



CITY OF MANSFIELD

1200 E. Broad St.
Mansfield, TX 76063
mansfieldtexas.gov

Meeting Agenda

Historic Landmark Commission

Thursday, August 11, 2022

5:30 PM

City Hall Council Chambers

1. **CALL TO ORDER**

2. **APPROVAL OF MINUTES**

[22-4829](#) Minutes - Approval of the July 14, 2022 Historic Landmark Commission Meeting Minutes

Attachments: [Draft Minutes 07-14-22](#)

3. **CITIZENS COMMENTS**

Citizens wishing to address the Commission on non-public hearing agenda items and items not on the agenda may do so at this time. Once the business portion of the meeting begins, only comments related to public hearings will be heard. All comments are limited to five (5) minutes.

4. **PUBLIC HEARINGS**

[22-4754](#) HLC#22-007: Public hearing continuation to consider a request for a Historic Landmark Overlay District designation for the Mansfield Cemetery, c. 1868, located at 750 W. Kimball Street; Paula McKay on behalf of the Mansfield Cemetery Association, owner

Attachments: [Maps and Supporting Information.pdf](#)

[Photographs of the Mansfield Cemetery.pdf](#)

[Section 155.069.pdf](#)

5. **DISCUSSION ITEMS**

[22-4828](#) HLC#22-009: Discussion on amendments to Sections 155.069 and 155.116 of the Mansfield Code of Ordinances related to the regulations governing the Historic Landmark Overlay District and the Historic Landmark Commission

Attachments: [Draft Preservation Ordinance.pdf](#)

[SEC 155.069 H, HISTORIC LANDMARK OVERLAY DISTRICT REGULATIONS](#)

[SEC 155.116 HISTORIC LANDMARK COMMISSION.pdf](#)

[21-4430](#) HLC#21-013: Discussion regarding revisions to the Design Guidelines for Historic Mansfield

Attachments: [Pages 49 to 53.pdf](#)

6. OTHER AGENDA ITEMS

[22-4759](#) HLC#22-008: Discussion and Possible Action on the Vision and Annual Preservation Goals for 2022-2023

7. PRESERVATION MONTH SUB-COMMITTEE

[22-4771](#) Minutes - Approval of the July 6, 2022 Historic Landmark Commission - Preservation Month Sub-Committee Meeting Minutes

Attachments: [Draft Sub-Committee Minutes from 07-06-22.pdf](#)

8. HISTORIC PRESERVATION OFFICER'S REPORT

9. COMMISSION ANNOUNCEMENTS

10. STAFF ANNOUNCEMENTS

11. ADJOURNMENT OF MEETING

I certify that the above agenda was posted on the bulletin board next to the main entrance of City Hall on August 5, 2022, in accordance with Chapter 551 of the Texas Government Code.

Art Wright, Senior Planner

* 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.



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STAFF REPORT

File Number: 22-4829

Agenda Date: 8/11/2022

Version: 1

Status: Approval of Minutes

In Control: Historic Landmark Commission

File Type: Meeting Minutes

Agenda Number:

Title

Minutes - Approval of the July 14, 2022 Historic Landmark Commission Meeting Minutes

Description/History

The minutes of the July 14, 2022 Historic Landmark Commission meeting are in DRAFT form and will not become effective until approved by the Commission at this meeting.



CITY OF MANSFIELD

1200 E. Broad St.
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Meeting Minutes - Draft

Historic Landmark Commission

Thursday, July 14, 2022

6:00 PM

City Hall Council Chambers

1. CALL TO ORDER

Absent 1 - Mark Walker

Present 6 - Amanda Kowalski; David Littlefield; Robert Smith; Bob Klendendorf; Thomas Leach and Allan Hudson

2. APPROVAL OF MINUTES

[22-4732](#)

Minutes - Approval of the June 9, 2022 Historic Landmark Commission Meeting Minutes

Commissioner Klendendorf made a motion to approve the minutes as presented. Commissioner Kowalski seconded the motion, which carried by the following vote:

Aye: 5 - Amanda Kowalski; David Littlefield; Robert Smith; Bob Klendendorf and Allan Hudson

Nay: 0

Absent: 1 - Mark Walker

Abstain: 1 - Thomas Leach

3. CITIZENS COMMENTS

None.

4. PUBLIC HEARING

[22-4754](#)

HLC#22-007: Public hearing continuation to consider a request for a Historic Landmark Overlay District designation for the Mansfield Cemetery, c. 1868, located at 750 W. Kimball Street; Paula McKay on behalf of the Mansfield Cemetery Association, owner

Mr. Wright gave a presentation and was available for questions.

Chairman Smith opened the public hearing at 6:09 p.m. Seeing no one come forward to speak, Chairman Smith closed the public hearing at 6:10 p.m.

After discussion, Vice-Chairman Littlefield made a motion to recommend approval of

the landmark designation. Commissioner Leach seconded the motion.

After further discussion, Commissioner Kowalski made a motion to table the request to allow staff time to contact the Mansfield Community Cemetery Association to see if they wanted to join the landmark designation with the Mansfield Cemetery.

Commissioner Kowalski made a motion to table the request until the August 11, 2022, meeting. Vice-Chairman Littlefield seconded the motion, which carried by the following vote:

Aye: 6 - Amanda Kowalski; David Littlefield; Robert Smith; Bob Klenzendorf; Thomas Leach and Allan Hudson

Nay: 0

Absent: 1 - Mark Walker

Abstain: 0

5. DISCUSSION ITEMS

[21-4430](#)

HLC#21-013: Discussion regarding revisions to the Design Guidelines for Historic Mansfield

Mr. Wright provided a draft of pages 41 through 48 of Chapter Three of the updated Design Guidelines for Historic Mansfield.

After a discussion, the Commission directed Mr. Wright to make some changes and proceed with updating the next chapter.

6. OTHER AGENDA ITEMS

[22-4759](#)

HLC#22-008: Discussion and Possible Action on the Vision and Annual Preservation Goals for 2022-2023

Mr. Wright gave a presentation on the Commission's current vision and annual goals and made recommendations for additional goals for next year. The Commission was asked to review the goals and to be prepared to discuss them at the next meeting.

After reviewing the recommended goals, Chairman Smith directed staff to prepare a draft preservation ordinance update for the Commission's consideration at the August 11, 2022 meeting.

7. PRESERVATION MONTH SUB-COMMITTEE REPORT

Vice-Chairman Littlefield gave a report on the first meeting of the 2023 Preservation Month Sub-Committee. Mr. Littlefield described the proposed events under review by the Sub-Committee for Preservation Month 2023.

8. HISTORIC PRESERVATION OFFICER'S REPORT

Mr. Wright reported that the landmark designation for the 1925 Front Gable Bungalow at 205 North Street was approved by the City Council.

9. **COMMISSION ANNOUNCEMENTS**

None.

10. **STAFF ANNOUNCEMENTS**

None.

11. **ADJOURNMENT OF MEETING**

With no further business, Chairman Smith adjourned the meeting at 6:59 p.m.

Dr. Robert A. Smith, Chairman

ATTEST:

Art Wright, Planner/HPO



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STAFF REPORT

File Number: 22-4754

Agenda Date: 8/11/2022

Version: 1

Status: Passed

In Control: Historic Landmark Commission

File Type: HLC Case

Agenda Number:

Title

HLC#22-007: Public hearing continuation to consider a request for a Historic Landmark Overlay District designation for the Mansfield Cemetery, c. 1868, located at 750 W. Kimball Street; Paula McKay on behalf of the Mansfield Cemetery Association, owner

Description/History

This item was tabled at the Commission's July 14, 2022, meeting to allow staff time to invite the Mansfield Community Church to join in a single Historic Cemetery Landmark Overlay District with the Mansfield Cemetery. Staff will provide an update the Commission about this project at the meeting.

The Mansfield Cemetery Association has requested a Historic Landmark Overlay District classification for the historic Mansfield Cemetery on W. Kimball Street. This designation will protect the cemetery's historic significance. The property is currently zoned SF-7.5/12 and PR.

Historic Background

The Mansfield Cemetery incorporates the Cumberland Presbyterian Cemetery and the Black Cemetery. Ralph Man deeded the land for the 2.75-acre Cumberland section in 1874 to the Mansfield congregation of the Cumberland Presbyterian Church, but the land was first used for internment in 1868, when Julia Alice Boisseau Man, wife of Ralph Man and sister-in-law of Julian Feild, Mansfield's co-founders, was buried.

Inventories in 1950 and 1980 recorded 819 grave markers, but there also are many unmarked graves. Several Civil War, World War I and World War II veterans are buried here and the influenza outbreak at the end of World War I added many Mansfield residents to the cemetery.

Many of Mansfield's early settlers and community leaders are buried in the Cumberland section, including Ralph Man. Many local families buried in the cemetery are known to have close affiliation including the Bratton, Davis, Pyles and Blessing families.

Furniture merchants Duff and T. E. Blessing succeeded their uncle Andrew Bratton as undertakers and Ernie Blessing managed the Blessing Funeral Home until his retirement in the late 1950s. Markers are typically granite, limestone and marble.

The Cemetery is an officially recognized historic resource of the City of Mansfield.

Designation Criteria

The Historic Landmark Overlay District designation should be considered in light of the following criteria:

1. *Exemplification of the cultural, economic, social, ethnic, or historical heritage of the City.* The Mansfield Cemetery is one of the most important historic resources in Mansfield that serves as a directory of early residents, reflects the ethnic diversity and unique population of the area and contributes to the narrative of Mansfield's history.
2. *Identification with a person or persons who significantly contributed to the culture or development of the City.* The Mansfield Cemetery contains the grave sites of many of Mansfield's early families and community leaders, including that of Ralph Man, one of the town founders.
3. *A place that because of its location has become of historic or cultural value to a neighborhood or community.* The Mansfield Cemetery is located at the western edge of the Original Town of Mansfield. Unlike smaller family cemeteries, its proximity to the historic downtown and the adjacent farming districts provided burial space for the entire community and is still in use today.

