

AGENDA
HISTORIC LANDMARK COMMISSION CITY OF MANSFIELD, TEXAS PLANNING DEPARTMENT CONFERENCE ROOM TUESDAY, DECEMBER 4, 2018, 5:30 PM

- 1. CALL TO ORDER**
- 2. APPROVAL OF LAST MEETING MINUTES**
- 3. DISCUSSION:**
 - A. Discussion on the Historic Preservation Tax Incentive Program
- 4. COMMISSION ANNOUNCEMENTS**
- 5. STAFF ANNOUNCEMENTS**
- 6. ADJOURNMENT OF MEETING**

I certify that the above agenda was posted on the bulletin board next to the main entrance of City Hall on November 29, 2018, in accordance with Chapter 551 of the Texas Government Code.

Delia Jones, Secretary

- This building is wheelchair accessible. Disabled parking spaces are available. Request for sign interpreter services must be made 48 hours ahead of meeting to make arrangements. Call 817 473-0211 or TDD 1-800-RELAY TX, 1-800-735-2989.

**HISTORIC LANDMARK COMMISSION
CITY OF MANSFIELD**

October 9, 2018

Chairman Smith called the meeting to order at 5:30 p.m. in the Council Chambers of City Hall, 1200 East Broad Street, with the meeting being open to the public and notice of said meeting, giving date, place, and subject thereof, having been posted as prescribed by Chapter 551, Texas Government Code.

Present:

Robert Smith	Chairman
David Littlefield	Vice-Chairman
Mark Walker	Commissioner
Justin Gilmore	Commissioner
Lynda Pressley	Commissioner
Houston Mitchell	Commissioner
Ginny Graygor	Commissioner
Rick Weintraub	Commissioner

Absent:

Arnaldo Rivera	Commissioner
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Staff:

Lisa Sudbury	Interim Director of Planning
Art Wright	Planner
Delia Jones	Secretary

Approval of Last Meeting Minutes

Chairman Smith called for approval of the minutes of the August 28, 2018, meeting. Commissioner Weintraub made a motion to approve the minutes as presented. Commissioner Graygor seconded the motion which carried unanimously.

HLC#18-003: Public Hearing to consider a request for new fencing and a replacement marker for the Perry Cemetery located at 2001 Ragland Road

Joe Bailey, the applicant, gave a brief presentation and was available for questions

Chairman Smith opened the public hearing and called for anyone wishing to speak to come forward.

Lannie Lake stated that he received a property owner notification of the request and he has no objection to the new fencing.

Seeing no one else come forward to speak, Chairman Smith closed the public hearing.

Vice-Chairman Littlefield made a motion to approve the request. Commissioner Walker seconded the motion which carried unanimously.

Discussion on a recognition program as authorized by Section 5400.J.4 of the Zoning Ordinance

Mr. Wright stated that in keeping with the Commission's goals of identifying historic resources and promoting the work of the Commission, the Commission may wish to establish a recognition program to honor historic resources. He noted that a recognized property would not be a designated landmark and the owner is not obligated to comply with the design guidelines or seek approval from the Commission for changes to the recognized property. He explained that a recognition program can be used to promote awareness of the need for preservation among the owners of historic properties and may encourage owners to apply for landmark status.

Discussion on the Historic Mansfield Grant Program

Mr. Wright stated that on September 12, 2018, City Council approved the Commission's request for \$10,000 from the City hotel/motel tax to fund the Historic Preservation Grant Program. The intent of the

program is to fund projects that will restore, maintain and extend the life of historic buildings. Staff believes that 302 E. Broad Street and 309 Elm Street should be high priorities and is seeking the Commission's guidance in establishing a priority list for historic properties to be considered for the grant program. Staff is also working with Priscilla Sanchez, Volunteer Coordinator for the City of Mansfield, regarding a partnership with some of the City's volunteer groups. He added that the volunteer group's contribution may qualify as the property owner's matching funds

Commission Announcements

Vice-Chairman Littlefield noted a recent newspaper article about former HLC member and now Council Member Julie Short and her husband Stoney Short, and their tireless efforts in Mansfield. Chairman Smith noted the new homes being built by Mr. Short are blending in with the historic neighborhoods. Commissioner Pressley stated that the City has assumed responsibility for the McKnight building. She also noted that Museum Manager, Vern Raven has retired.

