and Zoning Commission and the City Council shall consider one (1) or more of the following criteria in establishing an "LP" Landmark Preservation District:

- a. Existing or proposed recognition as a National Historic Landmark or Texas Historic Landmark, or entry nomination into the National Register of Historic Places;
- b. Identification as the work of a designer, architect or builder whose work has influenced or contributed to the growth or development of the City;
- c. Embodiment of elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation or an outstanding example of a particular historical, architectural or other cultural style or period;
- d. Relationship to other buildings, structures or places which are eligible for preservation as historic places;
- e. Existence of distinguishing characteristics of an architectural type or specimen that exemplify the cultural, economic, social, political, ethnic or historical heritage of the City, County, State or Nation;
- f. Location as the site of a significant historical event;
- g. Identification with a person or persons who significantly contributed to the culture or development of the City, County, State or Nation;
- h. A building, structure or place that, because of its location, has become of historic or cultural value to a neighborhood or community; and,

i. The recommendation of the City's Landmark Preservation Commission. (Amend Ord 00-103, 9/12/00)

D. **Use Regulations.** The permitted uses in the "LP" Landmark Preservation Overlay District shall be determined by the underlying zoning district classification. The residential adjacency standards in Article XIII shall apply to nonresidential uses in the "LP" Landmark Preservation Overlay District with the exception of Section 13-200, Screening Requirements at Shared Property Lines, Section 13-300, Residential Adjacency Across a Street, and Section 13-600, Building Materials.

E. **Area and Height Regulations.** The area and height regulations for the "LP" Landmark Preservation Overlay District shall be determined by the underlying zoning district classification.

F. **Parking Regulations.** Special Parking Standards For All Zoning Districts, Section 15-300, shall apply to all properties where parking is required in the "LP" Landmark Overlay District. Minimum parking requirements do not apply to properties located in the "LP" Landmark Preservation Overlay District when:

1. A new use locates within an existing building and does not require more than 30% expansion of said building; and,
2. The Planning and Zoning Commission determines that waiving or reducing the number of parking spaces required would:
  - a. be necessary to encourage or promote the purposes of the "LP" Landmark Preservation Overlay District;
  - b. not create an on-street parking problem; and,
  - c. not constitute a threat to public safety.

G. **Supplemental Regulations.** Buildings, structures, sites and areas zoned "LP" shall be subject to the following regulations:

1. **Certificates of Appropriateness:** No person or entity shall construct, reconstruct, alter, change, restore, remove or demolish any exterior architectural feature of a building or structure located in an "LP" Landmark Preservation District unless application has been made to the Landmark Preservation Commission for a Certificate of Appropriateness, and such a Certificate shall have been granted. The Certificate of Appropriateness Guidelines located in Subsection (f) herein below shall be used to determine the appropriateness of any proposed exterior changes. The term "exterior architectural feature" shall include but not be limited to the kind, color and basic texture of all exterior building materials and such features as windows, doors, lights, signs and other exterior fixtures.

a. **Application Procedures:** Applications for Certificates of Appropriateness shall be made to and on a form furnished by the Neighborhood Services Department and shall include two copies of all detailed plans, elevations, perspectives, specifications, Guidelines Worksheet, and other documents pertaining to the work.

b. **Public Hearing:** Within thirty (30) days of the receipt of a completed application for a Certificate of Appropriateness, the Landmark Preservation Commission shall hold a public hearing. Public notices of such hearing and the purpose thereof shall be published in a newspaper one time at least seven (7) days prior to the date scheduled for such hearing.

c. **Review:** Upon review of the application the Landmark Preservation Commission shall determine whether the proposed work is of a nature which will adversely affect any exterior architectural feature or the future preservation, maintenance and use of the "LP" Landmark Preservation District. The Landmark Preservation Commission shall forward through its Secretary either a Certificate of Appropriateness or its written determination of disapproval and the reasons therefor to the applicant and the Building Official. If the Landmark Commission takes no action within 60 days of receipt of the completed application, a Certificate of Appropriateness shall be deemed issued by the Landmark Preservation Commission.

d. **Changes:** No change shall be made in the plans on which a Certificate of Appropriateness was issued without resubmittal to the Landmark Preservation Commission and approval thereof in the same manner as provided above for processing the original application.

e. **Exemptions:** Ordinary repairs and maintenance which do not involve changes in architectural and historical style or value, general design, structural arrangement, type of building materials, primary color or basic texture and accessory buildings less than 320 square feet, are exempt from the provisions of this section. (Amend Ord 00-103, 9/12/00)

f. **Certificate of Appropriateness Guidelines**

**(1) Facades**

Recommended

Using original material type, if available, when repairing or restoring the façade

Not Recommended

Creating false facades.

Painting brick that is historically unpainted.