Recommendation

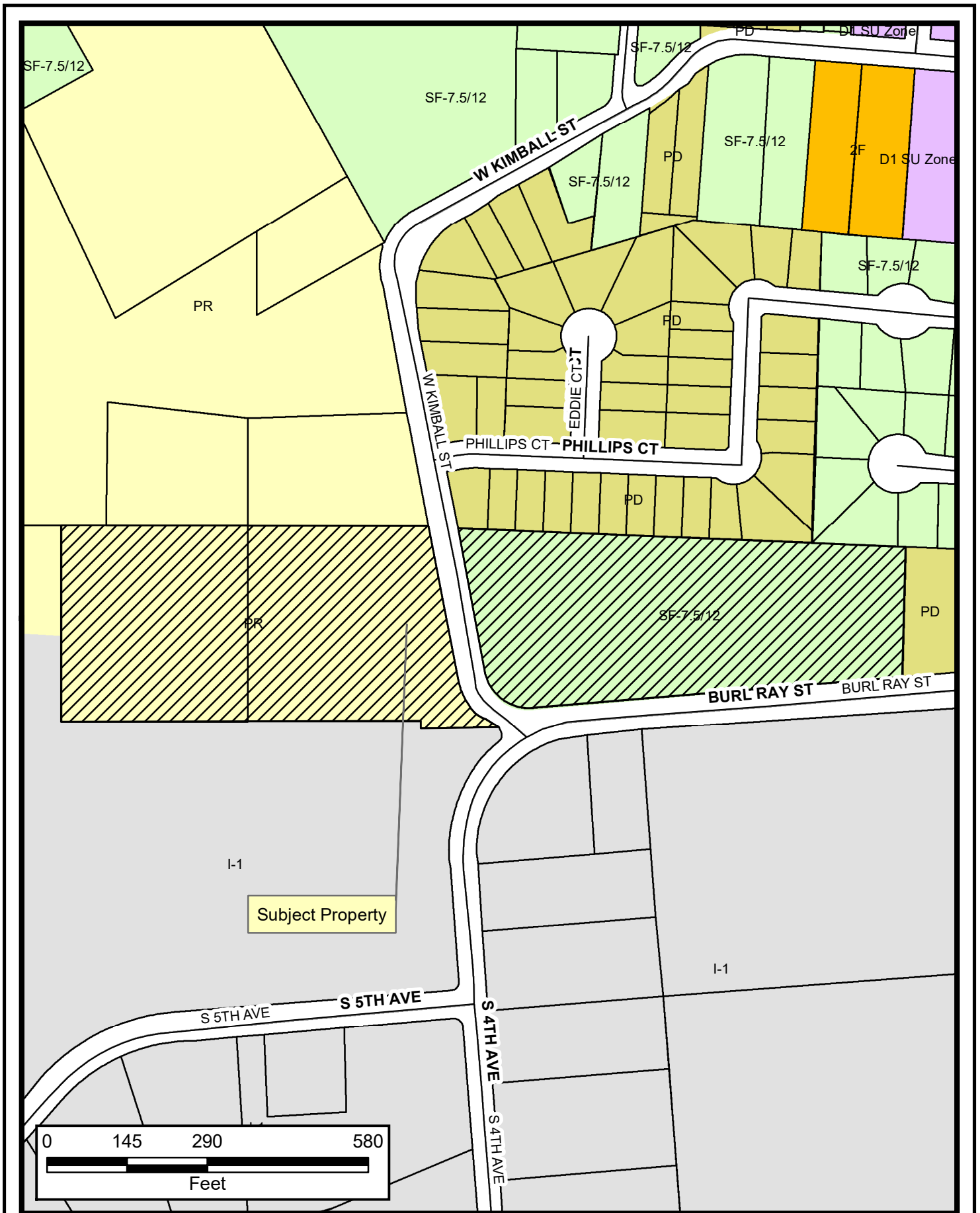
Staff recommends tabling the request until September 8, 2022, meeting.

Attachments

Maps and supporting information

Photographs of the Mansfield Cemetery

Section 155.069(D) of the Code of Ordinances





HLC#22-007

This information is for illustrative purposes only. Not for design or development purposes. Site-specific studies may be required to obtain accurate feature locations. Every effort is made to ensure the information displayed here is accurate; however, the City of Mansfield makes no claims to its accuracy or completeness.

6/16/2022

Mansfield Cemetery, c. 1868

750 West Kimball Street

The Mansfield Cemetery incorporates the Cumberland Presbyterian Cemetery and the Black Cemetery. Ralph Man deeded the land for the 2.75 acre Cumberland section in 1874 to the Mansfield congregation of the Cumberland Presbyterian Church, but the land was first used for internment in 1868, when Julia Alice Boisseau Man, wife of Ralph Man and sister-in-law of Julian Feild, Mansfield's co-founders, was buried.

Inventories in 1950 and 1980 recorded 819 grave markers, but there also are a large number of unmarked graves. A number of Civil War, World War I and World War II veterans are buried here and the influenza outbreak at the end of World War I added many Mansfield residents to the cemetery.

Many of Mansfield's early settlers and community leaders are buried in the Cumberland section, including Ralph Man. Many local families buried in the cemetery are known to have close affiliation including the Bratton, Davis, Pyles and Blessing families.

Furniture merchants Duff and T. E. Blessing succeeded their uncle Andrew Bratton as undertakers and Ernie Blessing managed the Blessing Funeral Home until his retirement in the late 1950s. Markers are typically granite, limestone and marble.



Photograph of the Mansfield Cemetery

The Mansfield Cemetery, together with the adjacent Mansfield Community Cemetery, is one of the most important historic resources in Mansfield, that serves as a directory of early residents, reflects the ethnic diversity and unique population of the area and contributes to the narrative of Mansfield's history.

The Cemetery is an officially recognized historic resource of the City of Mansfield.

ASMAN

BORN IN CHARLESTON S.C.

Nov. 21, 1825

DIED IN MANSFIELD TEX.

Nov. 18, 1906

ONE OF THE FOUNDERS OF
MANSFIELD









CUMBERLAND PRESBYTERIAN CEMETERY

THIS SITE WAS FIRST USED AS A BURIAL GROUND SHORTLY AFTER THE CIVIL WAR. THE EARLIEST LEGIBLE GRAVESTONE IS THAT OF JULIA ALICE (BOISSEAU) MAN (1843-68). HER HUSBAND RALPH S. MAN AND BROTHER-IN-LAW JULIAN FEILD FOUNDED MANSFIELD (ORIGINALLY SPELLED MANSFEILD). THE BURIAL SITE WAS DEEDED TO THE MANSFEILD CONGREGATION OF THE CUMBERLAND PRESBYTERIAN CHURCH IN 1874. GRAVES INCLUDE THOSE OF CIVIL WAR VETERANS AND VICTIMS OF THE 1918-19 INFLUENZA EPIDEMIC. THE OLDEST SECTION IN MANSFIELD CEMETERY, THE BURIAL GROUND SERVES AS A REMINDER OF THE AREA'S EARLIEST SETTLERS.

(1982)

Section 155.069

D. Landmark Designation Criteria: In making such designations as set forth in paragraph C above, the City Council shall consider, but shall not be limited to, one or more of the following criteria:

- a. Character, interest or value as part of the development, heritage or cultural characteristics of the City of Mansfield, State of Texas, or the United States.
- b. Recognition as a Recorded Texas Historic Landmark, a National Historic Landmark, or entered into the National Register of Historic Places.
- c. Appear to be eligible for the National Register and also may be eligible for designation as a Recorded Texas Historic Landmark as indicated in the 1983 Tarrant County Historic Resource Survey; included as an authoritative reference for this purpose.
- d. Embodiment of distinguishing characteristics of an architectural type or specimen.
- e. Identification as the work of an architect or master builder whose individual work has influenced the development of the City.
- f. Embodiment of elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation.
- g. Relationship to other distinctive buildings, sites or areas which are eligible for preservation as described in Section 155.116 (D) based on architectural, historic or cultural motif.
- h. Portrayal of the environment of a group of people in an area of history characterized by a distinctive architectural style.
- i. Archaeological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.
- j. Exemplification of the cultural, economic, social, ethnic, or historical heritage of the City, State, or United States.
- k. Location as a site of a significant historic event.
- l. Identification with a person or persons who significantly contributed to the culture or development of the City, County, State or Nation.
- m. A building, structure, or place that because of its location has become of historic or cultural value to a neighborhood or community.



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STAFF REPORT

File Number: 22-4828

Agenda Date: 8/11/2022

Version: 1

Status: Consideration

In Control: Historic Landmark Commission

File Type: Discussion Item

Agenda Number:

Title

HLC#22-009: Discussion on amendments to Sections 155.069 and 155.116 of the Mansfield Code of Ordinances related to the regulations governing the Historic Landmark Overlay District and the Historic Landmark Commission

Description/History

At the last meeting, the Commission directed staff to prepare a draft preservation ordinance for the Commission's review. The current preservation ordinance, Section 155.069 of the Code of Ordinances, was adopted in 1988 and has not been updated since then. The proposed draft removes obsolete provisions and incorporates changes in and provisions of state law regarding historic preservation and the designation of landmarks.

The main provisions of the draft ordinance include:

- Additional preservation-related terms have been added to the Definitions section.
- The incorporation of provisions related to the membership of the Commission that are in a separate section (Section 155.116) of the Code of Ordinances. The draft will combine all preservation regulations in one place. Also, the powers and duties of the Commission have been clarified.
- The duties of the Historic Preservation Officer have been clarified.
- Provisions for the Historic Preservation Plan have been added. Having a preservation plan is a requirement for a Certified Local Government like Mansfield.
- The criteria and procedures for designating historic landmarks and historic districts has been revised.
- Criteria and procedures for designating officially recognized historic resources has been added.
- The submittal requirements and procedures for reviewing Certificates of Approval have been updated.
- Provisions for demolition, removal or relocation of historic structures have been updated, including a 90-day stay on a demolition permit for certain historic structures.

This is a required for a Certified Local Government.

- The provisions for demolition by neglect have been strengthened.

The current draft retains the requirement that only a property owner may request a historic landmark designation. The Commission may wish to review this provision but should be aware that changes in state law have made city-initiated designations more difficult. Staff will cover this item at the meeting.

Please review the draft and note any changes, corrections or questions regarding the proposed regulations that you may have. Copies of the current Sections 155.069 and 155.116 have been provided for your reference.

Attachments

Draft Preservation Ordinance

Section 155.069 (H, Historic Landmark Overlay District regulations)

Section 155.116 (Regulations pertaining to the Historic Landmark Commission)

§ 155.069 HISTORIC PRESERVATION REGULATIONS.

(A) *Purpose.* The City Council of the City of Mansfield finds and declares as a matter of public policy that the preservation of the city's heritage, including the recognition and protection of historic resources and landmarks, promotion of the historic culture, enhancement of the public's knowledge of the city's historic past, and development of civic pride in the beauty and noble accomplishments in the past, is a public necessity and is required in the interest of the culture, prosperity, education, and welfare of the city. This section is intended to:

(1) Safeguard the city's history and culture by promoting the value and importance reflected in recognizing historic resources, establishing historic landmarks, teaching the evolution of the area, and fostering general historic preservation.

(2) Protect, enhance, and perpetuate historic resources and districts which represent or reflect distinctive and important elements of the city's cultural, social, economic, political, archaeological, and architectural history;

(3) Promote the city's heritage by educating and attracting tourists and visitors while providing incidental support and stimulus to business and industry;

(4) Enhance and protect property values, recognize the owner's property rights, promote economic development, and foster sustainability;

(5) Promote the city's heritage by encouraging the use of historic resources;

(6) Promote economic prosperity and welfare of the community by encouraging the most appropriate use of historic properties within the city;

(7) Increase historical awareness, including educating the youth of the city, in order to strengthen the culture, prosperity, and welfare of local citizens and visitors to the city;

(8) Encourage stabilization, restoration, maintenance, and improvements of historic properties; and

(9) Provide input and advice to the City Council regarding matters of historic preservation.

(B) *Definitions.*

(1) *Accessory Building.* A structure or use that is clearly subordinate to and functionally related to the primary building or use, which contributes to the comfort, convenience, or necessity of occupants of the primary building or use on the same platted lot. An Accessory Building does not include a Landscape Feature.

(2) *Archaeology*. The science or study of the material remains of past life or activities and physical site, location, or context in which they are found, as delineated in the Department of the Interior's Archaeological Resources Protection Act of 1979.

(3) *Building*. A resource created principally to shelter any form of human activity.

(4) *Certificate of Approval (CA)*. A signed and dated document evidencing the approval of the Historic Landmark Commission and/or Historic Preservation Officer for work proposed by an owner or applicant of a structure or property within a Historic Overlay District.

(5) *Certified Local Government (CLG)*. A local government certified or recognized by the State Historic Preservation Office (SHPO) and the National Park Service (NPS), as an active partner in the Federal Historic Preservation Program with a demonstrated commitment to preserve, protect, and increase awareness of cultural heritage found in the built environment.

(6) *Contributing Structure*. A structure within a historic 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.

(7) *Demolition*. An act or process (notwithstanding acts of God, criminal activity, etc.) which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic, or architectural integrity.

(8) *Demolition by Neglect*. Allowing a structure, whether intentional or unintentional, to fall into a state of disrepair that it becomes necessary or desirable to demolish it.