Staff Comments

Mr. Wright distributed copies of the 1999 Preservation Plan to the Commissioners.

Adjournment

With no further business, Chairman Smith adjourned the meeting at 6:22 p.m.

Robert Smith, Chairman

ATTEST:

Delia Jones, Secretary

HISTORIC LANDMARK COMMISSION COMMUNICATION

Agenda Date: December 4, 2018

Subject: Discussion on the Historic Preservation Tax Incentive Program

COMMENTS AND CONSIDERATIONS

At the Commission's meeting on August 28, 2018, Chairman Smith requested that an update on the progress of the proposed Historic Preservation Tax Incentive Program to be made after the City's budget process had been completed.

Peter Phillis, Deputy City Manager and the City's Chief Financial Officer, has been communicating with the Chief Appraiser at the Tarrant Central Appraisal District regarding the proposed historic tax incentives. Mr. Phillis will be at the meeting to brief the Commission on the review process.

Attached for your review is the draft ordinance to establish the proposed incentives. The ordinance provides for the following:

- Level 1: Residential and commercial structures which have received an "H", Historic Landmark Overlay District designation shall be eligible for a one-time exemption of twenty-five (25) percent of the assessed improvement value of the structure for a period of ten (10) years.
- Level 2: Residential structures with an "H", Historic Landmark Overlay District designation shall be eligible for an exemption of up to one hundred (100) percent of the assessed improvement value of the structure for a period of ten (10) years for exterior restorations amounting to five thousand dollars (\$5,000.00) or more.
- Level 3: Commercial structures with an "H", Historic Landmark Overlay District designation shall be eligible for an exemption of up to fifty (50) percent of the assessed improvement value of the structure for a period of ten (10) years for exterior restorations amounting to five thousand dollars (\$5,000.00) or more.
- A change in a residential use to a commercial use will result in a reduction of one-half of the awarded exemption for the remaining years in the collection period.
- Should a property owner receiving a tax exemption under this Sub-chapter remove the "H" Historic Landmark Overlay District designation, the value received from the exemption must be repaid. No repayment is required if a historic structure is destroyed by fire, storm, or other natural act not due to the property owner's action.
- Application, review and inspection provisions.

Staff has modified the Level 2 and 3 incentives from the Commission's original proposal to provide for incentives "up to" the maximum amounts. This will allow the Commission to vary the amount of the incentive based on the type and extent of a project.

For example, if a residential property owner expends \$5,000 on minor exterior repairs on a Level 2 project, the Commission may only want to grant a portion of the 100% incentive, such as 25%. If the property owner spends more on a project to make major renovations, such as removing inappropriate siding and restoring a wood plank finish, the Commission could award a larger percentage of the tax incentive, up to the maximum of 100%.

The ordinance is currently being reviewed by the Chief Appraiser, as the Central Appraisal District must consent to local historic tax incentives. Changes may be required based on the Chief Appraiser's opinion and the Commission's review.

Attachments

Draft Application Package

Draft Historic Preservation Tax Incentive ordinance



HISTORIC PRESERVATION TAX EXEMPTION POLICY

Qualifications:

- Preservation incentives will be limited to historic properties that have an “H”, Historic Landmark Overlay District designation.
- An historic property officially recognized under Section 5400.J.4 of the Mansfield Zoning Ordinance but without an “H” designation may request a tax exemption provided that the property owner makes an application for an “H” designation at the same time.
- If awarded, an exemption applies to the property improvement value only and does not include the land value.

Application:

- In order to claim a preservation tax exemption, an application must be completed and submitted to the Planning Department before January 1st of the taxing year for which an exemption is requested.
- If the property ownership changes on a currently exempt property (but not the use), the new owner may request extension of the tax exempt status for the remainder of the year that has been approved. A new application will be required to be filed for the following assessment year.

Exemption Levels:

- Level 1: Residential and commercial properties with an “H” designation are eligible to receive a one-time, 25% exemption of the City’s ad valorem taxes for a period of 10 years.
- Level 2: Property owners of residential properties with an “H” designation that make qualifying exterior improvements during the exemption period and that have a combined cost of \$5,000 or more may receive up to a 100% exemption for a period of 10 years
 - Exterior or structural improvements under Level 2 include: foundation repair, original frame and beam repair, restoration of historic porches or siding, and roof replacement associated with structural work or major rehabilitation projects.