Stripping and staining wood that is historically painted.

**(2) Windows**

Recommended

Using old window as a guide for the window replacement when replacing entire window. Using the same material (if available). If like material is not available, a compatible substitute material may be used (such as a window that is non-metallic in color) that is as similar as possible to the original window.

Installing interior storm windows with airtight gaskets, ventilating holes, and/or removable clips to insure proper maintenance and to avoid condensation damage to historic windows.

Installing exterior storm windows, which do not damage or obscure the historic windows and frames.

Not Recommended

Changing the number, location, size or glazing pattern of windows.

Cutting new openings for windows, or installing replacement sash, which does not fit the historic window opening.

Changing the historic appearance of windows through the use of designs, materials, finishes, or colors which radically change the sash, depth of reveal, and muntin (the cross pieces dividing the panes of glass) configuration; the reflectivity and color of the glazing; or the appearance of the frame.

Stripping windows of historic material.

Removing or blocking in a window; or replacing a window with one that does not convey the same visual appearance.

Installing new floors or lowering ceilings, which cut across the glazed areas of the windows so that the exterior form and appearance of the windows are changed.

Removing or radically changing windows, such that the overall historic character is diminished.

Obscuring windows with historic trim with metal, solar screens or other material.

### **(3) Porches and Entrances**

Recommended

Using large sheets of glass which are recessed behind the existing scrollwork, post and balustrades (a section of low "fencing" consisting of intermittent supporting posts and horizontal rails with balusters or crossbars in between) for porch enclosures.

Using the remaining feature as a guide for replacement if the porch or entrance is destroyed or deteriorated beyond repair. It may also be restored based on historical, pictorial, and physical documentation or a new design that is compatible with the historic character using the same type materials if the original material type is not available.

Not Recommended

Enclosing the porch or entrance using wood or masonry.

Altering or removing stoops or hand-rails. \*

Lowering the porch elevation to grade.

Removing porch railings or replacing railings using a different material type.\*

Reconfiguring steps.\*

*\*Unless required by the ADA or other applicable codes.*

#### **(4) Building Site**

Recommended

Retaining the historic relationship between building, landscape features and open space, including driveways, walkways, lighting, fencing, signs, benches, plants and trees, berms, and archeological features that are important in defining the history of the site.

Replacing features of the building that are not repairable with a comparable material only if the original type is no longer available.

Leaving rafter tails (the ends of the roof support beams) exposed.

Not Recommended

Replacing historic features with new features that do not convey the same appearance.

Introducing site elements that are out of scale or otherwise inappropriate.

Locating a parking facility directly adjacent to a historic building without physical and visual buffers where automobiles may cause damage to the building or landscape features or be intrusive to the building site.

#### **(5) Additions**

Recommended

Designing new additions in a manner that makes clear what is historic and what is new. Additions should be compatible but not identical to the historic structure(s).

Locating the attached exterior addition at the rear or on an inconspicuous side of the building. The setback should be a minimum of 10 feet from the primary façade and should not be more than 50% of the square footage of the existing footprint and 50% of the existing dimension of the primary façade.

Not Recommended

Creating new addition designed such that it cannot be differentiated from the historic building

Using the same wall plane, roofline, cornice height, materials, lap siding, or window type to make additions appear to be a part of the historic building.

## **(6) Accessory Buildings**

Recommended

Locating the attached accessory building at the rear or on an inconspicuous side of the historic building.

## **(7) Pools**

Recommended

Placing swimming pool, spa, etc. in the rear of the historic building so as not to be visible from the front of the building.

Not Recommended

Placing a swimming pool, spa, etc., on the side or front of a historic building such that the addition can be seen from the street.

Displacing historic landscaping.

## **(8) Wrought Iron**

Not Recommended

Installing Wrought Iron Security Bars for Doors and Windows

Installing post and railing as a historical feature replacement on the historic building

## **(9) Roof**

Recommended

Installing a roof that is comparable to the historical features of the home, provided there is not undue financial burden and the roof materials meet current safety requirements.

## **(10) Colors**

Recommended

Using colors which reflect the historic character of the structure.

## **(11) Storefronts**

Recommended

Replacing entire storefront using the deteriorated form as a guideline and using the same material type as the historical feature if the storefront is in disrepair.

Not Recommended

Stripping or replacing historic materials such as: wood, cast iron, terra cotta and brick.

Using substitute material for the replacement parts that do not convey the same visual appearance as the remaining parts of the storefront.

Changing the number of windowpanes.

Changing the number, location, size or glazing pattern of windows.

Removing or blocking in windows

Installing new floors or ceilings, which cut across the glazed areas of the windows.

Altering the size of the storefront.

Replacing the original storefront.