(9) *Demolition Delay*. Suspension by the City of an application for removal or demolition of a structure.

(10) *Design Guidelines*. Guidelines adopted by the City Council to provide direction in making determinations that proposed actions are in compliance with this section and consistent in maintaining the historic character of the structure, district, and city.

(11) *Designation*. Approval of an "H" zoning overlay district on a property or group of properties in combination with the underlying base zoning district.

(12) *Historic Landmark Commission*. The Historic Landmark Commission of the City of Mansfield, referred to as "Commission" in this section.

(13) *H, Historic Landmark Overlay District.* Any area which: (1) contains buildings, structures or sites which: (a) have a special character or have a special historical or cultural interest or value; (b) represents one or more periods or styles of architecture typical of one or more eras in the history of the city; and (c) cause an area, by reason of these factors, to constitute a district of the city; and (2) has been designated as a historic district pursuant to the provision of this section. The area of a Historic Landmark Overlay District may include one or more properties.

(14) *Historic Preservation.* The identification, evaluation, recordation, documentation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance and reconstruction of historic resources, or any one or a combination of the foregoing activities.

(15) *Historic Preservation Officer (HPO).* A staff person for the City of Mansfield whose duties encompass all historic preservation activities for the city as established in accordance with this section.

(16) *Historic Preservation Plan or Preservation Plan.* A document created by the Historic Landmark Commission to provide a current inventory of historic resources, a list of potential historic resources, and to make policy recommendations to guide historic preservation activities for the City of Mansfield.

(17) *Historic Resource.* A property or structure listed on the city's Historic Resource Survey.

(18) *Historic Resource Survey.* A comprehensive survey involving the identification, research, and documentation of buildings, sites, and structures of any historic, cultural, archaeological, or architectural importance.

(19) *Maintenance.* Any work for which the purpose and effect of which is to correct or protect with least degree of intervention any deterioration or decay of or damage to a structure or property, or any part thereof, and to repair or replace the same, as nearly as may be practicable, to avoid any further deterioration, decay, or damage, using the same materials or those materials available which are as close as practicable to the original and all of which must comply with applicable codes and ordinances. Maintenance does not include a change in design, material, or outward appearance, but does include in-kind repairs or replacements.

(20) *Minor In-kind Repairs or Replacements.* Small-scale repairs or replacements to correct minor problems or damage to the exterior of a structure or building, not including a change in design, material, or outward appearance. Examples that satisfy this definition include, but are not limited to touch up painting, spot replacement of shingles, replacement of a windowpane, caulking, and securing loose boards.

(21) *Non-Contributing Structure*. A structure within a historic 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.

(22) *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.

(23) *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 that convey its historical, cultural, or architectural values.

(24) *Relocation*. Any change of the location of a structure, object, or material thing in its present setting to another setting.

(25) *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. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

(26) *Secretary of the Interior's Standards for Rehabilitation*. The standards established by the Secretary of the Interior for advising federal agencies on the preservation and rehabilitation of historic properties listed or eligible for listing on the National Register of Historic Places.

(C) *Historic Landmark Commission*.

(1) *Members, Appointments, and Qualifications*. The Commission shall be composed of seven (7) members appointed by the City Council. The seven (7) members must be citizens of the City of Mansfield. All members should have a demonstrated interest, competence, or knowledge in historic preservation, history, planning, architecture, real estate, legal, archaeology, or other related field.

(2) *Terms*. The members of the Commission a term of two (2) years or until their successors are appointed. Four (4) members of the Commission shall be appointed each odd-numbered year and three (3) members shall be appointed each even-numbered year. Vacancies shall be filled for the unexpired term of any member whose position becomes vacant for any cause in the same manner as the original appointment was made.

(3) *Compensation*. The members of the Commission shall serve without

compensation for their service.

(4) *Officers.* The chair and vice-chair of the Commission shall be elected by and from the members of the Commission.

(5) *Removal from Office.* The City Council may remove any member from the Commission at will, for any or no reason.

(6) *Meetings.* The Commission shall meet regularly and shall designate the time and place of its meetings. Special meetings may be called at any time by the chair or on written request of any two (2) Commission members. All meetings shall be in conformance with the Texas Open Meetings Act.

(7) *Quorum.* A quorum for the transaction of business shall consist of four (4) of the Commission voting members.

(8) *By-laws.* The Commission shall adopt Rules of Procedures to detail the duties of its officers and ensure the efficiency of its meetings.

(D) *Powers and Duties of the Commission.* The Commission shall have the power to perform the following acts:

(1) Adopt or amend Commission's Rules of Procedures, as needed;

(2) Review and take action on all Certificates of Approval applications for compliance with adopted design standards pursuant to this section;

(3) Periodically review and recommend to the City Council the update of criteria to be used in determining whether certain buildings, structures, land, areas, and districts should be designated as historic resources or historic landmarks;

(4) Evaluate applications requesting the designation of a historic landmark;

(5) Recommend conferral of recognition upon the owners of historic resources and landmarks by means of certificates, plaques, or markers;

(6) Review and make comments to the Texas Historical Commission concerning the nomination of properties within its jurisdiction to the National Register of Historic Places;

(7) Periodically review and recommend to the City Council the update of guidelines or standards to be used in determination of whether to grant or deny Certificates of Approval for proposed alterations to the exterior of a historic landmark;

(8) Make recommendations to the City Council concerning the utilization of state, federal, or private funds to promote the preservation of historic landmarks within the

city;

(9) Receive, review, and recommend grant applications from area historic preservation agencies, groups, or organizations and make a recommendation to the City Council on the recipient's grant and amount to be awarded, if any;

(10) Recommend to City Council the acceptance of donations, grants, funds, or gifts of historic property, and recommend to City Council the acquisition of historic landmarks that cannot otherwise be preserved. The Commission shall not obligate the City of Mansfield without prior consent by City Council;

(11) Participate in private, state, and federal historic preservation programs with the consent of the City Council;

(12) Encourage public understanding of and involvement in the unique historical, architectural, and cultural heritage of the City of Mansfield through educational and interpretive programs;

(13) Recommend incentive programs for preservation, such as tax exemptions, and administer the programs at the will of City Council;

(14) Update the Historic Preservation Plan and recommend to the City Council approval of the plan;

(15) Present an annual report to the City Council summarizing the work completed during the previous year;

(16) Adopt and amend Delegation of Duties, as needed;

(17) Conduct, review, and approve historic landmark surveys;

(18) Recommend approval of the designation of properties as historic landmarks and the inclusion of properties in a local historic district with property owner consent; and

(19) Perform any task otherwise authorized by this section.

(E) If the Commission finds that certain buildings, land, areas or districts cannot be preserved without acquisition, the Commission shall recommend to the City Council that the fee or a lesser interest in the property be acquired by gift, or purchase, using funds available for preservation or restoration.

(F) Where there are conditions under which the required preservation of a historic landmark would cause undue hardship to the owner or owners, use changes may be recommended by the Commission. Recommended changes shall be in keeping with the spirit and intent of this section.

(G) *Historic Preservation Officer.* The City Manager shall provide for the appointment of a qualified city staff person to serve as the Historic Preservation Officer.

(H) *Powers and Duties of the Historic Preservation Officer.* The Historic Preservation Officer shall have the power and duty to perform the following acts:

(1) Administer this article and advise the Commission on matters submitted to the Commission;

(2) Set deadlines for submittals to the Commission in order to assure adequate staff review time and proper notification of the Commission and general public;

(3) Review Certificates of Approval, and grant or deny same in accordance with the provisions of this section for routine maintenance and for any other action which the Commission has specifically delegated review under the Delegation of Duties or otherwise;

(4) Coordinate the city's historic preservation activities with those of local, state, and federal agencies as well as other municipal departments and the general public;

(5) Submit to the Texas Historical Commission a list or inventory of designated historic landmarks;

(6) File with the appropriate county a list of designated historic landmarks;

(7) Assist in developing community outreach programs to support the historic preservation program;

(8) Manage reporting requirements to monitor and maintain Certified Local Government (CLG) status;

(9) Monitor and report to the Texas Historical Commission all actions affecting any Recorded Texas Historic Landmark, State Antiquities Landmark, and National Register property, as deemed necessary;

(10) Help maintain and update historic resource surveys, as needed; and

(11) Perform any task otherwise authorized by this section.

(I) *Historic Preservation Plan.*

(1) The Preservation Plan is the guiding policy document for the city's historic preservation program and related activities. The plan elaborates upon and works toward the goals and objectives identified in this section and the historic preservation recommendations of the comprehensive plan. The plan:

(a) Maintains an inventory of historic resources;

(b) Develops a list of potential historic resources that have the potential to become designated with further historic research, restoration, or property owner interest;

(c) Develops a strategic framework which includes goals and objectives of the historic preservation program; and

(d) Seeks and integrates community feedback.

(2) *Recommendation by the Commission.* The Commission will review the Preservation Plan and make a recommendation to City Council.

(3) *Adoption by the City Council.* The City Council may adopt the Preservation Plan by resolution.

(J) *Criteria for Historic Landmark Overlay Districts.*

(1) Any building, structure, site, or object, must be at least fifty (50) years old and must substantially comply with one (1) or more of the following:

(a) Possesses significance in history, architecture, archeology, or culture.

(b) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.

(c) Is associated with events that have made a significant impact in the city's past.

(d) Represents the work of a master designer, builder, or craftsman.

(e) Embodies the distinctive characteristics of a type, period, or method of construction.

(f) Represents an established and familiar visual feature of the city.

(g) Is identified with a person who significantly contributed to the culture and development of the city.

(h) Is a unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community, or the city.

(2) A historic district may be designated if it includes two (2) or more structures or sites at least fifty (50) years old, together with their accessory buildings, fences, and

other appurtenances that are of historical, cultural, archaeological, or architectural importance and substantially complies with the following:

(a) Contains properties and an environmental setting which meet one (1) or more of the criteria for designation of a historic landmark;

(b) Constitutes a unique area of the City, such as a neighborhood or business center; and

(c) Contains two (2) or more properties that have been classified as contributing as part of a historic resource survey.

(3) *Original Site Construction.* Structures listed on the historic resource survey should typically remain on the original construction site. If a historic resource has been moved, the Commission shall determine if the structure can be designated.

(K) *Designation Procedure.* Any person or corporation having a proprietary interest in a property may petition to designate the property as a Historic Landmark Overlay District. Applications shall be made in writing on a form suitable to the Planning Department. Applications for a designation as a Historic Landmark Overlay District, whether for an individual property or multiple properties, shall require the signatures of all owners of the property, or their authorized agents. The application shall be reviewed and approved as follows:

(1) *Review and Recommendation by the Historic Landmark Commission.* Upon staff's acceptance or completion of an application, the Historic Preservation Officer will schedule a public hearing at the next practicable Commission meeting. At least ten (10) calendar days prior to the meeting, a written courtesy notice of the public hearing shall be sent to all owners of all adjoining property and property owners included in the proposed designation, as shown on the latest real property tax records. The Commission shall make a recommendation to the Planning and Zoning Commission as to whether the property, district, or site is eligible for historic landmark designation according to the criteria in Division (H) of this section and the merits of the application.

(2) *Review and Recommendation by the Planning and Zoning Commission.* Upon receiving a recommendation by the Historic Landmark Commission, the matter shall be scheduled by staff for a public hearing before the Planning and Zoning Commission. The matter shall proceed in the same manner as a petition for the amendment of Chapter 155.115 of this Code. The Planning and Zoning Commission will consider the criteria for designation specified in this section.