- Only projects that retain or restore the historic integrity of the home through the use of proper materials and design, as determined by the Historic Landmark Commission, may qualify for the incentive.
- Level 3: Property owners of commercial buildings with an “H” designation that make qualifying exterior improvements during the exemption period and that have a combined cost of \$5,000 or more may receive up to a 50% exemption for a period of 10 years.
 - **A change in a residential use to a commercial use will result in a reduction in the exemption from 100% to 50% for the remaining years in the exemption period.**
- If a property owner receiving a tax incentive removes the “H” designation from a structure, the value received from the incentive must be repaid. No repayment is required if the property was destroyed by fire, storm, or other natural act not due to the property owner’s action.

Inspections:

- The recipient of a historic preservation tax exemption must agree to allow inspections of the historic structure to determine the condition of the structure and the eligibility/level for a tax exemption.
- Inspections will generally involve a review of the following:
 - Exterior surfaces of structures (main structure and accessory structures) must be clean, maintained, protected and weathertight. Surfaces that have been previously painted/stuccoed must be protected with paint and/or other appropriate finishes/coatings.
 - Repainting/paint touch-ups should closely match the existing paint colors and applied at reasonable intervals.
 - Damaged, loose, or rotted materials/details must be reestablished, repaired or replaced. All joints or cracks must be weatherproofed appropriately by proper maintenance.
 - Exterior facades should be clean from any graffiti, overgrown vegetation, and left over residues from previous work/installations.
 - Damaged or worn property elements must be repaired, restored or replaced and secured properly to remain operable.
 - Vacant structures must be securely closed and weathertight. Any unoccupied structure must be maintained and secured to avoid becoming a structure that may be considered demolished by neglect as defined in Section 5400.H of the Zoning Ordinance, “Historic Landmarks - Omission of Necessary Repairs.”
 - Exterior materials must be maintained to historic standards as outlined in the applicable historic landmark design guidelines and the Secretary of the Interior’s Standards.

- Exterior plumbing, electrical and mechanical fixtures should be secured properly.
- Grounds must be maintained free of excessive rubbish, garbage, junk, refuse or debris.
- In addition to inspections, for Level 2 and Level 3 exemptions that involve repairs or restoration of a qualified historic structure, the recipient must agree to provide documentation, such as invoices or receipts, that the work for which the exemption is being granted has been completed.



HISTORIC PRESERVATION TAX EXEMPTION APPLICATION

Part 1: Information of the property for which you are seeking an exemption

Street Address		City	State	ZIP Code
Lot/ Tract	Block	Subdivision/Survey	Property ID	
BUILDING NAME:		PRIMARY USE:		
Historic/Common: _____		Residential <input type="checkbox"/> Non-Residential <input type="checkbox"/>		

Part 2: Information of the property owner and person preparing the application

_____	Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Other <input type="checkbox"/>		
Property Owner Name			
Street Address	City	State	ZIP Code
Property Owner's Email		Property Owner's Phone	
Application Preparer's Name		Application Preparer's Phone	

Part 3: Application deadline and other important information

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| <ul style="list-style-type: none">• In order to claim the Historic Preservation Tax Exemption, this application must be completed and submitted to the Planning Department before January 1st of the taxing year for which an exemption is requested.• This application will be valid until the property is denied an exemption for current tax year or, the owner provides a written notice that he no longer wishes to participate in the program.• If the property ownership changes on a currently exempt property, the new owner may request extension of the tax exempt status for the remainder of the year that has been approved. However, a new application will be required to be filed for the following assessment year. | <ul style="list-style-type: none">• The exemption applies to the property improvements value only and does not include the land value. The percentage is based on the following classifications:<ul style="list-style-type: none">Level 1: Residential and commercial structures which have received an "H" designation: one-time exemption 25% percent for a period of 10 years.Level 2: Residential structures with an "H" designation: Up to 100% percent for a period of 10 years for exterior restorations amounting to \$5,000.00 or more.Level 3: Commercial structures with an "H" designation: Up to 50% for a period of 10 years for exterior restorations amounting to \$5,000.00 or more. |
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Part 4: Read, sign and date

I hereby attest that the requirements of Section 5400 of the Mansfield Zoning Ordinance and the provisions of Section 38.23 of the City Code of Ordinances concerning the preservation and maintenance of the subject structure were fully satisfied as of January first of the application year. Members of the Historic Landmark Commission and City staff may visit and inspect the historic structure and books and records as necessary to certify whether or not the structure is being preserved and maintained as required by City ordinance and determine what new construction or modifications have been completed. I have also read and fully understand the Historic Preservation Tax Exemption Policy and the implications therein stated for not adhering to the established maintenance standards.