## **(12) Signs**

Recommended

Ground signs as defined in Section 16-300.

g. **Enforcement:** Any person, who does not comply with the Certificate of Appropriateness process, will be in violation of the City of Arlington Zoning Ordinance, Section 1-400. In the event work is not being performed in accordance with the Certificate of Appropriateness or upon notification of such fact by the Landmark Preservation Commission and verification by a Building Official, a stop work order shall be issued by the Building Official and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. (Amend Ord 00-103, 9/12/00)

g. **Enforcement:** Any person, who does not comply with the Certificate of Appropriateness process, will be in violation of the City of Arlington Zoning Ordinance, Section 1-400. In the event work is not being performed in accordance with the Certificate of Appropriateness or upon notification of such fact by the Landmark Preservation Commission and verification by a Building Official, a stop work order shall be issued by the Building Official and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. (Amend Ord 00-103, 9/12/00)

2. **Certificates of Demolition or Relocation:** No person or entity other than a State, City, County or Federal government fee simple owner shall demolish or relocate any building or structure located in an "LP" Landmark Preservation District, unless a Certificate of Demolition or Relocation has first been issued by the Landmark Preservation Commission or City Council, as set forth in this subsection.

a. **Application Procedure:** Applications for Certificates of Demolition or Relocation, shall be made to and on a form furnished by the Neighborhood Services Department.

b. **Public Hearing:** Within thirty (30) days of the receipt of a completed application for a Certificate of Demolition or Relocation, the Landmark Preservation Commission shall hold a public hearing. Public notice of such hearing setting forth

the date, time and place scheduled for such hearing and the purpose thereof shall be published in a newspaper one time at least seven (7) days prior to the date scheduled for such hearing. Notice thereof shall also be mailed to all owners of real property within a 200' radius of the subject property, as their ownership appears on the last approved City tax roll, not less than seven (7) days prior to the date set for the hearing.

c. **Review:** In evaluating a request for a Certificate of Demolition or Relocation, the Landmark Preservation Commission shall consider the following:

- (1) the architectural, cultural, or historical significance of the building or structure;
- (2) the age of the building or structure;
- (3) the state of repair of the building or structure in question, and the reasonableness of the cost of restoration and repair;
- (4) additions, alterations, changes, modifications and updates to the exterior architectural features of the building or structure that would disqualify it from consideration for registration on the National Register of Historic Places;
- (5) the impact, if any, that delaying the demolition or relocation of the building or structure will have;
- (6) the contribution, if any, the building or structure makes to a previously designated and recognized historic district and the owner's or any predecessor owner's involvement in the formation or creation of such a district;
- (7) the willingness of the applicant to donate or sell the building or structure to a third party;
- (8) the potential usefulness or adaptive reuse of the building or structure, including economic usefulness;
- (9) the potential market or demand for such a building or structure in its current condition and location;
- (10) the purpose that would be served in preserving the building or structure;  
and,
- (11) all other factors it finds necessary and appropriate to carry out the intent of this ordinance.

If, based upon such considerations, the Landmark Preservation Commission determines that the building or structure should not be demolished, the Landmark Preservation Commission's decision shall be forwarded to the City Council for review and final decision. If the Landmark Preservation Commission takes no action within 60 days of the receipt of a completed application, a Certificate of Demolition or Relocation shall be deemed issued.

d. **Conditions for Approval:** In granting a Certificate of Demolition or Relocation, the Landmark Preservation Commission or the City Council must find that

the interests of preserving historical values and the purposes and intent of this ordinance will not be adversely affected by the requested demolition or removal, or that such interests will be best served by removal or relocation to another specified location. (Amend Ord 00-103, 9/12/00)

3. **Omission of Necessary Repairs:** Buildings and structures located in an "LP" Landmark Preservation District shall be maintained so as to ensure the exterior and interior structural soundness and integrity of the landmark and its exterior architectural features.

a. **Determination of Omission:** If the Landmark Preservation Commission determines that there are reasonable grounds to believe that a building or structure or an exterior architectural feature thereof is structurally unsound, the Landmark Commission shall notify the owner of record of the property and hold a public hearing to determine compliance with the provisions of this ordinance.

b. **Mandated Repairs:** If at the conclusion of the public hearing, the Landmark Preservation Commission finds that the building or structure or its architectural features are structurally unsound or are in immediate danger of becoming structurally unsound, the Landmark Commission shall advise the property owner and direct repair of the property. The property owner shall satisfy the Landmark Commission within ninety (90) days of its decision that all necessary repairs and maintenance to safeguard structural soundness and integrity have been carried out and completed. (Amend Ord 00-103, 9/12/00)

H. **Appeals.** Appeals from a decision of the Planning and Zoning Commission or the Landmark Preservation Commission shall be to the City Council. (Amend Ord 00-103, 9/12/00)