(3) *Decision by the City Council.* The matter shall proceed to the City Council in the same manner and in the same instances as a petition for the amendment of Chapter 155.115 of this Code. If the City Council approves the application, the property shall be designated "H" for a Historic Landmark Overlay District. If the City Council does not approve the designation, the procedure for successive applications for

petitions for the amendment of Chapter 155.115(E) of this code shall apply.

(4) *Amendment or Removal.* The same application and procedure that is followed for the designation of a Historic Landmark Overlay District shall apply for amendment or removal of the designation.

(L) *Officially Recognized Historic Resources.*

(1) The purpose of officially recognizing a historic resource is to bring it to the attention of the public and encourage its protection from inappropriate changes or demolition.

(2) The Historic Preservation Officer shall submit to the Commission a list of historic structures, properties or other features that are not designated as historic landmarks or in a Historic Landmark Overlay District but are deemed deserving of official recognition historic resources of the City of Mansfield.

(3) The Commission shall hold a public hearing on historic resources submitted for its review. The Commission shall approve the official recognition of any historic resource based on the criteria set forth in division (H)(1) of this section.

(4) The Historic Preservation Officer shall take appropriate measures of recognition and maintain a documentary inventory for any officially recognized historic resource.

(5) The granting of official recognition shall not establish a Historic Landmark Overlay District or historic landmark designation on the historic resource. Officially recognized historic resources shall not be subject to the regulations applicable to the structures and properties in a Historic Landmark Overlay District.

(6) The designation as an officially recognized historic resource may be removed with the approval of the Commission.

(M) *Review of Certificates of Approval.* The intent of a Certificate of Approval is to ensure that the integrity and character of Mansfield's historic resources are maintained.

(1) No person or entity shall carry out any construction, reconstruction, alteration, restoration, rehabilitation, stabilization, repair, site improvements, demolition, or relocation of any historic landmark which affect the exterior appearance of any structure without obtaining a Certificate of Approval issued by the Commission or Historic Preservation Officer, as appropriate, for the following types of work:

(a) Repair (other than maintenance), reconstruction, alteration, addition, stabilization, restoration, or rehabilitation;

(b) New construction on real property excluding public rights-of-way;

(c) Material changes in any doors, roofs, windows, masonry work, woodwork, light fixtures, signs, sidewalks, fences, steps, paving, and/or other exterior elements visible from a public right-of-way which affect the appearance and compatibility of the structure or property; or

(d) Demolition, removal, or relocation of a historic resource, including any accessory buildings or landscape features.

(2) Nothing in this section should be construed to prevent maintenance or minor in-kind repair of any exterior architectural feature of a historic landmark or structure located in a historic district. Repairs shall be made in accordance with the design guidelines established by the City Council.

(3) If a historic landmark is unexpectedly damaged and the Historic Preservation Officer determines that additional deterioration is likely to occur without immediate repair, the Historic Preservation Officer may authorize the property owner, or agent on behalf of the property owner, to take temporary measures to stabilize and protect the structure. In these cases, the property owner, or agent on behalf of the property owner, shall apply for a Certificate of Approval within ten (10) calendar days of completion of the emergency corrective measures. The corrective measures authorized under this subsection shall not permanently alter the architectural features of the historic landmark.

(4) The Certificate of Approval shall be in addition to, and not in lieu of, any building permit that may be required by any other ordinance of the City of Mansfield. The adopted design guidelines, based on the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings (the "Secretary of the Interior's Standards"), shall be used in this process.

(5) The owner or his/her agent (architect, contractor, lessee, etc.) shall apply for a review of proposed changes and request a Certificate of Approval. The application form must contain the following:

(a) Name, address, telephone number of the applicant, and a detailed description of the proposed work;

(b) Current photographs of the property;

(c) Historical photographs (if available) upon which the proposed work is based;

(d) Elevation drawing(s) of any part of the structure that is visible from the public right-of-way with details drawn to scale for work to be done;

(e) List of materials for all exterior surfaces and/or signs;

- (f) Location map of proposed buildings and structures;
 - (g) Details of proposed light fixtures;
 - (h) Sample(s) of material(s) to be used; and
 - (i) Any other reasonable information that the Commission may deem necessary to visualize the proposed work.
- (6) The Historic Preservation Officer may meet with the applicant as needed and review the proposed work according to the applicable design guidelines.
- (7) The Commission or the Historic Preservation Officer (if delegated review authority) shall approve, approve with conditions, or deny a Certificate of Approval. The Historic Preservation Officer shall provide a written notice of the decision to approve, deny or approve the Certificate of Approval with conditions to the applicant within ten (10) calendar days after the Commission meeting during which the application was considered. If the Commission or Historic Preservation Officer has taken no action within sixty (60) calendar days of receipt of the application, a building permit may be issued by the Building Safety Department.
- (8) The applicant shall be allowed to work with the Historic Preservation Officer to resolve any issues that may arise during the permit review process. No change shall be made in the application for any building permit after issuance of a Certificate of Approval without resubmittal to the Historic Preservation Officer.
- (9) Appeal procedures:
- (a) *Motion for rehearing.*

(1) An applicant who is dissatisfied with the ruling of the Commission on the application for a Certificate of Approval may file a motion for rehearing before the Commission. The motion must be filed with the commission within thirty (30) days of the Commission's ruling. The only grounds for rehearing which will be considered by the Commission are new evidence or economic hardship.

(2) If the Commission decides that the applicant has new evidence which might warrant a different ruling on the application, then it may hear the new evidence and reconsider its previous ruling. In the event the Commission does not act on the motion within thirty (30) days from the date the motion is filed, the application for a Certificate of Approval shall be deemed approved.
 - (b) *Appeal to City Council.* An applicant who is dissatisfied with the ruling of the Commission on the application for a Certificate of Approval, or upon the applicant's motion for rehearing before the Commission, shall have the right of appeal to the City

Council. Any applicant may appeal to the City Council at the next regular meeting of the City Council; provided however, the applicant must file notice of appeal with the Planning Department at least ten (10) days before the next available City Council meeting. The City Council shall review the application and approve or disapprove the same within forty-five (45) days from the applicant's filing of notice. Should the Council fail to approve or disapprove the application within the 45-day period, the application shall be deemed approved.

(1) *Resubmission of application.* An application for a Certificate of Approval which has been denied may not be resubmitted before the expiration of twelve (12) months from the date the denial becomes final. A denial becomes final when any of the following conditions are met:

(a) On the day which the commission issued its written ruling on the application if no motion for rehearing or notice of appeal to the city council is filed within the time periods prescribed.

(b) On the day which the commission issued its written ruling on a motion for rehearing if no notice of appeal to the city council is filed within the time periods prescribed.

(c) On the day following a ruling on the appeal to the city council.

(10) Every Certificate of Approval issued pursuant to this section shall expire and be void if the authorized work has not commenced within one (1) year from the date of approval or is suspended or abandoned at any time after the work commenced for a period of 180 calendar days. Failure to complete the work within the required time, including any extension(s), may result in the revocation of the Certificate of Approval. Following expiration or revocation, approval of a new Certificate of Approval application is required to commence construction.

(11) If work has not commenced or has commenced but a delay greater than 180 calendar days is anticipated, extensions may be granted by the Historic Preservation Officer for any period up to one (1) year. No combination of extensions shall exceed one (1) year from the original expiration date. Requests for extensions shall be submitted in the form as required by the Historic Preservation Officer prior to the date of expiration and should include the following:

(a) Reason for requesting the extension; and

(b) A timetable for starting/restarting and completing work.

Denial of an extension request may be appealed to the Commission. The requested extension shall be scheduled for consideration at the next practicable Commission meeting.

(N) *Demolition, Removal or Relocation of a Historic Structure.* It is the intent of this and succeeding sections to preserve historic and architectural resources of the city through limitations on demolition and removal of historic resources to the extent it is economically feasible, practical, and necessary. The demolition or removal of historic landmarks and contributing structures within a historic district diminishes the city's historic character, significance, and authenticity and is discouraged.

(1) No building permit shall be issued to demolish, remove, or relocate a historic resource, accessory building, or landscape feature without a Certificate of Approval. The following resources require demolition review by the Historic Preservation Officer or the Commission:

(a) *Historic Landmarks.* The Commission shall render a decision to delay, deny, or grant a Certificate of Approval for demolition, removal, or relocation.

(b) *Contributing Structure located within a Historic District.* The Commission shall render a decision to delay, deny, or grant a Certificate of Approval for demolition, removal, or relocation.

(c) *Non-contributing Structure located within a Historic District.* The Historic Preservation Officer shall render a decision to grant a Certificate of Approval for demolition, removal, or relocation, and shall not render a decision to deny.

(d) *Accessory buildings and landscape features identified as integral to the historic interpretation or integrity of the historic resource in an area where a historic resource survey has been conducted.* The Commission shall render a decision to delay, deny, or grant a Certificate of Approval for demolition, removal, or relocation.

(e) *Officially Recognized Historic Resources.* The Commission shall render a decision to delay, deny, or grant a Certificate of Approval for demolition, removal, or relocation.

(f) *Historic Resources on the historic resources survey.* The Historic Preservation Officer may approve an application for demolition, removal, or relocation. Any other action must be referred to the Commission for decision.

(O) *Reasons for Demolition or Removal.*

(1) *Valid reasons for demolition or removal:*

(a) The historic resource is a non-contributing or compatible structure within a historic district;

(b) The subject accessory structure and/or landscape feature is not integral to the historic interpretation or integrity of the historic resource;

(c) The historic resource has lost its architectural significance and/or historic integrity;

(d) Preserving the historic resource creates an extreme economic hardship because there is no economically viable use of the current building;

(e) The structure poses an imminent threat to public health or safety upon determination by the Building Official and agreement by the Historic Preservation Officer; or

(f) The structure poses a threat to public health or safety.

(2) *Valid reasons for relocation.*

(a) The historic resource is subject to future roadway, capital improvement project, or economic development plans and there are no reasonable alternatives except relocation; or

(b) All other preservation options have been exhausted.

(3) A decision by the Commission to approve or deny a Certificate of Approval for demolition, removal, or relocation for one of the above reasons shall be guided by:

(a) The historic, cultural, or architectural significance of the building, structure, site, or object;

(b) The historic, cultural, or architectural significance of the building, structure, site, or object to the character of a district;

(c) The difficulty or impossibility of reproducing a building, structure, site, or object because of its unique design, features, material, detail, or unique location;

(d) Whether the building, structure, site, or object is one of the last remaining examples of its kind in the neighborhood, district, or the city;

(e) Whether there are definite plans for development of the property if the proposed demolition is carried out, and the potential effect of those plans on the character of the district or surrounding area;

(f) Whether the demolition would result in a vacant lot or void in the continuous, historic building facade along the street;

(g) Whether reasonable measures can be taken to save the building, structure, site, or object;

(h) Whether the building, structure, site, or object can earn a reasonable economic return on its value; and

(i) For relocation, whether the property owner has, in good faith, made efforts to relocate the structure in its entirety with a sense of place and time in the following order:

- (1) On the same site;
- (2) Within a historic district, if applicable;
- (3) Within the City of Mansfield's municipal boundaries;
- (4) Within the same county boundaries;
- (5) Within adjoining county boundaries; or
- (6) Within the State of Texas.

(P) Required Documentation for Demolition, Removal or Relocation.

(1) An applicant seeking to demolish, remove, or relocate a structure described in division (N) of this section must provide necessary documentation as proof to establish the necessity of a Certificate of Approval. If the applicant is seeking approval for more than one reason, the applicant must provide all documentation required for each reason. The applicant, private persons, organizations, and city departments may submit relevant evidence in addition to the required documentation. The Commission may also request additional information beyond the following required documentation:

(a) Applicants seeking to demolish, remove, or relocate any noncontributing structure in a historic district shall provide the following with their application:

(1) Available records depicting the original construction of the existing structure, including drawings, pictures, or written descriptions.