Owner/Application Preparer's Signature	Date
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ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS,
AMENDING CHAPTER 38 OF THE MANSFIELD CODE
OF ORDINANCES, "TAXATION AND FINANCE," TO
ESTABLISH A HISTORIC PRESERVATION TAX
EXEMPTION PROGRAM FOR THE CITY; PROVIDING
FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT;
PROVIDING A SEVERABILITY CLAUSE; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Article 8, Section 1-f of the Texas Constitution and Section 11.24 of the Texas Tax Code enable the City of Mansfield to exempt from taxation part or all of the assessed value of a structure if the structure is designated by the City as a historically or archeologically significant site in need of tax relief to encourage its preservation; and

WHEREAS, the City Council has established a program of designating historic sites and structures as historic landmarks, through the zoning process, in order to preserve and protect the cultural heritage of Mansfield; and

WHEREAS, the City Council is seeking to establish provisions to grant exemptions from ad valorem taxes for certain historically significant structures which have been recommended for exemption to encourage their preservation; and

WHEREAS, in accordance with state law, the City Council finds that all designated landmark structures are historically significant and entitled to tax relief in order to encourage historic preservation; and

WHEREAS, upon the recommendation of the Mansfield Historic Landmark Commission, the City Council now finds it is necessary to adopt provisions for the tax exemption program for historic preservation within the City of Mansfield and that such provisions are in the best interest of the City and its citizens;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS:

SECTION 1.

That Chapter 38 of the Code of Ordinances, City of Mansfield, Texas, is hereby amended by adding new Sections 38.20 through 38.27 to read as follows:

"TAX RELIEF FOR HISTORIC STRUCTURES

§ 38.20 GRANTING OF EXEMPTIONS.

The City Council shall by ordinance, concurrent with the levy of taxes for each current year, approve for full or partial exemption from ad valorem taxes certain historic resources which have been recommended for exemption pursuant to provisions of this Sub-chapter. For the purpose of this Sub-chapter, historically significant sites are defined as structures within the H, Historic Landmark Overlay District.

§ 38.21 PERCENTAGE OF VALUE EXEMPTED.

Historic resources which are approved for exemption by ordinance pursuant to the provisions of this Sub-chapter shall have the following percentage of assessed improvement value exempt from ad valorem taxes levied by the City:

(A) Level 1: Residential and commercial structures which have received an “H”, Historic Landmark Overlay District designation shall be eligible for a one-time exemption of twenty-five (25) percent of the assessed improvement value of the structure for a period of ten (10) years.

(B) Level 2: Residential structures with an “H”, Historic Landmark Overlay District designation shall be eligible for an exemption of up to one hundred (100) percent of the assessed improvement value of the structure for a period of ten (10) years for exterior restorations amounting to five thousand dollars (\$5,000.00) or more.

(1) A change in a residential use to a commercial use will result in a reduction of one-half of the awarded exemption for the remaining years in the collection period.

(C) Level 3: Commercial structures with an “H”, Historic Landmark Overlay District designation shall be eligible for an exemption of up to fifty (50) percent of the assessed improvement value of the structure for a period of ten (10) years for exterior restorations amounting to five thousand dollars (\$5,000.00) or more.

(D) Should a property owner receiving a tax exemption under this Sub-chapter remove the “H” Historic Landmark Overlay District designation, the value received from the exemption must be repaid. No repayment is required if a historic structure is destroyed by fire, storm, or other natural act not due to the property owner’s action.

§ 38.22 APPLICATION.

(A) For the assessment year for which the owner of the structure desires such structure to be tax exempt to the extent provided by this Sub-chapter, the owner shall file with the Historic Preservation Officer an application, no later than January 1, attesting that the eligibility requirements of this article and Texas Tax

Code Section 11.42 are fully satisfied at the time of application submittal.

(1) Once the owner has filed and been approved for tax exemption of a property, a new application shall not be required to be filed by the property owner annually as long as he/she retains ownership of the property.