(2) Photographic documentation demonstrating the existing condition of the structure.

(b) Applicants for demolition, removal, or relocation of historic landmarks or contributing structures in a historic district shall state one or more of the following reasons for removal, demolition, or relocation, and shall provide the corresponding documentation to substantiate the request.

(1) *The historic resource has lost its architectural significance and/or historic integrity.* An application for demolition, removal, or relocation of a historic

resource that has lost its architectural significance and/or historic integrity shall include the documentation listed below:

(a) Available records depicting the original construction of the existing structure, including drawings, historic photographs, or written descriptions.

(b) Documentation of the current condition of the exterior of the existing structure, including drawings, photographs, or written descriptions. Documentation of the current condition of the interior is not required but may be provided to support the request.

(c) Definitive plans for development of the property. A Certificate of Approval application for the future development of the property is strongly encouraged in concurrence with the demolition request.

(2) *No economically viable use of the property exists.* An application for demolition, removal, or relocation of a historic resource based on lack of economic viability shall include the documentation listed below. The City may retain an economic expert knowledgeable in the area of valuation, renovation, redevelopment, and rehabilitation of real estate to review the documentation submitted by each applicant and provide a written report to the Commission regarding the economic viability of each property. The application must include:

(a) The amount paid for the property and date of purchase;

(b) Remaining balance on any mortgage or other financing secured by the property and annual debt service;

(c) Real estate taxes for the previous three (3) years and assessed value according to the most recent valuation;

(d) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, or ownership of the property;

(e) The fair market value of the property at the time the application is filed;

(f) Any listing of the property for sale or rent, name of the broker/agent, price asked for and offers received, if any, for the previous two (2) years;

(g) The price or rent sought by the applicant;

(h) Any advertisements placed for the sale or rent of the property;

(i) A report from any one or more of the following: an architect, engineer, developer, real estate consultant, appraiser or other real estate profession experienced in rehabilitation of historic property as to the economic feasibility of rehabilitation or adaptive reuse of the existing structure on the property;

(j) Any evidence that shows that the affirmative obligation to maintain the structure or property makes it impossible to realize a reasonable rate of return;

(k) Form of ownership or operation of the property (i.e. sole proprietorship, trust, partnership, corporation, joint venture, for profit, not for profit, etc.);

(l) A statement as to why the structure cannot be moved or relocated to another similar site or within a historic district.

(3) *The structure poses an immediate threat to public health or safety.* If a historic resource exhibits unsafe and dangerous conditions, poses a fire hazard or other public health or safety risk, and the danger or hazard is so great and so immediate that time normally taken for evaluation of the structure or consideration by the Commission should be circumvented to prevent immediate and substantial harm to persons or property, the Historic Preservation Officer is authorized to approve emergency demolition, or removal of specific structural features that are the source of danger or hazard, upon finding both of the following by the Building Official:

(a) The structure to be demolished, or the structural features to be removed, endanger public health or safety due to the risk of immediate:

(1) Physical damage to adjacent properties or structures from potential structural collapse or from pieces of the structure becoming detached and falling or blowing from the structure due to advanced deterioration or a serious state of disrepair;

(2) Encroachment into or physical damage within abutting public rights-of-way; or

(3) Physical damage to public infrastructure, utilities, or other public facilities.

(b) There is no reasonable way, other than demolition or removal of specific structural features, to eliminate the immediate threat.

(4) The structure poses a threat to public health or safety. An application for demolition or removal that poses a threat to public health or safety that is not an immediate threat as described immediately above shall include the documentation listed below. The owner must establish the necessary facts to prove demolition is necessary to alleviate a threat to public health and safety. The application must include:

(a) Documentation depicting the current condition of the structure, including drawings, photographs, or written descriptions;

(b) A study regarding the nature, imminence, and severity of the threat, as performed by a licensed engineer or architect;

(c) A study regarding both the cost or restoration of the structure and the feasibility (including architectural and engineering analyses) of restoration of the structure, as performed by a licensed architect or engineer; and

(d) An assessment of the property by the Building Official or Regulatory Compliance Official, if requested by the Commission or applicant.

(Q) Procedure for a Demolition or Removal Application.

(1) An owner or his or her designee seeking demolition, removal, or relocation of a structure described in division shall submit a Certificate of Approval for a demolition request to the Historic Preservation Officer. The application must be signed and sworn to by all the owners of the property or their duly authorized representatives.

(2) If the structure proposed for demolition, removal, or relocation is classified as a non-contributing structure in a historic district, the Historic Preservation Officer may approve the application.

(3) If the structure proposed for demolition, removal, or relocation is a historic landmark or is classified as a contributing structure on a property designated as a historic landmark or is a property in a historic district, the Historic Preservation Officer shall schedule a public hearing for the next practicable Commission meeting. At least ten (10) calendar days prior to the public hearing, the applicant shall be given written notice of the hearing to the address provided in the application and a written courtesy notice of the public hearing shall be sent to all owners of properties adjoining the property or properties on which the demolition, removal, or relocation is proposed. At the hearing, the Commission shall review and consider all submitted documents and testimony of any interested parties.

(4) The Commission must render a decision to approve, delay, or deny the application within sixty (60) calendar days of the receipt of the Certificates of Approval application by the Planning Department. The Historic Preservation Officer shall notify the applicant within five (5) calendar days of the final decision. Failure of the Commission to act on the application within sixty (60) calendar days shall be deemed to be approval of the application, and the Building Official shall issue the necessary permits to allow the requested demolition, removal, or relocation.

(R) Demolition Delay.

(1) The building official shall consult with the Historic Preservation Officer within 72 hours of the receipt of an application for a demolition permit to determine the eligibility of the subject property for designation as a historic landmark.

(2) The issuing of a demolition permit shall be delayed for up to ninety (90) days from the date of receipt of an application for a property considered to be eligible for designation as a historic landmark even though the owner of the property in question has not applied for a landmark designation.

(3) During this 90-day delay, the Historic Preservation Officer shall work with the Commission to notify all potentially interested parties of the pending demolition to allow the parties to take whatever steps they deem appropriate to accomplish the preservation of the subject property. The 90-day delay may be extended for good cause by the Commission for an additional ninety (90) days, but in no event shall the total extension be for more than one hundred eighty (180) days.

(4) If it is determined by the Building Official in consultation with the Historic Preservation Officer that a property poses an immediate threat to the public health and safety, this determination shall be reported to the City Manager who may instruct the Building Official to issue a demolition permit without delay.

(S) *Minimum Maintenance Requirement and Prevention of Deterioration.* Historic landmarks shall be maintained in accordance with the minimum property, structural, health, and safety regulations of the City of Mansfield. No owner, which is defined in this section as a person, entity, association, or corporation with ownership, care, custody, or control over a historic landmark or contributing structure within a historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any architectural feature which would produce a detrimental effect upon the character of the historic district or the life and character of the property itself. Owners shall be required to fulfill a minimum level of maintenance on their property to keep it from deteriorating. Any of the following are prima facie evidence of a serious state of disrepair:

(1) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall claddings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.

(2) Deterioration that causes a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the structure.

(T) *Demolition by Neglect.*

(1) No owner or person with an interest in real property designated as a historic landmark shall permit the property to fall into a serious state of disrepair so as to result in deterioration which would, in the judgment of the Commission, produce a detrimental effect upon the life and character of the property itself.

(2) Examples of deterioration include, but are not limited to, the following:

- (a) Deterioration of exterior walls or other vertical supports;
- (b) Deterioration of roofs or other horizontal members;
- (c) Deterioration of exterior chimneys;
- (d) Deterioration or crumbling of exterior stucco or mortar;
- (e) Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors;
- (f) Deterioration of exterior walls, fences, doors, windows, or other means of interior access, so as to create a danger of trespassing; or
- (g) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.

(3) Upon identification of any property in possible violation of this division, the Historic Preservation Officer shall notify the owner, or person with an interest in the real property, of the possible violation. Notification shall be in writing and be mailed by certified mail, return receipt requested. The notification shall state the nature of the possible violation with sufficient specificity to enable the owner, or person with an interest in the real property, to bring the property into compliance with this section. The notification shall also state that the owner, or person with an interest in the real property, shall have sixty (60) days to bring the property into compliance with this division, otherwise the Historic Preservation Officer will seek enforcement of this division under the provisions of the Mansfield Code of Ordinances. After the expiration of the 60-day grace period, if, in judgment of the Historic Preservation Officer, the property is still not in compliance with this division, enforcement proceedings shall begin under the Mansfield Code of Ordinances. If the owner, or person with an interest in the real property, files an application for Certificate of Approval, it will be reviewed in accordance with division (M) of this section.

(U) Prohibited Acts, Penalty for Violation, and Enforcement.

(1) It shall be unlawful to construct, reconstruct, remove, structurally alter, remodel, renovate, restore, demolish, raze, maintain, or failure to maintain any historic resource in violation of the provisions of this article. In addition to other remedies, the city may institute any appropriate action or proceedings to prevent unlawful construction, restoration, demolition, razing, maintenance, or failure to maintain, to restrain, correct, or abate the violation.

(2) Any violation of the provisions or terms of this ordinance by any person, firm, or corporation shall be a misdemeanor offense and shall be subject to a fine in

accordance with Section 10.99 of the Mansfield Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

(3) All work performed pursuant to a Certificate of Approval issued under this article shall conform to all of its requirements. It shall be the duty of the Historic Preservation Officer to inspect periodically to assure compliance. In the event work is not being performed in accordance with a Certificate of Approval, or no Certificate of Approval has been approved, or upon notification of the fact by the Commission and verification by the Historic Preservation Officer, the Building Official shall issue a stop-work order and all work shall immediately cease. The property owner shall then be required to apply for a Certificate of Approval and receive approval. No further work shall be undertaken on the project as long as a stop-work order is in effect until a decision is rendered by the Historic Preservation Officer or Commission on the application.

(4) All required permits must be issued and plans approved by the city before work can commence under an approved Certificate of Approval.

§ 155.069 H, HISTORIC LANDMARK OVERLAY DISTRICT REGULATIONS.

(A) *General purpose and description.* The City Council hereby finds and declares as a matter of public policy that the protection, enhancement, preservation and use of historic landmarks is a public necessity and is required in the interest of the culture, prosperity, education, and general welfare of the people. The purposes of this district are:

(1) To protect, enhance and perpetuate historic landmarks which represent or reflect distinctive and important elements of the city's and state's architectural, archaeological, cultural, social, economic, ethnic and political history and to develop appropriate settings for such places.

(2) To safeguard the city's historic and cultural heritage, as embodied and reflected in such historic landmarks by appropriate regulations.

(3) To stabilize and improve property values in such locations.

(4) To foster civic pride in the beauty and accomplishments of the past.

(5) To protect and enhance the city's attractions to tourists and visitors and provide incidental support and stimulus to business and industry.

(6) To strengthen the economy of the city.

(7) To promote the use of historic landmarks for the culture, prosperity, education, and general welfare of the people of the city and visitors to the city.

(B) *Historic landmark definitions.*

(1) *Historic Landmark Overlay District.* Any area which: (1) contains buildings, structures or sites which: (a) have a special character or have a special historical or cultural interest or value; (b) represents one or more periods or styles of architecture typical of one or more eras in the history of the city; and (c) cause such area, by reason of such factors, to constitute a district of the city; and (2) has been designated as an historic district pursuant to the provision of this chapter. The area of an Historic Landmark Overlay District may include one or more properties.

(2) *Rehabilitation.* Is the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

(3) *Restoration.* Is the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

(4) *Preservation.* Is the act or process of applying measures to sustain the existing form, integrity, and material of a building or structure, and the existing form and vegetative cover of the site. It may include initial stabilization work where necessary, as well as ongoing maintenance of the historic building materials.

(5) *Reconstruction.* Is the act or process of reproducing by new construction the exact form and detail of a historic building, structure, or object, or a part thereof, as it appeared at a specific period of time.

(6) *Landmark.* A building or site of immeasurable value in preserving the cultural heritage, or an outstanding example of design or a site closely related to an important personage, act or event in history. Such designation marks the site for preservation and restoration to its historical character and is intended to discourage modifications, which detract from its historical significance.

(7) *Contributing elements.* A building or site which in its historical character contributes to the district's purpose. Such designation is intended to encourage restoration and preservation, but also allow and encourage adaptive reuses and encourage continued economic and social vitality of the district. Any new construction proposed within the district shall be considered a contributing element.

(8) *Non-essential elements.* A building or site which, though within the physical boundaries of the district, does not contribute to the cultural and historic value thereof. Such designation is meant to provide greater latitude for utilization of the site or structure, but all modifications shall conform to the guidelines.

(C) *Landmark designation power.* The City Council may designate buildings, structures, sites, districts, areas and lands in the city as historic landmarks and define, amend and delineate the boundaries thereof. This chapter is created as an overlay district to the existing zoning that exists on the property. The suffix "H" shall indicate the zoning designation of those buildings, structures, sites, districts, areas and land which the City Council designates as historic landmarks. Such designation shall be in addition to any other use designation, established in the comprehensive zoning ordinance. The official zoning ordinance map shall reflect the designation of historic landmarks by the letter "H" as a suffix to any other use designation established in the comprehensive zoning ordinance.

(D) *Landmark designation criteria.* In making such designations as set forth in division (C) above, the City Council shall consider, but shall not be limited to, one or more of the following criteria:

(1) Character, interest or value as part of the development, heritage or cultural characteristics of the City of Mansfield, State of Texas, or the United States.

(2) Recognition as a Recorded Texas Historic Landmark, a National Historic Landmark, or entered into the National

Register of Historic Places.

(3) Appear to be eligible for the National Register and also may be eligible for designation as a Recorded Texas Historic Landmark as indicated in the 1983 Tarrant County Historic Resource Survey; included as an authoritative reference for this purpose.

(4) Embodiment of distinguishing characteristics of an architectural type or specimen.

(5) Identification as the work of an architect or master builder whose individual work has influenced the development of the city.

(6) Embodiment of elements of architectural design, detail, materials or craftsmanship, which represent a significant architectural innovation.

(7) Relationship to other distinctive buildings, sites or areas which are eligible for preservation as described in § 155.116(E), based on architectural, historic or cultural motif.

(8) Portrayal of the environment of a group of people in an area of history characterized by a distinctive architectural style.

(9) Archaeological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.

(10) Exemplification of the cultural, economic, social, ethnic, or historical heritage of the city, state, or United States.

(11) Location as a site of a significant historic event.

(12) Identification with a person or persons who significantly contributed to the culture or development of the city, county, state or nation.

(13) A building, structure, or place that because of its location has become of historic or cultural value to a neighborhood or community.

(E) *Designation procedure.*

(1) Designation of any property as a Historic Landmark Overlay District may be proposed only by the owner or the authorized agents of the individual property to be designated. Any such proposal shall be filed with the Planning and Development Director upon prescribed forms and shall include all data and proposed landmark guidelines required by the Historic Landmark Commission and the Planning and Zoning Commission.

(2) The Historic Landmark Commission shall recommend approval, disapproval or modification of the proposal to the Planning and Zoning Commission.

(3) Each proposal shall be considered by the Historic Landmark Commission following a public hearing. A record of pertinent information presented at the hearing, shall be made and maintained as a permanent public record. The Historic Landmark Commission shall reach a decision within 60 days after holding the required hearing. Notice of the time, place and purpose of such hearing shall be given by the Director of Planning and mailed ten days prior to the hearing date to the owners of all adjoining property and property owners included in the proposed designation, using for this purpose the names and addresses of the last known owners as shown on the latest real property tax records received for the Tarrant County Tax Appraisal District. Failure to send notice by mail to any such property owners where the addresses of such owners are not so recorded shall not invalidate any proceedings in connection with the proposed designation.

(4) In making a recommendation to the Planning and Zoning Commission the Historic Landmark Commission shall consider the conformance or lack of conformance of the proposed designation with the comprehensive plan of the City of Mansfield and with the purposes and standards of this chapter.

(5) The recommendation of the Historic Landmark Commission shall be considered by the Planning and Zoning Commission in the same manner as provided for in an application for rezoning.

(6) Action by the Council shall be as provided in § 155.115 with respect to rezoning.

(7) Reapplication for "H" status shall be limited as outlined in § 155.115(E).

(F) *Procedure to authorize erection, construction, reconstruction, alterations of structures in a Historic Landmark Overlay District or site.*

(1) No person shall carry out or cause to be carried out on a landmark or in a Historic Landmark Overlay District, any alteration, demolition, construction, reconstruction, restoration, or remodeling, nor shall any person make any material change in the appearance on any existing landmark or in a Historic Landmark Overlay District without a permit issued by the city Building Official. All applications to the city Building Official for a permit involving landmarks or Historic Landmark Overlay Districts shall be forwarded immediately by the city Building Official to the Historic Landmark Commission. Notwithstanding any other provision, or law, the city Building Official shall not permit any alteration, demolition, construction, reconstruction, restoration, remodeling, or any material change in appearance to be carried out on a landmark or in a Historic Landmark Overlay District except pursuant to a Certificate of Approval issued by the Historic Landmark Commission.

(2) The Historic Landmark Commission shall hold a public hearing on all applications for Certificate of Approval referred to it after notice given in the same manner as prescribed in division (E)(3). A report of the action taken or determination made shall be forwarded to the city Building Official not later than 45 days after receipt of the application by the Historic Landmark Commission. If no action is taken by the Historic Landmark Commission within the 45 day period, the permit shall be issued and the applicant notified by the city Building Official.

(3) The Historic Landmark Commission in considering the appropriateness of any alteration, demolition, new construction, reconstruction, restoration, remodeling or other modification of any building shall consider, among other things, the purposes of this chapter; the historical and architectural value and significance of the landmark or Historic Landmark Overlay District; the design guidelines as approved in this chapter under division (K)(1). Landmark guidelines; the texture, material and color of the building or structure in question or its appurtenant fixtures, including signs; and the relationship of such features to similar features of other buildings within a Historic Landmark Overlay District; and the position of such building or structure in relation to the street or public way and to other buildings and structures.

(4) If after considering the foregoing, the Historic Landmark Commission determines that the proposed changes are consistent with the criteria for historic preservation established by this chapter, the Historic Landmark Commission shall issue the Certificate of Approval. In the event of a determination to deny a Certificate of Approval, the Historic Landmark Commission shall request consultation with the owner for a period not to exceed 90 days for the purpose of considering means to preservation in keeping with the criteria and design guidelines. If at the end of that time an acceptable solution has not been achieved, the Certificate of Approval shall finally be denied and the applicant so notified by letter; provided the applicant may appeal to the City Council within 20 days of the date of the letter finally denying the application, and the City Council may, after a public hearing, reverse or modify the decision of the Historic Landmark Commission but only if it finds that: (a) every reasonable effort has been made by the applicant to agree to the requirements of the Commission; and (b) owing to special conditions pertaining to the specific piece of property, denial of the Certificate of Approval will cause undue and unnecessary hardship. The Secretary of the Interior's *Standards For Rehabilitation* and Guidelines for Rehabilitating Historic Buildings are the minimum guidelines that the Historic Landmark Commission shall use to evaluate each landmark or Historic Landmark Overlay District.

(G) *Approval for demolition or removal.* If an application is received by the Planning Department for demolition or removal of any designated historic landmark, it shall be forwarded to the Historic Landmark Commission upon receipt of the application.

(1) Should the Historic Landmark Commission determine that the application involves improvements to existing buildings not historically and culturally significant and not contributing to the integrity of the district, it may approve the application for demolition or removal provided the owner comply with the established guidelines for the landmark or Historic Landmark Overlay District and the general purpose of this district in division (A) of this section.

(2) Should the Historic Landmark Commission determine that the demolition or removal activity will adversely affect any historical, architectural, archaeological, or cultural feature of the historic landmark, and whether such work is appropriate and consistent with the spirit and intent of this section, it shall recommend restrictions or conditions to the demolition or removal application.

(3) The Historic Landmark Commission may recommend the disapproval of the application by determining that in the interest of preserving historical values, the structure, building or site should not be demolished, and in that event, the application shall be suspended for a period not exceeding 90 days from the date of application. Within the suspension period, the Historic Landmark Commission may request an extension of the suspension period by the City Council. If the City Council, after notice to applicant and public hearing, determines that there is reasonable grounds for preservation, the Council may extend the suspension period for an additional period not exceeding 120 days, to a total of not more than 240 days from the date of application for demolition. During the period of suspension of the application, no permit shall be issued for such demolition or removal nor shall any person demolish or remove the building, structure or site. If no action is taken by the City Council within 240 days from the date of application, the demolition or removal permit shall be issued and the city Building Official shall so advise the applicant.

(4) This procedure is to allow the city, the owner and the private sector to explore alternatives to demolition or removal which may provide viable uses for the subject of the application. In addition, alternate strategies of ownership and use may be explored with the owner, including use of other remedies available to the city.

(H) *Historic landmarks; omission of necessary repairs.*

(1) The exterior of a designated historic landmark shall be maintained to insure the structural soundness of such landmark.

(2) If the city Building Official and/or the Historic Landmark Commission finds that there are reasonable grounds to believe that a designated historic landmark is structurally unsound or in imminent danger of becoming structurally unsound, the city Building Official will notify in writing the owner of record of the designated historic landmark of such fact.

(3) Upon the giving of ten days written notice to the owner of record of such designated historic landmark, the Historic Landmark Commission shall hold a public hearing to determine if the designated historical building is structurally unsound or in imminent danger of becoming structurally unsound. The Historic Landmark Commission shall request a report and consider recommendations from the city Building Official. The report may include evidence of economic hardship or willful neglect.

(4) At the conclusion of the hearing, if the Historic Landmark Commission finds that the designated historic building is

structurally unsound or in danger of becoming structurally unsound and that no valid reason exists as to why the owner cannot or should not undertake to safeguard the structural soundness of the building, it shall in writing notify the record owner of the finding.

(5) The owner of record of a designated historic landmark who has been notified by the Historic Landmark Commission that such landmark is structurally unsound or in danger of so becoming shall within 90 days of receipt of such notice satisfy the Historic Landmark Commission that reasonably necessary repairs to safeguard the structural soundness of the landmark have been effected.

(6) If the Historic Landmark Commission determines that the building is structurally unsound but there are valid reasons why the owner cannot or should not undertake to safeguard the structural soundness of the building, it shall forward to the City Council its recommendation as to what action, if any, should be taken on the structure.

(7) Any applicant or interested person aggrieved by a ruling of the Historic Landmark Commission under the provisions of this section may, within 30 days after the ruling, appeal to the City Council.

(I) *Suspension of building and demolition permits pending landmark application.* No building or demolition permit will be granted once the application has been received by the Planning Department. The Historic Landmark Commission shall notify the City Building Official within 24 hours if it deems that destruction of a possible eligible landmark building or site is imminent. This notification shall be in writing and explain the reason for the action of the Historic Landmark Commission. This notification authorizes the city Building Official not to allow any building or demolition permits even though no application for Historic Landmark Overlay District Zoning has been applied for by the owner of the particular landmark building or structure in question.

(J) *Local Historic Preservation Officer.* The Director of Planning or his designee shall serve as the Local Historic Preservation Officer to act as Executive Secretary to the Historic Landmark Commission, who shall be the custodian of its records, shall conduct official correspondence and generally supervise the clerical and technical work of the Historic Landmark Commission as required to administer this chapter. In addition, the Director shall:

(1) Carry out, assist and collaborate in studies and programs designed to identify and evaluate structures, sites and areas worthy of preservation;

(2) Consult with and consider the ideas and recommendations of civic groups, public agencies, and citizens interested in historical preservation;

(3) Inspect and investigate structures, sites and areas which are believed worthy of preservation;

(4) Submit to the Historic Landmark Commission for public hearing and approval, and subsequently maintain (and resubmit as required) a list of structures and other features deemed deserving of official recognition although not designated as historic landmarks or Historic Landmark Overlay Districts, and take appropriate measures of recognition, and maintain a documentary inventory;

(5) Disseminate information to the public concerning those structures, site and areas deemed worthy of preservation, and encourage and advise property owners in the protection, enhancement, perpetuation and use of landmarks and property of historical interest;

(6) Consider methods other than those provided for in this chapter for encouraging and achieving historical preservation, and make appropriate recommendations to approval bodies and other public and private agencies; and

(7) Establish such policies, rules and regulations as are deemed necessary to carry out the purpose of this chapter.

(K) *Building implementation procedures.*

(1) *Landmark guidelines.* The following guidelines shall be used by the Historic Landmark Commission in considering the issuance of a Certificate of Approval for construction, reconstruction, restoration, remodeling or alteration of landmarks:

(a) The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" as adopted by Ordinance No. 919.

(b) Design Guidelines for Downtown Mansfield as adopted by Ordinance No. 919; said Design Guidelines are applicable only to historic landmarks within Blocks 1 and 2 of the Original Town of Mansfield as shown in plat recorded in Volume 63, Page 53-54 of the Plat Records, Tarrant County, Texas.

(c) *Design Guidelines for Historic Residential Properties* as adopted by Resolution No. 2138. These design guidelines are applicable to any historic residential landmark in the City of Mansfield, regardless of the use of the building.

(2) Other specific guidelines promulgated by the Historic Landmark Commission as provided hereinafter.

(3) *Promulgation of guidelines.* Following the submission of a set of guidelines by the applicant with the submittal of the designation request and upon designation by the City Council, the Historic Landmark Commission shall within 60 days review for approval such guidelines prepared by the applicant specifically for that district for use by property owners and the administrative staff in implementing the intent of this chapter. A copy of these guidelines shall be on file in the Office of the Building Official. The guidelines will classify all structures and sites within the district as one of the following: (a) landmark; (b) contributing element; or (c) non essential element as defined in division (B) of this section.

The guidelines shall establish acceptable physical characteristics of structure, signs, sites and modifications thereto

including layout and location on site, size, shape, materials and textures, fenestration and interiors where applicable. The Historic Landmark Commission may suspend action on any requests affecting any Historic Landmark Site or Historic Landmark Overlay District pending the preparation of the guidelines. Landmark Sites and Historic Landmark Overlay District guidelines may be reviewed and modified by the Historic Landmark Commission.

(4) *General maintenance and repair.* Ordinary repair or maintenance which does not involve changes in architectural and historical value, style or general design is exempt from the provision of this section. It is incumbent upon the Historic Landmark Commission to make clear to the owner of a landmark site or owners of buildings or structures within a Historic Landmark Overlay District to clarify what particular activities would come under the heading of ordinary repair or maintenance.

(L) *Re-designation of a Historic Landmark Overlay District.* The re-designation of a Historic Landmark Overlay District shall follow the same procedure as a request for a Historic Landmark Overlay District.

(M) *Coexistence with other use classification.* Use classifications as to all property which may be included in a Historic Landmark Overlay District shall continue to be governed by the comprehensive zoning ordinance of the city and the procedures therein established.

(N) *Coexistence with other codes and ordinance.* This will not replace or supersede any local, state or national code or ordinance regarding health, life, safety or the general public welfare.

(O) *Penalty.* It shall be unlawful to construct, reconstruct, structurally alter, remodel, renovate, restore, demolish, raze, or maintain any building, structure, or land in a Historic Landmark Overlay District in violation of the provisions of this section, and the city in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful construction, restoration, demolition, razing, or maintenance, to restrain, correct, or abate such violation, to prevent any illegal act, business, or maintenance on such premises.

(P) *Liability for adversely affecting historic structure or property.*

(1) In this section, "historic structure or property" means a historic structure or property that:

- (a) Is included on the National Register of Historic Places;
- (b) Is designated as a Recorded Texas Historic Landmark;
- (c) Is designated as a State Archaeological Landmark;

(d) Is determined by the Texas Historical Commission to qualify as eligible property under criteria for inclusion on the National Register of Historic Places or for designation as a Recorded Texas Historic Landmark or as a State Archaeological Landmark;

(e) Is certified by the Texas Historical Commission to other state agencies as worthy of preservation; or

(f) Is designated as a historic landmark or placed in a Historic Landmark Overlay District by the City of Mansfield.

(2) A person is liable to the city for damages when the person:

(a) Demolishes, causes to be demolished, or otherwise adversely affects the structural, physical, or visual integrity of a historic structure or property; and

(b) Does not obtain a Certificate of Approval and a demolition or building permit from the city Building Official as required in division (G) of this section before beginning to demolish, cause the demolition of, or otherwise adversely affect the structural, physical or visual integrity of the historic structure or property.

(3) (a) If the structural, physical or visual integrity of the historic structure or property is adversely affected to the extent that it is not feasible to restore the structural, physical or visual integrity substantially to its former level, the damages are equal to the cost of constructing, using as many of the original materials as possible, a new structure or property that is a reasonable facsimile of the historic structure or property plus the cost of attorney's, architect's, and appraiser's fees and other costs related to the enforcement of this section.

(b) If it is feasible to restore the structural, physical, or visual integrity of the historic structure or property substantially to its former level, the damages are equal to the cost of the restoration, using as many of the original materials as possible, plus the cost of attorney's, architect's, and appraiser's fees and other costs related to the enforcement of this section.

(4) Instead of accepting monetary damages, the city may permit the liable person to construct, using as many of the original materials as possible, a structure or property that is a reasonable facsimile of the demolished historic structure or property or to restore, using as many of the original materials as possible, the historic structure or property and to pay the cost of attorney's, architect's, and appraiser's fees and other costs related to the enforcement of this section.

(5) Damages recovered under this section shall be deposited in a special fund in the city treasury and may be used only to construct, using as many of the original materials as possible, a structure or property that is a reasonable facsimile of the demolished historic structure or property; to restore, using as many of the original materials as possible, the historic structure or property; or to restore another historic structure or property, as determined by the city.

(6) The construction of a facsimile structure or property under divisions (P)(4) or (5) must be undertaken at the location designated by the city, which may be the same location as that of the demolished historic structure or property.

(Ord. 671, passed 4-15-86)

§ 155.116 HISTORIC LANDMARK COMMISSION.

(A) *Membership, appointment and term of office.* There shall be a Historic Landmark Commission composed of seven regular members and one alternate member who serves in the absence of a regular member. The members of the Commission shall be residents and real property taxpayers in the City of Mansfield, appointed by the City Council for two year terms or until their successors are appointed. Four members of the Commission shall be so appointed each odd-numbered year and four members shall be appointed each even-numbered year. Vacancies shall be filled for the unexpired term of any member whose position becomes vacant for any cause in the same manner as the original appointment was made. Members of the Commission shall serve without compensation.

(B) *Organization.* The Historic Landmark Commission shall hold an organizational meeting within 30 days of appointment in October of each year and shall elect a Chairman and Vice-Chairman from among its members before proceeding to any other matters of business. The Planning and Development Director of the City of Mansfield, or her (his) designated representative, shall be the Secretary of the Board. The Planning and Development Director shall provide technical assistance to the Historic Landmark Commission. The Planning and Development Director or his designee shall serve as Local Historic Preservation officer. The Historic Landmark Commission shall meet regularly and shall designate the time and place of its meetings. It shall adopt its own rules of procedure and keep a record of its proceedings in accordance with the State Statutes and the zoning ordinance and the Charter of the City of Mansfield. Newly appointed members shall be installed at the first regular meeting after their appointment.

(C) *Meetings and quorum.* Three members of the Historic Landmark Commission shall constitute a quorum for the conduct of business; however, three affirmative votes shall be required to decide any issue before the Historic Landmark Commission. The members shall regularly attend meetings and public hearings of the Historic Landmark Commission and shall serve without compensation, except for reimbursement for authorized expenses attendant to the performance of their duties.

(D) *Powers and duties.* The Historic Landmark Commission shall thoroughly familiarize itself with the buildings, land, areas and districts within the city which may be eligible for designation as historic landmarks and shall prepare an Historic Landmark Preservation Plan hereinafter referred to as the "Preservation Plan," which shall:

- (1) Identify and catalog buildings, land, areas, and districts of historical, architectural, archaeological or cultural value, along with statements of fact which verify their significance;
- (2) Identify criteria to be used in determining whether to grant or deny Certificates of Approval for proposed alterations to the exterior of a designated historic landmark;
- (3) Identify guidelines to be used in determination of whether to grant or deny Certificates of Approval for proposed alterations to the exterior of a designated historic landmark;
- (4) Formulate a program for private and public action which will state the role of various agencies in the city for preservation of historic landmarks;
- (5) Suggest sources of funds for preservation and restoration activities and for acquisitions, to include federal, state, municipal, private and foundation sources; and
- (6) Recommend incentives for preservation.

(E) The preservation plan shall be presented to the City Planning and Zoning Commission.

(F) The Historic Landmark Commission shall recommend to the City Planning and Zoning Commission that certain buildings, land areas, and districts in the city be designated as historic landmarks. Each recommendation shall include:

- (1) Those premises, lots, or tracts to be designated;
- (2) Any additional uses to be permitted in the specific "H" Historic Landmark Overlay District; and
- (3) Specific criteria for the required preservation of the exteriors of the premises within the designated sub-district.

(G) If the Historic Landmark Commission finds that certain buildings, land, areas or districts cannot be preserved without acquisition, the Commission shall recommend to the City Planning and Zoning Commission that the fee or a lesser interest in the property be acquired by gift, or purchase, using funds available for preservation or restoration.

(H) Where there are conditions under which the required preservation of an historic landmark would cause undue hardship to the owner or owners, use changes may be recommended by the Commission. Such changes shall be in keeping with the spirit and intent of § 155.069.

(I) Periodically the Commission shall review the status of designated Historic Landmark Overlay Districts and include in the Commission's minutes a report of such review.

(J) The designation of a Historic Landmark Overlay District may be amended or removed using the procedure provided in § 155.069(L).

(Ord. 671, passed 4-15-86)



CITY OF MANSFIELD

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STAFF REPORT

File Number: 21-4430

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Version: 2

Status: Consideration

In Control: Historic Landmark Commission

File Type: Discussion Item

Title

HLC#21-013: Discussion regarding revisions to the Design Guidelines for Historic Mansfield

Description/History

The Commission directed Staff to begin drafting revised Design Guidelines for the City's commercial historic landmarks. Due to the size and nature of the document, Staff is preparing the revised guidelines in sections. For this meeting, pages 49 through 53 of Chapter 4, Guidelines for Site Design, are ready for the Commission's review.

These guidelines cover:

- Outdoor Amenities
- Patios and Outdoor Seating
- Site Furnishings
- Awnings and Canopies

Please review the attached draft. Staff will take comments and questions at the meeting.

Attachment

Draft Guidelines for Chapter 4, Pages 49 to 53

CHAPTER 4: GUIDELINES FOR SITE DESIGN



Historic preservation and new construction projects in historic areas of Mansfield should employ site designs and features that contribute to the historic character of the area and promote pedestrian activity along streets.

This chapter contains guidelines for site design and exterior improvements for preservation projects and new construction in historic areas. Special design features are included, such as plazas, courtyards, parking lots, lighting, awnings, colors and service areas.

While applicable to historic landmarks, these guidelines may also be used to guide new construction in historic districts. They should be reviewed in conjunction with the D, Downtown District regulations for projects in the Original Town of Mansfield.



Do not fully enclose an outdoor space to allow for pedestrian access.



The plaza or courtyard should be directly accessible from a public sidewalk.

OUTDOOR AMENITIES

The settings around historic buildings should encourage pedestrian activity and outdoor spaces. The design of these spaces should complement the historic character of the buildings they serve and integrated into the overall project design.

4.1 Design outdoor spaces to encourage pedestrian activity.

- Do not fully enclose the outdoor space to allow for pedestrian access.
- Pave or landscape the outdoor space.
- The outdoor space should be even with or behind the line of building fronts.

SMALL PLAZAS AND COURTYARDS

Small plazas or courtyards may be encouraged in historic areas if carefully designed. In places where continuous historic storefronts extend to the sidewalk, as they do on N. Main Street, gaps in the street façade should not be made for a plaza or courtyard.

4.2 Situate a small plaza or courtyard where it will complement the character of the surrounding buildings.

- Locate a plaza or courtyard carefully within a historic area to avoid creating gaps in the existing historic street façade.
- Use compatible paving materials to those in the area such as concrete or brick pavers. For example, red brick pavers are used around Historic Downtown Mansfield.

4.3 Design a small plaza or courtyard for pedestrian access.

- The plaza or courtyard should be directly accessible from a public sidewalk.
- A plaza or courtyard should be level with the sidewalk.

4.4 Enhance a small plaza or courtyard with features that promote their use.

- The following features are encouraged for a small plaza or courtyard:
 - Street furniture such as benches
 - Public art
 - Historical or interpretive markers, plaques or interpretive panels
 - Green space or landscaping features
 - Lighting
 - Open area for street performances
 - Small stage with a cover

PATIOS AND OUTDOOR SEATING

Patios and seating areas can promote pedestrian activity along streets in historic areas. They should be designed to enhance an area's historic character.

4.5 Locate a patio, at-grade dining area or outdoor seating area to minimize impacts on the streetscape.

- Consider locating a patio, at-grade dining area or outdoor seating area at the side or rear of the building.
- Do not obstruct a sidewalk with a patio, at-grade dining area or outdoor seating area.

4.6 Design a railing or barrier to be simple.

- Simple metal and wood railings are appropriate.
- Railing or barrier should not exceed 42" in height.
- The railing should be mostly transparent.
- Install a railing or barrier so that it may be removed in the future without impairing the essential form and integrity of the historic building and canopy.
- Do not obscure character-defining features of the building with a barrier or railing.
- Do not destroy or damage character-defining features of the historic building or canopy when installing a railing or barrier.
- Temporary planters are appropriate to provide a barrier for outdoor dining areas.
- Composite, vinyl, or any PVC material are generally inappropriate.

SITE FURNISHINGS

Site furnishings such as benches, bike racks and street planters can enhance the overall appearance of the historic downtown and other sites. The quality of design is critical because these elements are highly visible. Site furnishings should be designed to be an integral part of the historic environment. They should be strategically placed to serve as a gathering spots and elevate the streetscape.

4.7 Use site furnishings to enhance the character of a historic building or site.

- Site furnishings should reinforce the existing historic context.
- Place site furnishings along the street to encourage pedestrian activity and interest.



Do not obstruct a sidewalk with a patio, at-grade dining area or outdoor seating area.



Simple metal and wood railings are appropriate. The railing should be mostly transparent.



Place site furnishings along the street to encourage pedestrian activity.

AWNINGS AND CANOPIES IN HISTORIC MANSFIELD

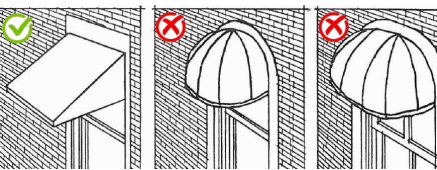
Early canopies in historic Mansfield provided shade to help cool buildings and for pedestrians on the boardwalks in front of the buildings.

Canopies were flat or sloping shed roofs, sometimes with a curve on the edge. These were supported below by posts or wall brackets, or above by metal rods or chains. As can be seen in the 1907 photograph below, most buildings had canopies. Fabric awnings were common.

The restoration or replacement of canopies and awnings is encouraged. An appropriate canopy or awning adds character to a building and visual interest to a pedestrian oriented streetscape.



A variety of canopies can be seen in this 1907 photograph of Water Street. Examples of shed roof and flat canopies can be seen on the buildings. Note the awning on the upper floor window on the second building from left.



Simple shed shapes are appropriate for rectangular openings. Do not use odd shapes, bull nose or bubble awnings.

AWNINGS AND CANOPIES

Awnings and canopies are traditional features on historic commercial buildings in Mansfield, and their use is encouraged. Awnings are usually fabric and canopies use wood or metal construction. These elements are simple in detail, color and design.

4.8 Flat canopies should be retained if present and replaced where needed.

4.9 Design an awning or canopy to be in character with the building.

- Flat canopy and dropped style awnings are the most common on existing historic commercial building and recommended awning types.
- Install awnings and canopies to accentuate character-defining features of the building.
- Do not cover or obscure significant architectural features.
- Design the awning or canopy to be in proportion (opening, width, height) to the building.
- Use colors that are compatible with the facade. Solid colors are encouraged.
- Simple shed shapes are appropriate for rectangular openings. Do not use odd shapes, bull nose or bubble awnings.
- Awnings should be a “drop-front” style.
- Awnings should not be continuous, but rather relate to each window or bay. Flat canopies, however, may be full width or relate to each bay.
- Appropriate supporting mechanisms are wall mounted brackets, cable suspended and chains consistent with the style of the building.
- Post supported canopies are generally inappropriate.
- Internal illumination of an awning or canopy is inappropriate.
- Awnings and canopies are generally inappropriate on upper story windows unless historic evidence indicates that there were awnings on the original building.
- Historically, wood or metal canopies were common, but fabric was used as well. Awnings were generally canvas, but opaque fabrics with a matte finish are appropriate.
- Vinyl, plastic, leather, or any glossy or reflective materials are not appropriate construction materials.

IMAGES OF AWNINGS AND CANOPIES

Historic Mansfield Examples



Appropriate



Design the awning or canopy to be in proportion to the building. This canopy fits within the doorway.



Flat canopies may be full width or relate to each bay.



The color of awnings should be compatible with the exterior color of the building.

Inappropriate



Do not cover or obscure significant architectural features. This awning covers the transom windows.



Flat canopies should be retained if present and replaced where needed. The flat canopy on this building was replaced with drop-front style awning.



Awnings should not be continuous, but rather relate to each window or bay. The awning on this building covers the entire façade and continues to the next building.



CITY OF MANSFIELD

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STAFF REPORT

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HLC#22-008: Discussion and Possible Action on the Vision and Annual Preservation Goals for 2022-2023

Description/History

This discussion on the Commission's vision and annual goals for 2022-2023 is continued from the last meeting. On July 13, 2021, the Commission approved a vision and preservation goals for the fiscal year from October 1, 2021, to September 30, 2022. The goals included items the Commission would like to accomplish during the year.

The 2021/22 adopted vision and annual preservation goals were as follows:

- Vision: "The Historic Landmark Commission exists to preserve the past and educate the public on the uniqueness of Mansfield."
- Goals:
 - 1) *Identify and prioritize Mansfield's historic resources.*
 - a) Work with the Tarrant County Historic Preservation Commission on updating the Historic Resources Survey as part of a county-wide effort.
 - b) Expand on the windshield surveys taken by the Volunteer Program and HPAB.
 - c) Request funding from Council for a formal Downtown Historic Resource Survey in conjunction with a CLG grant.
 - d) Integrate survey information into the City's Geographic Information System (GIS).
 - 2) *Develop incentives for historic preservation in conjunction with the City Council.*
 - a) Formulate a proposal for incentives such as tax abatements, low-interest loans, and grants to promote the restoration, rehabilitation and reuse of historic resources and discourage the demolition of these resources.
 - b) Request a joint work session with the Downtown Revitalization Subcommittee and City Council to discuss the historic preservation

program.

3) *Promote the work of the Historic Landmark Commission.*

- a) Produce an annual report of the Commission's activities to educate the public on the Commission's role and the need for historic preservation.
- b) Keep other City departments and boards abreast of the Commission's policies and actions so they may act in a mutually supportive fashion.
- c) Seek recognition for the City's preservation efforts through programs such as Preserve America.

4) *Increase the Commission's public engagement programs.*

- a) Promote events to celebrate Historic Preservation Month.
- b) Inform owners of historic properties of the benefits and incentives for becoming a designated historic landmark.
- c) Work with the Museum on educational programs for adults and youth to connect them with Mansfield's history.
- d) Support a heritage tourism program for Mansfield.

Staff would like to discuss recommendations for goals for the upcoming year at the meeting. The next fiscal year begins October 1, 2022 and ends September 30, 2023. The vision and goals may be adopted by a formal vote of the Commission at a subsequent meeting.



CITY OF MANSFIELD

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STAFF REPORT

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Title

Minutes - Approval of the July 6, 2022 Historic Landmark Commission - Preservation Month Sub-Committee Meeting Minutes

Description/History

The minutes of the July 6, 2022 Historic Landmark Commission- Preservation Month Sub-Committee meeting are in DRAFT form and will not become effective until approved by the Commission at this meeting.



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1200 E. Broad St.
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Meeting Minutes - Draft

HLC - Preservation Month Sub-Committee

Wednesday, July 6, 2022

5:30 PM

City Hall Planning Conference Room

This is a specially called meeting of a Historic Landmark Commission Sub-Committee.

1. CALL TO ORDER

Chairman Littlefield called the meeting to order at 5:30 p.m.

Staff Present:

Art Wright, Senior Planner/ HPO

Jennifer Johnston, Development Coordinator

Commissioners:

Present 4 - David Littlefield; Bob Klendendorf; Thomas Leach and Mark Walker

2. DISCUSSION ITEM

Discussion Regarding Preservation Month Activities for May 2023.

The Sub-Committee reviewed the activities from May 2022 Historic Preservation Month and discussed which activities were successful and should be carried through to Preservation Month 2023.

The Sub-Committee also discussed ideas for improving current events and adding new activities for Preservation Month 2023, including:

- Museum exhibits*
- Theme tours*
- Man House tours and living history demonstrations*
- History How To seminars*
- A chalk Art contest*
- A chili cookoff event at The Lot*
- A classic car exhibition/parade*

The Sub-Committee discussed holding the Recognition Day ceremony at the Man House Museum information center and changing it to an evening event with private tours of the house.

The Sub-Committee discussed options for the Preservation Month information table normally placed at the Mansfield Public Library. The Sub-Committee considered ideas for a virtual table and setting up tables at different events such as Founders Day prior to May.

3. ADJOURNMENT OF MEETING

With no further business, Chairman Littlefield adjourned the meeting at 6:44 p.m.

David Littlefield, Chairman

ATTEST:

Jennifer Johnston, Development Coordinator