(2) If the property ownership changes on an exempt property, the new owner may request extension of the tax exempt status for the remainder of the calendar year for the year of purchase. A new application will be required to be filed as set out herein for the following assessment year. Any outstanding repair or maintenance items identified in the tax exemption survey of the most recent approved year shall need to be addressed for the following year eligibility.

(3) If a property owner was previously denied tax exempt status for a property, a new application will be required to be filed as set out herein. Any outstanding Zoning Ordinance compliance issues or, exterior repair or maintenance items identified in previous tax exemption surveys shall need to be addressed prior to regain eligibility.

(B) Application forms are to be available online and from the City Planning Department.

(C) The application shall affirmatively set forth the owner's authorization for City staff members to visit and inspect the property and books and records as necessary to certify whether or not the structure is being preserved and maintained as required by Section 38.23 of this Sub-chapter.

§ 38.23 INSPECTION; APPROVAL OR DENIAL CERTIFICATION.

(A) Upon receipt of the sworn application, the Historic Preservation Officer or designee shall conduct a tax exemption survey to inspect the property and review the books and records as necessary to certify whether or not:

(1) The structure is being preserved and maintained in accordance with minimum property, structural, health, and safety standards as adopted by the City of Mansfield; and

(2) The building and site are in compliance with the City's Zoning Ordinance; and

(3) The building and site are in compliance with the inspection criteria of this Sub-chapter listed under Paragraphs (B) and (C) below.

(B) Building elements with their materials and finishes shall be maintained in good repair and in operable condition to avoid decay, damage, structural failure and hazardous or unsafe conditions to life, health, or other property. Generally:

(1) Exterior surfaces of all structures (main structure and accessory structures) shall be clean, maintained, protected and weathertight. Surfaces that have been previously painted/stuccoed shall be protected with paint and/or other appropriate finishes/coatings.

(2) Repainting/paint touch-ups shall closely match the existing paint colors and applied at reasonable intervals.

(3) Damaged, loose, or rotted materials/details shall be reestablished, repaired or replaced. All joints or cracks shall be weatherproofed appropriately by proper maintenance.

(4) Exterior facades shall be clean from any graffiti, overgrown vegetation, and left over residues from previous work/installations.

(5) Damaged or worn property elements shall be repaired, restored or replaced and secured properly to remain operable.

(6) Vacant structures shall be securely closed and weathertight. Any unoccupied structure shall be maintained and secured to avoid becoming a structure that may be considered demolished by neglect as defined in Section 5400.H of the Zoning Ordinance, "Historic Landmarks - Omission of Necessary Repairs."

(7) Exterior materials shall be maintained to historic standards as outlined in the applicable historic landmark design guidelines and the Secretary of the Interior's Standards.

(8) Exterior plumbing, electrical and mechanical fixtures shall be secured properly.

(9) Grounds shall be maintained free of excessive rubbish, garbage, junk, refuse or debris.

(C) The Historic Preservation Officer or designee shall inspect the structure, accessory structures, property elements and grounds to ensure general maintenance has occurred as described immediately above.

(D) The Historic Preservation Officer shall present to the Historic Landmark Commission a list of properties recommended for approval or denial of the tax exemption based on the findings of the tax exemption survey. A denial recommendation could be due to the following reasons:

(1) A structure is not being preserved and maintained in accordance with minimum property, structural, health, and safety standards as adopted by the City of Mansfield or is not in compliance with the City's Zoning Ordinance; or

(2) Deficiencies from previous tax exemption surveys were not completed by January 1 of the subject year; or

(3) Exterior work was completed, installed, or is under construction without a Certificate of Approval or in deviation of a previously approved Certificate of Approval.

(E) The Historic Preservation Officer will notify applicants of properties recommended for denial by certified mail twenty (20) calendar days prior to the Historic Landmark Commission public hearing.

(F) The Historic Landmark Commission shall hold a public hearing to make a determination of property eligibility and to certify properties have adequately addressed the deficiencies in the required time frame from the previous year and are in compliance. The Historic Landmark Commission may grant an extension to properties if it is determined that extenuating circumstances exist. Such circumstances should generally be justified by supportive information such as:

(1) Cost estimates or other information indicating the required repair is more substantial than initially expected;

(2) Documentation that the issue(s) was misidentified or didn't exist in the manner described in the tax exemption survey; or

(3) Documentation that the issue is being addressed as part of a larger series of repairs or improvements and has received approval with a Certificate of Approval.

(G) The Historic Landmark Commission shall certify the facts to the City Council not later than March 30 of the subject year, along with the Historic Landmark Commission's determination for approval or denial of applications for tax exemption.

(H) Following adoption by City Council, the Historic Preservation Officer will notify applicants of any new deficiencies based on the findings of the tax exemption survey. The applicant shall address deficiencies within the time frame determined at the time of notification.

§ 38.24 APPEAL OF HISTORIC LANDMARK COMMISSION'S DETERMINATION.

Any owner of a qualified historic resource may appeal denial of the tax exemption by the Historic Landmark Commission by submitting a notice of appeal in the form of a signed letter to the Historic Preservation Officer within ten

(10) business days of the date of the Commission's action. The Historic Preservation Officer shall submit the letter of appeal to the City Council and it shall be heard as part of Council's consideration of the adopting ordinance noted in Section 38.25 of this Sub-chapter. Should the City Council overturn the Historic Landmark Commission's determination and grant tax exempt status to the property, the property will be added to the ordinance and list of exempted properties forwarded to the chief appraiser. If the City Council upholds the determination of the Historic Landmark Commission, the property will not be included in the list forwarded to the chief appraiser with the adopting ordinance and the property owner may resubmit for tax exemption consideration the following year in accordance with Section 3 of this Ordinance.

§ 38.25 ADOPTION OF ORDINANCE BY CITY COUNCIL.

The City Council shall adopt an ordinance granting exemptions under this Sub-chapter. The ordinance shall specify the exempt structures and shall provide that all land shall be assessed for taxation in the same equal and uniform manner as all other taxable properties in the City. The City shall cause a copy of the ordinance and certifications from the Historic Landmark Commission to be forwarded to the chief appraiser not later than May 1 of the subject year.

§ 38.26 RENDITION AND ASSESSMENT OF HISTORIC RESOURCES FOR AD VALOREM TAXATION.

The provisions of this Sub-chapter pertaining to exemption of historic resources do not change the provisions of any other ordinance provision of the City pertaining to taxation, and the applicant's structures shall be rendered and assessed in the same manner as any other property if the City Council elects to disapprove the application for exemption.

§ 38.27 DEFINITIONS.

COMPATIBLE STRUCTURE. A structure within a Historic Landmark Overlay District that was substantially constructed after the district's period of significance, but fits within the existing character of the Historic Landmark Overlay District to reflect existing buildings in massing, height, scale, material, roof, color, architectural details, and general appearance, or is built in accordance with an approved Certificate of Approval.

CONTRIBUTING STRUCTURE. A structure within a Historic Landmark Overlay District that was substantially constructed within the district's period of significance and retains a significant amount of its physical integrity and character defining features including location, setting, design, construction, workmanship, or association with historical persons or events.

HISTORIC RESOURCE. A structure, site, or landmark of historical,

cultural, archeological, or architectural importance at the national, state, or local level, and that has received from the Mansfield City Council local historic landmark designation within the Historic Landmark Overlay District.

HISTORIC LANDMARK OVERLAY DISTRICT. An area which includes one (1) or more structures, sites or properties, together with their accessory buildings, fences, and other appurtenances that are of historical, cultural, archaeological, or architectural importance, and that has received from the Mansfield City Council local historic landmark designation in accordance with Section 5400 of the Zoning Ordinance. A Historic Landmark Overlay District may have within its boundaries contributing, compatible, non-contributing, and incompatible structures.

INCOMPATIBLE STRUCTURE. A structure within a Historic Landmark Overlay District that is built after the district's designation without an approved Certificate of Approval.

NON-CONTRIBUTING STRUCTURE. A structure within a Historic Landmark Overlay District that was substantially constructed after the district's period of significance and is not an integral part of the historic, archaeological and architectural fabric of the district or the City, or was substantially constructed within the district's period of significance and does not retain a significant portion of its architectural or design integrity."

SECTION 2.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Zoning Ordinance as a whole.

SECTION 4.

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

First reading approved on the _____ day of _____, 2019.

Second reading approved on the _____ day of _____, 2019.

Ordinance No. _____

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DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2019.

David L. Cook, Mayor

ATTEST:

Tracy Norr, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney